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ICANN Transcription

GNSO Temp Spec gTLD RD EPDP - Phase 2A

Tuesday, 01 June 2021 at 14:00 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening and welcome to the EPDP P2A team call taking place on the 1st of June, 2021 at 14:00 UTC. In the interest of time, there will 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 listed apologies from Christian Dawson of the ISPCP, Margie Milam of the BC, Marc Anderson of the RySG, and Becky Burr of ICANN Board. They have formally assigned Suman Pradhan, Steve DelBianco, and Beth Bacon, as well as Leon Sanchez as their alternates for this meaning and any remaining days of absence.

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All members and alternates will be promoted to panelist for today's meeting. Members and alternates replacing members, when using chat, please select "all panelists and attendees" in order for everyone to see your chat. Attendees will not have chat access, only view to the chat.

Alternates not replacing a member are required to rename their lines, adding three Zs at the beginning of your name, and then, in parenthesis, at the end, your affiliation dash alternate which means you are 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 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 the 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, please email 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. As a reminder, those who take part in ICANN multistakeholder process are to comply with the Expected Standards of Behavior. With this, I'll turn it back over to our chair, Keith Drazek. Please begin.

KEITH DRAZEK: Thank you very much, Terri. Good morning, good afternoon, good evening, all. Welcome to the EPDP Phase 2A meeting number 26 of June 1st, 2021. Thanks, everybody for joining. We are in the final stages or preparing our initial report for public comment with a desire to seek feedback from the community on the deliberations of the group so far.

Our agenda for today is essentially to focus on the draft initial report. Thanks to everybody who provided further input to try to resolve the "can't live withs" that we had discussed last week. I think with some of the framing language that we've now incorporated, I think it's a bit more clear that what we're doing here with this initial report is to seek public comment and public feedback and that the group is still continuing to work towards what might be included in a final report. But now is the time for us to get the input from the community.

So we're going to focus on the draft initial report. There were three outstanding issues identified by staff and leadership that were included in the email that went out to the group with the latest version of the initial report. So we'll want to turn and spend a little bit of time on that. And I'll turn to Caitlin and Berry to help us get into the substance of some of those questions and where we are. I think there's still some action items out with the various groups to have conversations together and come back to the plenary with suggested paths forward or compromised language. So we'll take sometime to discuss that today.

And I did see some email traffic on the list last night, I think, with GAC and Registrar colleagues. So we'll have an opportunity to talk about that. And then, we'll talk a little bit more about the public

comment forum and process for collecting the public comments, talk a little bit about the ICANN 71 schedule, where we have a session scheduled for an update from the chair to the community on the progress, and the work, and the status of the work of Phase 2. So it'll be, essentially, an update on the current status of the initial report out for public comment and what we're looking for from the community. And then, we'll go ahead and look to wrap the meeting.

We do have another meeting scheduled for Thursday, if needed. But in the event its not needed, we can cancel that. But the goal is still for us to publish the initial report for public comment by the end of this week. So we have today's plenary. We have the option of a plenary on Thursday, if needed. And then, the goal is to publish this report, get it out for public comment, start the clock ticking, and then prepare ourselves for analyzing and assessing the comments provided during that phase.

So that's where we are right there. Let me pause and see if anybody would like to ask any questions, any other business, anything that we've missed in the agenda that needs discussion. I hope everybody's had a chance to review the redlines and the suggested edits for the initial report. Okay. I don't see any hands at this point.

So let us move, then, to section number three on our agenda, which is the initial report questions for community input. And Caitlin, if I could hand this over to you at this point to introduce it and to set the stage for our discussion today. Thank you.

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CAITLIN TUBERGEN: Thank you, Keith. Sorry. It took me a minute to find my mute button. As Keith noted earlier in the call, we received some feedback from the Registries Stakeholder Group that it would be preferable to make clearer that the team was soliciting questions on some of these issues rather than putting them as recommendations. That might be misleading since there's still disagreement within the group.

So what we did, as you can see on the right screen, is we've distilled the remaining issues into questions. They were sent around yesterday. There hasn't been any feedback on the text of the questions received via the Google Doc. However, we wanted to give the group a chance to respond to the questions, if there need to be any changes.

So I'm beginning at the top. And you can see, side-by-side, that the redline initial report includes these questions in context with the initial report text and the document on the right isolates the questions.

Question number one is in reference to Preliminary Recommendation 1, regarding no changes to Phase 1, Recommendation 17. The question is, "Is there new information or inputs that the Phase 2A Team has not considered in assessing whether to make changes to the recommendation that registrars and registry operators may, but are not obligated to, differentiate between legal and natural persons?" I guess first, if there's any concerns with that language or any suggested changes before moving on to the next one …

Okay. I don't see any hands raised so we can move on to question two. This is in relation to Preliminary Recommendation 2, which was the recommendation about the GNSO Council monitoring future changes. The question is, "Is this recommendation necessary for the GNSO Council and considering future policy work in this area? If yes, in what ways does this monitoring assist the Council?"

Again, this is to recognize that some team members believe that this recommendation was unnecessary to include, as the Council is already responsible for monitoring changes. But other groups felt it was important to include this. So we have a question to the community about whether this is necessary or not. Any concerns?

Okay. Moving on to question three. As you can see, this is in relation to the standardized data element draft recommendation. Again, the question is, "Should a standardized data element be available for a Contracted Party to use? If yes, why? If no, why not? Why is harmonization of practices beneficial?"

The next part of the question is, "If yes, what field or fields should be used and what possible values should be included in the guidance, if different from the ones identified above? Aspects of the recommendation that the EPDP team is looking for specific input on have been marked with an asterisk, including the options that are under consideration." And third, "If such a standardized data element is available, must a Contracted Party who decides to differentiate use this standardized data element or should it remain optional for how a Contracted Party implements this differentiation?"

So I see that there are some hands raised. Keith, I'll hand it back over to you, if you don't mind.

KEITH DRAZEK: Sure thing, Caitlin. Thanks very much. We do have a couple of hands here, one from Steve Crocker, the other from Hadia. So, Steve, over to you.

STEVE CROCKER: Thank you. I'm a little puzzled about this community input three. I would have thought that this was pretty much agreed-upon within the group here and not very objectionable. Boiled down to its essence, it says, "Let's define a standard field and just include it in the data dictionary." Small footnote, there is no publicly-accessible organized version of the data dictionary but there's close versions of it and we can talk about that separately.

Once it exists, I don't see why there's any question as to whether or not you'd have any issue about using it if you're going to define that thing. You don't have to use that data element. So I'm not sure what value it is in posing it this way to the community. I don't mind getting feedback from the community that we're planning to do this or that this is the direction we're going, mostly provided for information and accepting feedback if there is some. But this is an implementation detail, almost, that seems awkward to put in front of a public comment process.

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KEITH DRAZEK: Thanks a lot, Steve. Hi, everybody. I'll take a quick crack at it and if others would like to weigh in … I think there was a general recognition that standardization—and I'm talking about within the team's discussions and deliberation—that there was a general recognition that standardization would be good.

I think there was an open question as to the shoulds and the musts, in terms of the expectations of, "Should a standardized data element be available?" and then the question of, "If one is available, must it be used?" And I think there was some question in this particular case about that. I guess at this stage, I'll see if anybody from other—

STEVE CROCKER: Let me just reframe that.

KEITH DRAZEK: Yeah, Steve. Go ahead.

STEVE CROCKER: In terms of what any organization—any registrar or any other group—does internally is entirely up to them. The only issue of standardization comes up is if you're going to communicate it to somebody else, in which case you obviously want some way in which both parties, the sending and the receiving side, agree as to what it is. That's true for every field whatsoever. So I don't actually see the real content here of asking, "Should this be standardized?" If you're going to communicate it? Do you have to have a standard way of doing it? If you're not going to

communicate it, it's nobody's business but the people who are implementing it.

KEITH DRAZEK: Okay. Thanks, Steve. I do have others in queue. Hadia, I saw your hand up from earlier. I'm not sure if you'd like to respond to this or if you have a different question or comment. But I'll turn the floor to you and then I have Laureen, as well, in queue.

HADIA ELMINIAWI: Thank you, Keith. I actually raised my hand for exactly the same reason that Steve raised his hand for. I'm actually confused. Why are we putting this question in? What's the purpose? We have been discussing a standardized data element. We can put it in a recommendation and then the community can actually comment on it.

But actually, to ask the community if we need to have a standardized element available for Contracted Parties who wish to differentiate, that's awkward. This is an implementation issue. I don't see why are we doing this. And I didn't see … I thought that we had actually agreed on having a standardized data element and we were only talking about the musts, and the mays, and should it be transferred from the registrar to the registry—that kind of stuff, right?

But again, I don't see this as a question to the community at all, especially also that we have recommendations from Phase 2, for example, that refers to differentiation of data, like personal/non-personal. This whole idea of having some sort of classification,

whether it is in relation to the data or in relation to … I still read a lot about classification of data, personal/non-personal. And in this space, we also are talking about classification of registrant types. But in all cases, a standardized element would fit in here. So I don't actually see that we need to ask this question.

And I had another comment in relation to one of the redlines, which is also related to this. But we could talk about this later. It was also in relation to the standardized element. And the redline says … Yeah. It's line 149 and 150. And I guess the parts added here, 150, my guess is what is meant here that later we could also add to the standardized element the classification of the data of legal person. But as it is written here, it makes it look as if we are saying that the standardized element might flag legal person data and also might flag personal information. So if it's not flagging legal person now and it's not flagging personal information now, what is the standardized data element flagging?

But anyway, we can talk about this later. But again, I don't think this is a question that needs to be posed to the community. Thank you.

KEITH DRAZEK: Thanks, Hadia. I'll note that there's been some input in the chat as well that everybody should track. And I'll ask the Registries and Registrars to weigh in more than just in the chat, if you don't mind, as we're getting into the final stages of this. Please join the call and voice your views. That goes for everybody. So I have Laureen, Alan Greenberg, and Mark SV. Laureen, you're next.

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LAUREEN KAPIN: Thanks. I did see the comments in the chat. I think I was also, along with Steve and Hadia, under the impression that where there was disagreement is whether a standardized element must be used if a Contracted Party chooses to differentiate. I was not under the impression that there was a difference of opinion about whether a standardized element should even be available. So I would welcome the views of my Registry and Registrar colleagues on that.

But if there is agreement about whether there should be the option to use this standardized element, if there is differentiation, then I would agree with Steve that we should go straight to number three which, at least in my recollection, was the issue that there was debate about whether, if there's differentiation, must that data element be used. So I just would ask our Contracted Parties if our impression is wrong, for them to carefully and explicitly distinguish between these statements.

KEITH DRAZEK: Okay. Thanks, Laureen. I've got Alan Greenberg and Mark SV. And then we'll certainly open the queue for anybody else that wants to weigh in on this one.

ALAN GREENBERG: Thank you very much. Open-ended questions are fine if we really have no idea where we're going. But we're going to get such a diverse spread of answers to open-ended questions like this that I think that's just going to obfuscate things. Like Laureen, I thought

we had pretty well decided—maybe it wasn't unanimous—that we would have a legal/natural field. There may be needs for other fields to talk about the data or there might conceivably, although I don't support it … We could express that by different contents of this field. But I thought it was pretty well-decided.

So in this case, we had a recommendation that we create a field. Berry went through all the details to map it to the recommendations in Phase 1, which were comparable because they were defining fields in the WHOIS that are used, and RDDS, and we were adding one here.

So for this case, I think we should be making the recommendation and then asking the sub-questions of if a registrar, differentiates, are they required to use this field or can they just keep it in their own private place? Should this information be put in the public RDDS? Should the information be passed to the SSAD, if it happens to be filled in?

I don't think we want to go back to stage one here and do a completely open-ended question because the answers we get are really not going to help guide us a lot more than we already have now. We know the whole range—the panoply of answers we can get from this. And we did move farther on than that. So thank you.

KEITH DRAZEK: Okay. Thank you, Alan. Mark SV?

MARK SVANCAREK: Thanks. I want to start with Steve's comment that standardized data elements are most useful if you're communicating with others. A rewording of number three probably clarifies things such as … Remove the first clause and just go to, "Must a Contracted Party who decides to differentiate—to use a standardized data element—use the standardized data element when communicating with other parties?" for instance. That might make it more clear, that number three is about standardization of communication and not about internal data structures.

Likewise, because there are so many issues here, it's pretty easy to get confused about these things. That's the one that I would focus on in number three. If you're communicating with other people, should you do it in a standardized way across all parties? And that would be between Contracted Parties and between Contracted Parties and data requestors. I would think that that would be a much more clarified question than the way number three is written right now. Thanks.

KEITH DRAZEK: Okay. Thanks very much, Mark. And I am interested in hearing folks' thoughts and reactions to what Mark has just suggested. Alan, I have your hand up but I think that's a previous hand. I'm going to turn to Beth now. And Alan, if that's a new hand or whatever, you can get back in. Beth, over to you.

BETH BACON: Thanks, Keith. I am subbing in for Marc today so new voice for all of you. I think that there is a little bit of back-and-forth on the, "Is

there consensus? Is there not?" on this. I will say that I don't think, on the Registries side, that we feel that there was consensus to include this because we had discussed on our previous call our concerns with regards to the scoping of this issue and whether it is or is not within the scope to create this data element.

Additionally, an operational concern is that while having the data element available for those registrars or registries that want to differentiate, operationally, it makes it an active requirement for registries because a registry would have to create it to have it available for any registrar that would want to do this. So I think it becomes a mandatory build on our end and the registrar end, even if we aren't going to differentiate, just because of the way that registries and registrars interact. So that is a concern there.

I think questions two and three, as we noted in our comments that we submitted, the understanding—and, Keith, you restated this at the top of the call, which we really appreciated—is that we are looking here for input. We understand that we don't necessarily have agreement on these things. More discussion is necessary and we look very much forward to the input that we receive so that we can discuss it further. But I think the basis of that was we're good to go, if the understanding is that these issues are open for discussion. I'm not certain anything's closed.

So that's our input and we really appreciate you guys working on this. While I have the mic, I'll just say a huge thank you to staff. You guys did a great job and so much work over what was a long weekend for a lot of you. So we really appreciate that. Thanks so much.

KEITH DRAZEK: Thank you, Beth. Hadia, you're next.

HADIA ELMINIAWI: Thank you. I raised my hand just to tell Beth something or to answer Beth. The field, or this standardized data element, its use is optional. For those who are not going to differentiate, they definitely are not going to use it. However, if and when, at any time, they reconsider this decision and decide to differentiate, then having this standardized data element is beneficial because it harmonizes the data across the Contracted Parties.

And again, this is not much additional implementation issues because Phase 2 recommendations, there are some changes that are going to happen to the RDDS anyway. So putting this field in addition to the other changes is not really a big thing. However, it is useful to those who decide to differentiate. So again, where's the problem. Thank you.

KEITH DRAZEK: Okay. Thanks, Hadia. I've got Alan Greenberg and Mark SV in queue.

ALAN GREENBERG: Thank you very much. Hadia said most of what I wanted to say. We don't have 100% agreement. So if we are making a recommendation, we do need a question saying, "Should we have

this recommendation?" And then there's the details of how the field is used.

Beth is right. For a registry that's thick … And I understand that the Phase 1 implementation, whether registries are thick or not is a question. Yes, for a registry that is thick, this means the registry has to create the field because some registrars they use may use it. But as Hadia pointed out, we're already making a whole bunch of RDDS field changes associated with Phase 1 and the timing of our recommendations are going to be pretty much in parallel because Phase 1 implementation is not ready yet. And certainly, the implementing by registrars and registries of Phase 1 is not something that's going on at this point.

So yes. It will require a field be implemented but there are other changes that are coming at the same time and it shouldn't be this big of a thing. Thank you.

KEITH DRAZEK: Okay. Thanks, Alan. Mark SV and then to Beth.

MARK SVANCAREK: Thank you. I do agree with Alan that if we're in the RDDS right now making changes, this is the time to make other changes. So I think that's a really good point. But in my previous intervention, I mentioned that this is a complicated topic, and there are so many moving parts, and that's why just focusing on a single one of them is so confusing and unhelpful.

For instance, in the case of Phase 1 where someone can supply consent to publish, we agreed that that consent to publish would not be transferred between Contracted Parties. So presumably, that's a field that's being stored in some non-standard way in each Contracted Parties and then it's not transmitted to the next person … The registrant would have to supply their consent to the next party.

It seems to me that this is really just the same thing. So one Contracted Party has determined that this is a legal person. We have not even discussed at all, as far as I recall, whether or not that field needed to be transferred to another party. So if one party chooses to make the distinction and another party does not choose to make the distinction, what happens in that particular case?

And what I've been hearing is that the registries don't want to make that distinction regardless of what the registrar does. That's what we're hearing here. This policy would allow them to do this, meaning that there is a standardized field that is communicated between Contracted Parties and requestors. And if anybody in the chain doesn't want to do it, this policy allows them to not do it.

So I would push back on the concern that Beth has raised and that Marc Anderson has raised in previous meetings, that this is not a de-facto requirement. Imposed on the registries, in the case that the registrars are doing it. That's not even addressed here at all. It probably should have been but it's not. Thank you.

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KEITH DRAZEK: Okay. Thanks, Mark. Beth, over to you and then we probably need to draw a line under this one and try to map out a path forward. I think what we have here obviously is some proposed questions. There is a question among the group as to what was agreed to previously in terms of the standardized data element. And I think we've got to figure out how we want to move forward to the public comment period. So, Beth, over to you.

BETH BACON: Yeah. Thanks, Keith. I just wanted to clarify. I my comment, I did voice some concerns. However, I wrapped it up by saying, "We don't object to this," as we noted in our comments. So I don't know that we need to continue to debate this substantively. We're all free to put in comments to the initial report, as I expect we all will because, as we've noted, these things are still being discussed. But I don't know that we need to have the substantive discussion.

I just wanted to, as was requested, lodge the Registries views and did wrap it up by saying—and didn't make a judgment as to whether this would be a valuable or not valuable data element. I just wanted to let you guys clarify. We're fine with this discussion but I was just sharing the concerns, as we requested.

So we're not objecting to this. We put in our written comments that—again, having the note that we are still open to discussion. We are not at a consensus place in our own minds and we look forward to offering comments and questions and receiving those as a community. That's where we're living right now. So, Keith, if that's helpful with a way forward, we're not objecting. Thank you.

KEITH DRAZEK: Okay. Thanks, Beth. I think one of the concerns here is that others are objecting to the posing of the questions in the form that they are. I note that Mark SV suggested an alternative approach. I think in this case, we need some concrete text proposals if we're going to consider something different. I think what I'm hearing is that there's not consensus or not agreement to assume that a standardized data element be created but that the conversation should continue.

So I think the question is here, on this particular question, is there different language or recrafted language that would satisfy everybody's questions or concerns? And then, if not, it sounds like we don't have consensus to say that this think is fully-agreed-to and that we need further input from the community as to be able to map out a path forward for the final report.

So I'm going to open the queue, ask if anybody has any final comments, or questions, or suggestions for a path forward on this particular set of questions. In other words, it's community input number three. There are three separate questions associated with it. And is there a way to move this forward. Alan, I see your hand. Go ahead.

ALAN GREENBERG: Yeah. Thank you. Keith, you just said you don't know whether it's fully-agreed-to. I don't think we have anything that's fully-agreed-to here, or certainly not strongly-agreed-to. But this was one that I thought we had a general consensus on with some of the details

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to be fleshed out. And there certainly was not consensus on the details of how the field could be used. Is it mandatory, if the registrar differentiates and so forth?

So I don't think we want to go backwards with these questions. If we have general agreement, that doesn't mean it's cast in concrete that it'll be in the final report. But if we have general agreement on something and the existence of this element—I thought we did—then we should not be going backwards in the questions but we should phrase the recommendation as we think it has general agreement and then ask for agreement in the community and ask the specific questions of how it should be used and the other details. Thank you.

KEITH DRAZEK: Okay. Thanks, Alan. Would anybody else like to get in queue? And then I may turn to our staff colleagues for any thoughts that they may have in terms of next steps as we consider how to move forward on this one. I think what we have here are essentially three questions that are seeking clarification and input from the community. We've got a difference of opinion, I think, specifically on question number one. And folks, jump in if I'm not tracking any of this correctly. But we've got a question number one—the fundamental question of, "Should a standardized data element be available?" while recognizing that there are still some detail questions to be asked and answered.

So with that, Caitlin and Berry, if I could hand it to you for any suggestions, thoughts, anything that you'd like to add at this point for the group to consider. And then we may need to circle back to

this one in terms of next steps. But I think, in this case, I may ask at some point for reps from the various groups to get together offline and propose some suggested alternate text if possible. Okay, Berry. Go ahead.

BERRY COBB: Thank you, Keith. From a staff perspective, I think it's pretty clear that there is not general agreement about this data element. I think it's our position that we just keep the questions as is. Maybe if there's issue some of the wording of the questions, those are open for edits. But there's clearly not general agreement about this data field in its current form. And with how we're tracking all of our other questions, it just seems appropriate to field these questions out to the community like we're doing with the rest of the report and then come back to this. Thank you.

KEITH DRAZEK: Thanks, Berry. I think if we refer back to the input provided into the Google Doc, into the draft—the "can't live with" items—this was flagged, if I'm not mistaken, as one of those issues. And we're still wrestling to try to figure out the right text of the question here. All right. I'm going to draw a line under this one so we can keep moving through. If we have time, we'll come back and if not, we may need to take this one offline.

But I think that the key question here, as I understand it, is question number one of the three. Is there a way for us to craft that language slightly differently to accomplish what we're trying to achieve? But I think as Berry noted, as was noted in the "can't live

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withs" and the feedback to the initial report, that this one is not fully resolved in terms of a consensus position or general agreement.

Okay. Let's then move on to the next item on the agenda. And Caitlin, I'll hand it back to you at this point.

CAITLIN TUBERGEN: Thank you, Keith. The next question that's carved out is in relation to the second question, or the second issue that the EPDP Team has been dealing with, which is the feasibility of unique contacts. The question for community input number five is, "Does this guidance, as written, provide sufficient information and resources to registrars and registry operators who wish to public a registrant- or registration-based email address? If not, what is missing and why?" Oh. I'm sorry. I skipped …

Moving back up to Preliminary Recommendation 4, the legal versus natural guidance, "Does this guidance, as written, provide sufficient information and resources to registrars and registry operators who wish to differentiate? If not, what is missing and why? Are there additional elements that should be included? How useful is the legal guidance? See Annex E, substance and format in assisting registrars and registry operators in differentiating?" And lastly, "If a registrar or registry operator decides to differentiate, should this guidance become a requirement that could be enforced, if not followed, must, if a Contracted Party decides to differentiate? If yes, why? If not, why not?"

And I just wanted to note, before we open the floor, that these questions attempt to resolve some of the issues that came up in the "cannot live with." So similar to the questions before, they may not be perfect and we may not agree. But it's really to just solicit input from the community on the issues that the team has been debating. Question three that's highlighted here was specifically put forward by the Registrars Stakeholder Group reps.

Keith, I see there is a hand up, if you want to open the floor.

KEITH DRAZEK: Yeah. Thanks, Caitlin. Hadia, I'll come to you next but I did just want to note that the highlighted text in this particular section on question number three, the leadership team and staff discussed yesterday. I had a question as to whether this question, as drafted, is necessary, appropriate, in terms of the specific language of how useful is the legal guidance, substance and format, in assisting registrars and registries?

I'm wondering if the question of how useful—the way that's phrased—is helpful, beneficial? Does it provide for receiving the type of feedback that the group is going to need to move forward? And whether that's a necessary question or is there a way for us say, rather than, "How useful is the question," really, "Is it sufficient?" I'm wondering if there's a way for us to be more concrete there, rather than an open-ended question of how useful. So that was a question that came up in my mind during the leadership team discussion with staff yesterday, as we were reviewing the input. With that, let me turn it to Hadia and then to Laureen. Thanks.

HADIA ELMINIAWI: Thank you, Keith. I raised my hand because of this question number three. It is really an awkward question. You receive legal guidance then you ask the community if this legal guidance that you received is helpful or not. This is really awkward. So the EPDP Team receives legal guidance and then you ask the community if the guidance that the EPDP Team received was actually helpful I would say, for example, the table it had that identified the risks are helpful. Someone else would say it's not helpful. But maybe, as you mentioned, we can ask if the legal guidance actually did answer the concerns or questions that we had. That could be. But as written, it's [inaudible]. Thank you.

KEITH DRAZEK: Yeah. Thanks, Hadia. I think, as others have noted in chat, to me it feels a little bit duplicative with number one in this section. But let me continue with the queue. I've got Laureen, Matt Crossman, and then Mark SV. Thanks.

LAUREEN KAPIN: I would agree with you, Keith, and Hadia. I don't actually even think it's appropriate to ask the community to opine on the legal guidance we received. We asked those questions. We got answers. Are we going to ask for competing legal opinions? This is really put in the report to provide a full picture of the sources that we were considering and the guidance we asked for and received. So I would oppose this question in its entirety. I don't

think it's appropriate for public comment because I don't see what purpose it serves.

KEITH DRAZEK: Okay. Thanks, Laureen. Matthew, you're next.

MATTHEW CROSSMAN: Yeah. Hi, everyone. Matthew Crossman for the record. I'm hoping I can maybe clarify our intent in posing this question and then maybe provide a path forward. I don't think what we were trying to do is get the community to opine or provide their own opinion on the substantive legal guidance—not asking them to second guess the legal guidance.

I think this was more around some of the concerns that we had flagged about, functionally speaking, do the way the excerpts of the legal opinion—the way those had been included—is that helpful? Is it helpful having the full opinions appended to the end instead? So I think we were really trying to more get at, functionally speaking, does the way the legal guidance is presented help a registry or registrar who's deciding to differentiate.

I guess with that in mind, I think I do agree. I think that folds into number one, then. I think it's a facet of that first question. So I think of folks don't want that asked separately, I think our intent really was that it is a more functional question of, "Does this legal guidance, as part of the overall guidance, assist? Or is it sufficient for registries and registrars who want to differentiate?" Thanks.

KEITH DRAZEK: Okay. Thanks, Matthew. Mark SV?

MARK SVANCAREK: Thank you. Actually, Matt's intervention just a moment ago is how interpreted the feedback that the Registries had provided in their "can't live with." I have to admit that I've never understood what the concern was. It certainly makes sense to put the entirety of the legal feedback in an annex at the end. But just leaving it as a giant block of feedback doesn't seem like that would be very useful to a reader, either.

I thought that it was very useful to have the excerpts. In the absence of the excerpts, I think footnotes to various portions of the guidance will be more useful than just simply saying, "There's some legal guidance. Look at the end. We know you've never looked at it before or whatever but good luck."

That said, I like Steve's comments in the chat, "Are there legal and regulatory considerations that should inform registries and registries in differentiating?" He suggested putting that in 4.3. I think you could just as easily put it in the end of 4.1. "Does the guidance, as written, provide sufficient information or resources to registries or registry operators who wish to differentiate? For example, are there legal and regulatory considerations that should inform …?" So either of those would be fine.

I do think that if we take the Registries' suggestion and simply remove all the excerpts and references, that there should be some comment in the report saying, "We removed all the excerpts and

references," just so that people understand that it is as the end but some people thought it would be confusing. So I hope that's helpful. Thank you.

KEITH DRAZEK: Thanks, Mark. I've got a hand from Steve DelBianco. Steve, go ahead.

STEVE DELBIANCO: Thanks, Keith. When I proposed that question, I thought it would be in replacement of input number four and number three. But as Mark just stated, it could be an add-on to number one and we could eliminate three.

The point I'm making is that commenters are going to raise legal and regulatory considerations when they answer the public comment period. So why not give them a place to put their information? Give them a framework in which to comment on emerging trends in privacy regulation, new laws, such NIS2, such as other laws that we've heard about? So let's just give them a place to put it so that when staff receives the public input, it knows how to tally it up and apply it to a particular question. So I'm going to support Mark Svancarek to add my proposed language at the end of input four, number one. Thank you.

KEITH DRAZEK: Okay. Thanks, Steve. Would anybody like to get in queue at this point on our community input question number four, or heading number four with its sub-bullets? All right. I'm not seeing any new hands. I think on this one, we're going to need to, again, take an action item for some work offline after today's call of folks who

would like to update this language in section number four. Specifically, what we're looking at it is the treatment of number three.

We had some input from Matthew. We had some input from Mark SV and from Steve. But I think we need to get a subgroup together, working separately on email if needed, over the next day, essentially, to suggest some additional language that we could incorporate into the initial report.

But again, a reminder to everybody, we're asking for input, asking for community input. And we want to make sure that we're doing so in a way that's structured efficiently and clearly, and not repeating ourselves so it's concise, but also making sure that there's an appropriate home for the key questions that we've identified.

Okay. If anybody else wants to get in-queue, going once, going twice. Let's move on, then. Kaitlin, back to you.

CAITLIN TUBERGEN: Thanks, Keith. Now to the question that I inadvertently skipped ahead to. This is, again, on the feasibility guidance for unique contacts. And the questions for that section of the report include, "Does this guidance, as written, provide sufficient information and resources to registrars and registry operators who wish to publish a registrant- or registration-based email address? If not, what is missing and why?" Two, "Are there additional elements that should be included?" And three, "How useful is the legal guidance? See Annex E, substance and format in assisting

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registrars and registry operators and publishing a registrant- or registration-based email address."

KEITH DRAZEK: Thanks, Caitlin. Anybody like to get in queue? I see Chris Lewis-Evans. Chris?

CHRIS LEWIS-EVANS: I'm struggling to double unmute. I'm just a bit confused about additional elements that should be included. Is that with a reference to guidance or is that in reference to email addresses? I'm not sure what elements we're referring to in question two. Thanks.

KEITH DRAZEK: Okay. Thanks, Chris. Caitlin, do you want to respond to that? If anybody else would like to get in queue, please do. Caitlin, I'll give you the floor first and then I see a hand from Hadia.

CAITLIN TUBERGEN: Thank you, Keith. To answer Chris's question, question two is referring to additional elements that could be included in the guidance.

KEITH DRAZEK: Okay. Thanks, Caitlin. Chris, I hope that answers your question. Feel free to get back in. If not, Hadia, you're next. Go ahead.

HADIA ELMINIAWI: Okay. Thank you. I thought also it talked about additional elements to the guidance. However, question 5.1 already covers that because it asks, "If not, what is missing?" So if there is anything missing, including additional elements, that question one would cover it. So again, I don't know what question two is doing.

KEITH DRAZEK: Okay. Thank you, Hadia. And I'm seeing some support and ongoing discussion in chat. Folks, if you'd like to get in the queue, please do so. It would be helpful to actually have a conversation. Okay, Chris Lewis-Evans and then Steve. Go ahead.

CHRIS LEWIS-EVANS: Yeah. Thanks, Keith. Just to stay, as Hadia said, "If not, what is missing?" right before. So two is a bit repetitive of that so I don't see the need. And then, I think the whole question around this question is very similar to the discussion we've just had with the legal versus natural. Thanks.

KEITH DRAZEK: All right. Thanks very much, Chris. Steve, you're next.

STEVE DELBIANCO: The question, "How useful?" begs a couple of answers. Somebody could say, "Very useful," or, "Not so useful at all." And I don't think that's going to get us anywhere in preparing a final report. So rather than how useful, if we fully expect that people will

read the legal guidance and the public will comment on which parts of it they found to be compelling or parts of it they found to be irrelevant, then we should ask a more open-ended question about, "What is your assessment of the legal guidance, substance and format when it comes to existing registries and registry operators in publishing?" etc.

So let's ask the question in a way that can be responded to so that we gain insights from what it is the public thinks. But the words "How useful?" doesn't really get there. Thanks.

KEITH DRAZEK: Yeah. Thanks, Steve. I think that's consistent with the same language that we identified in the earlier question that we struggled with, is this undefined question of "How useful is …?" needs to be addressed. I think that's something leadership and staff will take a look at and see if we can update the language appropriately or accordingly. Laureen, you're next.

LAUREEN KAPIN: Okay. I look forward to the updated language. I both agree and disagree a bit with Steve. I don't think we should be asking for the public's assessment of the legal guidance but I do think it's a useful question if there's other authorities or guidance, particularly from data protection authorities, that the public thinks would be useful to consider as well. That could be a useful question.

But again, I don't think it's very efficient or effective for us to basically be saying, "So what'd you think of the lawyers here? Were they crummy or were they really great and thoughtful?" But

that just isn't going to get us anywhere. But if there's something that's missing, that could be useful.

KEITH DRAZEK: Yeah. Thanks, Laureen. I agree with the assessment of, "What are we trying to identify or define?" And that is, "Is there something incremental or additional—something that was either missing or not addressed, not supplied? Is there some factor or some element that it would be helpful to the EPDP Team, and/or Registrars and Registries in considering this question?" So rather than the question of, "How useful is it?" it's really a question of, "Is there something missing or is there something else that ought to be considered as part of the inputs?"

So I guess the question is are we trying to secure input and feedback from the community for us, the EPDP Team, or are we trying to create some assessment of whether the legal guidance was sufficient enough or useful enough. And I think that just is such a terribly open-ended question. It could have a different answer from every Contracted Party, depending on their perspective, their views. But anyway, let me stop there.

Laureen, I think that's an old hand. Alan, I'll turn to you next and Laureen can get back in if she likes.

ALAN WOODS: Thank you very much, Keith. I don't want to repeat what Matt said. I just want to make sure that we are all recalling what we did say. That was that the intention of the question that was posed was that in the context and the way it is presented within the initial

report, is that helpful for people in the initial report? So again, I don't think anybody is ever going to suggest that we're going to ask the public comment whether or not we second guess the legal opinions that we received. I think we need to be very clear in that.

So for the record, we've had a quick pow-wow on the side of the Registries and we are happy to strike three here and, indeed, its one in the one previously as well. In the interest of clarity, again, we're not in any way suggesting we should impugn Bird & Bird's advice. Just purely, was it, in the way it was presented, the best possible way of presenting it in the report? That was all. And if it's been asked by the other questions, then so be it. Thank you.

KEITH DRAZEK: Thanks, Alan. That's really helpful and constructive. Thanks again for the clarification from Matthew and the reminder there. Okay. So I think the proposal on the table here is to strike question number three in its entirety. Similar treatment above, in the previous section. I think that's the path that we'll take forward for the next version.

All right, Caitlin, back to you. Let's move forward onto the next question.

CAITLIN TUBERGEN: Thanks, Keith. That was the remainder of the questions. So I can talk a little bit through the next agenda item, if that would be helpful.

KEITH DRAZEK: Yep. Sounds good. Thanks.

CAITLIN TUBERGEN: Okay. Thank you, Keith. For the next section, or for the next agenda item, we were going to discuss the public comment forum. We noted that because the public input is being sought through a serious of questions, if the group would be interested in, similar to Phase 1 and Phase 2, using a Google Form for input to facilitate the group's review of specific questions. As always, with the Google Form, there is a catch-all question at the end so that if the group wanted to make a statement or include information that is not specifically asked in the previous questions, they're welcome to do it that way.

I will note we've gotten mixed feedback on the Google Form. But from a staff perspective, it is infinitely useful in terms of categorizing responses to questions. And rather than trying to sort through voluminous responses and trying to figure out how to organize all of the responses. So I do see a queue forming. Keith, if I can pass it back to you.

KEITH DRAZEK: Thanks very much, Caitlin.   Jan and then Laureen. Go right ahead.

JAN JANSSEN: I very much understand that Google Forms can be extremely useful. However, there are some companies or other stakeholders who have policies and are simply not allowed to use Google

Forms in any way for concerns with what's being done with the data and cybersecurity reasons. So that is something that I think should also be taken into account if we choose to use Google Forms.

KEITH DRAZEK: Okay. Thank you, Jan. Laureen, you're next.

LAUREEN KAPIN: I would support Jan's observations as well. There are some restrictions on using Google Forms with different entities, including government entities. Separate and aside from that, I'm very persuaded about the obstacles created for staff when there's just a rhapsodic narrative filed and then it's hard to figure out what questions the comments actually relate to. I'm wondering if there's a middle ground that could both make it easier for staff to categorize this and also address security concerns and also, I think, the need for different public commenters to write a narrative.

I'm wondering if there could be a request in the public comments to make sure that it's specifically identified, in terms of the response, what questions the various parts of the response go to. In fact, you could ask people to respond to the questions specifically in whatever public comment they file and then also allow them to submit a narrative as an appendix, just so that both needs could be met. But it doesn't necessarily have to be through a Google Form. I think the issue is to make sure that that public comment actually clearly identifies what questions it's responding to. So just as a suggestion.

KEITH DRAZEK:

Yeah. Thanks, Laureen. And Caitlin may speak to this here momentarily. I see Steve DelBianco's comment as well, that this is a fairly straightforward—maybe not simple but not as complex an initial report as other groups have seen because of our necessarily narrow focus in terms of the scoping.

But I think the input, the proposal and the plan is for the public comments to seek input on specific questions, and those specific questions be captured in a structured way, but also to allow for some of the more freeform textual input that folks either want to submit or might find necessary to present a perspective. So I think the goal and the hope here is that we provide some structure but also allow the flexibility for a textual response, more freeform. And Laureen, thanks for introducing the concept of a rhapsodic narrative period. I got a chuckle out of that. Caitlin, over to you.

CAITLIN TUBERGEN:

Thank you, Keith. I just wanted to respond to a couple of questions. First, with respect to Jan's question, we ran into that issue in Phase 1 and Phase 2 as well. So there is a workaround. We do present the Google Form in a Word format and folks are welcome to submit those directly to staff so that we can enter on behalf of the group.

Also, to Laureen's point, that is something that we discussed as well, is perhaps including a template that we'd ask groups to use in preparing the responses—not necessarily a Google Form template but a Word template so that we are getting ordered

responses and there's not a 75-page tome to try to read through. I do recognize that there aren't as many questions as in EPDP Phase 1 and Phase 2. But it does really help the EPDP Team's review of the questions when the answers are in the same order and the questions are responded to in a systematic way. I hope that addresses some of the concerns.

KEITH DRAZEK: Thanks very much, Caitlin. I've noted that Laureen has responded, saying, "Yes. A Word template would be helpful." And Steve is noting, "Let's accommodate formatted lists and bullets, footnotes, and links." So you're getting some logistical feedback there from the team members. Would anybody else like to get in queue in response to the process and procedure of the public comment forum? All right. I don't see any other hands so thanks, everybody, for your feedback in the chat. I think we have a plan moving forward here. And we'll take on-board the input on some of the processing.

With that, I want to turn briefly to—and it's on the bottom of our agenda here—but the three outstanding items that were listed in the email that staff sent around to the team and that are the remaining three points that we need to address as we finalize this. And a couple of these—actually, I think all three of these—have action with various parts of our team—various groups. So we're waiting for feedback or an indication from these groups as to where we are, what the path forward is, is there language to be proposed for inclusion in the report.

And at the end of the day, and at the end of today, where we are is that the staff and the leadership team will be syncing up to review all of the input and all the discussion points here and working to finalize language that we can use for the initial report. If we don't hear anything from you all, as team members, and from the various groups with concrete proposals on these, it'll be left to the leadership team and staff to finalize the language and make the call as to how we're going to frame this. So if anybody has any concrete suggestions, please provide it.

But let's turn to the last three items. Number one is focus on footnote 11, where we are waiting IPC and GAC confirmation on how different positions are to be reconciled. I'm just going to run through these directly and then we can turn back to them if there's any discussion.

On number two, there are GDPR references in section D. And we're waiting GAC and Registrar Team confirmation on how different positions are to be reconciled. GAC did send proposed language to the mailing list on Friday. And I think, as of the time of this text, RrSG has not confirmed yet whether the language is acceptable. But I do note that there was some email exchange late yesterday, I think, on this topic.

And then finally, on the feasibility recommendation, we're waiting GAC and Registries Stakeholder Group confirmation on how the different positions might be reconciled. It was suggested during the last meeting that the Registrar-proposed update language could be an acceptable compromise.

Those are the three issues and items that we need the team's input and engagement to help resolve so we can bring this into a publication frame. So let me stop there. If anybody would like to get in queue, please do so. If not, I'll hand it back to Caitlin and to Berry. But I see a hand from Brian. So, Brian, go ahead.

BRIAN KING: Thanks, Keith. Let me know if this is what we're supposed to be doing now. I sent an email to Laureen on this and she probably didn't have a chance to look at before today's call so I'm not putting her on the spot. But do you want us to figure this out now or do you want us to take this offline as far as how we can reconcile this?

KEITH DRAZEK: Thanks, Brian. I think in this particular case we have, essentially, 20 minutes left on our call today and we should spend some time at least having a conversation about these three items if it would be helpful. If it would be more efficient and more helpful for folks to break away at the end of this call, have bilateral or separate group conversations, then I'm fine with that, too. But let's use the opportunity to identify any compromises or paths forward on these three items. Sarah, you're next and then Laureen. Thanks.

SARAH WYLD: Thank you. Hi. Speaking to the point about the background section, point D, there were some exchanged emails over the last 12 hours. So yesterday afternoon, I shared with the full EPDP Team list an updated version of the points A to D section.

So I think Laureen had proposed changes to the introductory paragraph, which we were fine with. But we were not super comfortable with replacing points A to D with just direct quotes out of the GDPR. So what we're suggesting instead is to maintain the proposed text that we had proposed but adding in footnotes that explain were the guidance is referencing or where the guidance comes from, why that would be our suggested understanding. So I think that's where we are right now, is that we proposed a version with footnotes and I'm open to looking at further text changes but I haven't seen that yet. Thank you very much.

KEITH DRAZEK: Okay. Thanks, Sarah. I've got Laureen, Brian, and Alan in queue. Laureen?

LAUREEN KAPIN: First of all, I want to thank Sarah. I know she's put a lot of time and thought into this and I appreciate her acceptance of the proposed changes in the introductory language to this. Melina had sent around an email, which I doubt folks have had a chance to read because it was sent after the meeting had already started. So I would encourage folks to read that after the meeting.

But to summarize, the discomfort here, from the GAC's perspective, lies in paraphrasing the GDPR. And then in this … And I understand Sarah's view to be she doesn't think it would be helpful to just quote the GDPR. I think the thrust of Melina's suggestion is if then you are going to be relying on other guidance … And I see the references to the Article 29 Working Party and

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other data protection authorities from the UK and Ireland, etc. If that is a path that you think would be useful, then our suggestion would be … And I think we could get to yes on this. Our suggestion would be to quote that advice, again, rather than paraphrasing it.

The discomfort is that paraphrasing. If you want to quote the specific advice rather than paraphrasing it and putting a footnote in, I think we could get to yes on that.

KEITH DRAZEK: Okay. Thanks very much, Laureen. And I'll ask Sarah and colleagues to get back in the queue for any follow-up or response. But, Brian, you're next and then Alan.

BRIAN KING: Thanks, Keith. I think we're zigzagging topics a little bit. My hand was up on the footnote 11 topic there. So I'm happy to talk through where we are with that. I think we're—

KEITH DRAZEK: Brian, if I might, let me just pause for a second. Before we go back to footnote 11, I noted that Sarah has put into chat that she says she's very happy to review proposed updates that pull quotes from those references. So I'm going to assign an action to Sarah and to Laureen to take this offline and come up with some proposed text. And if you could send that to staff, or to the list, or both as reasonably quickly as possible, that would be very welcome. Alan,

I want to ask you. Did you have a comment on the previous topic or should we move to footnote 11?

ALAN GREENBERG: My comment is on something altogether different so I'm happy to be delayed. Until we get to that. But we are going to run out of time if we're not careful.

KEITH DRAZEK: Understood. Thanks, Alan. Brian, back to you, to footnote 11.

BRIAN KING: Thanks, Keith. I'm happy to receive a similar homework assignment. I think, in general terms, what we're uncomfortable with and why we flagged this as a "can't live with," but I think likewise we can clean up, is that I don't know that this fairly characterizes where the groups are. This seems to conclude—it does conclude that the existence of this data element does not require a Contracted Parties to differentiate. And while I suppose that's technically true, we are looking for a requirement that a Contracted Parties put something in that field, whether the registrant has made any kind of a determination or whether it is, indeed, unspecified. So that's the genesis of our "can't live with" there.

I think the second sentence there is helpful and tries to get to where we Are but it doesn't seem to be an implementation issue of what goes in that field. I think if we're going to make policy here, or we would like to, that this should be determined now, what goes

in that field and how it's treated within the Phase 1 of the EPDP. So I can take a homework assignment to work with folks on that.

I'm expecting that we may not have consensus on making this a requirement now. And that's okay for the initial report to summarize where groups are on this and ask for feedback from the community. But as it stands now, I think this doesn't accurately represent where this EPDP group is [inaudible]. Hope that's helpful. Thanks.

KEITH DRAZEK: Okay. Thanks, Brian. I'm going to ask if anybody else would like to speak to this particular point and this particular issue. Alan, you're welcome to do so but I know you were going to speak to something else. Sarah, I see, typed into chat. Would you like to get in the queue?

SARAH WYLD: Sure. Thank you. Hi. I'm not sure if I misheard or correctly understood. On the topic of the field that we might decide to standardize just being used, I thought we had said that it was optional for the Contracted Party to use it or not, which is different than what I heard from Brian. So I'm not sure where to go with that. But certainly, if the understanding was that is it required for a Contracted Party to populate that field with something, that's not the shared understanding that I had. Thank you.

KEITH DRAZEK: Okay. Thanks, Sarah. Brian, back to you.

BRIAN KING: Thanks, Keith. What I was trying to clarify here is that there probably are different views on this. And that concept that there are different views on this does not exist in the language that's on my screen right now. So I don't think this entirely represents where we, as an EPDP team, are on this topic. That's what I was offering to take away as a homework assignment, to make sure that the language in the report represents where I think or where we think the various groups are on this. Thanks.

KEITH DRAZEK: Okay. Thanks very much, Brian, for the clarification and, Sarah, for the clarifying question. Alan, over to you.

ALAN GREENBERG: Thank you. Unsurprisingly, I'm going to be talking about webforms. I'll give a caveat. I haven't read this document very thoroughly so I may have missed something or misread something. If that's the case, I apologize. The discussion of webforms, I find, is inappropriate in a number of ways. Number one, there's the reference to ICANN not having received any complaints. There's no reason for ICANN to have ever received complaints because Phase 1 nor the—

KEITH DRAZEK: Alan, I think we may have lost you. We lost your audio.

ALAN GREENBERG: Somehow, I got muted.

KEITH DRAZEK: Okay. You're back. Go right ahead. Sorry. You might want to start over.

ALAN GREENBERG: Did you hear anything I said?

KEITH DRAZEK: We heard everything up to the part about getting into the substance.

ALAN GREENBERG: Okay. Thank you. The first part is there's a reference in the document to ICANN Org not having received any complaints. I think that's a complete red herring. There is nothing in the Temporary Spec or in Phase 1—

KEITH DRAZEK: Alan's mic is cutting in and out on the mute. I can see it cutting in and out. Sorry.

ALAN GREENBERG: Sorry. Someone keeps on muting me. I don't know who it is. I'm not touching my mouse or my screen but somehow, I keep on getting muted. So I'm not quite sure how that's happening. Okay.

I'll try again and I'll keep on watching the mute button to make sure it doesn't change.

The part in red that's just been scrolled onto the screen now says ICANN Org hasn't received any complaints. Neither the Temporary Spec nor Phase 1 put any rules on webforms so there's nothing to complain about. That's like saying ICANN hasn't received any complaints about what color the registrar's letterhead is. There's just no rule about it. There shouldn't be any complaints. So I think that's a complete red herring.

Number two, I don't think that section outlines what we found wrong with the webforms, why we are saying there has to be some level of control over the content, nor does it even allude to what the recommendation was that some of us were proposing. That is that we set rules because of the lack of ability of using the webform effectively. So I really think that has to be changed so it represents. As it stands right now, people don't know what their problem is and I don't think we're going to get any valid comments on it. Thank you.

KEITH DRAZEK: Thanks, Alan. If staff would like to respond in terms of the substance, I'll invite them to do so in a moment. By my understanding that the Phase 1 recommendation does say that the webforms need to facilitate email communication with the registrant. And if that doesn't happen, then complaints can be made and should be made. Sorry. Go ahead, Alan.

ALAN GREENBERG: Yeah. Sorry. There are those who have told me that a simple tick box saying, "I'm a researcher," or, "I think you're violating my rights" is more than enough communication. That's a very subjective thing and it's not something that ICANN Compliance would ever be able to enforce. They're not going to interpret the word "effectively communicate."

So really, yes, it does say that. Based on my definition of "communicate," some of the webforms don't do that. But clearly, the registrars who use those webforms believe they do. And that's a judgement call. So I believe the lack of any specificity is what the problem is. Thank you. Sorry.

KEITH DRAZEK: Thanks, Alan. Again, I'll turn to staff here in a moment. We're running short on time. But look. My take on this is that clearly, there are groups who feel that the current webform implementation is not delivering on the expectations or the needs. And the question in my mind here is, is that a policy question? If it's not a policy question, is it an implementation question? And if it's an implementation question, doesn't that belong within the Phase 1 IRT in terms of working on the details?

I think the fundamental question here is, is there existing policy that allows for the IRT from Phase 1 to tackle that issue? And my sense is that there's an existing policy requirement that gives registrars the option to either use a webform or to use email to facilitate communication with the registrant. And for those registrars that have chosen to use the webform, that there's an expectation and a requirement that that function.

So if we're going to get into questions of the functionality, and how that works, and how it needs to be implemented, and what the rules of the road are there, that really, to me, seems like it's more suitable for the EPDP Phase 1 IRT. And to the extent that there are registrars not delivering on those expectations, or not meeting at least the bare minimum of the requirements laid out for communication, then that is a compliance issue and it should be made a compliance issue.

So I guess the question is, is there something that we should include in our initial report, or eventually, maybe the final report, or in some other communication that this is something that the EPDP Phase 2A has identified as a concern? It is currently out-of-scope for the concrete questions that we were asked in terms of actual recommendations but that we should flag this for GNSO Council follow-up with the EPDP Phase 1 and/or ICANN Compliance.

In my view, that seems to be the most appropriate path forward, where we acknowledge that this is an issue that's been raised and that we flag it for the appropriate handling at the next step. And that, I think, again, my view is flag it for Compliance and then bring it up within the EPDP Phase 1 IRT to actually get into the substance of the implementation expectations. Alan, is that a new hand or an old hand? I want to give you the floor back if you'd like to follow up.

ALAN GREENBERG: It's a hand to respond to what you just said.

KEITH DRAZEK: Yeah. Go right ahead.

ALAN GREENBERG: If the report said that, what you just said, I might agree with you. I might accept that. But it doesn't. At this point, I don't believe the Phase 1 IRT is going to be willing to take it up. And number two, if the Phase 1 IRT did take it up and made concrete rules as to what constitutes a useful webform and what does not, I don't believe the Contracted Parties would agree to have it in their contracts and have it enforced because the content is only—as you point out, is referenced by saying, "You must facilitate communication." But that's a very nebulous specification.

So if we put in that, yes, we're going to tell Phase 1 IRT to do it and we expect that they'll com up with content regulations that will be enforceable, that's fine. I can live with that. And I think we're going to get comments coming back, saying, "No, you're not. We're not going to act as new contractual terms based on something which was not explicitly clear in the Phase 1 recommendation." So I can live with what you're talking about but we need to say that so people can comment on it. Thank you.

KEITH DRAZEK: Yeah. Thanks, Alan. What I'll do is I'll work with staff to develop some proposed text along the lines of what I just described in terms of next steps. But I want to be clear. The EPDP Phase 2A group, we can make recommendations or communicate to the GNSO Council. And the GNSO Council can communicate to the IRT or to ICANN Org, presumably. But I think the key here is that

the IRT, I think, is the path that needs to be tested at a minimum. And my understanding is that that path has not been tested at all at this point.

ALAN GREENBERG: It would be really nice if the Contracted Parties in this group agreed that this is the way to go forward and they would be bound by it. I haven't heard that. Thank you.

KEITH DRAZEK: Thanks, Alan. I will propose some text for the group's consideration but I think I've heard what I need to hear in terms of this issue. And I think an acknowledgement that the webforms have been raised as a concern, and raised as an issue, and the view that the group is flagging that for the Council's consideration and possible follow-up to either ICANN Org or the IRT itself is a next step for trying to address this issue.

All right, folks. We've got four minutes left in the scheduled call. I think we got through the items one through three in terms of the outstanding items. I want to note that there was a question, I think, from staff and myself that on footnote 11 … We had the conversation earlier. I guess the question is are we only concerned or focused on the footnote text or the full text of that section? My understanding is it was a discussion about the footnote. So I just want to validate or verify that that's the case— that it was the footnote that we were discussing.

With that, I'm going to stop and ask Caitlin if there's anything that she'd like to add and, Caitlin and Berry, if there's anything. As we

head towards the end of this call, is there anything substantive? Anything you need specifically from the group today beyond what we've talked about?

CAITLIN TUBERGEN: Hey, Keith. Thank you for asking. The email that was circulated yesterday, there was a link to a Google Doc with those specific questions that that we went through today—the questions that will be called out in the initial report. For those that still have concerns with those questions, please use that Google Doc to propose edits to the questions by close of business today. And staff and leadership will meet tomorrow to resolve those questions.

And again, if there were concerns addressed and there was an outstanding issue, leadership and staff will work together on proposed language for those. But if anyone does have specific proposed language, please put that in the Google Doc for the questions by close of business today. Thank you.

KEITH DRAZEK: Yeah. Thanks very much, Caitlin. Again, that's really important, folks. On the timeline that we're on, close of business today for any final proposed text, final input on the questions that we've posed. So the leadership team and staff can work together to develop the final text and the final language. Chris, go ahead.

CHRIS LEWIS-EVANS: Yeah. Thanks, Keith. I think we haven't discussed one homework piece, which was down to the GAC and the Registry group on

unique contacts. Just a note that I'll post an agreement that we've come to on the mailing list for everyone, considering the time now. I think we're there.

KEITH DRAZEK: Oh, that's fantastic, Chris. Thank you so much. And apologies for breezing past that. But that's great news. Thanks for the offline work in terms of the proposed text. Thanks to you and to the registrars on that one.

Okay. With that, we have two minutes left. Is there any other business? Any other comments or questions? Again, the action here is for everybody to do another once-over of the draft initial report. Staff and leadership will be working to consolidate what we've heard today and to propose new text—to develop new text. And again, we're on-track for finalizing and publishing this by the end of the week.

We do have a placeholder for a Thursday meeting if needed. So we'll hang onto that. We'll use that if we do need it. If it turns out that we don't need it, we'll cancel. But keep that on your calendars for right now. But really, please focus on everything now, today, and try to get your final input to staff. Send it to the list. Send everything to the list at this point, just to make sure that we're all on the same page and seeing everything going back and forth in real time.

And with that, I will pause to see any other business. Any other business? Going once, going twice. Thanks, everybody, very much. We'll go ahead and wrap up today's call. Have a good day.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned. I will stop the recording and disconnect all remaining lines. Stay well.

[END OF TRANSCRIPT]