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Brian Winterfeldt: Welcome everyone. Chantelle, are we ready to get started?

Fantastic. Good afternoon. My name is Brian Winterfeldt for the record. Welcome to the IPC open meeting for ICANN 63. A special welcome to any guests that are joining us. We have information sheets from the IPC in front of our secretary Kiran Malancharuvil, so I'd please encourage anyone that's new to IPC to feel free to get a flyer, and also we have a lot of information on our Web site as well that we'd welcome you to take a look at.

I want to thank everyone for joining us. Our first guests today are the ICANN compliance team. So we have Jamie Hedlund, Maguy Serad and Bryan Schilling. So before we get started with the questions we have for them, I'm wondering if they have any opening remarks to they'd like to make to their favorite constituency.

Jamie Hedlund: Now, Brian. We love all the constituencies equally. So thank you very much for having us. We enjoy coming to these meetings and every meeting. We're really grateful that you have us and we get to have this dialogue. I'm not going to say much. Maguy is going to talk about the - about compliance and dealing the temporary specification and then Bryan will talk about consumer safeguards and what he's been up to. And then we look forward to a interactive session with lots of good questions.

Brian Winterfeldt: Great. Thank you, Jamie. Maguy, do you want to start us off then?

Maguy Serad: Yes. Good afternoon everyone. My name is Maguy Serad, ICANN Contractual Compliance. I thought it would be appropriate to provide you a little bit of a high level updated, and of course I've got the expert who, on our team, Jennifer, who can address the specificity if you have questions later.

At a high level, what is ICANN Contractual Compliance doing since the 25th of May? As you know ICANN Compliance enforces temporary specification. We do not enforce GDPR. I just want to make sure everybody's on the same page. How we have approached it, we kept it, as complex as this topic is, we've kept it very simple, meaning we did not create a specific complaint type. It's very early in the game to determine what kind of complaint type we need to create.

But what we have noticed is that people are submitting their complaints if it's related to redaction or different types of complaints. It comes through the current existing forms that we have on our Web page. The process remains the same. We have the informal resolution phase where we reach out to the registrar or - and/or the reporter when a complaint is received to ask for additional clarification, evidence and all this. Then we go to the contracted party to request information.

So the informal resolution process remains the same and you've got the formal resolution process. As far as temporary specification goes, the approach we have been taking is the following. We don't want to help a contracted party on a complaint basis. We are looking what type of complaints are we receiving and then when we receive a complaint, we also do a proactive review of that contracted party to see what else is going on there.

And the approach is the following. We are sending them an inquiry without forwarding the specific complaint. The inquiry is seeking information. The information we are seeking will address the complaint at hand but it will also address the additional observations that Compliance has seen. Why are we doing inquiries instead of notices when we have complaints in our hands? Because, as you know, the entire community still is in discussions, even though we have a temporary specification there are still a lot of topics that are being discussed and interpreted differently.

What we want to do is try to address the systemic approach instead of a complaint at a time. What we hope to do by the next meeting is provide you more information about where - what areas of complaints we have received and how they were dealt with. Generally speaking, reporters we are seeing some of them don't even know what GDPR is and just saying what happened to my data, something as simple as that.

And we just educate and point them to the right Web site, whether it's the ICANN Web site where we have a lot of information about the events that have taken place to date or we try to point them to the right way to file a complaint if it's something relevant to what we can manage and address. So again, the review has changed, and I want to be upfront because I'm looking around here and I recognize many of the faces that I've had the pleasure to work with for the past seven and a half years.

Yes, the review is taking much - a little longer time. We do ask for your patience. It's a brand new temporary policy that many of us are dealing with. And what we are trying to do also internally do our due diligence by collaborating internally within ICANN Org because we also may have questions about how to interpret something. We will seek guidance within internal ICANN Org and collaborate before we go out and ask for information.

So the review is taking a little bit longer but we will get to the end goal which is if it is an alleged violation, we will definitely enforce it and issue a notice, but right now we're still I the asking phase.

Bryan Schilling: Thank you. This is Bryan Schilling, ICANN's Consumer Safeguards Director. It was suggested that I kind of go back and refresh everyone's recollection on the role and the position. Unfortunately it was a little bit bad timing in terms of starting a discussion within the community around safeguards and DNS abuse with - coinciding with GDPR and having to address Whois. So understandably that's taken a significant amount of attention and bandwidth to address for understandable reasons.

But this role was established in response to community input and request for ICANN to be facilitating discussions around domain name abuse and the issues that directly impact the security and stability of the DNS, such as malware, botnets and phishing. And then if within the community there's areas of conversation to be had around other types of abuse, infringing, IP infringing areas, pharmaceutical issues related to the illegal sales of pharmaceuticals, and spam.

Those are some of the areas that some in the community have suggested they would be interested in discussing. And this role here to facilitate those discussions to take requests from the community to go out and gather the data and come back and educate so that we can facilitate informed policymaking discussions.

We published in September of last year a compilation of the safeguards that currently exist within ICANN's resources, that being the Articles of Incorporation, the bylaws, as well as looking at the contracts with registries and registrars, and put that out to the community to start that conversation to see if those safeguards are sufficient or to look at what gaps might be filled with further discussions.

And so we still are looking for that feedback and that conversation. There's been a few times that I've had some talks with this group in particular about looking at some of the issues relevant to this group that could kind of go towards some of the security and stability aspects of things. For example, are there domains that engage in infringing distribution that are also vectors for malware? Are there sites that are selling pirated or copyrighted material that are stealing consumer data and using that for nefarious purposes?

So those are some of the areas that I've had some hallway conversations but would appreciate or if the community wants to have those discussions and what data we could pull there. So that being said, I've also started to partner with the Office of the Chief Technology Officer and starting to look at their data that they've been accumulating through the domain abuse and activity reporting system, which is a compilation of reputation block lists information that compiles data about all the domains that are resolving and puts out metrics related to malware, botnets, and spam.

And we've been, at certain registries and registrars' requests, sharing that information just about their domains. We don't share competitors' domains. And we go over and kind of talk about the trends and see if there's ways we can educate registries and registrars on some of the ways that they may want to address abuse within the DNS on their own voluntary basis.

So that is a bit more about the role and a little bit about what I've been up to. And also I think, just to clarify, I forgot to do this at the beginning, even though Jamie is overseeing both Consumer Safeguards and Compliance, we are two separate department within ICANN. Thank you.

Brian Winterfeldt: Great. Thank you both for joining us and for giving us those overviews. That's extremely helpful. I think we are going to turn to our Q&A portion. I think we have a few pre-planned questions and then we can kind of flow into general Q.

The first question is about compliance with the temporary specification. Maguy, I know this is something we've chatted about before but I thought it would be really helpful if you could sort of give the IPC an idea of how ICANN Compliance is dealing with registry/registrar non-compliance in this space.

Maguy Serad: Thank you. This is Maguy. I'll give a very high level and if you want specificity to a level of complaint, I'll ask Jennifer to join us at the table. So very simply put, when we receive a complaint we need to review it and review what is the issue at hand. If it is a Whois inaccuracy and the information is not publicly available, like in the past, we ourselves go to the registrar and ask. But what we're asking for is not like before. It's not like the past.

We ask for the specific data element to address the issue at hand. In the past we used to say here's the Whois record, here's the Whois inaccuracy, here's the evidence provided by the reporter, correct it, show us your records, right? Now if it's redacted, we say there is a Whois inaccuracy report about element X. Please either confirm or provide us evidence of what you stand and how you're addressing it.

So we have to be more specific of what we ask the contracted party to provide us versus just the open-ended topic. That's just one approach. Is there a specific area you want us to talk to?

Brian Winterfeldt: Well one of the areas that I found very interesting and I think this is something for us to think about as we have discussions at the CPH and are doing our work on the EPDP, it just struck me as something that I feel like I didn't really comprehend until we sat down and a had a conversation that if there isn't language in the contract, there's significant challenges to your department being able to do anything.

And so I think it's important for us to be mindful that we want to be collaborative, we want to be cooperative, but we also need to be very clear

that if something is not in writing in the contract, Maguy's department is not going to be able to do anything about it.

And so it seems like a lot of the solutions often that are being pushed are very deliberately being pushed in a directly so that there are no written obligations, and that leaves frankly us and in way her department in a very tough spot with regard to addressing any issues that come up. So I think that's something that I feel like I learned this week from our conversations and that we want to be mindful of as we look for interim solutions and long-term solutions.

Does anyone else have any questions or thoughts about this topic before we go to the next question? Susan, go ahead.

Susan Payne: Hi. Susan Payne. And it might be sort of the next question but I think it flows on very clearly from what you've just been talking about. I mean if we're talking about something like Whois inaccuracy, my understanding from some of my colleagues is that sometimes when you go to a registrar and ask them in relation to a particular data record or data element or whatever it is that you don't always get responses and then in that case you then have challenges in dealing with the matter. Is that accurate or am I misunderstanding?

Maguy Serad: Thank you, Susan. This is Maguy. Generally speaking, we are seeing collaboration because we have evidence and we have - we send the information. We ask for a specific. Now if somebody may come back - a contracted party may come back and say well why do you need this or has additional questions, so we go the extra effort of explaining our purpose, pointing back to the temporary specification, but also sharing what is the issue we're trying to address.

So we have to kind of like look at the review in that specific case while we are mindful of what is the concern that's coming our way. So to date we have not seen a pushback from that perspective.

Susan Payne: Okay so just so I understand. You're saying that you don't have an issue with getting information from registrars? You don't have issue with them saying they can't provide you with, say, the contact details of a registrant when you're asking for it.

Maguy Serad: So I'm going to ask Jennifer, if you don't mind joining us at the table. She deals a lot more with the operations. I'm not saying it's a perfect world, no. I'm saying it's taken a couple of extra steps that we used not do in the past to get to the end result. And Jennifer can elaborate.

Jennifer Scott: Hi. This is Jennifer Scott. So one of the things that we may do if we're running into a challenge that you've described, is add to that the inquiry that we're sending the registrar that's doing that holistic view of their compliance and approach to implementing their temporary specification changes. So like Maguy said, it's for the most part we're getting the data.

    If we do get pushback we might try to work with the contracted party to ask for a different type of data that would fulfill the same purpose that they're more comfortable providing so that we can still conduct the compliance review and satisfy the complainant or resolve the complaint. But in the very rare instance that we don't get anything, then we're working with them to understand their approach to implementing the temporary specification changes.

Brian Winterfeldt: Please, Susan. Go ahead.

Susan Payne: So just a quick follow up then. It's Susan Payne again. So could you just briefly explain your approach in terms of your enforcement of Section 5.7 of the temporary specification which sort of talks about registry operators and registrars must provide reasonable access to the registration data to ICANN on reasonable notice and on request for the purposes of your investigation of compliance-related inquiries and enforcement? I won't go on and on and read

it all. But could you just confirm that in a circumstance where you weren't getting the information that you had requested that you would enforce that provision in the temp spec?

Jennifer Scott: So we're not near a point of being at that situation. So we are enforcing the temp spec but, having said that and the fact that the GDPR is being challenged in some respects, we are collaborating with the contracted parties to understand what that approach is and why they may be making an argument against providing a particular data element that's being requested and seeing if we can get that data in some other form.

Brian Winterfeldt: I know that one of the challenges that we have is because the language is so vague and so that makes it difficult. You guys are in the position of having to interpret without any implementation guidance what reasonable access means. Is there anything that we could do as part of the community to help support clarifying those efforts? And for example if we were working with the CPH and came up with a set of guidelines that maybe the community could agree upon, would that be helpful to your efforts or are there other things we could be doing that would be helpful?

Jennifer Scott: Yes, absolutely. Any collaboration with the contracted parties would greatly, you know, further this along because I think right now, like you said, some contracted parties, the community we're still trying to understand what all this means and what good practices are, and there might be some leaders in that space who are able to share what they've seen successes with. So yes, for sure I would encourage that.

Brian Winterfeldt: I'd like to ask kind of specific follow ups. So for example, you know, the term reasonable is used but it's not defined, right, and there are no terms or perimeters. So if someone came back to you for example and said, yes, we have a process in place. We reply to any request within 1,000 days. Do you even have a basis to say that's not reasonable or are you in a position

where you feel like you can't question that? Or is that a decision that hasn't been made yet?

Jennifer Scott: Unfortunately, or maybe fortunately, that's a pure hypothetical at this point so we haven't encountered that and I don't think hopefully we will. But, you know, let's cross that bridge when we get to it.

Brian Winterfeldt: Well what if someone came back to you and said we have no process in place because this only happened in May and it's just the end of October, what would your reply to that be?

Jennifer Scott: So there's where we're trying to understand do you plan on doing anything? What will your approach be? What timeline are you planning to implement something on? And if the answer is just completely nothing, you know, then we'll try to understand is it a challenge based on the law, is there something else going on. It's really going to be a case-by-case basis depending on what the interaction is about.

Brian Winterfeldt: And I just feel like again that's very important for us to listen very carefully to. If we do not get language and we do not get specifics, they're in a very tough position. And so essentially I feel like what I'm hearing is if someone came back to you with anything that could be deemed reasonable in some universe, you're going to be in a tough spot to do something about it unless it's an extreme, ridiculous probably, position. Is that correct?

Jennifer Scott: For the large part that's probably correct. But, you know, like Maguy was saying, we're taking our time and trying to do a lot of internal alignment and review and see what makes sense when we do have these types of conversations.

Brian Winterfeldt: Sure. Please, Jamie?

Jamie Hedlund: So as you point out, that language and other language is broad and open to interpretation and, as Maguy and Jen have said, we're, you know, very much at the inquiry stage. But from the beginning, we said there were two things in the temp spec that we were going to enforce against. One was not collecting any data or not collecting the data that they weren't going to do, and not providing access.

So if anyone were to say we're not providing access because it's - we don't want to, that makes it much easier for us to enforce against, and we will enforce against it. It's just right now, you know, we're at the inquiry stage and there are different views and different approaches, different concerns about where the data is being viewed or accessed within compliance, and so we are working through those.

But to the, you know, to the extent that there's a uniform access model and you all collaborate with the contracted parties, you know, there's been requests for us to dictate, you know, forms and timelines and all the kind of stuff and, as you know, we enforce the contract. We make sure that there's compliance but we don't prescribe how they comply. And so, to the extent that you work with the contracted parties and agree on, you know, the best ways to submit requests and that kind of thing, that makes it a lot easier for us to see well Party A is complying, Party B is not.

Brian Winterfeldt: Great. Thank you so much. I think Greg is next in the queue.

Greg Shatan: Thanks. Greg Shatan for the record. Just to clarify, when you said that you weren't at that point yet, did that mean you hadn't received any complaints yet about access or it means that you're working through kind of the informal processes that were described, the internal review and understanding the position of the party against whom the complaint has been filed? I wasn't clear what it meant you weren't at that point yet. Because, you know, a long time ago I had this magical idea that if you received a complaint and that, you

know, you went and just slapped people very quickly but it seems that's not the case.

Jennifer Scott: Yes, thanks. This is Jennifer. So it's more of the latter. So just to distinguish, there's access to ICANN and then there's access to third parties and I think, you know, what we were talking about with Susan was more about access to ICANN and this might relate not necessarily to complaints about temp spec compliance, but it might just be when we're asking for data to facilitate any other complaint type.

Now for third party access, you know, we have also received complaints about contracted parties not providing that as well. And we're in the same inquiry phase with those. We're looking at those on a case-by-case basis. We're trying to understand if contracted parties are entering into that kind of balancing of interests test and making sure, like Jamie said, that they're to just doing a blanket denial of access without engaging in that kind of thought process or having a good reason for it.

Greg Shatan: Thanks. Thank you very much for clarifying that. That makes sense.

Brian Winterfeldt: Thank you so much. Any follow-on questions or any observations that folks would like to share with Compliance about some of the challenges they might be facing in this new environment that we're in? We've got a quiet group today. All right. I have at least one additional question, although I feel like actually Bryan probably already answered it in his introduction. So does anyone have any additional questions for Compliance?

Jamie Hedlund: Can I add?

Brian Winterfeldt: Of course, Jamie. Go ahead.

Jamie Hedlund: Sure. So when we were talking just now about the temporary spec, you talked about the difficulty that - the difficult position Compliance is in when

there isn't really clear language, there's an entirely different area where that also plays a role and where we could really use your help. And I'm speaking now in part as someone who is on the CCT Review Team, and they recently came out with their report.

And the best part of that report, in my view, is a section - the chapter on DNS abuse. And, you know, as OCTO rolls out DAAR, as, you know, Spamhaus and others publish reports, it becomes more and more apparent to the community that there is a lot of DNS infrastructure abuse that's going on. And as the CCT report points out, there is nothing in the contract that specifically addresses systemic DNS abuse.

And we're doing things like what Bryan mentioned, which was, you know, going out to those parties who are, you know, who out of not knowing as opposed to some sort of bad intent have a lot of DNS abuse in their zones and working with them to try to address that. But, you know, going forward, we, you know, we have an audit now about to start of the registries to look at what they're doing in this general area, and it's an approach we've never used before.

But I think what will happen eventually as we get more into this is the community will, as you already know, will see that there is not a lot in the contracts, there's not enough in the contracts to help us really address this in a constructive way.

So by you all participating, you know, submitting comment, I know you're very busy with other things, but, you know, submitting comments, maybe working with Bryan and getting discussions in the community going on about DNS abuse and about whether, you know, legitimacy of ICANN depends on its ability to police for security and stability system DNS abuse, I think it would be really helpful to have your voice. And again I know you guys are swamped with other stuff but it is kind of - it's very much on the menu right now.

Brian Winterfeldt: Thank you. I think that's an excellent, very constructive suggestion and we're happy to take that on as a to-do. You know, we are very concerned. You've seen some of the reports are starting to come out that you've mentioned from our community and we are seeing really from our perspective a lot of challenges in this new environment to do the work that we need to do to go after bad actors on the Internet and we are concerned long term about what that impact is going to have on this community.

and we're also concerned that sometimes other parts of the community are very focused on other risks and are maybe potentially underestimating the damage that could be done to this community and to the industry by the current environment where the temporary specifications made decisions that were to dictated by GDPR to be, from our perspective, incredibly over-compliant by being globally applicable, by not making the distinction between legal and natural persons and other things, and then now we don't have any access solutions and it's a very tough spot for our community.

And, you know, we're basically being told, you know, go have a chat with the Contracted Party House and see if you can just kind of work something out. And we are, you know, hopeful that those will yield fruit but it certainly isn't super satisfying to us. And we're also concerned and really focused on trying to be very productive and constructive in the EPDP but, again, access is continuing to be a challenging conversation.

Jamie Hedlund: No doubt. I mean the one good news is that (Octo) does not need access to Whois to compile the DAAR report and so we still get the data on the zones - on the domain names themselves and are able to take that and go back to the registries and registrars without knowing, you know, with not having necessarily access to, or not needing access to, the non-public registration data.

Brian Winterfeldt: Great. That's good. Lori?

Lori Schulman: Yes. Thank you. Lori Schulman for the record. I want to go back to something Jennifer and Maguy pointed on and something INTA's been looking at. I've spoken a little bit to Jamie about this in private but I think this might be a good place to raise it also in public. As you're doing these inquiries, gaining understanding, finding information, I was wondering if thought's been given to compiling this information in some kind of useable database, and it could certainly be anonymized.

We don't necessarily have to know which registrar is doing what necessarily but perhaps this could be a very good benchmarking exercise and potentially helpful even to the EPDP folks in terms of what is actually happening and compiling it in a way through your own investigative responses that you're getting.

Maguy Serad: This is Maguy. Thank you, Lori, for the question. I think I highlighted a little bit about that earlier when I started is that what we hope to do by the next ICANN meeting is to have some lessons learned, some general information we can share with the community at a high level, not necessarily name and shame but what are - what have we observed, what is happening.

And as far as the EPDP's concerned, we have been actively engaged by the EPDP team. I'm not sure if you guys were in L.A. - yes. So we were invited to a session where we addressed their questions. We also have received questions where we have answered in writing, so if anybody's interested in following up what has compliance responded, in addition to the EPDP site, you can go also to our Web site on the performance measurement and reporting on the bottom part of the landing page.

We provide links to every working group review team that we have provided our responses to or data. So that kind of gives you an appreciation of the scope and depth of data that's being asked of us that also contributes to either review teams or fact finding or issue identification or a measurement of

a policy. It's all in there. So we hope to have some information by our next meeting.

Brian Winterfeldt: And it probably goes without saying but it's obviously helpful for those of who are doing this work who are not getting responses to our requests or we're getting ones that we think are not appropriate to let Maguy and her team know about it so that they are able to do the inquiries and that can be sort of added to the work because again I think there are a lot of different obviously actors in this space and there's folks who are really good in the registries and registrars and there are folks who are really bad.

And I think some of the good ones don't realize how bad some of the bad ones are and there are some people I feel like running around saying like, "Everything's great and we don't know what problems you're talking about." And so if we don't let Maguy and her team know, then those inquiries aren't going to happen and I think a lot of misinformation may continue to be floating around.

Jamie Hedlund: Just one last thing on the DNS infrastructure. I mean that dynamic is even more true on DNS infrastructure abuse where, you know, the preliminary DAAR report suggests that the vast, vast majority of the abuse is taking place on a small number of registries and registrars. And so that's a target, a very concentrated target-rich environment to focus on. And the majority of registries and registrars don't have the issues that some of the, you know, top 20, 25 do.

Brian Winterfeldt: Great. Thank you so much. Any additional questions? I had one follow up if no one has anything else. I wanted to ask Bryan if there are things that we could do to help support his work from an intellectual property perspective and if there's opportunities for us to collaborate and support what you're doing that obviously we think is incredibly important?

Bryan Schilling: Thanks, Bryan. This is Bryan Schilling. And I should clarify. It's spelled with Y.

Brian Winterfeldt: It's not too late to correct that.

Bryan Schilling: And I'm not the Bryan that Göran's been referring to either. But first before I answer that question, just there is going to be a session tomorrow afternoon same time, same room actually on the domain abuse activity report where (Octo)'s going to talk more about the system and the data that's going into it and what it's compiling. So if there's interest in learning more about that it'll be tomorrow afternoon.

But I think to your question, having some essentially a stage or some support for having some conversations that we can bring in some of these topics that are of interest across the community so that we can also hear some of the contrary voices that - to kind of facilitate those conversations - I thought one was going to start the other day. I gave the DNS training abuse training how it works session and we had started into a lively conversation about spam.

But I think there are areas, so as I mentioned, if there are like for example in speaking Dean Marks a bit about how sometimes copyrighted material could also be a vector for distributing malware. Somebody's going and downloading pirated content, they might also be downloading additional harmful information.

So if there are some areas of interest that we think we could start a broader discussion in Kobe,that would be fantastic. But also if there are other areas to go and out and look for data and come back and report, I would welcome that, but really could use some help from the community to start generating some of the topics -- when there's time. Thanks, Brian.

Brian Winterfeldt: Sure. Is there anything in some of the reports that are starting to come out? I know that they're pretty new so maybe you haven't had time to really do a deep dive, but I know that there's work, you know, by (unintelligible) and MarkMonitor and additional work from other parts of the community that's

starting to list some of the harms. Is any - are any of those efforts helpful? Are there notes you could give us? And again, maybe that's not today but a continued conversation about things we could be adding to these types of reports that would help your department?

Bryan Schilling: Thanks, Brian. Bryan Schilling again. I haven't yet had a chance to digest some of those. The one I know that came out was in (MOG), an anti-phishing working group that are starting to put out reports on how lack of access to Whois information is impacting the ability to address these issues if there - we can get a broader - it's an idea we can talk about in terms of my department's looking at these different reports and seeing if there's some - whether there's like commonalities or diverging areas.

You know, if there's issues of looking at IP for your clients and customers, are there IP issues that are similar to the cyber security issues or are there differences there that are - you're encountering in terms of collecting Whois data, that might be something for us to certainly look at and with this various reports. And also I think going to the contracted parties and getting their voice too on some of the types of requests that are coming in and how that - is probably a good area to look at.

Brian Winterfeldt: Great. Thank you so much. I think it's incredibly helpful to hear from all of you. And again, I think it's very informative for us to be thinking about as we're working for shorter term and longer term solutions to access about, you know, where we'll end up at the end of the day depending on what does or doesn't end up in the contract language, and also just being very mindful about the opportunities to share information with your teams as much as possible to support the work that we all think is very important to protect consumers and to focus on a clean DNS. So we really appreciate your time.

Before we wrap up, does anyone have any last questions or comments for the Compliance team? Great. Well thank you so much for joining us today.

We're incredibly grateful. We appreciate the time with you and look forward to continuing our dialogue.

Jamie Hedlund: Thank you.

Brian Winterfeldt: All right. We're going to transition to our next agenda item, but before we do that I've already gotten in trouble because I did not have us go around the room and do introductions, which apparently we're required to do for open meetings. So I'm going to ask folks at the table with the microphone, starting with Alex, to introduce themselves and we'll go around the table and then hopefully we'll discover a roving mic to use for the audience before we get around the table.

Alex Deacon: My name is Alex Deacon from (Coal Valley) Consulting and I'm representing the Motion Picture Association of America here at the IPC.

Patrick Charnley: Sorry. Patrick Charnley, ISPI.

Man: (Unintelligible) from (Brand Shield).

(Rochelle Lakoska): My name is (Rochelle Lakoska) and actually I'm a next gen.

Lori Schulman: Lori Schulman, International Trademark Association.

Brian Winterfeldt: It would also be helpful when you introduce yourself to just clarify if you're an IPC member of a guest.

Lori Schulman: IPC member.

Drew Wilson: Drew Wilson, (unintelligible) and intellectual properties here in the United States. I'm an IPC member.

Anne Aikman-Scalese: Anne Aikman-Scalese, Corpus Christi, IPC member, US attorney.

(Ziggy Buss): (Ziggy Buss). I'm working with (Don Gate) and I'm a new IPC member.

Brian Winterfeldt: Welcome.

Woman: (Unintelligible) Ukrainian attorney, IPC member.

Salvador Camacho: Salvador Camacho, from Mexico, IPC member and from the fellowship.

John McElwaine: John McElwaine, Nelson-Mullins law firm, IPC treasurer.

Kiran Malancharuvil: Kiran Malancharuvil from Winterfeldt IP Group, IPC secretary.

Brian Winterfeldt: Brian Winterfeldt, Winterfeldt IP Group and IPC president.

Vicky Sheckler: Vicky Sheckler. I'm with the recording industry and an IPC member.

Diane Plaut: Diane Plaut, general counsel and privacy officer of (Core Search) and IPC member and EPDP IPC rep.

Flip Petillion: Flip Petillion from Petillion law firm.

Chantelle Doerksen: Chantelle Doerksen, IPC secretariat.

Jonathan Cohen: Jonathan Cohen, trademark consultant, your current NomCom rep and the first IPC member.

Heather Forrest: Heather Forrest with the University of Tasmania, IPC councilor on the GNSO Council for now less than 24 hours to go and likewise GNSO chair for about 23 hours left.

Damon Ashcraft: Damon Ashcraft and I am an IPC member and I'm with (Smell and Wilmer and Phoenix).

Susan Payne: Susan Payne, I'm from ComLaude and Valideus. I'm an IPC member. I think that's it. And the gentlemen to my right who isn't here at the moment is Marc Trachtenberg, who is also an IPC member.

Fred Felman: Fred Felman, Facebook, IPC member.

Greg Shatan: Greg Shatan with (Moses and Singer) in New York, IPC member.

Brian Scarpelli: Brian Scarpelli. I'm with a trade association called ACT, the ACT association, and I'm the participation coordinator for the IPC and an IPC member.

Chris Casavale: Chris Casavale, (Nelson Mullins), IPC member.

Brian Winterfeldt: Great. And I think we're going to start going down the row here over and then we'll go to this side.

(Jim Jong):   (Jim Jong) from (unintelligible), IPC member.

(Kaitlin Tirigan): (Kaitlin Tirigan) from ICANN policy staff, not an IPC member.

Brian Winterfeldt: Perhaps you want to join as an individual member.

Dean Marks: Dean Marks, Coalition for Online Accountability and IPC member.

(Kenny VanColter):   (Kenny VanColter) from Deloitte, not an IPC member.

(Diane Kubios):   I'm (Diane Kubios), Deloitte TMCH, non-IPC member.

(Donna Vonbosbeeker):   My name is (Donna Vonbosbeeker), also Deloitte, working for trademark clearinghouse and not an IPC member.

Man: Hello. I'm (unintelligible). I'm also of Deloitte firm and also TMCH.

(Jan Costen):   (Jan Costen), also responsible of TMCH. We brought our core team here to celebrate five years of TMCH. That's why you hear a lot of us, so, and a guest.

Man: (Unintelligible) also Deloitte, trademark clearinghouse and a guest.

Man: (Unintelligible), IPC member.

Man: (Unintelligible), IPC (unintelligible), as well IPC member.

(Alan):   (Alan) (unintelligible), (Name Shield), not a IPC member.

(Farrah):   Hello. (Farrah), Deloitte, TMCH and a guest.

(Sam Muhoos):   I'm (Sam Muhoos). I'm from Deloitte and TMCH as well.

Man: (Unintelligible), TMCH, Deloitte and a guest.

(Yvette Polovich):   (Yvette Polovich), (unintelligible) URS provider. I'm not an IPC member but I'm a member of the RPM working group.

Renee Fossen: Renee Fossen with (Forum), URS/URDP provider, not a member.

(Francisco Farzano):   (Francisco Farzano), MSFD, URS provider, not a member.

(Becky Hay):   (Becky Hay), (Validez), IPC member.

(Joel Vitalli):   Hi. I'm (Joe Vitalli), (Event) International, not a member.

Man: (Unintelligible) CTM360, observer.

Woman: (Unintelligible) from Louis Vuitton, IPC member.

(Marie Carava):   (Marie Carava) from (Longshore), IPC member.

Woman: (Unintelligible) from (Redpoint) Solutions, a guest.

(Richard Hill):   (Richard Hill), guest, UDP arbitrator. I'm doing about 100 cases a year now
                    and (Jonathan) I think you remember we worked together on the original IGO
                    protection mechanism many years ago.

(Monica Emmitt):   (Monica Emmitt), journalist, observing.

(Linda Valtzer):   (Linda Valtzer), (Lakeshore) Entertainment, guest.

Brian Winterfeldt: Wonderful. Welcome everyone. Thank you so much for joining us IPC
                    members and guests. And again, please feel free to join if you are interested.
                    We would love to have you in the IPC.

                    Our next agenda item is actually a GNSO Council update. Paul unfortunately
                    had a conflict and isn't able to be here but fortunately we are in very able
                    hands of our council chair, Heather Forrest, who has agreed to give us a
                    quick council update. Thank you so much.

Heather Forrest: My pleasure, Brian. And Chantelle will put up for us the GNSO Council
                    agenda that will be dealt with tomorrow. So for those to familiar with GNSO
                    procedure at an annual general meeting, what happens, you'll notice at the
                    top of the page there it's identified as part one. Part one of the meeting
                    consists of what you see here in the agenda. It will be conducted by myself
                    as council chair and with the current GNSO council members. So for the ICP
                    that's Paul and myself.

                    We'll work our way through these motions. You'll see that it is an agenda of
                    nothing but motions plus the standing updates from the EPDP and
                    leadership. And then what will happen is we'll have a brief break. I will cry to

the staff and try and figure out what I'm supposed to do now and then compose myself and we'll call come back to the table and work on part two.

Now the first thing that happens in part two is that the new councilors will be seated. We'll be ably represented by Flip Petillion in the regard. So Paul will remain at the table. I will leave the table. Flip will join the table. Likewise other councilors, new councilors will join. And the main order of business in part two is the election of the new GNSO chair.

So what you're seeing here is the agenda for part one. You'll notice that there are several motions on the agenda and, Chantelle, I'm afraid I'm going to pester you do scroll down for me, sorry to do that to you. If we can scroll down to item two -- item three, rather -- which would be the - a consent agenda.

So the consent agenda has two items on it. As mentioned in our IPC monthly call in early October, the reconfirmation of Julf Helsingius as council liaison and the standard recommendations report that follows the sign off by the GNSO Council of a PDP final report, in this case for the reconvened Red Cross PDP.

I don't anticipate that you'll have any questions about that but I think in the interest of time, Brian, I'll just identify them all and we can come back with any questions.

The next one is a vote on the SCBO, the Standing Committee on Budget and Operations, which is - has been in operation for about a year now in the GNSO Council. This is confirming that committee to carry forward and making it permanent. I have, as I said in the CSG meeting, some reservation about adding to the council's workload.

I'm not questioning the validity of council making comments on the budget but whether we need a standing committee for that task I'm not entirely sure. So

nevertheless, John McElwaine and I sat on that committee and I think there are some redeeming features about it, and I don't frankly think it's our biggest question.

The next item is item five. Thanks, Chantelle. And item five is a vote on PDP 3.0. There was a suggested change in wording for one of the sentences in relation to recommendations that the council will reconsider at a later time. That of course has been under discussion for months.

Again, I wouldn't anticipate the IPC members would have any fears or concerns in relation to that. And the IPC did, thank you, submit reports on the feedback process that happened all along the way, including most recently in August. So I think you'll find that that's very consistent with the IPC comments.

Item six takes us to our next motion and that is the termination of the RDS PDP. So this is a recommendation coming from the leadership of RDS. Of course strong overlaps between the charter of RDS and the EPDP, likewise gaps, but in view of the EPDP and other work that will take place after the PDP or outside of the EPDP, RDS has recommended to the council that the council terminate its effort. And having spoken at length along the last few months to RDS PDP leadership, in particular Chuck Gomes as chair of that effort, and Alex Deacon, who was co-chair of that effort, it seems like a very sensible thing to do.

Item seven is a vote on the final report of the IGO-INGO access to curative rights protection mechanisms. So we're about to spend about an hour and a half this evening discussing I think largely that motion. There are some rather serious concerns that are raised in this context, and we have one of the co-chairs here, Petter Rindforth, about procedural validity and capture and other things.

And I anticipate that we're going to see some movement on this motion within the next few hours, potentially some discussion around deferral or withdrawal or what the options are. So at this stage I think that's the one that's most in play and I anticipate I'm going to recommend that that motion be withdrawn. I have recommended to the maker of the motion, who's Donna Austin, that for a number of reasons that motion would be withdrawn and I'd recommend that it would be withdrawn.

It hasn't been done yet. So let's come back to that one if we need. We might need some last minute advice on that one. If it's withdrawn, it's simply a decision of the maker of the motion so we won't need to weigh in.

The final motion on the agenda is, and in fact it might - yes, it's just the update. So that's it for motions. Of those, I think the only one that's controversial is that one at the end. I know Lori persevered for quite a while with that IGO-INGO curative rights process and (Phil Nerano) did as well. There are a number of us that have tried to have some view into that.

Brian, open up the floor to questions. If anyone has any, more than happy to field them.

Brian Winterfeldt: Any questions for Heather about what's happening at the council? I don't see any hands. I want to give a huge thank you to Heather for her service. For those of you who are newer to ICANN, it's incredibly unusual -- (Jonathan) can vouch for that since he's been here since the beginning, the first IPC member -- but to have an IPC person in the chair seat is very special and we really want to thank Heather for her service and for all the time she has dedicated, which often seems like very difficult, thankless work. But we are truly grateful and very appreciative. So a huge round of applause for Heather.

Heather Forrest: Brian and all of you, truly the thanks is all mine. You gave me the opportunity and I am, and will be, truly grateful forever. So thank you.

Brian Winterfeldt: Thank you so much. Heather makes it look easy but being diplomatic and making things happen at council is incredibly arduous and difficult. I think she does it very gracefully and makes us look very good as an IPC. So thank you, Heather. We look forward to continue working with you, and you're not off the hook. You have to stay incredibly engaged, and we are going to formulate I'm sure some way to make that official. So thank you, thank you.

And our next agenda item is a quick review of open public comment and volunteer activities so I'm going to turn it over to our trusty volunteer coordinator, Brian Scarpelli.

Brian Scarpelli: Hi everyone. I will be pretty brief here but just before noting some of the existing opportunities that we have, I would just say to all of the folks here attending, whether you are currently a member or you're thinking about becoming a member, we - it would be, you know, the public comments that we develop through the IPC are really impactful I think on ICANN's - as an organization, its processes and its decisions. And so I encourage everybody to get involved and volunteer to help with the written comments that we come up with.

So I know that, you know, we filed a good number. I should have probably come up with a count before this get together here so I could give you the number but I know it's got to be something like 25 or maybe 30 comments in 2018 alone, I would guess.

And right now there's a number of open opportunities with due dates closing as soon as the first really full week of November through the end of the year, the RDS, Whois 2 draft report, the initial report for auction proceeds, the CCT final report and recommendations and the SSAC 2 draft final report are all due in the next month and a couple of weeks, and may be of interest to us here.

I don't know if - that probably doesn't make anyone jump out of their seat and get really excited to volunteer but I listed a few that are of high importance. And there I guess I maybe defer maybe to you, back to you, Brian Winterfeldt, if you want to talk about some of the volunteer opportunities past written comments, but we've established a number of subgroups within the IPC where people can share views and work together on some of the most important topics that are really driving a lot of the interest and activity in the IPC, namely the GDPR Whois stuff and unified access model, et cetera. Geo terms, we have a group for that too. I know that's of high interest. So I'll stop rambling there.

Brian Winterfeldt: Wonderful, Brian. Thank you so much. There are a lot of opportunities to participate. There's a ton of work that goes on at the IPC and we really encourage our members to volunteer and would love to talk to anyone who has any questions. You can feel free to talk to Brian, myself, any of our officers, and we'd love to I mean find out kind of what your interests are and happy to kind of match you up with the right kind of work teams or groups.

We're going to move on because I know that we're steadily working through our time and I want to make sure we get to all of our agenda items. Next we have updates from our substantive policy sub-teams, which again are some of the groups that you could join and work with.

I'm going to turn it over to Susan Payne, who's done a really good job of keeping us organized. She's hosted weekly calls on RPMs to keep us on track for the RPM working group. So a big thank you to Susan for that weekly effort, and I'm going to let her walk through just a quick update on where we are with the RPM working group right now.

Susan Payne: Thank you, Brian. Yes so as Brian said, we have our own kind of internal group that seeks to make sure that we're well prepared for the PDP, Policy Development Process Working Group calls, and that we're, you know, that

we've discussed the issues and are either on the same page or we understand where we have points of difference amongst our own members.

The RPMs rights protection mechanisms policy development process is - meets weekly. They - I think we're now up to two-hour long calls every week at the moment, which is a real pleasure. And the group as a whole is doing what's called phase one of the work, which is reviewing the rights protections that were introduced for the new gTLD program.

Then when we finish that, we will move on to phase two sometime during 2019, which will then be a review of the UDRP, which is a very long-standing dispute resolution procedure that has been in place now not quite 20 years but getting on for. And so that's a very, very important review.

And I think that we're all encountering in the phase one work is that there's a certain amount of rehearsal of positions for phase two. And indeed some of the people participating in phase one I don't think really are at all interested in the RPMs for new TLDs and are entirely interested in kind of sort of rehearsing positions for phase two.

We've been spending a lot of time, since probably the last ICANN meeting, as a group we've mostly been working on the uniform rapid suspension, which is -- or URS -- which is a dispute resolution procedure, a kind of quick and short and dirty version of the UDRP.

And the group as a whole broke into sub-teams and dealt with a number of reviews of kind of procedural matters and technical fixes and the like and made some I think some really sensible recommendations that aren't changing the URS in any major substantive way but are trying to fix things that people who have been using the URS have encountered as problems. And so those sub-team recommendations will hopefully go into the initial report that will go out ultimately for public comment.

And there have been a whole bunch of other proposals which individuals or groups of people from the working group have kind of thrown into the mix. Those have had much less group discussion, and there's certainly nothing even approaching kind of agreement or consensus on them. But it appears that the way the working group is proceeding is that all of them will probably go into the initial report for public comment and seek the comment from the community, in a slightly separate capacity.

So I think it will be clear that these are not recommendations or proposals that have necessarily a huge degree of support, but seeking input from the community on them. And so although it's still a long way off yet, it's probably not until about Q2 2019 that public comment period when it comes will be incredibly important because there will be some really kind of crazy proposals in there or, you know, that either we may feel are crazy or that, you know, if you're coming from the other perspective some of the proposals that we've put forward you may perceive as being crazy. So it will be a very important public comment.

And then in the meantime I think we've more or less finished the work on the URS and so we're now going back to finalizing or trying to discuss and finalize recommendations in relation to in particular the sunrise and claims processes. There've been some surveys that were conducted about - amongst rights holders, registries, registrars and potential domain registrants and registrants.

Those surveys we got reports during the course of this meeting from analysis group who conducted those surveys and actually they're pretty helpful. The feedback coming back from the different groups is pretty helpful. So we'll be moving on that to come up with recommendations on that. But I can envisage that again we'll probably see some kind of sensible fixes coming through this process, and then I wouldn't be surprised if we get a whole load of kind of mud thrown at the wall to see what might stick during the public comment period.

So we think that's probably it. Happy to take any questions, happy to answer questions privately, offline or later in the meeting. We'd love to have anyone join us. If they're an IPC member who wants to come join us, it's a merry band and we can do, you know, we can always do with new, less jaded participants. Thank you.

Brian Winterfeldt: Yes. Again two hours a week, free entertainment. We do not charge for participation, so just for membership. So thank you so much, Susan, and again thank you for your work on that.

I'm going to keep us moving steadily along so we can kind of get through everything. I wanted to do a very quick overview of our work on (unintelligible) and Whois. As many of you know or are gathering, this is a very important topic for the IPC. We are very focused on establishing reasonable access to non-public Whois data, per the temporary specification, to address the harms associated with the fragmented Whois access protocol, resulting in problems for not just consumers but also IP owners, criminal investigators and security professionals.

We're also working toward an ultimate unified access mechanism in collaboration with other members of the community and ICANN Org. We're also working on preventing the over-application of GDPR by insisting on appropriate boundaries of territoriality and assisting on the distinction between data of natural and legal persons.

We're also pushing for the implementation of approved consensus policies regarding privacy proxy service and thick Whois. And overall our Whois goals are preserving accurate, accessible and, as much as possible, transparent Whois data to protect consumers on the Internet.

In order to further our goals with regard to GDPR, the IPC has several sub-teams that (Brian) was mentioning. This is just some of the work on policy

groups that are involved. They're working on these issues. We have a sub-team that's focused on access, we have a sub-team focusing on purposes for processing, collecting, accessing data, we have an EDPD support team that's going - that's supporting our EPDP reps, who we're about to hear from, and a sub-team focused on IPC opportunities for engagement with the community on this topic.

So with that, I think that's a good segue to turn over to Diane and Alex to give a brief update on what is happening with the EPDP.

Diane Plaut: Thank you, Brian. Diane Plaut, EPDP IPC rep, together with Alex Deacon. I'm pleased to give the update on our behalf. We've had great success I believe, and we both believe, on the EPDP. It's been a very, very intensive group, as everybody could imagine, but we have been working diligently. And I don't - you may have had the opportunity to participate in the high interest session that we had yesterday but if not, I'll just give a brief overview of what was discussed there.

It was explaining the work that we've done and how we've been taking the temporary specification and breaking it down to analyze it appropriately by implementing the different purposes in relation to legal basises, tying those legal basises as necessary under GDPR.

We've identified the different groups and the different legal basises by focusing on narrowing down the purposes of which the processing would take place. We have purposes narrowed down to seven different purposes. Purpose B is most relevant to this group in relation to it relates to legal access based on legitimate third party interest. That's a purpose that we're working very diligently on to make sure that IP interests are brought forward and recognized and applied appropriately.

We also have a small working group that we're working on the distinction between legal and natural person, which we're advocating for very strongly,

the territorial scope of the GDPR and how that relates to the application within the temporary specification and then the reasonable access framework, as we've discussed here and are continuing to push forward on.

We find that it's very important for us to have a cooperative front with the other stakeholder groups to come up with compromised positions that represent IP interests from a very fundamental standpoint, also recognizing that we need the EPDP to prove successful fruit for the community at large.

And we now are at the cusp of delivering upon our initial report in mid November, and then we will most likely be having - we are going to be having a public comment open opportunity and then -- prior to some board consideration -- and then we will have another face-to-face meeting most likely mid January to be able to give our final report at the end of January and then for further public comment and the submission of the final report and board consideration.

So we're on a very, very tight timeline and we take our work, you know, it's an unbelievable amount of time every single week and Alex and I have discussed the importance of the IPC commitments and the most important issues to the IPC, and we diligently strategize to advocate for those positions daily.

So I'm happy to leave it up to any questions, but that's just a brief overview of where we are at.

Brian Winterfeldt: Great. Thank you, Diane. Really appreciate all the hard work that you and Alex are doing on our behalf as well as (Brian King), who serves as our EPDP alternate. We know it's a ton of work and we really, really appreciate the time that you guys are dedicating.

Does anyone have any questions for our EPDP reps about the status of the EPDP? Very quiet group today. I think everyone's very tired. It's been a long day. So again, thank you all so much.

That actually brings us towards the end of our agenda. We have other areas of business and we have a request from the very robust TMCH team to address us. So if one of or more of you all would like to step forward and join us at the table, we're happy to give you some time to chat with us, and congratulations on your five-year anniversary.

(Jan Costen): Thank you very much. So (Jan Costen). For those who don't know me, I'm the one who at the time signed the contracts with ICANN for the TMCH. I am a partner with Deloitte and have been involved from the start.

We're still very active, as you can see with the team that we brought. The TMCH is still alive. We still have quite an amount of active records in there, although obviously with a new gTLD program and the sunrise that have developed over the last couple years and not having the same volume as we had in the first couple years, the number of trademarks have gone down a bit, but the renewal rate in general is still quite high. It's still over 80%, which I think is quite good.

As some or most of you know, we've added some extra services to make sure that it as an engine would stay alive, and I'm actually happy that we're actually going to announce a very important new service that we're adding on top of the portfolio and we would like to talk two or three minutes about that one and give you some insight into what it is. And that I'll leave over to my colleague, (Peter).

(Peter Vandilla): Good evening, everybody. I'm (Peter Vandilla). I'm the project manager for the trademark clearinghouse. I think we addressed on a previous IPC meeting as well but we have now fully launched our TMCH (T-Rex) service, which is a product very similar to the Donuts DPML block. We had a lot of

interactions with our agents, some of who are here today, requesting additional coverage similar like a DPML product so we contracted with different registry operators to report that we are now about at 39 to 40 TLDs as a single blocking service which you purchase through the TMCH.

We are having very good conversations with the registry operators. They also see the value of names that are still unregistered and still available for general registrations that there are some limitations to the availability, so they've been very supportive in getting this product up and running. And now that we are with 40, we'll be talking with our channel of trademark agents to start rolling this out. And we're hopeful to get more TLDs on board. So basically it's a single product that allows you to block your trademark instead of TLD.

(Jan Costen):   Perhaps a couple examples of some of the TLDs that are part of the block?

(Peter Vandilla):   So we have (Mines and Machines) on board. We transitioned their MPML into the (T-Rex). We have support from core association. We have Neustar on board with (unintelligible), .(Osaka) (unintelligible) earth. We have a lot of support from the geo TLD groups, so we have (unintelligible). We have the African cities, Durbin, J-burg, Cape Town, and we're now looking into .DE as well in there as part of that (T-Rex) portfolio.

(Jan Costen):   Is that enough for an update?

Brian Winterfeldt: That's perfect. Does anyone have any questions for the TMCH team? It looks like no questions but thank you so much for joining us. Thank you for bringing your robust team. Thank you for attending our open meeting. We really appreciate it and we appreciate all the hard work that you do on behalf of brand owners and enjoy working with you.

(Jan Costen):   Thanks. Much appreciated.

Brian Winterfeldt: All right. Before we wrap up our open meeting, I wanted to thank our outgoing officers. So a huge thanks to Vicky Sheckler, who has served as our vice president. Her term will be ending on December 1 so we want to thank her for her service and all the hard work she's done on our behalf. And I also want to thank Kiran Malancharuvil, who has served as our IPC secretary. And her term will also be ending December 1. We really thank all of your hard work and really appreciate the hours and hours that you volunteered on behalf of intellectual property owners.

Vicky will no longer be president - vice president of the IPC but she will remain queen of the IPC, so she's not going to be without a title so that's important to note for the public record at our open meeting. So thank you everyone. I think that's the end of our agenda. I really appreciate it, and it's been a very long constituency day. I think we got a lot done in all of our meetings all day long. Look forward to seeing everyone tomorrow and I hope you guys have something fun to do tonight and you get to relax a little bit. Thank you.

END