
ICANN Transcription
GNSO Temp Spec gTLD RD EPDP – Phase 2
Thursday, 16 April 2020 at 14:00 UTC

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TERRI AGNEW:

Good morning, good afternoon, and good evening. Welcome to the GNSO EPDP Phase 2 team call taking place on the 16th of April, 2020, at 14:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. If you're only on the telephone, could you please identify yourselves now?

Hearing no one, we have no listed apologies for today's meetings. All members and alternates will be promoted to panelists for today's call. Members and alternates replacing members, when using chat, please select all panelists and attendees in order for everyone to see the chat. Attendees will not have chat access, only View Chat access. Alternates not replacing a member are required to rename their lines by adding three Z's to the beginning of their name, and, at the end in parentheses, your affiliation-alternate, which means you're automatically pushed to the end of the queue. To rename in Zoom, hover over your name and click Rename. Alternates are not allowed to engage in chat, apart from private chat, or use any other Zoom room functionality, such as

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raising hands, agreeing, or disagreeing. As a reminder, the alternate assignment form must be formalized by way of the Google link. The link is available in all meeting invites towards then bottom.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now.

Seeing or hearing no one, if you do need assistance updating your statements of interest, please e-mail the GNSO Secretariat. All documentation and information can be found on the EPDP wiki space.

Please remember to state your name before speaking. Recordings will be posted on the public wiki space shortly after the end of the call.

With this, I'll turn it over to our Chair, Janis Karklins. Please begin.

JANIS KARKLINS:

Thank you, Terri. Hello, all. Welcome to the 53rd meeting of the EPDP team. As usual, we have the proposed agenda.

Any comments? Reservations?

From my side, I would like to note that we may need to modify slightly Agenda Item 5 and take it together with the Agenda Item 4 because we potentially are going to merge two recommendation on accreditation: the general accreditation and the accreditation of government entities. But, since we will take Recommendation 1—

the outstanding issues—first, and then we will go to the discuss the issue of a potential merger. We will see how far we will get.

With this explanation, may I take it that we're ready to follow the suggested agenda?

I see no hands up. This is decided. Thank you very much.

Let me start with housekeeping issues. I think we have three today, the first being an issue related to the GAC request that I understand was withdrawn. But the information came after our call last Thursday. What happened in the meantime is that I and the Chair of the GNSO Council had a conversation with the GAC leadership, and we had a lengthy discussion about concerns expressed in that e-mail. Taking into account all circumstances, we agreed to follow these three elements that you see now on the screen.

The first element is that, for the time being, we as a team will continue working in a steady manner, according to plan, and we'll introduce corrections as needed. We will continue meeting once per week with the two hours, but we will insist on doing homework. The staff will help the GAC to streamline Recommendation 2 on the accreditation of public authorities. This has already been done and has been distributed for comments to the GAC and also, I think, to the team as well.

The second element is in relation to those issues that have been voiced as extremely important. We came to an agreement that, in order to address ... No, the first element is that these issues are important. I'm talking about legal versus natural, accuracy, and

privacy-proxy issues, but they do not constitute the critical path. SSAD could start implementing without a solution on these important issues.

That said, we felt that maybe a way to alleviate concerns would be ask to the GNSO Council informally to discuss the next steps to continue a process on issues that are important but are not essential for completion of work on SSAD. Those are legal versus natural, accuracy, and privacy-proxy, with a goal to set forth a clear and definite path to resolve these key issues. Once we will receive the indication from the GNSO Council or the GNSO Council leadership that there is a potential way forward, then the team will submit the formal request as soon as informal information is identified.

The third important element was that the small groups will continue working on most difficult issues, including those on the automated use case and consensus on the contour of the evolutionary mechanism in order to prepare grounds for conversation in the plenary.

These elements were mutually agreed to by the leadership of the team, the GNSO Council, and the GAC. I hope that those who, during the previous call, voiced similar concerns to the GAC would be able also to appreciate these elements and would feel more comfortable going forward.

So that is information in relation to the GAC e-mail.

Any comments at this moment? Any questions?

I take it that that is something that every team member and every group on the team may accept as a solution for the time being with all the commitments expressed in those elements. Thank you.

With this, the second item from my side is, as you recall, that the GNSO Council asked us to send the questions on accuracy to Bird & Bird. I understand that Bird & Bird has responded to those questions. I simply wanted to inform you that, after this meeting, I will send Bird & Bird answers to the GNSO Council, and I will put the team on copy. You'll receive my communication with the GNSO Council in this respect. I understand that the Legal Committee will review the response in order to see if any additional clarification questions should be formulated to Bird & Bird in relation to the view.

Any questions at this moment?

I see none. The third housekeeping—I see Brian's hand is up. Brian, please go ahead.

BRIAN KING:

Hey, Janis. Thanks. I'm getting set up here. I hope you could clarify. I'm not sure I call it exactly what we agreed to on the public comment proceeding there. If you could reiterate for us, please, that'd be helpful. Thanks.

JANIS KARKLINS:

On public proceedings? What do you mean?

BRIAN KING: Sorry, Janis. On your first point.

JANIS KARKLINS: Ah. That point Berry will pick up. It is hasn't come up yet.

BRIAN KING: Okay. Thanks. I was just confused. [We] had a silent agreement earlier, and it wasn't clear what we were agreeing to.

JANIS KARKLINS: My apologies.

BRIAN KING: Thanks.

JANIS KARKLINS: Now I will, in absence of questions on accuracy advice, turn to Berry for the next housekeeping issue. Berry?

BERRY COBB: Thank you, Janis. This is just a quick update. Yesterday, the Registry Stakeholder Group submitted their comments, so staff has been updating the PCRTs and discussion drafts and the background.

There was also a submission that was submitted by [Franck] in the IPC on behalf of 58 organizations. Their entries are also being added into the PCRTs. We have most of them updated.

You'll see, on the right, the wiki page where we have all the PCRTs loaded. The last column is just maintaining a version history, but each one of these docs does have a date stamp, so you'll always want to use the most recent date stamp for when you're reviewing any one of these.

As I said, I've got just about all of these updated, except the last four, which involve the implementation guidance and the other recommendations or general comments. Those will be complete today. Afterwards, staff is then updating the discussion documents where appropriate when a substantive comment was attached to a particular recommendation.

The last comment that I'll make is that there's still a few groups that haven't submitted your comments yet. What we do ask is, when you do go to submit those, that you also—I think there's an option to have your responses e-mailed to you or to pull down a copy from the Google form—please do that and send that to Caitlin because these external copies will help streamline getting the comments included into the discussion drafts so they don't have to wait on me updating the PCRT documents in there.

We're still on track for our addendum public comment closing on May 5th, which also was the date that our first initial report public comment will close. If you've checked the public comment proceeding page, the staff report hasn't been updated yet. We will be waiting until the 5th of May before we post that consolidated

report. Mostly it's going to point to our tools that we're using here. There will be some summary to it, but it really more relies on the input and deliberations by the group around the public comments that make up the true substance in terms of responding to those comments.

We will also provide an announcement on that page that will point to this particular wiki page, just alerting them that there's an easier mechanism to read or consume the comments that were submitted instead of just the Google Doc.

That's all I have. Thank you.

JANIS KARKLINS:

Thank you, Berry.

Any question to Berry in relation to this update?

I see none, which means we can now proceed to Agenda Item 4 on accreditation/Recommendation 1. We have gone through the list which was identified by the staff on comments. We discussed eleven of them during the last call. We did not get to the end of the list on Recommendation 1. So, today, we will continue deliberations on outstanding issues in relation to Recommendation 1.

In the meantime, I understand that staff has been working to update Recommendation 1 in light of our conversation. As soon as we will be done with Recommendation 1, then we'll discuss what to do with Recommendation 2 and how to handle that question. Then we will receive a consolidated, edited

Recommendation 1 for our consideration in its entirety. So that is the procedure. I hope I didn't say anything wrong. And I'm asking Caitlin.

CAITLIN TUBERGEN: Thank you, Janis. You didn't say anything wrong. Thank you.

JANIS KARKLINS: Thank you. Now we have those outstanding issues in front of us. Maybe, Caitlin, you can walk us through these outstanding elements.

CAITLIN TUBERGEN: Certainly, Janis. As you'll see, on the last call, we left off on accredited user revocation and abuse—Bullet Points U and V. One of the remaining items is the definition of abuse. A couple of the questions that we received deal with how abuse of this system should be defined and differentiated if applicable from violations of the code of conduct.

Also, the bullet point under U notes: to prevent abuse of data received. There were some comments about what that means. We need some further guidance from the team on what it intended to mean with "prevent abuse of data received."

Additionally, Point V notes "a demonstrable threat to the SSAD." We wanted to ask if this is something that could be left to implementation or input provided through the mechanism, or if this is something that needs further clarification now.

JANIS KARKLINS: Thank you, Caitlin. Somehow, it resonates to me painfully with our conversation in Los Angeles on these issues, where we struck an agreement on abuse issues. Of course, I am in your hands. We cannot prevent phrasing issues, but please be aware that this is rather sensitive, and we had fairly lengthy conversations about this topic.

I have Brian. You first.

BRIAN KING: Thanks, Janis. I think staff wisely identified what we were thinking about here. To clarify, when we were going through our homework for this, we thought it would make sense to make a delineation between what the code of conduct does, which is to prevent abuse or misuse of the data once the requester has the data. Then, also to be prevented, is abuse of the SSAD itself through denial-of-service attacks [inaudible] with too many queries at the same time and other types of abuse of maybe more technical abuse of the SSAD. So I thought a delineation between those two things that could be abused would be helpful and make this clearer. Thanks.

JANIS KARKLINS: Thank you, Brian. Marc Anderson, please? Are you in agreement with Brian's approach?

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

JANIS KARKLINS: Yes, very well.

MARC ANDERSON: Great. Yes, I do agree with Brian. I think what he's describing is what is intended. Recommendation 2 really should not cover system abuse. I think Recommendation 12 [inaudible] query policy is where we've intended cover abuse of the system. Staff has suggested SLAs, which I think is not the appropriate place to put that. I think it's probably Recommendation 12 query policy. I also note that, in that recommendation, we do talk about abusive use of the SSAD. So I think Brian is right. Recommendation 2 was meant to cover misuse of the data by requesters, which is a different kind of abuse than abuse of the system.

JANIS KARKLINS: Thank you. Is there anyone else who would not support this type of approach?

I see none. Caitlin, is it enough for you to do the necessary writeup?

CAITLIN TUBERGEN: Yes, that was helpful. Thank you, Janis.

JANIS KARKLINS: Okay. So then we can go to abuse by an accreditation authority. Caitlin, would you mind kickstarting this?

CAITLIN TUBERGEN: Thank you, Janis. I believe this may have been a question submitted from ICANN Org. We'll note that there is an agreement in the comment that the accreditation authority should also be supervised for potential abuse. The proposed suggestion is that ICANN Org should be identified as the supervisor of accreditation authorities. But our understanding is that ICANN is the accreditation authority, so we're looking for clarification on the intention of this. Is it intended to indicate that, if ICANN Org outsources part or all of the accreditation authority functions, it's responsible for overseeing and addressing potential abuse?

JANIS KARKLINS: Thank you. Brian?

BRIAN KING: Thanks, Janis. Thanks, Caitlin. I can confirm that that was our understanding as well. Yes, we understand that ICANN Org is the accreditation authority. We decided it'd be the sole accreditation authority and that, if they outsourced all or part of this responsibility, they would supervise the entity to which that is outsourced. So that is what we understood. Thanks.

JANIS KARKLINS: Okay. Are we all on the same page in that understanding?

Marc Anderson, please?

MARC ANDERSON: Thanks, Janis. I agree with Brian. That's my understanding as well. I'd just add that, if ICANN is acting as the accreditation authority on their own, the oversight mechanism would be audit. I don't know if that's necessarily to note here, but I think regular audit of ICANN's operation as an accreditation authority would be the mechanism for identifying [or policing] this abuse, if that's the case.

JANIS KARKLINS: Thank you, Marc, for your suggestion. Sounds logical to me. James, are you in agreement?

JAMES GALVIN: Thanks, Janis. I guess I'm in agreement, but I have a question, which is that I guess I'm struggling to wrap my brain around how the accreditation authority, whether that's ICANN or a subcontractors, can engage in abusive behavior. Is it refusing to accredit people? Accrediting the wrong people? I'm trying to understand the problem we're seeking to solve. I don't know. Maybe someone can help me with that. Thanks.

JANIS KARKLINS: I think you already answered it yourself. There may be different types of action that may be considered abuse—for instance, not following agreed-to policy, given favors, and ignoring. So these

types of things. All, of course, of that is hypothetical because, of course, the initial approach would be trust. But, just in case, if there is any kind of perceived abuse, then there should be a mechanism for how that could be addressed. It is suggested that, if ICANN Org outsources the accreditation authority function, then ICANN Org would be the supervisory authority. If ICANN Org itself performs the function of the accreditation authority, then an audit could be a solution.

Are we on the same page with this?

Thank you. Let us move to the next issue: de-accreditation of the identity provider. Caitlin, please?

CAITLIN TUBERGEN:

Thank you, Janis. We received some common comments about the deauthorization of identity providers—the first is that an appeals mechanism should be available for then identity provider’s de-accreditation—and also noted that the use of identity providers is optional. But the accreditation authority is expected to develop an authentication policy for identity providers if it decided to use them, and it would need to factor in the policy recommendations and implementation guidance provided in the report.

The question we have is, are there any other further elements or aspects of the deauthorization of identity providers that require verification apart from those two points in the public comments?

JANIS KARKLINS: Thank you. Any reaction?

Brian, please?

BRIAN KING: Thanks, Janis. Just one, I think, hopefully helpful suggestion here is that authentication is a word that we've used quite a bit. I think it maybe adds a little confusion here. In our homework, I noted that, in the initial report recommendation for this, that the term "identity validation procedures" was used. I thought that was perhaps a good substitution for the word "authentication" in that third line that makes this a bit clearer. But, with that done, I wouldn't have any objections to this, or I don't think this requires any further clarification. I can put that in the chat, too. Thanks.

JANIS KARKLINS: Thank you. James, please. Your turn.

JAMES GALVIN: Thank you, Janis. I guess I agree with Brian: let's clarify the language. My note here—I think we put it in one of the comments—is that we agree that there should be an appeals mechanism. However, I think one detail that is missing is that any suspension or loss of access or accreditation should be maintained throughout that appeals process. Otherwise, the appeal is just used as a means to extend or delay any kind of sanctions for abuse of the system. So I think that's an important element that's missing here. Thanks.

JANIS KARKLINS: Thank you for raising this. Does anyone have a problem with the suggestion that, during the appeal, the accreditation is suspended?

Margie?

MARGIE MILAM: Hi. Yes, I have an objection with that. I think the better approach here is to model the compliance activities as to what happens with the registrars, with their RAA, and the registries with their registry agreements. In other words, if there's compliance action, ICANN doesn't prevent the registrars from registering new domain names but instead allows them to address the issues, and then the suspension happens afterwards. So I think that's the better model because, if someone is wrongfully suspended during that appeal process, it means they can't get data. It means they can't fight DNS abuse. They can't fight their intellectual property infringement actions. And that's a very severe penalty. So I think that that would be a problem. I think it's better to model it off of what the compliance activity approach that ICANN takes currently with respect to registrars and registries is.

JANIS KARKLINS: Thank you, Margie, for your suggestion. Mark Sv?

MARK SVANCAREK: Thanks. I recognize James' concern, but I have a similar concern to Margie's: if there is a very low bar for bringing accusations of abuse against people, then it would be very easy for someone to just go around trolling everybody and making sure that they don't have any access for whatever reason; if they don't want a particular person to have access or just simply because they're troublesome people. So there does need to be a check and balance against that check and balance. It's going to be a tricky consideration. So I just wanted to consider that as a side note to James' concern. Thank you.

JANIS KARKLINS: Thank you. James, any reaction to Margie's suggestion?

JAMES GALVIN: Yeah. Thanks. I think it's about striking a balance. I think that what I'm proposing is compatible with the model of compliance against registrar. For example, once a registrar is determined to be in breach, there is a suspension period—I think that is what you were referring to—where their access is limited or cut off prior to terminating their accreditation.

But let's be clear here. The folks that we're talking about here are not fighting abuse. They are the abuse. They're abusing the system. I find it a little curious as to the suspicions that the SSAD will engage in trolling or just shutting off switches here and there. I anticipate that this would be an extremely rare situation and only used against folks who are blatantly clogging up the system for the legitimate requesters. I'm just, I guess, a little taken aback by

the idea that they should continue to have access while their punishment is under appeal because that just slows everything down for the rest of us—users and requesters and disclosers. So I'm a little confused here. Thanks.

JANIS KARKLINS:

We're not a little bit in the weeds. We're talking about deauthorization of identity providers. You, James, are talking about limited access of abusers in the case of a complaint. I think these are different issues. I do not recall now by heart what is written in the recommendation if there is abuse the requester, but here it is about abuse or alleged abuse by identity providers. So that's the topic we're discussing.

I have a few hands up further. Alan Greenberg, Marc Anderson, Alan Woods, and Volker, in that order.

ALAN GREENBERG:

Thank you. Thank you, Janis. That was my first point of why are we talking about individual requesters when we're on a section of identification providers.

I have both a question and a problem. It says that use of identification providers is optional. I'm not quite sure what that means. I thought, if we're going to use identification providers, then we need identification providers. And I have strong concerns that, if we decide that there might be abuse, especially when it's not yet decided that there is abuse, what do we do? If you just deauthorize the identification providers, you may be taking a huge swath of your potential users and saying, "You can't get anymore

because we can't identify you." So just cancelling an identification provider I think is very, very problematic. So I'm not quite sure how we make sure the system can keep on running for the users at which it's targeted if we simply decertify or de-accredit an identification provider without having a replacement.

Now, I can see that you would stop them authorizing new people, perhaps, but simply recognizing that someone is signing on, which I think is what an identification provider is, is problematic.

So I think we really need clarity to make sure that we're not cutting the system off altogether because of a potential abuse or even a real abuse of one of the providers. Thank you.

JANIS KARKLINS:

Thank you, Alan. I think that this is an implementation issue, where, if ICANN will decide to outsource the function of an identity provider, then there should be processes put in place, including ones that you are referring to: in case of abuse of identity provider de-accreditation. Then the issued credentials would remain valid until a new identity provider is found for the purpose of revalidation, as we said that periodically things need to be reassessed or reaffirmed, even just by submitting an online form, for that all the data is still valid.

Let me take further requests. Marc Anderson, followed by Alan Woods.

MARC ANDERSON:

Thanks, Janis. Listening to this conversation, I think we're a little bit challenged by the fact that we're having a conversation about a document that's about a document and is an aggregate of another document. We seem to be missing the context and forgetting the overall context of what we're discussing. This is something we've already talked about. Section T of Recommendation 1 already covers that. We talked about the exact scenarios that we're talking about now already. In fact, we talked about this in L.A.: if an identity providers was just suddenly suspended, that would have potentially detrimental impact on the legitimate requesters, and that identity provider should not just be suddenly suspended.

So I pasted in a snippet here on deauthorization of identity providers. This is just a snippet to remind everybody that you have to remember these comments in the overall context. Sorry. I see that I'm fading out. I'll try and speak into my mic a little louder here. We've already have this conversation. We've already covered this. We've got the concept of graduated penalties in deauthorization of identity providers. We talked about exactly this in L.A. So maybe we should just take a moment and remind ourselves the overall context of what we're discussing here and make sure we're not just rehashing old issues that we've already covered and accounted for. Thank you.

JANIS KARKLINS:

Thank you, Marc. In the next document, as you see, the recommendation itself is also reflected, simply to give us all information in one file. With this one, the difficulty is that this is probably the longest recommendation. Hence, it was not put in the

document itself. But thank you for pointing to and putting this in perspective.

Alan Woods, please?

ALAN WOODS:

Thank you. I'll be very brief because I think Marc covered a very good swath of what I was going to say there. I think I was minded to put my hand up specifically because, again, what we're losing sight of here is the concept that this is somehow for the protection of the requester and not for the protection of the data subject. If, on a case by case basis—this is where the graduated penalties come in—in an egregious case there is an absolute need ... I just want to take up on something that Alan Greenberg said. He says this isn't possibly proven, or maybe it is proven abuse. Just because there's a right of appeal does not mean that the abuse is not proven in the first instance. So, number one, let's put that aside. If there is a proven abuse and we see fit to take out an identity provider, there is an issue with the process that created that identity provider. We need to in order to prevent a further breach or ongoing breach or continuous breach of the data subject's rights. That's why we need to put in a bar in those egregious cases. It's case-by-case basis, and I do not envy the people who have to come up with this particular graduated assessment. But, again, it's not for the protection of the requesters. It's for the protection of the registrants. We need to, again, figure that one out: this is who we need to make sure that we're looking after.

JANIS KARKLINS: Thank you, Alan. Volker?

VOLKER GREIMANN: Thank you, Janis. This is absolutely correct. Having graduated responses already means that there has been an investigation that came to the conclusion that the only response that was adequate in this case was de-accreditation. That usually means that there's something severely wrong with the way that this identity provider has conducted its business. That obviously also shows some shade on the entity that it has provided. So, yes, it's a bit of a problem for those that have used [an] identity provider, but, on the other hand, we need to protect the registrants and data subjects to ensure that their rights are protected as well.

So, if you use an identity provider who is going about it in a very sloppy way and is accrediting willy-nilly everyone left and right without due process, then your accreditation isn't worth very much. Therefore, there has to be some consequence in this case. But that's only the most extreme case. Therefore, there should be a way to go to a different identity provider that will do a better job. Therefore, depending on how long the process is, even if you are a victim of you identity provider falling short of its requirements and therefore you're locked out, you might not be locked out for a very long time if you're doing business in an honest way [at least]. Thank you.

JANIS KARKLINS: Thank you, Volker. I think that we had a rich conversation, and we have landed on the understanding that the reality is that the initial

recommendation already provides all necessarily elements. Based on this conversation, I think staff has enough material to reflect whether any further edits are needed to the document in light of provided comments and questions in the comment period.

So can we land on this conclusion?

With that, what remains is implementation guidance. If, Caitlin, you could clarify what you are searching for.

CAITLIN TUBERGEN: Thank you, Janis. I'll just remind everyone that the question that we've highlighted here related to Implementation Guidance B, which provides that examples of additional information that an accreditation authority or identity provider may require an applicant for accreditation to provide could include information asserting trademark ownership. There were some comments about, what does it mean (information asserting trademark ownership)? We just wanted to note that that will be further developed in the implementation phase, unless anyone in the EPDP team disagrees with that conclusion.

JANIS KARKLINS: Can we get close on the screen Implementation Guidance B? I'm now looking to my initial report. Or at least to give a hint where in the report it is so we can find it easily.

No, I'm looking, Berry ... In the document itself—in the initial report itself—which pages—

CAITLIN TUBERGEN: Janis?

JANIS KARKLINS: Yes?

CAITLIN TUBERGEN: It's Page 20, and it's the implementation guidance following Recommendation 1. Specifically, this is about Point B, the second bullet point. I'll go ahead and paste that into the chat right now.

JANIS KARKLINS: Yes, please. That's simply providing the context. So this is now in the chat. We see what the implementation guidance suggests in the initial report. I understand that, from comments, some requests have been made to provide further clarification on the information asserting trademark ownership.

Is there any need for further clarification? Or that is the term that is widely used and recognized by professionals of the field?

I see Stephanie's hand up, and Marc Anderson following. Please.

STEPHANIE PERRIN: Thank you, Janis. I'm afraid I'm back at the yellow text that is no longer on the screen. How did we qualify that piece? "For clarity, service providers and/or lawyers acting on behalf of trademark owners are also eligible for accreditation." I just want to make sure

that we are not accepting lawyers as a breed, as an accredited class, that is separate. A lawyer that is acting for a trademark interest is allowed to do so on behalf on the trademark interest and be accredited, but, if they suddenly are acting for a criminal interest, that doesn't get them into the SSAD. I don't see any language that clarifies what we mean there. Lawyers as a class are not accredited. They are the duly authorized representative of a trademark interest, if you follow. I'm sure we must have discussed this. I just don't remember how it found its way into print. Thank you.

JANIS KARKLINS:

Thank you, Stephanie. We discussed and agreed that accreditation is an individual process. There is no class accreditation as such, so each request for accreditation is examined on its own merit. This is simply a clarification that, for instance, one trademark owner may not want to deal with that trademark but authorizes a lawyer or specific lawyer to act on his behalf.

Marc Anderson, please?

MARC ANDERSON:

Thanks, Janis. Can I maybe make sure I understand where we are right now? I think that staff is looking at the suggested implementation guidance in the discussion items document and asking if the existing Rec 1 implementation guidance—specifically Implementation Guidance B—is sufficient or if this suggestion for

public comments requires an additional implementation guidance or change to the existing implementation guidance.

Do I understand that correctly?

JANIS KARKLINS: Yes. This is exactly right. The question is that some of the comments suggested that it should be further qualified, and then staff is asking to the team whether we consider that it is not clear enough and whether further clarification needs to be provided.

MARC ANDERSON: Okay. Thank you. I just wanted to make sure, before I spoke, I understood exactly where we are.

I've read the two—Section B and this new language—a couple times, and it does seem to overlap. That said, I don't think I would have an issue if we added an implementation guidance E that says something to the effect that the EPDP expects that further details in relation to information asserting trademark ownership, as well as recognized applicable and well-established organizations, will be further developed in the implementation phase. I think that's true, and it doesn't conflict with other things we've said. So I would not have heartburn adding that as another section of implementation guidance.

JANIS KARKLINS: Thank you. Brian?

BRIAN KING: Thanks, Janis. I'm happy to answer the question that you asked/staff asked, which I understand as, "Does this need anything further to be clarified?" The answer is no for those in the trademark world. This is perfectly clear. Thanks.

JANIS KARKLINS: Okay. So then no further clarification is needed, and what is suggested by the staff is fully acceptable.

Any problem with that?

No problems.

Then we have come to the close of examining questions that needed further clarification as a result of the comments on Recommendation 1. Staff now will make a fine tuning of Recommendation 1 in light of our conversations and suggestions that we did during the last meeting and this meeting. We'll bring the edited final version of Recommendation 1 for our consideration in its entirety.

Now, Recommendation 2. Here I would like to recall that we asked the GAC to develop the accreditation procedure for the public authorities. GAC did that. We briefly looked at the recommendation, and there wasn't anything that popped in the eyes immediately as unacceptable. The recommendation on accreditation of government or public entities was included in the initial report. But already at that time we had the understanding that there are many redundancies and that Recommendation 2 should be streamlined and that redundancies be taken out. So we asked the GAC to do that. Chris, together with staff, has worked

on the text. So we have now proposed a merger of Recommendation 2 and Recommendation 1

But, before going further than that, I would like to ask Chris whether you have something to say at this point.

CAITLIN TUBERGEN:

Janis, I just wanted to note a quick clarification on something you just said and also explain the document on the screen in a little bit more clarity.

What staff has attempted to do here is to take the Recommendation 1 text and organize it a little bit more clearly, noting that, when we went through Recommendation 1 comments, the recommendation is very long, as all of us are aware. So the recommendation text is mostly the same but it's been reorganized. I'll note that, for example, the definition section has been pulled out of the recommendation text. That was a comment that we received from several commenters: the definitions apply across the report and shouldn't just be included in Recommendation 1.

The text that appears in dark green is text that hasn't been called out in comments or there hasn't been any disagreements with to date, so we just noted that that text is currently stable. Text that you see that's black and highlighted in yellow represents text that has been edited per our discussion on Rec 1 from last week. Again, that's text that will be under review by the group. The text that appears in the black as of right now represents text that we hadn't yet discussed until this call—so the later parts of the recommendation.

In terms of Recommendation 2—the accreditation of governmental authorities—what support staff tried to do here per some of the requests from commenters is—Recommendation 2 had some overlaps with Recommendation 1 (the accreditation of non-governmental activities), as well as some overlap with other recommendation in the report—we tried to pull some things together and consolidate where possible, noting that the GAC reps have not yet reviewed this document in detail. What you see highlighted in blue is text that was pulled directly from Recommendation 2 and dropped into Recommendation 1 where it might be possible to do that.

I'll also note—if you can scroll up, Berry—that, for example, under the definition of eligible governmental entity, we've pulled the clarifying questions from the comments submitted. For example, in the definition of governmental entity, there is a reference to public policy task. Many commenters asked what that means and [that] is needs a more precise definition. Also there was some questions about whether this only applies to national law enforcement or it also applies to local law enforcement. So we pulled out those questions so that our GAC colleagues could provide additional information on some of the questions highlighted in public comment.

If you'd like, I keep going about the other clarifying questions that came up in Rec 2.

JANIS KARKLINS:

Yeah, please. Then I will take GAC reps after you will finish the introduction.

CAITLIN TUBERGEN: Thank you, Janis. The next box of text represents the other questions that we received in public comment. The first in Point 2 deals with the definition of an accreditation authority and notes: do all portions of the requirements for the accreditation authority also apply to what the accreditation authority who ultimately accredits governmental entities? Are those the same? If not, can the GAC colleagues help pull out what's not the same or highlight what is different? Because, again, that was a big confusion in the comments.

For Comment 3, there was a question about how these accreditation authorities will be identified since the GAC doesn't include a representative from all governments.

Point 4 is a comment received by some that the reference to consumer rights organizations should be changed to governmental consumer protection agencies.

Question 5 asks if intergovernmental agencies could also be accredited under this scheme.

Lastly, there were comments about the definition of accreditation authority and if this definition should be changed so it wouldn't be confused with the accreditation authority managed by ICANN Org.

So those were the majority of comments that we received for Recommendation 2. We wanted to try to organize them in this document, but, again, noting that our GAC colleagues have not had a chance to review that.

JANIS KARKLINS: Thank you, Caitlin. Laureen, your hand is up.

LAUREEN KAPIN: Thank you. First of all, thanks to staff for knitting these together. I know that's challenging, and we appreciate the efforts. We have tried to have a quick first look at this among ourselves, but we haven't had a chance to sufficiently confer among ourselves.

That said, we do have some concerns with some of the issues that have been raised I'm happy to go through these if we're intending to go through this step-by-step in response to the issues raised in the comments. I defer to you for how you want to proceed, but I did want to flag that we've had a quick look, we haven't had specific time to confer together, but we're happy to share some first impressions. I defer to you for how to you want to go through this.

JANIS KARKLINS: Thank you, Laureen. I think it would be useful, maybe briefly, if you could outline if you have some major concerns with the comments—what they are—but we would not go through the text today.

LAUREEN KAPIN: Okay.

JANIS KARKLINS: We would wait until you would, together with staff, make all necessary adjustments to the parts related to accreditation of governmental or public authorities. Once you will conclude your editing, then we will bring it back and we would examine once again the document in its entirety, going through edits on Recommendation 1 and then the edits on accreditation of public authorities.

LAUREEN KAPIN: That makes sense. I can give you just some very big-picture items. First of all, it's very important that we have a sufficiently broad enough definition of accreditation of government authorities. I noted that one of the comments seemed to imply that perhaps we should exclude local authorities. A lot of law enforcement is indeed a local authority. There are regulatory authorities. In fact, in some jurisdiction, data protection authorities are considered regulatory authorities. So we resist any suggestions to unduly restrict the definition of what a public authority is here. It is intentionally broad. That is because, within each jurisdiction, there are local, federal, and state authorities operating, and they all have specific mandates to protect the public.

There was what I believe is a very valid point raised about the technical term "mooshing together" private entities, like consumer protection organizations, under this public authority rubric. We do think that the better practice would be to deal with these government entities separately from non-governmental organizations. We do think it would be beneficial to call out and clarify that these are consumer protection authorities and data protection authorities so that there isn't any lack of clarity.

The issue of non-governmental cybersecurity professionals and NGOs which are working at the direction of a government we think likely is going to need to be handled in a separate manner so as not to conflate the procedures for governmental authorities with everything else. So we thought that was a valid point.

Just as a big-picture issue, we want to be certain that there aren't higher hurdles raised for the accreditation of government entities than for other entities. We have a general concern that there seems to be some push perhaps to make it harder to be accredited as a government entity. That doesn't mean that there shouldn't be clear rules of the road, and that doesn't mean that there shouldn't be proper procedures to make sure entities are what they purport to be. Of course, that's very important because government authorities are likely viewed as more trustworthy, at least depending on the jurisdiction you're in. So there actually should be clear rules of the road, but there shouldn't be unreasonable hurdles, either.

I'm just looking at my general notes here. Blah, blah, blah, blah. Pardon me for a pause. Blah, blah, blah. Sovereignty. The issue was raised of, what of the countries that are not part of the GAC? How do we figure that out? I think, in general, there's a concern from the GAC that each country is going to be need to have some latitude to define its rules of the road in light of its specific legal systems and the way it organizes its government entities charged with the public authority task. We want to make sure that there is that room for countries to act in accord with their own systems rather than some one-size-fits-all approach.

So that's just big-picture. We will be conferring to put our comments specifically in writing.

JANIS KARKLINS:

Thank you, Laureen. I think it would be useful if you would work with the staff—"you" meaning the GAC—and provide necessarily edits on the accreditation of public authorities. Then, of course, those edits will be reviewed by the team in its entirety.

I have a number of hands up. Since we're not talking about specific edits, I would ask you to be as brief as possible. Stephanie, Chris, Marc Anderson, and Margie, in that order. Stephanie, please?

STEPHANIE PERRIN:

Thank you very much. I think that this is a very difficult problem that the GAC is tackling here. I would just urge us to remember that we're actually talking about this accreditation in order to trust the requester. That's a very simple series of operations as to the accountability and the length of the arms and the trust mechanisms that we would anticipate are in place.

Just to take an example, a very competent U.S. cybersecurity firm that is acting on contract to a government agency to protect the banking system, I would think, would have a high level of trust through contract, but they're not a government entity. So you might want to have a delegation instrument under law vouched for by the legal entity—the government entity—whereas you might want to do that in situations where that delegation might not have the necessary trust.

My company did a report, at one of our data commissioners, on the delegation of authority, and this is a growing, from the data protection perspective, problem in the data protection world—that is, government entities outsourcing significant data collection to the private sector without the necessary instruments to ensure trust. If it's a problem in, shall we say—that's where we did our research; Canada and the U.S.—then I'm quite certain that it's a bigger problem in other countries where the rule of law is more diffuse, shall we say.

So I would urge us to draw a fairly tight boundary. That does not mean that other entities cannot get the data. They just have to have a separate process from the data controller to ensure that that's a trusted relationship. So I think we should do that.

I'm thinking, for instance, that COPOLCO (Committee on Consumer Policy of ISO) may very well be doing an investigation into consumer abuse, but they're not an entity like the Federal Trade Commission. Similarly, the Danish human rights organization might be doing an investigation into abuse of the DNS to hunt down human rights defenders. Those are different relationships, and it's probably simpler to keep this a very narrow group—simply for the GAC, I would suggest. It doesn't mean that nobody else gets access. Thank you.

JANIS KARKLINS:

Thank you, Stephanie. Chris, please?

CHRIS LEWIS-EVANS: Thank you, Janis. First of all, apology and thank you to Lauren for covering. I had to take another urgent call. So thank you very much, Lauren, for covering that.

I agree with what Stephanie was saying there. I think we were trying to covers some of those aspects with the language we put out before.

The only one point I wanted to quickly raise, which would be getting to the feeling group on as well, is that, with the combining of these two, do we run the risk of merging some of those different types of authorities and fuzzing that line that Stephanie just highlighted? So I think that's quite a good segue, and that's something we'd be interested. Certainly, that's one of the parts that we would be discussing when we're trying to write up [inaudible]. Thank you.

JANIS KARKLINS: Thank you, Chris. It is entirely up to you. The point is that the method you used in writing Recommendation 2 for the initial report was copy-paste. You took Recommendation 1 as a basis and then you edited. As a result, there were plenty of duplications.

So we need to clean up the text. There are two options. One is to do what staff has done now: take specific parts and add it to Recommendation 1. An alternative would be to leave either Recommendation 2 as is or split Recommendation 1 in two and then, in the second part of Recommendation 1, outline how public authorities would be recommended, where they differ from general

recommendation [with] one sentence, and then everything else will be described in an upper part of Recommendation 1.

So it's entirely up to you—which path you want to do—and the staff will support you in your writeup.

Marc Anderson, please?

MARC ANDERSON:

Thanks, Janis. First, I recognize that this is a work in progress and that the staff hasn't had a chance to give this a full review. I do want to thank Laureen and Chris for your comments. I thought those were very helpful and very well made.

Having looked at this myself, I want to echo Chris' point. I fear that some of the differences between accreditation in Rec 1 and accreditation of government entities in Rec 2 have been lost. Particularly, for me, Section 6 in Rec 2—the accreditation procedure—is really important in explaining what's different, what's unique, about accreditation of government entities. Section 6 of Rec 2 explains that there'll be an approved accreditation authority, which is different than the SSAD accreditation authority. This approved accreditation authority is the delegated to a specific entity within a country or territory's government agency. That whole concept seems to have been lost in an attempt to combine Rec 1 and Rec 2.

So, like I said, I realize this is a work in progress. I just wanted to note that, for me, I'm a little concerned that we're losing something in trying to combine the two and that the new combined document seems to really lose what's unique and specific to accreditation of

government entities. So that's just some initial comments I wanted to add. I look forward to seeing the finished product from GAC review.

JANIS KARKLINS:

Thank you, Marc. It seems to me that maybe it is better to think of streamlining the text of Recommendation 2, taking out every redundancy that is there with Recommendation 1, and not to merge them. But, again, this is entirely up to the GAC to decide. As I mentioned, staff is at your disposal to help you out in every possible way.

Margie, Alan G, and Laureen, but I really want to get to the next agenda item. Margie, please?

MARGIE MILAM:

Hi. I just wanted to say that, yes, Stephanie's comments were very spot-on with regard to entities helping governments.

But the reason why I actually raised my hand was that the definition of requester, I think, seems to need a revision because it only allows non-public domain registration data. I believe we've already agreed that, as part of the response, there could be also the public domain name registration data available through the SSAD. So our suggestion would be to delete the phrase "non-public." I think that will capture what we've agreed to. Thank you.

JANIS KARKLINS:

Thank you, Margie. Alan G?

ALAN GREENBERG: Thank you. Just a quick comment in response to, I think, Laureen and Stephanie, both of whom were saying, “Let’s keep this narrow and handle special cases such as organizations doing work for governments of non-governmental consumer agencies in a different place.” I support the concept there, but I’m really worried that, by the time we finish, we’re going to have gaps: there are types of groups that don’t have a home at all and we won’t be able to handle them. So, although I agree that perhaps they shouldn’t be treated as governments, we need to make sure, going forward—that may be an implementation issue, not a policy issue—that these small splinter groups, these small edge groups, are not eliminated completely from this process because they didn’t fit into some other larger category. Thank you.

JANIS KARKLINS: Thank you, Alan. Thank you for your feedback.

What I would like to suggest is the following. The GAC will review Recommendation 2 together with the staff. It seems to me that the best way forward would be to keep Recommendation 2 or to merge Recommendation 1 and 2 but do it [as] general accreditation and then a subsection for accreditation of public authorities so there is a clarity of distinct processes.

In the meantime, staff will edit Recommendation 1 apart from accreditation of public authorities. We will examine Recommendation 1 in its entirety and accreditation of public

authorities as soon as it will be feasible. So that would be my conclusion. Thank you.

Let us move now to Recommendation 3. Now you see in the box, in italics, the original text of Recommendation 3 from the initial report. That is simply a reference. I would like now to invite Caitlin to walk us through the comments and items we need to consider. Caitlin, please?

CATILIN TUBERGEN: Thank you, Janis. The list right under the italicized text box represents some of the agreements and comments that were gleaned from reviewing the discussion tables and the comments received. That is the assumption is that staff will be using in creating the next iteration of the recommendation. We just want to make sure those assumptions are indeed correct. The remaining items are the questions that were posed in the comments that we need further guidance from the team on.

JANIS KARKLINS: Thank you, Caitlin. Let me give a minute—no, two—to the team members to read both the section of common understanding, making sure that this is really the one, and then the reflection on remaining items in So, in two minutes—no, now a minute and 30 seconds—we will resume the session. Terri, please check the time.

TERRI AGNEW: Thank you. I will do.

And that is time, everyone.

JANIS KARKLINS: Okay. Thank you. The first question—Alan G, if you could lower your hand, please—is whether bullet points in the takeaway section are uncontested. Can we accept that without questioning?

No hands up. It's clear now. The first remaining issue is the list of permissible purposes. That means a specific rationale and/or justification for the request—the policy question that the EPDP team needs to address in its policy recommendations.

Brian, followed by Laureen.

BRIAN KING: Thanks, Janis. I would just note that we have asked Bird & Bird for clarification on this concept, and we're waiting for that legal advice. I think we should receive it soon. We specifically asked about creating a list of permissible purposes. We should hear back on that soon. Before we get too in the weeds with this I just wanted to note that. Thanks.

JANIS KARKLINS: Thank you. Laureen?

LAUREEN KAPIN: I definitely am interested in seeing what that legal advice is. My general concern with creating a specific list is that you may miss something that is also legitimate. So I just think that's something

to keep in mind. Also, as we've noted, this system will evolve. There are things we know now that will be supplemented by additional information. So I caution us against creating something unduly restrictive.

JANIS KARKLINS: Thank you, Laureen. Marc Anderson, please?

MARC ANDERSON: Thanks, Janis. I was basically going to say the same thing that Laureen did. I'm a little hesitant to have a finite list of permissible purposes. That puts an unreasonable unburden on us or the implementers—to have an exhaustive list of all possible purposes—and doesn't seem necessarily. I think we've talked about this previously, and I think we have a recommendation where we have—yeah. Recommendation 4 lists some purposes, but we note that they're not limited to these purposes. I think that's more than sufficient. I don't think we should try and have an exhaustive list of permissible purposes here.

JANIS KARKLINS: Thank you. I recall we discussed in Los Angeles that how it would work in real life when you have this interface where the request is filed. So, initially, there might be a certain number of purposes or justifications listed and then others to write in freeform. Then, as we work, there may be patterns identified, and then a new standardized rationale would be added to this tick-the-box dropdown. So that was my recollection from the conversation.

I have Amr, Mark Sv, and Brian, in that order. Amr, please?

AMR ELSADR:

Thanks, Janis. For one thing, I agree with Marc and Laureen on their last comments and just wanted to also track back to that second bullet point. I wasn't sure what you were referring to. But in principle—I think I've said this before on more than on occasion—I have a problem with prepopulated lists or dropdown menus. I think what the SSAD should be trying to do is trying to get requesters to submit their honest purposes for wanting to seek disclosure of registration data and that those should be evaluated. What I don't think it should be doing is giving requesters a cheat sheet of sorts that tells them, "Okay, these are then permissible purposes. These are the permissible (whatever it is you need to submit), so make you submit one of those if you want the data you want to access." This should be submitted in the requester's own words. To that effect, like Marc and Laureen were saying, we shouldn't be limiting what those may be. It could very well be purposes that we haven't contemplated yet, and we shouldn't be trying to at this point. Thank you.

JANIS KARKLINS:

Thank you, Amr. Mark Sv?

MARK SVANCAREK:

Thanks. Look, the wording in the bullet is, "As long as these are not restrictive or limiting." That really implies that this is not a single, definitive list, the only list, a list that doesn't include a checkbox for Other. It clearly indicates there's going to be a

checkbox for Other. You could put in there and make it more explicit if there's any question about that.

We keep coming back to this concept that requesters are liars, that they're going to use this system to lie, that, if you give them checkboxes, they'll use it to lie. These are accredited users who have a code of conduct. They have a risk of losing their accreditation. They are going to be audited and stuff like that.

Stop putting impediments in the system. If there's a bunch of checkboxes for the 20 or 3 (or whatever) most common purposes—because there's going to be list of most common purposes—if that streamlines processing, if that streamlines potential automation, you should support that. There's really no reason to not support that, unless you're really just trying to slow the system down. Thank you.

JANIS KARKLINS: Thank you. Brian?

BRIAN KING: Thanks, Janis. A couple points here. One, I think it is good to enumerate a list of purposes or bases for the request to help with categorizing these and to help requesters note that their request does fall into a particular category. We know, based on all the work that we've done, that that's not going to be dispositive and that there are a number of other factors involved and that there will always need to be a freeform Other box there. So we're not going to come up with a complete list now, nor should we try. We could do a pretty good job of getting together a top three- or five-

type purposes. We did that with the use cases documents. So those will be good to include as the initial list.

I would note too that this is a good opportunity for the mechanism for evolution to evolve as third-party use cases as we get more information about how many requests of a certain type come in. We can do some analysis on which are the more common types of requests that are listed in the freeform box as opposed to [picking] from the dropdown. Then those can be added to the dropdown for expediency in the future.

Just a final parting note that Bird & Bird actually recommended that we do this. As I said at the top of this conversation, we're waiting for some more follow-up on that recommendation. This was a recommendation from legal counsel. Thanks.

JANIS KARKLINS: Thank you, Brian. Alan G, followed by Franck and Alan Woods.

ALAN GREENBERG: Thank you very much. I have to support Mark and Brian's comments. Yes, there has to be others. There has to be a freeform, but there's no point in not identifying specific, well-understood ones [and] using specific language because, if you make everything freeform, people will express the common use, the standard use, uses in their own words, and that requires interpretation. It reduces the ability of either the SSAD or contracted parties using any form of automation or automated assistance to try to work through these requests they're getting. I think we need things to streamline it, not to slow it down.

Yes, I'm sure there will be people who misuse the system. We're going to have to try to catch them, but we can't presume everyone is a liar. I don't see how having them use their own words reduces the chance that they're going to be lying. Thank you.

JANIS KARKLINS: Thank you. Franck, please?

FRANCK JOURNOUD: Thank you, Janis. I don't want to belabor the point. I fully agree with Mark and Brian and Alan G. We need to have efficiency and effectiveness in the system—efficiency on both sides; on the requester, on the contracted party (actually in the middle for the gateway). That's one thing. That's going to be considerable cost-saving in terms of manpower for everyone and in terms of that it's going to make auditing and logging and surveilling, so to speak, of the system—oversight of the system—much easier, much more effective, and efficient.

There's also just a practical consideration. We're having all these discussions in English. I'm not—and a bunch of people here are not—native English speakers. I presume that most if not all of the requests would be made in English by people who are not native English speakers and read by people who are not native English speakers. To start to have terrible translations or “How do you say this in English?” or whatever, sometimes written by non-lawyers who might not understand the exact meaning in proper English of this word versus that word? I don't even know if we're talking about British or American English, etc., etc., etc. Standard

language that can be vetted both by the requester, by the contracted party, by the implementation mechanism that we're going to have, etc., will make things considerably better and, in fact, I think, for the contracted parties, will give them an assurance that "Okay, they mean this language." There's no confusion about its meaning. It's the approved language or the one that was used. That is going to make things tremendously easier, I believe, on their side.

JANIS KARKLINS:

Thank you. I see that we're basically answering the question of staff in a way that there will be not be a definitive list but the list will be evolving, and permissible purposes will be evolving over time.

I have two further requests for the floor, but I would like also to see if we can agree to add, as suggested in Point 2, a reference to "as applicable" at the beginning of the recommendation. Alan Woods, please?

ALAN WOODS:

Thank you. I, like most people who are talking on this from the Contracted Parties House and from the others, do have an issue with Point 2 still. I find it almost humorous that we're the people who are seeing these requests come in. I'm the person, myself, who sees these requests coming in. I get, from a very large company ... Any request I get through I get the exact same wording through. I get the standard language that has obviously been sculpted to within an inch of its life by a lawyer, but clearly

that lawyer doesn't understand data protection because nothing in the request that I'm getting is good enough for a response.

So the problem is ...We're saying this not to be obstructive. I find it funny that, at every corner, it's as if we are against you. No, that's not what's happening here. Perhaps you should listen to the expertise of the people who are the controllers in this instance who are dealing with these on a day-to-day basis and listen to the concerns that we have in order to make streamlined decisions because, if we are making a suggestion, no, it's not to obstruct, Mark. What it actually is is to try and inform the SSAD so that it is actually going to work better and more streamlined. If we're saying that the checkbox answers may cause an issue, well, then surely you should be listening to us as opposed to thinking it's some way of actually standing in the way.

So can we just be clear here that we're not saying this to break the system? We're saying this to make the system better. I would rather that it would be taken in a constructive manner and not apportioning some ill intention on everybody here because I'm sick to death of this expectation that we are the ones at fault here. We are trying to help. Can we please be constructive when we're proceeding on this?

JANIS KARKLINS:

Thank you, Alan. No doubt about it. The question is, should we need to strive for the definite list? I interpret your answer as, no, each should write it however they interpret their reason to put requests. So that means that we are answering a question that there will not be a definite list.

Last is Mark Sv.

MARK SVANCAREK:

Thanks. Alan, I'm also sick to death of this idea that everybody is trying to game this system. There are certainly lots of opportunities. I just don't see how using freeform text somehow makes the system more trustworthy than using a checkbox. If you're scrutinizing every single one of them on its merits, the checkbox simply speeds you into that process.

To Amr's point that we're only building this because we think that all registrants are criminals, I've got use cases where that's not the case. I just want to verify ownership of domain a lot of times. I need to do that once a minute. 25% of my users can use Domain Connect, which means I have to use some other system. That's just one use case. It would be great if I had a checkbox for that use case.

So, look, we're not going to agree on who's being constructive and who's being obstructive, but I just have to say, again, that I don't buy this argument. It doesn't hold any water in my mind. And it does feel obstructive. It just feels like putting impediment after impediment after impediment into the system, maybe well intentioned but, regardless, things that are not required, things that will slow us down, and things that make the system less useful. Thanks.

JANIS KARKLINS:

Thank you. I think we need to keep, a little bit, emotions down. I think all of us are trying our best to work and to complete our task.

No one is gaming and doing anything wrong, at least not at this stage.

I understand that we have answered the question, so there will not be a definitive list of purposes. This list of purposes may emerge at a later stage. Initially probably there will be only one box to write the purpose by the requester, and then gradually it might be populated if any trend will emerge.

Let me now ask whether there is any difficulty in putting “as applicable” in the heading of the recommendation, as suggested by staff.

Brian, please?

BRIAN KING:

Thanks, Janis. If we’re going to move on from the first note, I would just be clear that having some list is very likely to be a hill that the IPC might die on on that first point. That’s a pretty strong concern of ours. So, I’m happy to move the conversation along, but I did just want to flag that it doesn’t need to be a complete list. There should be an option for a freeform. That’s very important. So I’m happy to move on.

JANIS KARKLINS:

Your concern is noted. As Marc Anderson suggested, in [another] recommendation, there is an indefinite list of purposes. So let’s keep this in mind and move on.

Sarah?

SARAH WYLD: Good afternoon. Hi. Is my mic working?

JANIS KARKLINS: Yes.

SARAH WYLD: Super. Thank you. So, on the question of Item 2 – should “as applicable” be added?—I would propose that it should not be added here because the five or six sections of what is required are all required for a request to be complete. The ones that could be not necessarily essential to the request are already labeled as being only as applicable. So that would be E and ... maybe only E. The other ones are all necessary in order for a request to be evaluated appropriately. So, in order to streamline the request process and make sure that requests are handled as quickly as possible, that information should all be required. Thank you.

JANIS KARKLINS: Thank you. So there is a proposal to not add it at the beginning. Does anybody have a problem with just keeping the text as is in the preliminary recommendation?

I see no objection, so then the question is answered. It should stay as it is drafted in the preliminary recommendation. Thank you.

Now we can move to the next agenda item, and that is Recommendation 5. That is the acknowledgement of receipt.

Hopefully, in the remaining time, we will be able to get through this recommendation. This is one issue. Caitlin, please?

CAITLIN TUBERGEN: Thank you, Janis. Recommendation 5 was produced pretty straightforward in terms of the comments that were received and the agreement from the groups that responded to the discussion table about the comments. We had one remaining item, which is listed in Question 1, and that was referencing a comment that an SLA should be defined [or that] the central gateway is to reply to the requester with an incomplete request response. In addition, SLAs should be defined for how long the requester would have to amend that request. We just wanted some further guidance from the team on that.

JANIS KARKLINS: Thank you. Of course, my question is if there is an interface that needs to be filled, then, when you fill the request, whether there is even a theoretical possibility of not having the request not completed in order to send it in the system because we can think of that, if not all boxes are filled, then the Send box is not active and activates only when every box on the interface is filled. As a result, this issue in general—that the request is incomplete—may not be relevant. But, of course, I am in your hands.

Anyone from the team?

Sarah?

SARAH WYLD: Thank you, Yes, I would agree with, Janis, that the request shouldn't be able to submitted if it's incomplete, so it's not really a question for an SLA. Thank you.

JANIS KARKLINS: Thank you. There will be a situation—this is what I recall from the conversation in Los Angeles—where, for instance, not all boxes are ticked or all information is filed but not necessarily is it complete in a substantive sense. Maybe some elements are missing. In that case, the request is submitted but maybe sent back to the requester with the request for additional information. So maybe from that perspective let's have a little of conversation here.

Marc Anderson, followed by Brian.

MARC ANDERSON: On this concept of completeness check or review of the request, I think we've talked about this a little bit, and we have the concept that the system itself will do basic form validation, that all required fields will have some value in there. But then, once that form has been submitted, it's not clear to me if we expect the SSAD system to any additional completeness checks or if just the basic form validation that we've talked about is all the validation that we're talking about. I think that's important. Having a common understanding of how expect the system to work in this regard is necessarily to be able to answer that question.

So, if we expect the form validation of the SSAD to be sufficient, then there isn't an addition check that the central gateway is

doing, and request wouldn't go back to the requester. If, however, we're expecting some kind of additional check to occur at the central gateway level and that there may be some back and forth between the central gateway and the requester, then we need to account for that in the system, in which case the SLA shouldn't start until after that completeness check by the central gateway is done.

So I think this was something the registries included in their comments: this is something we're not clear about and how we expect the SSAD to work. I think we need to be clear on that in order to answer this question.

JANIS KARKLINS: Thank you, Marc. Brian?

BRIAN KING: Thanks, Janis. I agree with Marc, in particular with the last bit there. I think we should be clear about how the system could work. Just to clarify or ground our thinking here, I think, when many of us think about this system, they think about a website and how it might work. I think it'd be perfectly possible for a website to prevent you from hitting the Submit Request button if all the fields weren't filled in and all the data wasn't provided. I think we're all pretty used to that concept.

But the other concept we should think about is in the case of an automated submission through an API, for example, or Automated Programming Interface, where a requester doesn't go to a website but merely sends an RDAP query, for example, that's configured

to contain all the information needed for a request. The system would not be able to stop that query from reaching the system. In that case, I think what we're looking for there is that, if something is missing from that automated query, the system should confirm immediately that something is missing or that the request is incomplete.

So I think we're going to be perfectly reasonable and we're not going to have any disagreement about when an SLA starts or any of that. I just wanted to make that clear. Thanks.

JANIS KARKLINS: Thank you, Brian. Volker?

VOLKER GREIMANN: Sorry. [inaudible] have overtaken me. I withdraw my comment. Thank you.

JANIS KARKLINS: Than you. Maybe then we should modify or clarify this recommendation in a way which suggests that, if there is a website or whatever is the right term—interface—where a request should be filed, then it cannot be submitted if all requested fields are not filled. The second is that, if there is another way of an automated or semiautomated filing of request, then the gateway needs to verify and not accept the request if all fields are not, or all necessary information, provided or something in that way—the way Brian described. I think that would answer the question and clarifies also the way how the system functions.

Would that be something we could ask staff to write for us?

Question, Caitlin. Is it enough guidance for you to edit this recommendation?

CAITLIN TUBERGEN: Yes. Thank you, Janis. We'll do our best here.

JANIS KARKLINS: Okay. Thank you. Do we have time for Recommendation 8, Caitlin?

CAITLIN TUBERGEN: Thanks, Janis. I can give a quick overview of some of the issues we pulled up on Recommendation 8. I will note that we received some comments yesterday. We haven't had time to review all of those, but we did point out some issues in the beginning.

In terms of the first part of Recommendation 8—A and B—I'll note that some of the overarching takeaways that we took from that is that these are conveniently very similar to what we were just talking about in Recommendation 5 in terms of acknowledgement of receipt, so any updates would need to be combined into Recommendation 5 so that there isn't duplicative text here.

I'll also note that there is was a recommendation that an acknowledgement of receipt should include a ticket number. There were no objections to that.

We have some additional questions for the EPDP team. I don't want to go into extreme detail, noting that we don't have very much time left, but I would recommend that everybody review those questions and come prepared to speak [with] answers to those questions in our next call.

With regard to Question 2, that deals with some of the confusion that we were talking about earlier about how the SSAD would work. There's some questions from our ICANN Org liaisons. I would pay particular attention to that, as those deal with some questions that refer to the implementation and how ICANN is expected to implement those questions.

In terms of [Point C], one of the takeaways is that, in the event that the central gateway manager does provide a recommendation to the contracted party, that recommendation is optional to follow. However, again, there are some questions about that recommendation, specifically with the utility of it. Is this something that would be automatic? Is this something that requires human review? If it does require human review, how would the central gateway manager go about making that recommendation, particularly when it doesn't have the underlying information?

Takeaways for Bullet Points D and E are that we received references to that any sort of SLAs should be handled within the SLA recommendation. I'll note that we're still awaiting some updated guidance from Volker and Mark Sv on those, so they might want to refer to the comments here as well. Also, any questions about evolving the SSAD and logging should be dealt with in the logging recommendation so that it's not duplicative here.

I'll note that there were several questions about an appeal question. If there's an appeals mechanism for the requester to appeal the decision of the contracted party, how is that to be handled? Who would be reviewing the appeal, or who would be conducting the appeal mechanism? Should ICANN Compliance be involved here? And then just come general clarifications about exceptional circumstances requiring rewording. Again, I would just recommend that the team specifically refer to the numbered questions because we're seeking further guidance here. If you could prepare that further guidance for our next call, that would be helpful.

We will be sending out an updated document that will include verbatim this text for Recommendation 8, but we'll also include the rest of the analysis on Recommendation 8, as support staff didn't have time to go through all of the comments.

JANIS KARKLINS:

Thank you, Caitlin, for walking us through and giving a heads up for the first item of the next meeting.

I just wanted to remind us that this automated disclosure recommendation of the gateway to contracted parties is part of the compromise, whereby this recommendation is certainly optional. It's not imposed on contracted parties. It's simply to see whether the decision of the contracted party coincides with the recommendation. If not, then feedback would be given to the central gateway on the way why it's not aiming at training the algorithm of the central gateway that makes this recommendation and [seeing] when then accuracy of recommendation would

improve to then point that a question could be posed [on] whether the system could be further automated. So that is just a part of the compromise, and that is good to remember.

With this, I would like to bring this meeting to closure. Thank you very much for your active participation. The next item, [apart] from Recommendation 8, will be automation[,] disclosure requirements, and financial sustainability. And I hope that we will get some information from ICANN Org from some members in terms of costing prior to the conversation next week.

With this, I would like once again to thank all team members for their participation and wish a good rest of the day. This meeting is adjourned.

[END OF TRANSCRIPTION]