

**ICANN Transcription  
GNSO Temp Spec gTLD RD EPDP Team  
Monday, 19 November 2018 at 14:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <https://audio.icann.org/gnso/gnso-epdp-gtld-registration-data-specs-19nov18-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p66lwfqfhwa/>

Attendance is on wiki agenda page: <https://community.icann.org/x/DQnVBQ>

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

Coordinator: The recordings have started. You may now begin.

Julie Bisland: Thank you. Good morning, good afternoon and good evening and welcome to the 28th GNSO EPDP Team meeting taking place on the 19th of November, 2018 at 1400 UTC.

In the interest of time, there will be no roll call. Attendance will be taken via the Adobe Connect room. If you're only on the telephone would you please let yourself be known now? Hearing no one, we do have apologies today from Alan Woods, RySG; Ashley Heineman, GAC; and Ayden Férdeline, NCSG. They have formally assigned Beth Bacon, RySG; Chris Lewis-Evans, GAC; and Tatiana Tropina, NCSG as their alternates for this call and any remaining days of absence.

During this period, the members will have only read-only rights and no access to conference calls. Their alternates will have posting rights and access to conference calls until the member's return date. As a reminder, the alternate assignment must be formalized by the way a Google assignment form and

the link is available in the agenda pod to your right and the meeting invite email.

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 need assistance updating your statement of interest please email the GNSO Secretariat.

All documents and information can be found on the EPDP wiki space and there is an audiocast and view-only Adobe Connect for nonmembers to follow the call so please remember to state your name before speaking. Recordings will be circulated on the mailing list and posted on the public wiki space shortly after the end of the call. Thank you and over to our chair, Kurt Pritz.

Kurt Pritz: Thanks very much, Julie, and thanks everyone for joining on Monday of a big holiday week. So I'll just right to the agenda for the welcome and updates. I only have two items; one is on the face to face meeting in Toronto on January 16-18. You should start receiving notifications from the – yes, a big holiday week for some, sorry, but, you know, I'm Kurt-centric. So excuse me, so you'll be receiving from ICANN Travel I think as early as this week, notifications for how to go about making travel arrangements for that so that's encouraging.

And second, towards the end of the meeting we want to show you the – what the public comment forum is going to look like; it's going to be in a new format utilizing Google Forms that hasn't been used before. And I think it's going to be – we've been talking about this for quite some time internally and, you know, we think it'll be really helpful because it'll you know, link comments directly to specific sections of the initial report, it'll encourage commenters to provide rationale because we really care what people are thinking, not how they're voting.

And it'll enable sorting for us so you will be able to read all the comments pertaining to one issue all in a row to see if there's any new comments there,

anything that will change the thinking, so we'll talk about that at the end of the meeting. But we – we're still hammering out the language in the questions but I'm encouraged by the new format and hope everybody finds it helpful.

So with that I want to get right into the agenda, and for me getting into the agenda is, you know, my plan for this meeting was to...

((Crosstalk))

Kurt Pritz: I'll get to you in a minute, Amr, hammer through these remaining issues and see where we are and make some decisions about publication. But I know we've got an email from Mark and he wanted to discuss timing at the top of the meeting so Amr, if – you go ahead and then I'm going to turn the mic over to Marc for a minute.

Amr Elsadr: Thanks, Kurt. This is Amr. And I actually had a question on your opening remarks on the format of the public comment, you know, the, you know, how we're meant to provide those. My understanding is that it's going to be some sort of online format, did I get that correctly?

Kurt Pritz: Yes, and actually I probably shouldn't have blabbed too much. We have an agenda item for this towards the end of the meeting that we'll be able to show you the format of it. But go ahead...

((Crosstalk))

Amr Elsadr: Oh okay cool. Yes I was just going to ask if it would be possible to provide us with the same sort of form in a Word Doc, it'd be easier for us to use that to collaborate when we're figuring out how the answer the different questions we're meant to. Just something that would, you know, be helpful, it's not necessarily but...

Kurt Pritz: Yes.

Amr Elsadr: ...it'd be great if that is possible. Thanks.

Kurt Pritz: Yes, I know it's already going to be made available in PDF so I don't know why there can't be Word too because my PDF has a magic button that converts it to Word. So Marc sent an email around about the scheduling of the initial report so I want to give him the floor for a minute and then have a brief discussion about that because it's very important, maybe we should talk about that first. So if you don't mind, Marc, do you want to put some meat around your email?

Marc Anderson: Thanks, Kurt. Marc Anderson for the transcript. Absolutely, and thanks for acknowledging me. And apologies, I wasn't able to send my email out sooner, I know it was only a half hour before call time. But I guess what prompted me to write an email was in looking at the agenda it wasn't at all clear that we were to publish an initial report today; this looks like any other agenda that we've had so far. But today is 19 November, which is our stated date to publish our initial report and so I just wanted to call that out and get some, you know, get some understanding on, you know, are we indeed still publishing a report?

What is the process we're going to go through, you know, it sounds like we're, you know, still making edits, we've got significant items to discuss here on today's agenda including some items, you know, just looking, you know, Section 4, other items to be finalized, Purpose O, you know. I, you know, I know that's something that Benedict's been championing for a while but we haven't had a chance to deliberate on that and he's not on today's call.

So we have some items to cover here still and there's nothing in the agenda here on how we get to publishing a report, you know, how do we, you know, how do we get a document? I know Marika sent a link out I think it was this morning with the, you know, that encompassed sort of the latest which she

called non-substantive edits, but that's not something I've had a chance to look at that all.

And so I'm concerned about, you know, where we are, how – what – how edits, how items we discuss today are going to make their way into the report, how we're going to draw a line and say okay this is – these stable version that we're publishing and how we're going to get a final chance to review that. So I just want to make sure everybody – all the members of this working group are crystal clear on what our steps are from now until publishing this initial report.

Kurt Pritz: Thanks very much, Marc. Before I go, go ahead, Thomas.

Thomas Rickert: Thanks very much, Kurt. And hi, everyone. I would like to echo what Marc said. And I think we should not use more time to open the discussion again for folks to rehash the argument, but I think that once we have a stable version we can really go through it and read it for consistency and do a proper proof-read. You know, this is going to be read by an awful lot of folks and I think there's still some inconsistencies in our report that need to be smoothed out and I think we should take a little more time, not too much, to make sure that the work product and that the results of our intense work are not losing credibility because they don't look as good as they could. Thank you.

Kurt Pritz: Thanks very much, Thomas. So on the critical path to publishing the report, we have these items that are in the, you know, to me, here are the items; they're the items on this matrix. One never knows sometimes these items melt away and in the spirit of getting a report published I think people have been working really well to get that done. We have the public comment to finish and then as you said then look at – Thomas, I think you said look at the report in a – once it's in its stable state. So, you know, certainly I want to say there could be no more comments or – to the report that we need to hash out these remaining issues.

So while unpopular I think that, you know, if we get through these issues that we need to today, or maybe some subset of us tomorrow, you know, I see a great deal of difficulty in publishing the report today. On the other hand, once we – so flip the schedule to say even Monday, that means the comment period closes the day, you know, December 26, which is a fairly big holiday in some places and in the middle of a holiday week for many places, so tiny slips here make a big difference.

And so we – I think that the advice from Thomas is correct. I think we should work very hard and in a cooperative way to get through the remaining issues. I think the goal is to have the issues in front of people in sufficient detail so they can inform us as to their thinking, rationale and thought processes so that we can take that into account as we hash out the remaining issues necessary to make a final report.

So when you're looking at this initial report right now, think about does this – does this describe the issue in sufficient detail? You know, I'm of – I'm of the personal opinion that in some areas where we differ, the explanation of the issues has become sort of a – what we would call a sort of a kitchen sink where the explanations are way too long because each participant here wants to get their viewpoint adequately described but, you know, we can't let the – and I think it could be much more succinctly put – but we can't let the perfect be the enemy of the good; and the good is and our chance at success is to publish an initial report in the next few days.

So with that in mind we have issues and that need to be resolved for the way in which they'll be put in this report; we should do that with all due alacrity and then having done that push a version of the report out to you guys for reading, but so it's stable, but not with the idea that we're word-smithing or honing or raising new issues, just to see the thing in its stable state.

So I think that, you know, we're not going to publish a report today. I hope you haven't, you know, tweeted that out. If that is in fact the case, and it looks like it's the case, you know, I'll certainly – I'm certainly going to write a letter today to the GNSO Council and tell them the prognostication after this meeting and the reasons why this date which wasn't reached, which I think are good ones and that this group still intends to succeed at the end of the day.

Milton, how are you? Get some coffee?

Milton Mueller: Yes, nobody's getting hurt. Actually, I – picking up on your last comments, Kurt, I'm going to make a radical proposal and it may be too radical for any of you to accept but I think it's actually a pretty good idea. So as you indicated, Kurt, one of the problems we have is we're getting so deep in to the weeds of the explanations of different ideas and as I was reading the report last night it struck me that most of that is completely unnecessary. Indeed, I would propose that we only publish as our initial report the – what is now the executive summary. We have a few quibbles about what goes in to the executive summary, but in effect everything we need is in the executive summary.

We are identifying our recommendations, we are issuing specific points that we want comment on. I don't understand anymore the need for us to get bogged down in 120 pages of other stuff. So that's my idea. I think if we adopted that we could wrap this up today and publish the report in the afternoon, although we might want an extra day or two of just stabilizing the report.

Kurt Pritz: Marika has her hand up. I have a response that I want to mull over for a couple seconds if you don't mind, Milton, and then let Marika go.

Marika Konings: Thanks, Kurt. This is Marika. I just wanted to respond to Georgios's question in the chat in relation to the version that was pushed out earlier today so I just

wanted to make clear because we kind of want to be able for you to see real time where the report stands and, you know, of course we appreciate that, you know, things are moving pretty quickly, you know, there's still of course issues that need to be resolved. But what we published this morning basically aims to address all those comments that were received between Friday and Sunday that were deemed, you know, non-substantive.

And of course, you know, if there are any concerns about those and you think they are substantive of course you're more than free to flag those. But again, we hope that gives you a kind of a live view of, you know, where we're at with updating the report. And of course, you know, we expect that based on today's conversation there will be further updates and, you know, we will, of course we'll do our best to push that kind of updated version out, you know, as soon as possible after this meeting and after having had a chance to digest those changes.

You know, having said that of course, you know, we are really honing I think on a couple of items that are still under discussion and need to be resolved, you know, other parts are already stable for a while now so hopefully indeed there are no new issues that are flagged there. But I think something that we said as well on the email list on Friday, you know, one thing the group may want to think about as well, and I think you know, the Kurt and just Milton made that point as well, you know, to think about, you know, what is needed for this initial report and what are items you want to start putting on a list that will need to be further discussed or considered.

So I think it's important to distinguish between those. And again, you know, the perfect shouldn't become the enemy of the good here but at the same time I think everyone is aware as well that there are things that will need to be deliberated further or thought through further so nothing should prevent the group from already starting pulling that list together that will help inform as well, you know, subsequent meetings that will start running in parallel to the publication of the initial report.



Kurt Pritz: Go ahead Kristina. Thank you very much, Marika.

Kristina Rosette: Kristina Rosette, Registry Stakeholder Group. This is actually a question for Milton because I find his proposal very intriguing. And I'm hoping maybe he could elaborate on what he would suggest be done with the remainder of the text; would it just be kind of parked on the wiki so people who wanted to read it could? Would we spend another week on that and then that would be released as kind of additional background information? I don't know any – whatever view he has on that I think would be helpful at least in my perspective in deciding whether or not that would be an idea I could support. Thanks.

Kurt Pritz: Milton.

Milton Mueller: I guess that's my cue to – so one option is that when we meet face to face in Toronto we can burn it in a large bonfire and dance in a circle around it. But that's probably not what you're wanting to hear, Kristina. I think that question, I think we could sort of, as we like to say, park it as a record of our thinking and not publish it and then refer to it later as we're trying to resolve the issues and assess the public comments because I really think what that – rest of that document is is indeed a reflection of our thinking and our debates, which are always – already in the transcripts and so on and the various documents that we have produced and that, you know, asking the public to digest that and make coherent comments about it is a form of sadism, unnecessary and not productive.

So what the public needs to see is what are the recommendations that we've actually agreed on, what do we need public comment on and in terms of the, you know, thinking that went behind it and the blow by blow, you know, the IPC thinks this and the contracted parties think that on this particular issue, I really think you're – that's not something that should be part of the public comment but it does have value as a record of our thinking. So I guess my

proposal would be to keep it, freeze it as it is and have this nice simple stripped down executive summary as the thing that we're issuing to the public and asking for comment on.

Kurt Pritz: Thanks. So this is an interesting discussion. Alex, go ahead, Margie, then Thomas.

Alex Deacon: Thanks, Kurt. It's Alex Deacon for the record. Yes I think it makes sense for us to instruct the reviewers, the community if you will, to focus on the executive summary. I agree that that's where the meat is. But I think again for transparency-sake and because these are such complex issues we should include, you know, the rest of the document to give folks a better understanding and appreciation of these complex issues and the views on all sides without forcing them to have to go through and read transcripts for the last 25 meetings or listen to the recordings.

And so I think maybe there's an middle ground here where we could, you know, ask that folks, again, focus on the meat up top and then reference the dirty details in the rest of the document for a better appreciation of the work that we've done over the last however months. Thanks.

Kurt Pritz: Go ahead, Margie. Thank you, Alex.

Margie Milam: This is Margie. I was basically going to say the same thing as Alex. I think it's really important for the community to at least be able to look into the depth of the document for the issues that matter to them and hear, you know, read the various views and how we got there, otherwise I think the public comment would be far less structured if you will and might just repeat things that have already been said. So I think it's important just to keep the full report but just, you know, make sure that the executive summary is complete enough that that could, you know, be used for those that really want to focus on the specific issues.

Kurt Pritz: Thank you, Margie. Go ahead, Thomas.

Thomas Rickert: I guess we're trying to do two things; we want to get our recommendations out, we want to get them out in a format that is digestible for the community and we don't want to jeopardize our timeline for getting too close to the holiday season. And I think that Milton's suggestion is an excellent one. Maybe we can do a variation thereof and publish the abstract as our initial report but indicate to the community that we will publish in the next couple of days more information including rationale, because I think that for a proper assessment by the community the community needs to understand our thinking and the rationale for why we're doing certain things and even why there's disagreement on certain points so then to be able to make informed decisions or assessments of our report.

So if at all possible I guess that's something for Marika probably to respond to. Can we get the management abstract out there and get the – get away with publishing more details later without being at the risk of being forced to extend the public comment period? And if so, really shoot for, you know, focusing on the management summary or summary primarily today, make that rock solid, push it out ideally today and then work on the remainder of the report and publish that maybe next week?

Kurt Pritz: Thanks, Thomas. Go ahead, Alan. Get all the comments out and then...

Alan Greenberg: Thank you. My only comment is that we haven't seen what this new form is that you're using for the responses. Are the questions we're asking all going to be something that can be answered based on the executive summary alone?

Kurt Pritz: Yes, that's a good point because the questions in the comment forum do reflect some of the differences. Georgios.

Georgios Tselentis: Yes, hello. Hello. I would like to say that I think we need earlier than later to give the background of our thoughts to the public. I mean, (risking) to some of these recommendations or some of the other points in our report (unintelligible) or wrong is not a problem, we are still at the – at the stage where we can make many mistakes and the earlier the better. And I think we should do so because we should not believe that people are that going to read the report have the luxury to be present in all those meetings and teleconferences and follow with diligence all our deliberations. And I think this is wishful thinking. And in a more digestible format we can give this but still provide the (old) recommendation also the thinking behind the better it is.

So I'm not concerned about adding some – something's wrong, I am happy to put things wherever people believe that we have not agreed to put this very clear and highlight this. But I believe that we need to give the wider public the fair chance to read this, digest it and comment in time.

Kurt Pritz: Thank you very much, Georgios. Oh, we're not done. Mark's in the queue.

Mark Svancarek: Thanks, Kurt. It occurs to me that if we – if we do want to simplify things, we need to make sure that in the comment forum that the questions have links to the online sources where the detailed and differing views are set out. I think that's probably the best way to get high quality feedback on this. If we simplify this too much the quality of the feedback we're going to get is, you know, it's going to be shallow, it's going to be random, it's going to be repetitious. That's all.

Kurt Pritz: So, Mark, I feel compelled to say that most comment forums induce comment that's shallow and repetition but I won't say that. So...

((Crosstalk))

Mark Svancarek: Well, you know, I know that's true but let's not exacerbate, you know, a bad position.

Kurt Pritz: It was a joke. So...

Mark Svancarek: Oh okay, well, you know.

Kurt Pritz: So first of all let me thank Milton for the great idea and in the spirit of trying to help us across the line. And then I've watched the chat and listened to the statements so – and you won't be surprised that, you know, Marika – oh Marika's going to speak up but we've been trading back and forth Skype messages where the PDP requirements state that statements are required from the participants in the group. And we do have that in the initial input statements and the triage remarks – we have that – but I think to a very – to a real extent we need to include the discussions we've had too. So I'm sort of – Marika, do you want to add onto that before I...

((Crosstalk))

Marika Konings: Yes please.

((Crosstalk))

Kurt Pritz: ...want to go?

Marika Konings: Yes, thanks, Kurt. So this is Marika. So just to respond to some of the questions, there are specific requirements to – in relation to what needs to be included in the initial report. However, it's not a requirement that that necessarily needs to be in the same document and, you know, certain things can as well be posted for example on the wiki.

But, you know, as well to Thomas's question, publishing the executive summary now and then the substantive or the background to that later I think would probably result in legitimate requests to extend the period as well for people to be able to digest and review that information as I think part of the

reason why some of that is provided is for people to understand how the group came to its recommendations and kind of understand the thought process that led to the recommendations.

And I think that's partly as well why, you know, the requirements in the PDP manual are in such a way that, you know, certain parts of information need to be provided so that that full picture is available to those that want to understand that, although, you know, having an executive summary of course allows those that want to focus on the actual recommendations to do so.

And as Thomas – you know, another question, of course you can update background information but again, you are opening the door for, you know, people to say, you know, how am I able to know what has changed and if new information is provided I need more time to be able to digest that and review that with my groups, so there are of course certain risks involved in doing that.

Kurt Pritz: Thanks very much, Marika, that's helpful. So I think – so with the spirit of what Milton suggested and what I'm reading in the chat and listening to everybody's comments, and with the idea that management summaries are usually one or two pages long and not 20 pages long, I think we could do this, I think we could, you know, instead of calling it the management summary, call it the initial report summary or the summary or the summary of recommendations or something like that. We could put links in the document that would link the reader if they want to a section in the appendix below that includes the discussion on the different sides of an issue where there isn't an agreed-upon approach.

We could probably short – I don't know if staff can do this – we can probably shorten up the report by not repeating the recommendations below. There's, you know, there's quite a few pages of just recommendation but rather have that sort of summary of discussion in the appendix, so, you know, for recommendation if there was a discussion below you could click on that link

and – which would be to the appendix in the same document or in a companion document that would describe the language.

I think that the spirit would still be the same that, you know, the written form we have in that language is somewhat excessive but, you know, it's the best way to get our opinions out on the table. With a warning sign, yes. So I don't know if that first of all – or to wind up actually, let me thank Milton again for the idea. So I think that's where we are. So if staff thinks we can do that and everybody's agreed to that we'll – the management summary will become the initial report summary or the recommendation summary and then we don't have to repeat the recommendations again below in the appendix, we can just have the discussion set out there.

Lots of people. Stephanie.

Stephanie Perrin: Thank you. Stephanie Perrin for the record. Can you hear me?

Kurt Pritz: Yes, perfectly.

Stephanie Perrin: Okay good. I just wanted to say out loud what I have been typing into the chat, I respectfully disagree with the idea of – that Milton came up with of only releasing the executive summary because people who have not been following this or people who have been following only one side of the issue absolutely need the detailed rationale. I think there's a great risk in summarizing too much and giving only the recommendations. And I think that also, a last minute decision such as this, puts the – puts a whole different cast on okay, we thought of every possible question because we'd better have if that's what we're relying on to get good comments.

So I think if we include the rationale in appendix that in many ways mitigates my concerns as long as it goes out as one report. Yes, it's going to be 130 pages; too bad, most people only read the exec summary anyway when they're making their comments. Those are not the comments we're looking

for, we're looking for comments from the public and the public needs to have our machinations in front of them, not have to go to a wiki to find them. So thank you.

Kurt Pritz: Thanks, Stephanie. Well put. Kristina.

Kristina Rosette: Yes, Kristina Rosette, Registry Stakeholder Group, although not speaking on behalf of the stakeholder group at this moment. Although I'm intrigued with Milton's idea, I think Stephanie makes a really good point. I will say that the one idea that makes me very uneasy and uncomfortable is the idea that at this point in time that we would be asking staff to write and for the team to review a fairly significant rewrite of the executive summary. To me I think that is just not a good use of time.

I personally would be fine with either Milton's proposal or releasing the report, you know, as it is but any type of substantive rewrite at this point, I mean, I can't speak for anyone else at this point but I just don't have the bandwidth to do another review. I think we need to all start working on the next steps in the work as well as working with our respective groups on the public comments that will be submitted. Thanks.

Kurt Pritz: You and me both, Kristina. And so I wasn't suggesting that, so did you think I was suggesting that or did that come from someone else? So I was just suggesting leaving the – what's called now the executive summary, the executive summary, just changing the title of it and in the recommendations putting links into the discussion below so that readers could easily find the – easily find – actually more easily to find the discussion. So I'm not – well I don't think anybody's advocating rewriting the executive summary, so I hope that addresses your concern. But please bring it up again if...

((Crosstalk))

Kristina Rosette: No, thanks for that clarification. Thank you.



Kurt Pritz: Yes, sorry I'm so unclear. Hi, Emily.

Emily Taylor: Thanks. Hi, Kurt. I just wanted to make very (unintelligible) to what Kristina's actually said just ahead of me so I won't repeat that although I think Milton's clearly correct that most people who are commenting on this will only read a short summary and then put in their comments. I do think there's also a transparency issue in that we have worked through a number of issues and done quantitative analysis and so for those who are interested I think it's only fair on everybody including myself, to make that public and accessible at (unintelligible).

Clearly as you get close to a deadline, or even over a deadline, the temptation to continue picking at it and put off the (unintelligible) publishing is very high. But I do question whether we are now making really serious substantive improvements to the draft interim report or whether we should now just let it go and see what the comments bring in. Each community will no doubt be making its own comments. And I think it's useful for the community to see that we are working through the issues, that we are having difficulties reaching conclusions, or reaching agreements on many, many of the issues, as usual with this subject matter.

So I'd be in favor of moving forward and (unintelligible) sort of just with the last exchange between Kurt and Kristina, I think that while a substantive rewrite wouldn't be the intention, actually it's going to be quite a significant piece of work to put those (unintelligible) in places and get everything all done in a different order and chopped up. So I would be tempted to just kind of (unintelligible). Thanks.

Kurt Pritz: Thanks, Emily. I think we're all kind of on the same page here so I think we could hopefully wrap this up. Go ahead, Margie.

Margie Milam: Yes, really quick, I think the recommendations need to be in the full body. I don't think there's any purpose in reducing the pages of the report because otherwise it'll be misleading to the reader; they won't really understand the full context if the, you know, if they have to flip between the document and the executive summary.

Kurt Pritz: Okay, I was actually picking up on what Milton said, that people read the executive summary only and then if we're in the executive summary and we have a link right to that discussion point in the appendix then it's more likely that, you know, to see what the size of this issue are or something, go to this; might actually encourage the reader to read both sides in a more active way, but all right. Mark, your hand's up.

Mark Svancarek: Yes, just one quick comment. So I agree, the executive summary is very, very important. I submitted a lot of proposed edits to the executive summary for that reason. However we can get the best quality of feedback is the way we should go and it doesn't sound like we have an agreement on this call that changing the document would provide a better quality of feedback so I'm a little bit torn on that.

For what it's worth I've only given feedback on two things and they both took me days to do the feedback. So on the one hand people, you know, may not want to commit that amount of time to giving high quality feedback; on the other hand, there are people like me who are willing to do the work and give high quality feedback. So, you know, I'm not sure what we're going to get if we leave the big report. But if taking it out means we're not going to get as good a feedback, you know, I expressed that concern before so I'd like to be careful about it.

Kurt Pritz: So it seems we haven't changed much after half an hour of discussion. That's maybe to make the executive summary raise it maybe in readership by re-titling it or something like that and then referring to the discussion in the

document below. All right, so let's get into the – after that let's get into the objectives of the discussion.

So there were more – there are new additional comments to the draft report that we want to review, some of them look pretty sticky. So here's what you really need for this, I should have said this at the start of the meeting but you should have on your laptop or printed out by your side the initial report because there's no real way unless you've memorized this spreadsheet and the accompanying initial report sections to read it and discuss it.

So what you need is the download of the initial report open in Adobe or something and then – or even in your browser and then this – these issues. And to start – so I'm kind of going over to my – I'm going over to the other side where I can see things in big font so if you need to talk right away – if you want to talk and I don't see your hand maybe Marika can call on your or Rafik or just start shouting.

So the way this works is that, you know, there's a proposed change. So these redlines are proposed changes that have been received since our last meeting which was essentially Friday. And the rationale for the change and then if there's leadership or staff comments or recommendations they're all the way on the right side. So this first topic has to do with Footnote 3 and where it says, "The topic of accuracy is expected to be further consideration by the team at a later stage of its deliberation," so this came out – and I see where the NCSG wants to drop this.

So this was actually discussed in our call last Friday where we said – where we monkeyed with the words on – gosh – oh the recommendation that – we have a recommendation that nothing here will disturb the contractual requirements for – that registries and registrars have for Whois accuracy. And so there suggested changes to that recommendation. And at the end of the day the two suggestions were taken back and we decided to go with the original wording.

And as part of that discussion we decided to add this footnote about accuracy being discussed in the next stages and to what extent is not certain or – but this being a so-called parking lot item from our LA meeting that hasn't been resolved we wanted to – it was suggested that we flag this as a parking lot meeting.

So I'm going to go back to the room here. I guess I'm going to look at the – okay go ahead, Marc.

Marc Anderson: Sorry, Kurt. Were you calling on me? It's Marc.

Kurt Pritz: Yes.

Marc Anderson: Okay. Kurt, I'm sorry, I don't feel like my question was answered from earlier. Are we publishing an initial report today? If not today, when? What is the process – when are we going to determine that – when we are going to freeze changes? We're talking about edits, you know, right now, which is great, but, you know, I'm just not clear on what our steps are, you know, when do we freeze edits, come up with a proposed final version and, you know, and what's the process for getting that published? You know, I'm looking for a little clarity on what we're doing next please.

Kurt Pritz: Thanks, Marc. Well I think it's two steps. One is to freeze comments to the initial report which I think should be effective now; we're not making any new comments to the initial report. And second is to deal with the comments we have. So and then once we're through these comments that are here then we're kind of done and then we can produce a final version of the report to look.

So I'm sure that we're not going to publish a version of the initial report today. I would hope that we would publish the initial report – I don't think we'll publish it tomorrow, I think we will publish it Monday or Tuesday at the worst.

And our goal between now and Monday or Tuesday at the worst is to finish this list of issues, maybe harshly, and then, you know, create the final version, create the comment forum so that you can see it and then publish the report. So I think Monday is my goal, Tuesday is drop-dead.

Kurt, point of order.

Marc Anderson: So okay Kurt, thank you, that's helpful. So as I – so just to sort of summarize my understanding here, to make sure I have this right, so at this point we should consider comments, comments, feedback, edits on the initial report to be frozen, is sort of the first thing I took away from what you said. The second thing you said is, you know, we'll not be publishing an initial report today; we're talking about at least a one-week slip, maybe an eight-day slip so we're talking about Monday or Tuesday of next week.

And then, you know, the other thing you said I think is important is that we have a list of changes to discuss, and that's the document we have up in front of us now, and it's your, you know, it's your, you know, what you're suggesting as a path forward is that we as a group, you know, triage each of those, each of these items, agree to how to, you know, what to do about each of these, those changes will make their way into the now-frozen initial report document. And once that, you know, once our review of all the changes is complete then we'll have a proposed final version of the initial report. So do I have all that correct?

Kurt Pritz: I think that's right.

Marc Anderson: Okay. Thank you. I appreciate you clarifying.

Kurt Pritz: Thomas, on our last discussion where we were talking about the format of the report, I'd recommend putting the discussion into the appendix, making the management summary the management summary or the summary of recommendations. And if Margie's more comfortable leaving the

recommendations in the appendix too that's okay with me but I would put links – I would even put links in the summary of recommendations so that those people reading just those can easily find the discussion.

So, Kristina, what I'm seeing is that between Friday – between the close of Friday's meeting and now we received all these comments in red about the initial report, all these redline comments. So I don't want any more comments about the initial report starting now. But we have these comments so we have to deal with them so that's the point I'm making, is that any clearer?

Kristina Rosette: Kurt, yes, I just was kind of hoping that maybe we need a whole week for that. Thanks.

Kurt Pritz: So well I think it's – it talks to the general unavailability of people from Wednesday through Friday. I'm waiting for Marika to type but I'm going to go back to this – to our document. So this first change to delete this footnote, this footnote was added as of last Friday as part of an agreement to – for everybody to drop changes to the recommendation about Whois accuracy – Whois accuracy not affecting the contractual requirements that are currently in place. And this footnote was added. So if someone from the NCSG can give up on this comment it would be great.

So can somebody – staff, would you mind, Marika or Caitlin, put a – put the link to the document?

Marika Konings: Yes, hold on.

Kurt Pritz: So there's another link coming but in the meantime we're still on this first line item here, so I'd like to leave – my recommendation is that we leave the footnote in because it was the product of the discussion in our last meeting but I'm not going to do that until at least somebody from the NCSG speaks up. There's somebody. Hey, Amr.

Amr Elsadr: Thanks, Kurt. This is Amr. Yes, our point here is that the footnote actually conflicts not only with what we agreed to as an EPDP team but it conflicts with the actual recommendations that it is a footnote to. This footnote is a footnote to Recommendation 3, which is first – is first mentioned in the report on Line 153. And it is the recommendation we make regarding, you know, that requirements related to accuracy of registration data don't change, you know, they're consistent, they're under the current ICANN contracts and consensus policies and they won't be affected by the policy of the – that the EPDP team produces.

And then the footnote goes and says something different which to our understanding is not what we agreed to as a team. I'm not saying the NCSG doesn't agree to it, I'm just saying that as a team I thought we agreed to something different. But the footnote is actually really confusing because as I said it kind of conflicts with the nature of the recommendation it is a footnote to. Thanks.

Kurt Pritz: So, I don't – you know, without opining whether or not a sort of de novo discussion on Whois accuracy is within our charter or not, I don't see how it, you know, I can see where there'd be a discussion on Whois accuracy without changing the contractual requirements. The discussion might result in something else. So to me what this paragraph says is that, you know, we can discuss Whois accuracy but that doesn't necessarily upset the recommendation. Margie.

Margie Milam: Hi. This is Margie. Yes, that's exactly right. We were waiting to have the discussion in Phase 2 and that's what came out of the Los Angeles meeting. And so the footnote is just merely to clarify that the issue of accuracy isn't closed yet in this group; that we'll talk about it later. And it may not change anything in the, you know, who knows where the conversation will lead us, but it's just a notation to the reader that accuracy is still something we're going to deal with.

Kurt Pritz: Amr, does that help?

Amr Elsadr: Not really, Kurt. This is Amr again. You know, it doesn't help me as a member of the EPDP team because I don't understand it so I'm wondering how it's going to help readers of the report who haven't been involved in our process. What I think might be helpful is to possibly clarify what the objectives of further considerations would be. I'm assuming there must be sort of objectives to consider accuracy issues further that don't result in any changes in terms of obligations, accuracy of registration data because that's effectively what this recommendation is saying.

So if you folks could help me understand what the objective of further consideration of accuracy would be and somehow have that reflected in the footnote maybe that might do it. I don't know. Thanks.

Kurt Pritz: Margie or anyone, do you have any amended wording you might suggest?

Margie Milam: Sure but it's not – no one is saying that the accuracy requirements won't change at all; that's not – that's not what the language was intended to mean. What was meant was that the discussion wouldn't make the accuracy requirements be less and we'll have conversations in the future in this EPDP on whether accuracy requirements should change. Now I understand that that's a controversial thing in this group and we may not reach consensus, but we all agreed that we would have the discussion later.

And that's because under GDPR there are requirements for accuracy and this has been raised by the ALAC, it's been raised by the GAC, it's been raised by the BC and the IPC. So I just want to clarify that if – that's the reason why my earlier comment last week was to try to change the language to make it – because it – I actually agree with Amr in the sense that it makes it seem like there will be no change to accuracy and that's not the agreement so far; the agreement so far is that we will talk about it but at this stage of the game there was no anticipation that the requirements would be less.



Kurt Pritz: So the discussion whether or not this is part of the PDP can be a long discussion, and it's not – and I don't want to have it here. So but we're going to have to have it. So how do we get out of this and get to an initial report?  
Milton.

Milton Mueller: Yes, the perfectly right question, Kurt, how do we get out of this and the answer is I'm sorry, Margie, is to delete Footnote 3. I thought that the agreement we reached was that no accuracy requirements would be changed or lessened or in any way affected by what we do in this EPDP. And the reason we agreed that is because we agreed that accuracy was a separate issue that had, you know, ICANN's accuracy-related policies are not the same as what the GDPR means or any data protection law means by accuracy. By accuracy in GDPR we're talking about a right of the data subject to correct false information about themselves.

And when Whois talks about accuracy policy they're talking about forcing data subjects on pain of losing their domain to make data accurate for the sake of third parties. So what we're saying is fine, you got those policies regarding the accuracy, you got the checks, you got all this stuff, but that's not really affecting GDPR compliance. So I don't see why we need this footnote because it – number one, it doesn't represent what most of us thought we agreed to, and secondly, if you want to bring up any way in which these GDPR compliance-y moves affect existing ICANN accuracy policies, then we will talk about it; we will talk about it if it in any way undermines or affects those policies.

No problem with talking about it in that context. But we don't want any hint of an implication that we are going to impose new kinds of accuracy requirements on registrants or the contracted parties based on GDPR.

Kurt Pritz: So there's – thanks. There's three people now in the queue that are going to say the opposite of you, Milton. So why don't we say – make the footnote the

topic of, you know, the topic of accuracy is expected to be further considered and leave it at that.

Milton Mueller: Sorry, Kurt, could you repeat that what you just...

Kurt Pritz: Yes, so the topic of accuracy is expected to be further considered, period. There's – you can – we can take the footnote off; the three people that are in the queue are - bring it up after the initial report is issued and so I think this is a footnote that can be left in because it's going to be discussed in any case and it was, you know, we had an agreed-upon recommendation and then Wednesday or Thursday or so both the Contracted Party House and the BC side made adjustments to that recommendation so we had to retrench a little bit and the – and it was, you know, it was tentatively settled in this way.

Georgios, do you have anything to add beyond what I urged as the final wording?

Georgios Tselentis: No, I don't want to restart the whole debate. I think it's (unintelligible) productive here. I just want to remind that the wording as it is is (unintelligible) a long time ago when I was saying that was not (unintelligible) but for the sake of advancing the whole thing I would not oppose to change it. I'm happy with your suggestion here and this is what I said also to (LA) I think we should at a certain point discuss in the topic no matter how difficult this is or how much unpleasant it is.

And I believe that it's something that is extremely difficult to deal with but for our main issue here is that compliance with the GDPR and I know it touches upon that, at least this is what I believe it touches upon the compliance issue. I think no matter what we say here as the policy it will come back to us even if we push it to another point in the process or not. So I think your suggestion now to come to how we can drill further down is that we should – should be (unintelligible) and my question to you is when and how? Is postponing a

problem that we will have to face at some point. And I believe – my belief is that we should do this EPDP and not some later on. Thank you.

Kurt Pritz: Thanks, Georgios. Hadia.

Hadia Elminiawi: Yes so I was also going to speak to this and I would say that we should keep the footnote in and because this is what has been agreed upon. And also we have definitions from the information commissioner's office in regard to Principle D, accuracy, that says that we should have a checklist or a process in place to identify what to check the accuracy of the data we collect. I'm just looking for the actual recommendations. Yes, it says that we have a process in place to identify when we need to keep the data updated to properly fulfill our purposes. And we update it as necessary. So it's not only about the rights of the data subject to correct their information.

But anyway, it's – the footnote just says that we are going to suspect it to be further considered and does not make any conclusions so I would say we should keep it.

Marika Konings: Kurt, are you...

Kurt Pritz: Well so – no. So here's what I think Milton's recommendation is, I'm surely for what Amr and (Matt) said about word-smithing on the fly is very challenging, so I think we have two votes; leave it the way it is or with Milton's edit here, Milton, would you go ahead?

Milton Mueller: Right, I appreciate that, Kurt. I wasn't clear whether people were saying we have a very simple option here, which does not involve a lot of word-smithing which is simply to tie this footnote to GDPR compliance; that solves all of our problems with it and I think it would be – there's something that's acceptable to the people who want the footnote in. So let's just do that and move on.

Kurt Pritz: This wording okay with everybody? Marc Anderson.

Marc Anderson: Hey Kurt, sorry, Marc Anderson for the transcript. I mean, I'm looking at the document from Marika and you know, there seems – you know, I guess I'm – I want to see the actual language we're talking about because the language in the summary and the language in the body seems to be different. And the – I guess the language in the body seems to more closely reflect what I thought we had agreed to but the language in the summary is a little bit different. So I guess I'm asking for us to see the language that we're being asked to agree to.

Marika Konings: Kurt, this is Marika. I've put the language in the chat. I'm happy to state it out here as well or at least what staff has noted out, so this would be the basically new wording for what is currently Footnote Number 3 which would now then read, "The topic of accuracy as related to GDPR compliance is expected to be considered further."

Kurt Pritz: So that's what's in Footnote 3 right now, not in – what's in the proposed change?

Marika Konings: No, that -- this is Marika -- that would be the new language so basically as discussed now.

Kurt Pritz: Right. So I think...

Marika Konings: The original language is what is on the screen.

Kurt Pritz: Okay. Marc, are you clear?

Marc Anderson: I'm just – I'm trying to paste this into chat but I guess so we're discussing the language of the footnote, but I guess my question is, is it a footnote for what's in the summary or for what's in the body because we seem to have different language. And I don't know if that's intention or just – or not. So if you give

me a second I'll paste the other language in there so you can see what I mean.

Marika Konings: Yes, and this is Marika. If I can maybe clarify in the meantime, so this will appear twice in the document, once in the executive summary and once in the body of the language as this is linked to a recommendation, so normally those two should be identical but if not I'm happy to have a look at that and make sure that they are identical.

Marc Anderson: I guess I'll just read it. From the summary it says, "The EPDP team recommends that requirements related to the accuracy of registration data under the current contract and consensus policy," sorry, I typed in the same language twice. Let me find the other one.

Kurt Pritz: Okay.

Marika Konings: Marc, maybe you just want to send that separately to staff and we can make sure that it's consistent; just point us where – to where the inconsistency is and we'll make sure that – we'll fix that.

Marc Anderson: Yes, fair enough. That doesn't have to hold up this call. I'll follow up offline.

Kurt Pritz: Great. All right so we're saying that this substitute language will be used for the footnote. I'm pausing. Okay, thanks, Amr. Great. So the next recommendation comes from ALAC proposing to add additional language to the list of data elements to be collected that says, "In line with GDPR the EPDP team is considering adding the data elements (of) field." So you know, in the land – in the spirit of finishing this I think this is redundant in that, you know, it's already captured in the legal versus natural discussion quite – in quite some detail. And so, you know, I'd sure – so my bent would be to let this lay where it is which is in the natural versus legal discussion. But Hadia, if this is your recommendation, please go ahead with it.

Hadia Elminiawi: So actually this is different than Question Number 4 where it does speak about the differentiation between legal and natural persons. And this doesn't really look like it fits in the recommendations we can remove the word "complete" and add "the EPDP team recommends the anticipated elements." And let me tell you why I think this is different than the natural versus legal distinction because no differentiation or distinction is required from this, so actually this is only the collection of the data that says if the domain name registered belongs to a natural person or a legal person; it does not speak about any kind of differentiation and no differentiation is required.

It's just an extra piece of data that is regarded as important because the GDPR does speak about the difference. So we are not saying that they're going to make any differentiation based on that, and we are not saying that in the future we are going to consider any kind of differentiation based on that, it's just a piece of data that says if the domain name belongs to a natural or a legal person.

Kurt Pritz: Thank you. Amr, can you please go ahead?

Hadia Elminiawi: So, Milton is saying, you know, don't try to sneak the natural legal distinction this way. Actually I'm not, I'm really generous – I'm really being true about this. You know, even if we are not differentiating but making any kind of differentiation based on that and I think that's where we are going to, I still think that is important to just have this piece of data.

Kurt Pritz: Go ahead, Amr.

Amr Elsadr: Thanks, Kurt. This is Amr. Yes I would encourage the ALAC and other groups who agree with this to address it in their public comments. For the time being now, you know, if we were going to put this in there I think we would need to have a very lengthy discussion on how that would be done; if we're proposing in our initial report to – that, you know, a recommendation that requires the collection of a new data element that has not been previously collected we

need to work on its purpose, we need to work on, you know, who the controllers and processors are, what the lawful basis is, you know, the whole thing and we don't have time to do that right now.

So please, you know, ALAC and others who believe we should be doing this, please address that in your public comment but let's not tackle this now, not this week. Thank you.

Hadia Elminiawi: So to Amr's point, that is why I – we put in the recommendation that the team is considering and we did not put "recommends" because actually we as a team did not have enough time to discuss it. Though, the whole (unintelligible) discussed for a very long time and Benedict made a proposal that was maybe supported – yes, supported by some. But again, we did not even have the opportunity to discuss Benedict's proposal. However, this has nothing to do with Benedict's proposal. As I said, it's a piece of data that identifies the domain name belongs to whom but does not make the differentiation or the distinction.

Kurt Pritz: Margie.

Margie Milam: I was commenting -- this is Margie -- on Amr's point about getting public comment on it. I think that actually supports the reason for including it in the report. But I actually do agree that it doesn't have the analysis that we have for other elements and so, you know, simply stating that so that it could be teed up in the public comment period but noting that much more work would need to be done to flesh it out I think would be a good compromise.

Kurt Pritz: And isn't – so you haven't seen the public comment forum, and actually I haven't gotten to the place where we're soliciting input on this, I don't think, but aren't we already soliciting comment on this by our discussion in the body of the report and legal versus natural persons and – to me that's already done. Also since nobody's talking also let me just say that also to me that the,

you know, the discussions we've had about making data available to third parties and not going beyond the data that's already collected was important.

And then, you know, I remember Marc I think brought this up for the first time that, you know, notwithstanding that we're saying no more data there's this issue and so I think the right – given that this is going to be controversial if we attempt to go ahead with creating a new Whois data field, and whether that obtains consensus, I thought that the place that the initial report captured this issue was perfectly well suited for it because it, you know, the legal versus natural person discussion gives rise to this issue where, you know, and so the appropriate discussion for understanding what the issue is, is in that section.

And to, you know, repeat the issue in this section seems to be redundant and not provide the reader with the right amount of rationale, so but I think we do want to capture and we intend to capture, we always have, intend to capture public comment on this issue in the legal versus natural persons portion of the initial report. Emily.

Emily Taylor: Thank you, Kurt. I just wanted to repeat for the record what I said in the chat in response to Hadia's comment really. Hadia, I think the reason why there is (unintelligible) reaction to the proposed edit is not because people don't agree that it has been discussed but at this stage I don't think it's an accurate reflection of the discussion to indicate that this group is considering a recommendation on the (unintelligible). It's totally appropriate, as Kurt said, for us to go out to public comment and seek community views on the legal and natural persons issue and it's true that we've been discussing it.

But there's still a very wide range – wide divergence of views on this point and (unintelligible) even from reaction (unintelligible) proposed recommendation. So I think it would raise community expectations that a recommendation is close or (it) is following when it's really not clear of whom,



from my perspective, that such a recommendation is guaranteed at this stage. Thanks.

Marika Konings: Kurt, I think you may be on mute.

Kurt Pritz: Yes I was but that was on purpose. You know, sometimes you just have to sit and think. So you know, from a leadership – from a leadership perspective and with delivering the report in the last topic we discussed for quite a period of time. There was a footnote added just two days ago that NCSG and I think others sought to take out, but we left that in. And so on this side – on this issue, rather, here's a proposed recommendation that, you know, and my personal opinion I think is addressed elsewhere that to me it is guaranteed that we're going to get public comment on this issue because we're going to solicit it specifically. And so I think it's best left for there and not be redundant in this report. I think to make it redundant, make sure it's a tiny bit confusing I think, you know, regardless of what we decide we're going to, you know, this issue is going to be discussed because there's a difference in it. And so we need to solicit public comment on this very specific issue.

So I'm going to pause for a minute but as, you know, from my position, you know, on this issue I urge us to decide the other way to take this kind of addition to language it's been there for a very long time, you know, take it down and rely on the other conversation we've had. Well this, you know, the proposal does have support because it has support of two groups. But my point is Milton that we're going to get public comment on it in a place where the issue is discussed in some detail in the report and not if the reader of the report goes through the report and sees this issue first they'll comment on it at this point without reading any of the discussion on either side of it.

I think we're arguing about the wrong thing here. And the thing is if we want to obtain the right kind of public comment do we put this question here up at the top, more at the top of the report where there's not any discussion back and forth concerning it? As Amr pointed out, there's not any discussion about,

you know, the purpose, you know, the controllers the, you know, the processors and that sort of thing or do we want to solicit public comment where it's discussed and then legal versus natural persons issue a little bit further down in report, in the report where the leader can look at the opinions of the different parties.

All right so I got an okay from Hadia. I'm waiting for an okay from somebody else. Good Milton, thanks. I'm really waiting for Margie here. All right the next thing, thank you very much everyone. This isn't as much fun as I thought. So we have a page break someone from the - this is not exactly clear to me. Could - it seems like insert the following.

Marika Konings: Yes Kurt it's Marika, if I can maybe clarify that the insert the following should have actually come below. So the current sentence and the thing that deals with redacting or non-redacting of organization fields or the sentence is currently in the report says in aggregate it causes systemic risk which does not fall squarely at one party but instead can damage trust in the whole DNS. And the suggested addition is no evidence was provided in support of this claim. So that is the language that was proposed by the NCSG to be added and...

Kurt Pritz: Oh, I see.

Marika Konings: ...staff has made a suggestion here that maybe instead of adding no evidence is provided maybe another fix could be to change but it's that can damage trust, maybe change that to could or two cause as systemic risk to say could cause a systemic risk to make sure that it's the - in the first and may make a claim that indeed there is no supporting evidence provided at this stage but instead of maybe trying to get at evidence or say there's no evidence, we could also change it to say could so it's clear that, you know, for the evidence maybe to provide it to underpin that statement.

- Kurt Pritz: So do you want - so I guess this is - I forgot where this original language came from. It might have come from Mark or Benedict, I'm not sure, or somebody else but I'm wondering if the NCSG could live with could and that the proposal of the language could live with could? Go ahead Milton - well Milton...
- Milton Mueller: Yes I just wanted to say that could by itself would not be acceptable. It's - all we have here is an assertion by certain parties. So I would say you could say that. Some parties are concerned that or have asserted that, but to say that it could really still implies that that's a plausible and reasonable assumption when there's really no evidence for that and some of us don't agree.
- Kurt Pritz: Does anybody want to hand, channel Benedict and say Milton's suggestion is okay? Can someone help Mark out because I had the same problem. Yes so can somebody help Margie out with the new language? And Marika I don't know if you have the updated version of this document with the line items adjusted?
- Marika Konings: Yes this is Marika. I posted a line, the line version in the deadline and Amr just posted in the clean. It's a bit of a challenge where, you know, people have provided references but haven't always stated where it can be found although this seems to align with what is in the redline.
- Kurt Pritz: Okay.
- Marika Konings: So and just also the question what the new language will be based on what Milton had suggested, basically the sentence that is here on the screen, would start with some parties asserted that in the aggregate they cause a systemic risk, et cetera, et cetera.
- Kurt Pritz: All right so I'll pause for a number of seconds and see if there's any comment in opposition to that? Okay let's go on to the next thing. All right so Marika or

somebody from the NCSG can you provide what this language wraps around? I have forgotten.

Marika Konings: Yes this is Marika. I'm happy to talk to at least what staff's understanding is in relation to this one. So this the - a sentence that appears in relation to the natural legal conversation. I think this is an inception where those in favor of making this distinguishing between the two states there's a sentence there that says while personal data that concerns legal persons doesn't have the same protections on the GDPR and it pointed out that that's not factually correct as, and their personal data is considered in the same way. So proposed rewording that staff it was suggested to leave the sentence but and staff has suggested a way of to addressing this as well would be to remove the reference to personal data and to just to say why legal persons do not have the same protections on the GDPR so that at least from that perspective it is hopefully a factual correct statement. Although of course the rest of the section goes into further detail with regards to that in certain cases legal persons may be providing information of natural persons and that's why, you know, issues may arise. So again, the hope is that making that small tweak would at least make the sentence and still providing kind of the framework for that part of the report.

Kurt Pritz: Go ahead Margie.

Margie Milam: This was as I believe since – is talking about some members of the ECB identified a number of risks. So if you disagree with it, it doesn't mean you necessarily have to agree with that because we're - I thought the way we were doing this was we were trying not to rewrite others language. And the language that's there is in GDPR. So I would - that's the – making that change I think it's article - I'd have to look it up. I think it's the Title 17 but let me take a look at the wording from GDPR. I can (unintelligible) that in a minute.

Kurt Pritz: Kristina do you want to go ahead while Margie looks up her thing?

Kristina Rosette: Yes and just to be clear, we are still talking about the in aggregate they cause a systemic risk test? I just want to make sure I'm commenting on...

Kurt Pritz: No I'm sorry.

Kristina Rosette: No, okay, we're on slide...

Kurt Pritz: No I'm sorry, we move down to D1.

Kristina Rosette: Okay never mind. Thank you.

Kurt Pritz: Margie how you doing there?

Margie Milam: I'm sorry, I'm trying to look it up. I'll, can we move on to another one and I'll put in the language in the chat in a minute? I've just I've got to find it.

Kurt Pritz: All right let's scroll down to D2. So is this NCSG change? It's left blank here but I think it is. And if so there maybe someone can talk to it but, you know, whoever the proposer is that I think our initial report's fairly generic in what it says, you know, who is who. It generally says some so I'd want to hear the point about what - why we make this change. Marc are - I don't know which one you want to talk to but you're welcome to go ahead.

Marc Anderson: Hey Kurt this is Marc Anderson. Sorry I'm - I just got the - I just found the text for the D, the C1 insertion. So sorry to - so can - how we - what was - where did we land on that one?

Kurt Pritz: Marika do you want to help us out here?

Marika Konings: And sorry were back on D1 right? So I think where we...

Kurt Pritz: No.

Marika Konings: ...landed or sorry B1.

Kurt Pritz: No.

Marika Konings: Which one are we on? C, C1 correct?

Kurt Pritz: C1, yes.

Marika Konings: Yes. So I think where we landed it is to precede that sentence with some parties have asserted that so that it's clear that it's a statement that's made by certain people in the group and not necessarily stated as a fact or as a statement that the whole group has signed off on.

Kurt Pritz: Okay great thank you. Sorry to have to go back to that one.

Marika Konings: And Kurt and on E2 -- this is Marika -- if I can maybe just state the context because I think it only has the sentence that the proposed addition is made to but so people know the context. And this is 1233 in the clean version line number. So basically that sentence start with in addition the EPDP team has discussed whether risks may be somewhat mitigated through educational resources. Some in the EPDP team expressed caution as stated dah, dah, dah. And the proposed addition here is that some in the EPDP team with expertise and data protection express caution. And as you said, you know, we haven't really made similar distinctions in other parts where we kind of say some say and others say but it's proposed that this is added here in this context.

Kurt Pritz: And Hadia did you have a comment about this? Thanks Marika.

Hadia Elminiawi: Yes, sure because in order to state that EPDP team with expertise in data protection we have to first all agree on who are the members with expertise in data protection to be able to put this in. And I don't think we as a group ever

discussed which parties or which groups or which people are experts and which are not?

Kurt Pritz: Thanks Hadia and that kind of, you know, goes to our - the kind of model we have in the initial report that sometimes more often describes which groups are on which side of an issue or which groups are advocating for something or stating something but and we don't make that sort of distinction. You know, a compromise might be, you know, those - some in the EPDP team, you know, point to data protection requirements when stating or something like that. But I would just assume go back to the original wording unless some - the proponent of this wants to speak up in favor of it and describe why. Alan go ahead.

Alan Greenberg: Thank you. I've been off the call for the last 40 minutes on another call so I'm speaking from a point of view of not quite not knowing the - quite the initial comments on this. But I'll point out that using expression like those with expertise express caution, you know, effectively implies the rest of us who are ignorant didn't think there was any problem. And so implying that some of us have expertise and the others without any expertise had another opinion I think sends the wrong message.

Kurt Pritz: So I'm sort of on board with Alan and Hadia on this. Does someone want to defend it or is it okay to go back to the original language? Thanks Amr.

Amr Elsadr: Yes thanks this is Amr, and yes I am happy to, you know, leave this as it was and move on. So, you know, just also support I guess on just what Hadia and Alan proposed, you know, just drop this for now and just move on.

Kurt Pritz: Great thanks very much Amr. We'll do that and move on. So let's go back to Margie's, which one did this before we get into the ICANN ones and we can (unintelligible) ICANN ones.

Margie Milam: Sure.

Kurt Pritz: So Margie can you talk while you type and then compare it to what's in the draft?

Margie Milam: Okay so the question was whether to make the change. And the language that I put in the chat is a basis for making the language that we originally had. So my - again my - this is not something that requires consensus view of the group. It's some in the team, you know, believe that and there's an interpretation as to how, you know, how the section in GDPR applies and how it makes the distinction between the personal data concerning legal persons which is why we chose the language that's stated there. So my proposal would be to leave it as is.

Kurt Pritz: So those of you in NCSG and the teams like Margie has some or the BC has some (unintelligible) in the GDPR that that's (unintelligible) a specific wording. And I must admit I get a little bit blurry eyed when staring at these two different kinds of wording and wondering the effects it's going to have at the end of the day. Can we – oh good Milton thanks. Go ahead.

Milton Mueller: Yes this is Milton Mueller. I don't know – we're talking about D1 right? And if so, I don't see the point of it either. I didn't propose this. I don't know anybody currently on the call who did after checking so we can move on.

Kurt Pritz: So we're going to retain this language in the report. Thanks very much Milton. Okay. So this first ICANN one can - going to speak for ICANN on these (Dan) or (Corrine). I didn't even look to see who is on the call today. So they both are so hi you guys? Do you want to talk, maybe go through these recommendations and talk to the inconsistencies that are in the report or the suggestions that are made?

(Corrine): Kurt can hear me? This is (Corrine).

Kurt Pritz: Yes I can.



(Corrine): Oh wonderful thank you. Yes so most of these essentially facts lacking for featured discussions and deliberations by the team. The first one that you here relating to Recommendation 1 we were just wanting to remind EPDP team that we had previously identified that the wording seemed a bit awkward and again it's just for the EPDP team so you take another look and decide what if anything it wants to do with regards to Recommendation Number 5. So I'm just going to quickly run through these and answer any questions.

Relating to Recommendation Number 5 we were just wanting clarification on whether or not the transfer referenced in this recommendation is relating to the registries only or and what impact it may be on the existing thick policy? So that's just a question for clarification. And then as it relates to Recommendation Number 6 of the text of the recommendation seems to imply that there's a simple controller processor relationship. And we wanted to inform the EPDP team that currently the data escrow agreement arrangements are quite complex and they need some sorting through. Some are three-way agreements and some are two-way agreements. And then there's also the issue that we're currently experiencing in which some of the data escrow providers do not think that they are controllers and some think that they are controllers. So again these I'm just flagging for future discussions by the EPDP Team. Thanks Kurt.

Marika Konings: Kurt you're on mute.

Kurt Pritz: Crap. So I have two questions on this one that might apply to more. You know, my comment on Recommendation 6 is when in my simplistic reading of it it didn't seem to require a simple processor and control of processor type agreement. It just to me it just says you need to have the appropriate agreement in place. And but my second question that's just that applies to more than just this one is when you say well we should think about this going forward so are you recommending a change to the initial report or are you, or if you're not then how do you want us to memorialize the comments here?

(Corrine): Hi Kurt. No we were not necessarily thinking that there needs to be changes to the initial report prior to publication. These were just merely some of the things that we saw from a quick read of the recommendations that we wanted to flag for the EPDP team discussion and termination of what if any changes they may want to make either now or later but we ICANN org certainly are recommending that these be addressed prior to publication of the report?

Kurt Pritz: Say that last sentence again?

(Corrine): There we ICANN Org is not suggesting that these be addressed prior to publication of the initial report.

Kurt Pritz: Okay. All right and can you sort of go through the rest of these then and describe them to us and then we'll go on to the next step?

(Corrine): Sure Kurt. Could we move? I don't have control of the document.

Kurt Pritz: And in the meantime Alan Greenberg has a statement.

Alan Greenberg: Yes thank you. I was just going to comment that we certainly are not in a position to try to fix any of these problems or even debate whether they need a fix. But it may be worthy of adding footnotes to say to say ICANN Org has commented on this wording and it will be reviewed by the review team. That may save some redundant comments and things people say. You know, for instance the Recommendation Number 1, you know, saying they don't understand how the developing a policy will involve processing of registration data is something that was raised in Los Angeles. And we chose not to act on it at that point but I think it's relevant and so it may be worth trying to memorialize these in footnotes without trying to act on them right now. Thank you.

Kurt Pritz: I think that's a good suggestion. I also have a question about one of the ones that are coming up that says there's a discrepancy between two recommendations. So I know people are anxious to get on with things but I, you know, this might be - we don't want to publish a report with contradictions so could you describe that on in your soliloquy here (Tran)?

(Tran): Thank Kurt. This is (Tran) yes. So this next one regarding Recommendation 13 and 21. We weren't sure if in the wording, you know, if there was sort of either an overlap or discrepancy Recommendation 13 that ICANN should enter into a joint controller agreement with contracted parties. And the Recommendation 21 says that ICANN should enter into required data processing agreements or joint controller agreement with contracted party data escrow providers and an (unintelligible) providers. So I think a text of Recommendation 13 is clear. The text of Recommendation 21 is a little bit ambiguous. It's not clear if the recommendations, that is Recommendation 21 is leaving open the assessment of what the right agreement is either data processing agreement or joint controller agreement to be entered into with contracted parties. So I - we're not clear in terms of the wording and intent of Recommendation 21 which may or may not cause an overlap or discrepancy with Recommendation 13.

Kurt Pritz: Okay nobody has their - thank you very much for that and bringing it up. And as Kristina said it was - I think it was noticed by others earlier. So to me Recommendation 21 is open. It's Recommendation 21 says ICANN should enter into the, you know, the GDPR required and complied in agreements, you know, data processing agreements whether they're in any of these forms. So I don't see the contradiction but I can see where a different wording of that might be the contradiction. So Thomas okay go ahead.

Right, 21 is broader than 13. Thirteen is specific and 21 - and it's in Recommendation 21 for a reason right because that's when we discussed these relationships with data escrow and (Ebro). And as I said before I think we want to keep the issue discussion with the right topic so that people read

the discussion or get it. And so I think that I, you know, that ICANN should enter into an appropriate agreement with all these parties, you know, the contracted parties, the data escrow provider, the (Ebro). All of those should to me should - is where it belongs under Recommendation 21.

And we don't want to, people too, you know, be reading about that escrow in (Ebro) and say oh you've got to go back up to Recommendation 13 if you want to learn about that.

I'm for kind of what Kristina said which I kind of think it already does doesn't it or does it not? If not I think we should limit it to that. The thing is contracted parties still have to be in that because are contracted parties part of that whole agreement? I think that's what (Corrine) was saying earlier part of that part of the dataflow because the data goes from the say the registrar or the other registry rather to the data escrow provider.

(Tran): Hi Kurt. This is (Tran) if I may. Exactly what you were just saying is the reason why in our feedback document to the rules and responsibilities memo we in the implementation question section had asked, you know, what the joint agreement arrangement would be like. You know, is it just between ICANN Org and the contracted parties? What about data escrow providers, (Ebro) and others? You know, how do we envision sort of that all arrangement? So yes I think I see what the teams point here about 21 being broader than 13 and we're just looking for clarification to make sure that there's no confusion there. Thanks Kurt.

Kurt Pritz: Okay so I'd ask we're going to do a little bit of rewording here. So I'd asked Thomas and Kristina to combine on that. Is that okay? I think it's a pretty simple fix. I can do it if you want, well maybe not. Great. All right Thomas?

Thomas Rickert: Yes thanks very much Kurt. Just so to be clear I'm happy to work with Kristina on this but are we aligned that 13 should then travel contractual relationship with the contracted parties and we would make Recommendation

21 the place requiring ICANN to enter into required agreement with third parties such as escrow agents and (unintelligible)?

Kurt Pritz: I think that's correct. All right (Tran) can you finish off in about a minute?

(Tran): Yes I can, even less. So the last one Recommendation 18 is highlighting sort of the same thing that we highlighted above with one of the other recommendations but the wording seems to imply a simple controller processor relationship. And it is possible that some of the dispute resolution service providers are (unintelligible) controllers and this may be (unintelligible) further in (unintelligible) discussions. Again this is nothing to address prior to the publication of the initial report but to just flag it for future discussion. Thanks Kurt.

Kavouss Arasteh: Kurt? Hello Kurt?

Kurt Pritz: Yes? Yes?

Kavouss Arasteh: Can you hear me please?

Kurt Pritz: Hi Kavouss. How are you?

Kavouss Arasteh: Yes I am good. Thank you very much. I think it is – it's difficult to jump from say 13 to 18, 18 to 21. Is it possible you treat them one by one or a group of three unless they are seriously interconnected because for the reverse it's difficult from 13 to 18, 18 to 21 back and forth (unintelligible) to see what is going on. Is it not possible to take them in a sequence or anything else on this or the interrelated like 13 and 21? Is it not possible to do that? Thank you.

Kurt Pritz: Yes thank you Kavouss. And you've described a microcosm what our issue has been now for the last couple of meetings working back and forth between this table and initial report that often changes iteration. So we'll – we've

become although adept at that over the last couple of meetings. So I'm going to scroll down just a little bit. There's a set of recommendations here from the registrars. I don't know if somebody from the registrars wants to talk to these?

Well let's scroll down to okay go ahead (Matt). I was going to scroll down to Group 5 but if you want to take these generally or I can highlight them in order of importance -- whatever helps you out.

(Matt): Yes thanks Kurt. It's (Matt). No I was just going to reiterate what I said last week. We met as a group the registrars met as a group late last week and will be for the most first submitting these comments as part of our public comments from the stakeholder group. So nothing that needs to be edited in the initial report. Thanks.

Kurt Pritz: That sounds really good. So then let's scroll down to where we need to be Marika.

Marika Konings: Thanks Kurt. This is Marika. So what I've pulled up is basically comments as several groups have weighed in on this. And I just want to note as well this is - this capture was submitted on the Google Doc form but I know that additional comments have also been exchanged on the mailing list in relation to the language of this recommendation. So this seems to be the main one and that you may want to talk about and see if there's a path forward here. And I just want to know that on the right-hand side, you know, one suggesting that staff has made here is to potentially stick to the language that's in the charter in relation to the stand about access to nonpublic registration data and kind of quote from that part of the chat, the charter on what, you know, will need to be dealt with next and what, you know, the group is committed to working on. But as said I don't know if that will address everyone's comments and feedback but it was just a suggestion we wanted to put forward.

Kurt Pritz: So I'd like to - let me check the - so I'd like to applaud Milton's condemnation of the English in this recommendation. However, as I recall it, we had just

gone through Purpose B and we had come to our compromise where and we said that data that's already collected but no other data will be made available to third parties for legitimate purposes for the really special language that we selected for purpose B which is probably the best part of our work.

And then the Renaissance was agreeing to that is that it didn't specifically call out LEA or intellectual property interest as being those parties that would be - for which we would aspire to create this access model later on that could use the access model to get data disclosure. And so in order to memorialize that we developed this awkwardly worded recommendation in Barcelona where, you know, I - well I think it was an agreement and a compromise. Admittedly maybe their CBI guys threw it up on the wall. But, you know, I think this is where we were. And it, you know, the fact that it includes those special words I think was an important part of that.

So I think the wording in English is not good and it's unclear or, you know, the question is for us is it clear enough? I think it's important that we talk about abuses and intellectual property somehow in this recommendation. So given that I don't - Milton go ahead.

Milton Mueller: Yes if you recall they original set of purposes had like five different purposes relating to different stakeholders or different legitimate interest groups or different supposedly legitimate reasons why you might want access to the data. And we started making progress and we combined those into one generalized purpose that did not specify particular reasons or were legitimate interests. And I think that's the only way we can go forward as a unified report is to be generalized.

And I think that Benedict on the email list expressed support for that. Again I don't think we're excluding intellectual property or as I prefer to say with respect to domain names trademark interest in by not singling them out I don't think we are excluding anybody who might be relevant. The whole point of the compromise was to leave the decisions about who gets access under

what conditions to the actual policymaking process for access and not get bogged down now in trying to decide who those legitimate interests are. I think we just have to go that way if we're going to have a real unified interim report.

Kurt Pritz: I'm sorry, (unintelligible) Amr can you please go?

Amr Elsadr: Yes thanks Kurt. This is Amr. Yes in general I'm principally very much in agreement with Milton said. And if I understood Marika correctly I think she said that the language proposed in the column on the far right is some language that staff had put together using what's already in our charter. And it seemed that this recommendation is not actually a recommendation. It's more of a commitment on the part of the EPDP Team.

I am leaning towards, you know, going with the language that's, that is proposed on the far - in the far right column and that seems to work for me. I think it really makes it clear that, you know, we will be considering all legitimate purposes so if those may be include abuse and intellectual property. It would include a number of other legitimate purposes I'm sure. So I hope those cover everything and they do actually point out that the EPDP Team is committing to what is required of it as per the charter requirements by the GNSO Council. So yes I, you know, I give my vote to that language there. Thanks.

Also, you know, some of the other language in recommendation do to kind of puzzled me like, you know, can we - the EP (unintelligible) Team's kind of developing a policy but I'm not sure how we would coordinate the policy. So that's just something else that, you know, I think is a - it's beneficial to consider the language being proposed on the far right just got a little bit out that I didn't think made much sense.



Kurt Pritz: I remember that develop and coordinate language went through many iterations before we settled on those two terms. I think there's a lot of discussion on this. Alex?

Alex Deacon: Thanks Kurt it's Alex. I'm so first I think it's fine if we fix issues with grammar. I don't have a problem with that. But I think the suggestions really change the intent of this recommendation and that's where I have the problem. You know, it's no secret that defining a ICANN purpose for access right, I'm not talking about defining the access mechanism or all of those details. I'm just talking about the purpose for access is important to the IPC. In fact, you know, I'd argue that it's probably the most important issue to us. And ICANN purpose for access is really the foundation for the access discussion that we're going to get to the next. And we've been discussing the wording for this purpose since before LA. We discussed it extensively in LA. We discussed it again in Barcelona. The language we ended up with really limits access or disclosure if you will to Whois data to issues related to security, stability and resiliency.

And we know that many believe that issues related to IP are not covered in the concept of SSR. And in Barcelona three people actually confirmed that this was the case. So essentially the implication here is that this purpose that is it's currently defined the Recommendation 2 - sorry Purpose 2 and Recommendation 1 does not allow access to Whois data for matters related to intellectual property.

Essentially what we're saying up front is that IP is not a legitimate interest. So for me this is a very binary issue. Either IP is legitimate interest and should be allowed to access Whois data or it's not. I'm hearing it's not and this is a concern right? And actually we heard it just again from Milton who essentially stated that we'll be excluding copyright interests saying they are not relevant. So it should be no surprise that I have a pretty big problem with this. I don't agree.

You know, what will happen is that – well, is at best access to Whois data, disclosure of Whois data under this new PD policy for IP interests will be more difficult than it is under the current reasonable access regime as it exists today and at worst it won't be possible at all. So I think, you know, everyone on this call knows me pretty well that I'm far from unreasonable. But in this situation it's clear to me that sticking with Purpose 2 as it is and modifying Recommendation 2 as suggested by Milton essentially cuts out important IP interest out of this whole the PDP and that's where my objection and - really lies. Thanks.

So I just, you know, Alex I don't agree. I think that's where we - I don't agree with part of what you said. And the part I don't agree with is where you said that Purpose B does not indicate that intellectual property is a valid interest to be considered under purpose that we can put it under Purpose B because we, you know, we really discussed that language for a long time. And I'll tell you we even went back to the ICANN board and people, you know, knowledgeable about the c mission there and when we included the language about the ICANN mission that was for the very specific purpose of making sure that IP was included in that Purpose B. So I don't agree with your premise there I think it's in. I think that our intent here was to make that translation to provide the Rosetta Stone for that to make it clear. But I think it's in there.

Alex Deacon: So...

((Crosstalk))

Alex Deacon: ...can I respond Kurt? This is Alex.

Kurt Pritz: Yes.

Alex Deacon: Yes, so the language in Recommendation 2 was meant to ensure that it was clear that it was in there and now it's been suggested that it gets removed. So

I guess, you know, all I'm asking for is some indication in the report that IP interests, you know, are covered. My concern based on statements made today and over the past many years is that we'll end up in a spot where it's not and that would be unacceptable to us. So I'm just asking that there is some indication appreciation of that. There may be those that don't appreciate that or don't care. But all I'm asking is that in this report that we not leave things vague and we make it pretty clear that IP interests are included in the ability to get access to this data or have this data disclose under the future policies.

Kurt Pritz: Thanks. (Mark)?

(Mark): My statement is very similar to Alex's. And I just wanted to be clear, you know, about the historical record that in LA we did have an agreement that we would break down the purposes statement which had all these bullets and make it more generalized. And that was with an understanding that IP and copyright and things like that would be included in that general statement and Milton was part of that compromise or whatever.

And we even had a little meeting up on the roof. And we came down and we were all very happy that we had agreed with that. And then as soon as Milton left to go on the airport his constituency then try to carve out an exception for, you know, IP and copyright. So this has left us with a great concern that anytime we are not explicit about this language that it'll just be used as a building block for a later attack on this topic, you know, in total. And so we would very much like to maintain this language explicitly somewhere in the document.

Kurt Pritz: Kurt you may be on mute.

(Mark): Oh I'm all done. Sorry. Did you hear anything?

Kurt Pritz: No I heard every – no Marika was telling me I was on mute.

(Mark): Oh, I'm sorry I thought you said (Mark) was on mute okay sorry.

Kurt Pritz: Yes. Margie and then Alan and then Hadia.

Margie Milam: Yes this is Margie. This is one of those areas where we had the agreement back in Los Angeles and to go away from it now is really problematic. I mean we, you know, we don't want to rehash all the arguments we had as to why we ended up with the purposes as they are but we're going to have to if we revert it back in the language that we've already agreed to. So I just want to express my strong objection to changing (unintelligible).

Kurt Pritz: All right who's - could someone manage the queue for me? I'm away from my laptop screen.

Marika Konings: Yes this is Marika. Kurt I can help you out there. Alan is next, Alan Greenberg.

Alan Greenberg: Thank you very much. Look what I'm hearing is from some people saying let's take out the specific language this is not really a recommendation. It is a commitment to do some work later on. And trust me, we will talk about intellectual property issues. Trust is not something that's in great supply in this group.

So I think we need to put some language in. Can we not find some language which is folks this is just a commitment, not a recommendation to say that we will consider things related to for instance and give a for instance not limited to intellectual property secure - cyber security whatever and put a laundry list there making it really clear. It's not a definitive list. It is not an exhaustive list and it is not a commitment to look at a specific type of intellectual property. And so we can defer the discussion as to what extent copyright is included versus not included and, you know, and all these discussions. Trust is not

going to do it right now, so let's include in examples but not limited to and move forward. Thank you.

Marika Konings: Thanks and Hadia's next.

Hadia Elminiawi: Okay so I think actually two alterations here have been made to the meaning of the recommendation. First is the removal of the word standardize which I think is very important and the other is the removal of the intellectual property rights. And I do agree with Kurt that Purpose B was carefully articulated in a way that includes intellectual property rights. However we hear now the other parties as a noncommercial stakeholder group saying that intellectual property rights are not included. Therefore I do think that the intellectual property constituency do have a point here and if we do think that Purpose B does include intellectual property rights that then there is no reason for us to be concerned in putting it here as well. And the other point is the removal of the word standardized so why did we do that?

So I don't think anybody's advocating that we're not going to take intellectual property rights into consideration. The issue is how to word that in this recommendation. And this recommendation has - goes to our commitment as Amr said. It's not really a recommendation. It's our commitment to how we're going to approach the discussion and when we develop the standardized model so that's why the standardized word is in there. So and finally I think we, you know, we did arrive at a compromise in Los Angeles where we would make that commitment to say things related to intellectual property. And I don't know if we want to restrict that in some ways but I think we should find wording around that.

Margie Milam: Kurt do you want to go back to the queue?

Kurt Pritz: Yes please.

Margie Milam: Okay thanks. Next in the queue is Milton.

Milton Mueller: Hello. Yes it sounds like Kurt is driving his 16 wheeler down the California highway. So I just have to say I honestly and sincerely do not remember ever agreeing to this language, specifically intellectual property. I can remember very vividly objecting to it. So maybe this did happen after I left Los Angeles. But here I don't think that that's actually the point.

I think Alan's - Greenberg's comments about trust were I think getting us closer to a possible resolution of this in that I'm not saying trust me we're going to add of this stuff in. I'm saying the task before us when we get to the access question is precisely to define what are legitimate interests and what are the mechanisms by which they get to disclose the nonpublic data. And I think but by we have always been opposed on principle to a laundry list of those legitimate interests particularly at this stage of the game when we're not actually talking about access and we're not developing an access policy.

So I believe that this - the absence of that language in Recommendation 2 does not in any way prejudice who or what will get access. And indeed legally it is inconceivable that the both trademark and copyright holders will have a legal basis for getting law enforcement agencies to disclose the Whois data in any case involving the enforcement or infringement of copyright and trademark. I cannot conceive of a situation in which that doesn't happen because there are not only national laws but there are international treaties about that.

So the - I think the way out of this impasse is to do what Amr suggested which is the language that's been suggested by the staff which is drawn from the charter would be fine. You know, we're committing to develop policy and there's a set of bullet points regarding the questions that that policy will answer and those questions and those answers - those questions do not prejudice the answers that we give later on in the process. We're simply saying, you know, let's set aside the access issue for now and not get into a specific list.

Marika Konings: Thanks there Milton. Kurt just for your information we still have quite a few hands up here and maybe I can encourage everyone to focus on how we can move forward to someone (unintelligible) is able to live with and actually go next to Thomas. I see that he put as well some suggested language in the chat so Thomas?

Thomas Rickert: Thanks very much Marika. And I hope that we can agree on three components which I think we've discussed. One is that we would not talk about access but to, but about responding to offer disclosure requests because that's needs to be in there. Then we want to talk about, you know, doing the work and that our work will include intellectual property infringement or disclosure in that regard. So I would suggest I mean we can tweak the exact language here. I would suggest that we replace the existing language too.

The EPDP Team commits to develop policy to allow for responses, to lawful third-party disclosure requests for nonpublic registration data. They work will (unintelligible) among disclosure and because of intellectual property infringement cases I guess what we need to say. We can – so I'm just reading Margie's - we can use or we can include abuse cases and intellectual property infringement cases. I think standardized - we don't need to include as it were because if they are creating policy that were by nature will cover that. So that's my suggestion. And I will note for those who are not in the chat that Alex thinks that language along those lines can work which I think is very kind. Thank you.

Marika Konings: Thanks Thomas. Kurt I think I hear you. Do you want to get in the queue?

Kurt Pritz: This is Kurt. Can I just blurt - I'm - can you hear?

Marika Konings: Yes we can hear you.

Kurt Pritz: Yes so I am really sorry. I had this medical appointment for a really long time and I (unintelligible) really guess this language. If we can't settle this here we'll try to settle it on email or on a call tomorrow. So that's what we'll try to do. I think also we'll tomorrow go through the comment forum meeting. And I really apologize.

Marika Konings: Kurt are you okay with us continuing just going through the queue? And I'm happy to manage the queue. I think we may have lost Kurt so if you indulge in me and of course if anyone has any objections please say so. Well let me just go through the queue and see if we can touch upon some of the defined items lining those up for tomorrow's meeting. And so I just wanted to note that and I put in the chat what seems to be the updated version as proposed by Thomas which would now reads the EPDP Team commits to develop policy to allow for responses to allow for third-party disclosure requests for nonpublic registration data. The work will encompass amongst others disclosures in the course of intellectual property infringements and abuse cases.

I see several people noting in the chat that they're comfortable with the proposed language by Thomas. And so I see there's still several people in the queue so maybe people that are not conformable with this can note this in the chat as well and maybe we're able to even get to a proposed agreement here. And Amr I see you're next.

Amr Elsadr: Yes thanks Marika. This is Amr. I was originally going to say that, you know, I agreed with a lot of what Alan said in terms of, you know, the different (unintelligible) we need to consider when we get to this part of the work. I had also agreed with a lot of what was saying in the chat, well until he proposed that last language actually. I think it's premature for us as a team to commit to an outcome right now. You know, I'm fine with the first half of Thomas's proposal when he says that we (unintelligible) developing a policy because, you know, we have to do that. We were chartered to do that. That allows for



responses to lawful third-party disclosure requests for nonpublic registration data. That all sounds good.

And I presume that, you know, these lawful third-party disclosure requests will include those from trademark holders, from law enforcement and from a number of other types of third parties. And like Alan said like our charter says we need to consider all of those, but I am not comfortable at this point declaring that the EPDP Team is committing to develop a policy and committing to what the outcome of that policy will be until we've had the substantive discussions on this.

So I really think it's important for us to, you know, to give language that is very neutral on this but thoroughly covers that, you know, we will consider all legitimate purposes and all forms of, you know, lawful requests for disclosure. So again I think the language I prefer here is not the language that Thomas proposed but the language that is in the far right column of the document we're seeing on the screen in front of us. Thank you.

Marika Konings: Thanks Amr. If I can maybe just ask does that amount to an objection or you could also live with what Thomas has proposed noting that, you know, your preference is for what is on the right side? And you don't have to answer me now. You can think about that and maybe putting in the chat.

Amr Elsadr: No, no that's okay. This is Amr again. Yes I am objecting to Thomas's proposal because I think again he is proposing an outcome before we've actually got to the work we need to do. We need to commit to following our process which are first in the charter that the GNSO Council adopted. But I don't want us as a team to commit to an outcome of any kind right now. Thanks.

Marika Konings: Thanks Amr. Alan Greenberg?

Alan Greenberg: Thank you Alan Greenberg speaking. I'll go back to what I said we don't have a lot of trust here so we're going to have to put words in. And all Thomas is saying is we commit to developing lawful access. So if it's lawful how can we object to it at this point? So, you know, it's going to be a judgment call obviously what is deemed to be lawful in our minds? What are we going to explicitly talk about and what will have to be exercised only with a court order?

But at this point we're not saying we're going to do anything against GDPR. I think it's a reasonable statement to move forward on. Thank you.

Marika Konings: Thanks Alan. And may be Amr in the meantime can think about what is it in the language that Thomas has suggested that he thinks commits to an outcome instead of working on it and maybe that's a way as well we can try to address that. (Mark) go ahead.

(Mark): (Mark) for the record. I think when we're talking about this purpose and, you know, and when we're talking about 61F issues there we should refrain from mentioning law enforcement. Law enforcement has, you know, different bases and extraordinary powers. We're talking about lawful access for legitimate purposes subject to a balancing act. That's not law enforcement.

I would also note that not all of these IP issues rise to the level of criminal enforcement as far as I know. I'm not a lawyer. You know, a lot of us are not but that's my understanding. And finally just a comment that I think if you were to go to the extreme case and say let's get law enforcement involved all the time that would really just complicate everything and raise everybody's costs a lot. And so really, you know, you might want to think about if that were the outcome of our decisions here the policy that we came up with how what that impact, you know, the creation of a compliance officer and various legal things within your organization to deal with that reality. So I would not mention law enforcement when we talk about this topic. I think it's, you know, relevant.

Marika Konings: Thanks (Mark) and noted. And this is Marika again. Before we go to Hadia if I can maybe make one other suggestion as well because I see several people in the chat and Amr did as well referring to the language that the staff put forward. Would a possible alternative approach be the language that staff has but add but add, you know, a bullet underneath that that basically adds the latter part of Thomas' section and says, you know, this discussion will include consideration of, you know, disclosure in the course of intellectual property infringements and DNS abuse cases? Would that be a way of bringing together two sides of having coming to, specific reference to the work that is ahead in relation to the charter but also make sure that people understand the consideration of those questions will include a consideration of the intellectual property infringements and DNS abuse cases? And maybe that's a way of bridging the gap and I'll let you think about that one as we go to Hadia?

Hadia Elminiawi: Thanks so Marika I think I do like your suggestion. My only comment, which I already put in the chat and is supported actually by Milton and the others, is putting the word standardized there. I know it's already in the charter but if it's already there why want to remove it from here? So for just for assurance we would like to see it there.

Marika Konings: Thank you Hadia. And Marc?

Marc Anderson: Hey Marika, Marc Anderson for the transcript. So yes there is a lot of discussion on this one and different language being thrown around and so I'm trying to coordinate with my colleagues here and I don't think I've gotten, you know, everybody's full support of this one so I'll just caveat that by saying this is I'm just speaking for me not on behalf of registries or contracting parties.

But I think, you know, I think the staff proposed language is good. It reflects what's in the charter and, you know, lays out the, you know, sort of the commitment that we all agreed to to discuss this further in the following

phases. And so I think this is, you know, relying on the charter language is good and it sort of gets to the heart of the compromise that we're going to talk about later.

You know, I just want to, you know, say one thing about, you know, the trust comments, you know, Alan made and, you know, I think, you know, I get the question on trust. I don't think though, you know, having the words IPC or IPC interests are necessary, you know, because, you know, I don't think anyone, you know, thinks that Alex is just going to sit quietly on the sidelines and not advocate for IPC for legitimate interests here. You know, I think I think the important thing is that we put down a marker that we're going to tackle this. We are going to tackle this is part of our work and that, you know, the, you know, the different members of the group are going to advocate for our positions and try to come up with a solution and policy recommendations that we can agree to.

And so, you know, sorry if that was long but I, you know, I think my support is for the staff language as is. I know there are, you know, there's some little things in there that could be tweaked but as far as, you know, just for an interim report I think the staff language proposed compromise I can live with.

Marika Konings: Thank you Marc. This is Marika. That's very helpful. And could I just ask would you object to adding, you know, this one sentence that, you know, comes from Thomas' language to note that this would also...

Marc Anderson: Yes I would.

Marika Konings: Okay.

Marc Anderson: Yes I think, you know, I, you know, I think if we, you know, we're starting to get down, you know, we're starting to over think ourselves, you know, just I think the language that the initial staff language that gets to the point putting a marker down. We all agreed we're going to talk about it later. This uses

language from the charter. I think that gets to the heart of the compromise and is the language we need to move forward.

Kavouss Arasteh: Hello Kurt.

Marika Konings: Thanks Marc. Hi Kavouss. This is Marika.

Kavouss Arasteh: Yes Marika.

Marika Konings: I'm managing the queue as Kurt has stepped away. Margie is in the queue and then we'll go to you next okay?

Kavouss Arasteh: Yes because I don't have access. That is why I'm not in the queue.

Marika Konings: Okay. Yes I've noted you for the queue.

Margie Milam: Thank you. Yes this is Margie. I really strongly object to the language that was previously proposed by staff. I think Thomas' language gets us to where we need to be. The problem without if you're not mentioning intellectual property or abuse as part of this discussion then we're just going to get a whole slew of comments about how we, you know, how we not included those. And so I think it's important to at least give assurances to those that are reading the reports to understand that those issues will be considered. Obviously we're going to have to work through the details of it as separate points but it's really to help, you know, put the reader at ease for those that are, you know, worried about those issues that it will really happen and forgotten.

And so without having that language that's the conclusion people are going to reach and we're going to get a whole bunch of comments that relate to that which I don't think are necessary and so I support Thomas's language.

Marika Konings: Thanks Margie. Kavouss?

Kavouss Arasteh: Yes I think I could I sent you, I gave you the language proposed by Alan Greenberg. I think we don't need to continue this discussion. However I have difficulty with the use of the term standardized. As standardized has a specific connotation and we don't agree with that. What we agreed earlier (unintelligible) to use harmonized, but not standardized. We don't standardize that at all. Thank you.

Marika Konings: Thank you Kavouss. Milton?

Milton Mueller: Hello yes so I think Marika indicated a good way out of this is that we stick with the staff language but we add an additional bullet point that says that things that will be considered is our DNS abuse and trademark protection or some kind of marker for legitimate intellectual property concerns. In other words, you know, Marc of the registry constituency is correct. We – we're in a policy process. Once we get into the definition of access, it's not like the intellectual property advocates are not going to be there and are not going to advocate a policy that serves their interests. But once we get into this game of listing legitimate interest then, you know, it's very clear that some people are trying to tilt the outcome in a certain way or they don't trust that the process will be a fair one which I don't think is warranted.

So I'm making - trying to make a concession here of, you know, add a bullet point that says those two things will be considered, DNS abuse not general abuse and intellectual property if you like but only that they will be considered as legitimate interest to be discussed or considerations in an access policy. I can't see why anybody would object to that.

Marika Konings: Thanks Milton. And so this is Marika again. So I'm noting that, you know, several people are seem to, you know, be in support of having the language on the right with a note adding that, you know, that conversation will consider, you know, (unintelligible) and DNS abuse related issues. And I do know that Marc and noted an objection to the to the registry so of course a potential

way forward like we've done with some other of the recommendations is that - if most people agree with that path forward we could of course also note in initial report and if certain groups object to that. But having said that let's go to Alex next.

Alex Deacon: Thanks Marika, it's Alex for the record. So I guess I need to see the language. I think Thomas's language worked but, you know, I need to understand and read the language that we're now considering which is the staff language plus this change. With regard to IP issues we need to be careful that we're not picking and choosing which IP issues are relevant or legitimate at this point. It needs to be, you know, we can't call out trademark versus copyright. We just need to ensure that IP interests are referenced in this new language of for going to make yet another update. Thanks.

Marika Konings: Thanks Alex and this is Marika, of course completely understand. So staff can take an action item here to immediately following this call circulate proposed refined language for (unintelligible) Recommendation 2 that reflects what is on the right side at the moment that basically tracks exactly the language of the charter and adding a bullet that reflects I think the second half of Thomas' proposed language to reflect that, you know, this discussion or consideration of those questions will include IP infringement and DNS abuse cases. And so we'll work on that language and get that to you immediately following this call so hopefully you'll have a chance to look at the and hopefully we can finalize that language either on the list or during tomorrow's call. And Hadia you're the last one on this topic and I think then we'll need to move to a close.

Hadia Elminiawi: Okay I just want to thank you for the recommendation and just note that the word standardize actually it is - does have a lot of support and we would like to see it there.

Marika Konings: Yes, thank you Hadia.

((Crosstalk))

Marika Konings: Sorry, I didn't mean to interrupt you.

Hadia Elminiawi: Standardized response which is very important.

Marika Konings: Yes. Thank you very much Hadia. I'm sorry if I interrupted you completed your intervention. And just so you know that language is there because that comes directly from the charters so that language would be referenced there. And so staff will take this as an action item and get them to you shortly after this call. And I know we're running out of time, just to maybe reflect on some of the other items that need to be finalized and just to put it on your radar screen and maybe already get some input on the mailing list on those items.

So there is a purpose so and as you may recall I think Benedict sent it to the list on Friday if I'm not mistaken or Thursday maybe as an item that had been suggested I think a while back but it didn't materialize until that time in relation to research. And I believe I saw a reaction from Margie saying that maybe it's post way forward, a possible way forward would be to reference that work or that conversation and ask specific questions about it in the initial report and as a way of getting input on it, but maybe not necessarily include the whole workbook and the purpose language at this stage as a recommendation as there may not have been enough time to consider that purpose for now, but at least, you know, put it on the record and get input on that. And Margie I'm hoping I'm not mischaracterizing what you were suggesting.

So if I can encourage everyone to maybe look at that email and a response from Margie and kind of provide input if you think that is a proposed way forward and hopefully we can kind of finalize on that then during tomorrow's meeting and maybe staff could even take it as an action item to write up some language that kind of would reflect what could go into the initial report to refer to that purpose.



Then I also want to flag that there was additional language circulated by Thomas that would be included or is proposed to be included in the section that deals with responsibilities. And that was an action item from Friday's meeting to basically reflect the discussion that was held at that space and the input that was provided by ICANN or in addition to the memo. So I think there would just like to encourage everyone to review that language and indicate if you have any concerns or issues with that proposed addition which I believe goes into preliminary Recommendation Number 13 if I'm not mistaken.

Then there is also additional language that was circulated to the list for the UDRP section. I think there was some addition that Margie has proposed and some questions that may need to be addressed further. I note that there were several comments on the mailing list as well in that regard and I don't know Margie if I could look to you to see if there's a way you could capture those in the language or any updates you may want to suggest to address the input that was received if it's something you would be willing to do?

Margie Milam: This is Margie. Sure I can take a look at it and see if I can make an update. I'll do that right after the call.

Marika Konings: That would be great. Thank you so much. This is Marika again. So let some other items that we had hoped to cover today but that will move over to tomorrow's meeting. First of all just a look at the public comment forum, the Google forum and we'll look in to see if we can already maybe circulated at least the setup of that with you later today so you can have a look at that prior to the call and perhaps start a discussion as well that, you know, the launch of the public comment forum should probably be in conjunction with a community Webinar where the group has the opportunity to both, you know, present the recommendations as well as explain to the community how input is expected to be provided.

And then we're also working on a letter to the EDPB to kind of flag the specific questions that are called out in the report and, you know, find a way to get that in front of them because just sending them the report may not help call out those items. So we're working with the Leadership Team on a draft to that so we just wanted to let you know that as well.

And so having said that I don't know if there are any questions or comments. Not seeing any hands I think I may be able to give you ten minutes back of your time. The next call is scheduled for tomorrow at 1400 UTC. I said there's a couple of items that will go out on the mailing list so please have a look at that and staff will also go ahead and make any updates that were discussed today in reviewing of the comments and probably send you an updated link so you can also see how those changes are looking in the report and I think that's all I have. Yes in mine sorry, I'll stop talking then. So thanks everyone for your time and speak to you all tomorrow. Thank you very much.

Woman: (Unintelligible).

Julie Bisland: Thanks Marika. Thank you everyone. Today's meeting is adjourned you can disconnect your line. Operator you can end the recording. Thank you.

END