

**Transcription ICANN61 San Juan
GNSO: RDS PDP Working Group Meeting Part 1
Wednesday, 14 March 2018 at 15:15 AST**

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Chuck Gomes: Welcome to those of you here for the RDS PDP working group face-to-face meeting today. This is our second meeting here in Puerto Rico. Hope your week has been good. I assume all of you are tired by now, but because of the excitement of this particular topic, I'm sure you'll all be alert and active today in this discussion.

My name, for those who don't know me, is Chuck Gomes. I'm the Chair of the RDS PDP working group and I think by now everybody knows that we will not have the Adobe Connect facility today. So what I want to do first of all is ask Caitlin, one of our staff support people on the policy side, to give out the directions for how to participate if you're accessing this meeting remotely.
Caitlin?

Caitlin Tubergen: Thank you, Chuck. This is Caitlin Tubergen for the transcript. If at any point during today's presentation you would like to email a question, the email

address for doing that is ICANN61-208BC@icann.org. Again, that's ICANN61-208BC@icann.org. That email address is also available if you go to ICANN's scheduling page and click on the RDS working group PDP session. You will find that email address in which to email questions.

Chuck Gomes: Thank you, Caitlin. Much appreciated. And today, the rest of you will need to raise your hand if you want to get in the queue. Lisa is going to be managing that queue and trying to keep me aware of it so that we can make this work as efficiently as possible.

We have quite a few seats at the table. So let me invite, first of all, any working group members, we would really like you at the table if at all possible. But if there are other seats available, it's fine for others to move up there as well. Another thing that might help us, if you're behind us and we won't be able to see you too well. So feel free to move up to one of the side positions if you're comfortable with that. Notice that there is a mic behind us for making comments, if you're not at the table and everybody is welcome to participate in this meeting. There will be lots of opportunities for that.

Now, in terms of logistics, make sure you identify yourself, give your name and if you're associated with an organization, share that with us, maybe where you're from. We're not going to do introductions. Well, I guess we do have introductions on there again, don't we, for our working group members. We did that on Saturday so we probably should do that and the person who was handling that is at another meeting right now. So let's go ahead and very quickly -- I'm going to change my instructions. Just give your name if you're a working group member.

Now, we're not going to go around the room and introduce everybody just for time's sake but if you're a working group member, we would like you to share your name here with us and hopefully you're at the table where you can use a mic. Now, instructions on the mics. Please don't use the base of the mic. I know that -- I like to do that sometimes but I will try to refrain. Move the

rotating mic like I'm doing right now if you need to do that. But don't move the base at all.

Now, if you're a working group member and not at the tables, please line up at the mic behind me so that you can introduce yourself. And we'll start with the leadership team up at the front and we'll start over here with Michele just got here. You got here just in time. Get to a mic, Michele, so you can be the first leadership team member to introduce yourself and then we'll work across this way. Thank you.

Michele Neylon: Thanks, Chuck. Michele Neylon from the registrar stakeholder group.

David Cake: David Cake from the non-commercial stakeholder group.

Marc Anderson: Marc Anderson from the registry stakeholder group.

Lisa Phifer: Lisa Phifer from ICANN org.

Marika Konings: Marika Konings, ICANN staff.

Caitlin Tubergen: Caitlin Tubergen, ICANN staff.

Chuck Gomes: And Alex Deacon is from the commercial stakeholder group and Alex is at a conflicting meeting right now. They made him there for a while but I wanted to introduce him even though he's not here right now. We may find Michele skipping out on us too because of that other meeting going on. I don't know why they would prioritize that above this meeting but I think the initials of that is GDRP and it's not a GDRP session in itself but a joint meeting between a couple of -- at least three of the stakeholder groups.

All right, well again, welcome here today. Marc is going to -- oh, I forgot to ask for SOI updates. Does anybody have a statement of interest update?
Yes, Kathy.

Kathy Kleiman: Hi, this is Kathy Kleiman and it says on my statement of interest now, I am now President of a Group called the Domain Name Rights Coalition, which was a group that existed 20 years ago and has been recreated again. Thank you.

Chuck Gomes: Thanks, Kathy. And I see I messed up in terms of not allowing the rest of the working group members to introduce themselves. So I will go to that now. Does anybody else have a statement of interest update because we can do some of the introductions that way? We got Kathy covered. Okay, let's go over to my left and Holly. Not supposed to move the base, but in their case, it wouldn't twist far enough so I hope that works.

Holly Raiche: Holly Raiche, ALAC.

Griffin Barnett: Griffin Barnett from IPC.

Vicky Sheckler:: Vicki with IPC.

Farell Folly: Farell Folly, NCSG.

Stephanie Perrin: Stephanie Perrin, NCSG.

Erica Varlese: Erica Varlese, registry stakeholder group.

Beth Bacon: Beth Bacon, registry stakeholder group.

Alan Woods: Alan Woods, registry stakeholder group.

Greg Mounier: Greg Mounier, Public Safety Working Group.

Chuck Gomes: I don't see anybody at the mic behind me so I guess that's all of the working group numbers. Again, I encourage some of the rest if you want to get at the

table, especially if you're planning on many participating, feel free to do so. You're welcome to do that.

All right, next slide please. All right, and Marc is going to go over the meeting goals. Go ahead, Marc.

Marc Anderson: Thank you, Chuck. Marc Anderson for the transcript. For today's meeting, we'll essentially be picking up where we left off on Saturday's meeting. Saturday seems a long time ago now but on Saturday, we went through the seven discussion group reports. We made it through four of the seven discussion group reports and each of those reports looks specifically at three questions.

So leading into the ICANN 61 meeting, we asked the seven discussion groups to look very specifically at three questions. Who associated with domain name registrations needs to be identified and/or contacted for each purpose? What is the objective achieved by identifying and/or contacting each of those entities. And finally, what might be expected of that entity with regard to the domain name.

It's important to keep in mind that these three questions are not all encompassing for those purposes. These are just intended to do a deeper dive into one aspect of those purposes. So that was to focus the discussion at this particular session and give us an opportunity to dive deeper into these issues, and hopefully help everybody in the working group have a better understanding of each of these items for the seven different purposes identified by the EWG report.

Do we have the slide with the list of the purposes? Okay, go ahead and go back. We won't look at that one now. One other I'll add to this is time permitting, depending on how long we spend on the remaining three EWG purposes, if we have enough time during today's session, we're going to take

advantage of that time to actually resume deliberation on these possible purposes.

And we're planning on starting those deliberations with the compliance purpose. Chuck is confirming my recollection there. So if we have enough time at today's session, we'll start deliberation on the compliance purpose but that brings me to a quick reminder. The immediate purpose at hand is not to deliberate on them. It's for the working groups to provide an overview of their findings and make sure everybody has an understanding of what they found.

So I say that because we'd like to ask everybody to resist the urge at this point to deliberate on these purposes. I know it's a little bit hard as we go through these to separate out the deliberation. But we will have time to do a deeper dive and get into deliberation on each of these purposes. And in fact, time permitting, we'll start that today with compliance.

Thank you. Back to you, Chuck.

Chuck Gomes: Thanks, Mac. Next slide, please. Lisa, would you just talk about this please?

Lisa Phifer: Sure, Lisa Phifer for the transcript and Caitlin, could we bring up the full size version of this? So as Marc just alluded to, one of the reasons that we've gone through this exercise in each of the drafting teams is to help us better understand the -- how contact data plays a role in the EH purpose, either for identifying a party or for actually initiating contact with that party and each of the possible purposes.

You're going to have trouble seeing this eye chart here, but we just wanted to give you a sense of where we're going to try to go with some of the information that's been gathered by each of the drafting teams. So we actually after Saturday's session, Caitlin and I sat down and we started to fill out this chart. And we'll take it home as homework for us on staff to finish filling out this chart, transcribing the results that each of the drafting teams

produced, to help us see across all of the possible purposes some commonality.

Is there an attempt to identify a domain name owner in this particular purpose? Is there a need to identify a registrar, registry, privacy proxy, possibly even some of the purposes refer to hosting providers. So you can get a sense of what we'd be trying to identify. Pull out from each of these drafting teams outputs to give us a sense as a working group, give us a sense of where there are some commonalities in the parties to be identified, the parties to be contacted, and then some of the other questions, which you don't see on this slide here, but would be later in the table regarding what are the objectives you're trying to receive and what, if any, obligations would there be on the part of your identifying or contacting.

So again, this wouldn't be necessarily answers we'd all agree on but simply pulling it out from the drafting team's output as a foundation to look at then the data elements that might be needed in order to support the purposes should they be determined by the group through deliberation to be legitimate.

Chuck Gomes: Thanks, Lisa. Chuck again and while we move back to the main slide deck, I want to ask Caitlin again to let people know where they can find the slide deck and so forth. Please. The remote people is what I'm talking about.

Caitlin Tubergen: Thank you, Chuck. This is Caitlin Tubergen. For all the working group members, the slides have been emailed to the working group list both in PowerPoint and in PDF. Additionally, all materials are posted to the working group's wiki page for the March 14th meeting. And lastly, all the meeting materials that are being displayed on the screen today have been posted on the official ICANN schedule. If you just click on today's date and the RDS PDP working group session, you can find all of those materials, including the email address to use if you'd like to email any questions. Thank you.

Chuck Gomes: Thanks, Caitlin. Maxim, go ahead.

Maxim Alzoba: Maxim Alzoba for the record. A question, do we anticipate that proxy privacy might happen to be not only on the registrar level, like we have now, but on the registry level following the changes we might see in May of this year?

Chuck Gomes: This is Chuck. For the sake of this exercise, I don't think we need to get to that level of detail. The main purpose of showing that table, as Lisa communicated, was to show you that a table briefly summarizing the information that we got from all of the proposed purposes will be done and given to the working group. And of course, anything that the working group is available to the public on our wiki and so forth. So it's not as if that's confidential information.

Kathy, go ahead.

Kathy Kleiman: Is there any way we could go back to that table for a second without?

Chuck Gomes: Let's just go back to the challenging one. That one right there. Go ahead. Now, sorry. What that has, again, down the left side are different data elements in the RDS. Across the top are the proposed purposes.

Kathy Kleiman: So here's my question that really this is a map of existing uses and existing processes. And yet, privacy by design as required by the GDPR requires us to think about alternatives, options, data minimization, and specifically the question, is this the only way to get the data or are there other ways to get it. So let's say one way contractual compliance has of getting the registrant is through the RDS. But also, they could get it through the registrar. We're not -- is it -- do we put in a column that says are there other ways to get this data?

Chuck Gomes: Thanks, Kathy.

Lisa Phifer: So I realize you can't completely read the -- or maybe even at all -- read the column on the left hand side. But that is not actually data elements. It's intended to be aspects of answers that we see in the drafting team outputs. So did the drafting team identify a need to contact the domain name owner? Did the drafting team identify a need to contact or identify the registrar. So it's just filling in from the drafting team output what we see to allow us to then build on that across the board.

This group might decide certainly if there was a need to let's say identify the registrant in several of the purposes. This group could certainly decide a different way of accomplishing that than the RDS. But all we're really trying to do with this table is understand these purposes or possible purposes and what the commonality is amongst that, so that then as a group we can discuss ways of accomplishing that.

Chuck Gomes: Thanks, Lisa. I apologize for misstating and calling them data elements but a lot of what you're talking about, Kathy, when we do the deliberation we're going to have to go into that and end up making -- and by the way, for those who may not understand, when we say deliberation on these proposed purposes, we're going to try to answer the question and come to some sort of at least rough consensus of agreement, on whether each of these purposes is a legitimate purpose for processing, using the GDPR definition of processing, any sort of processing of those elements, of that information.

You should not assume that processing means collection. We're going to have to ask that question. It might be access. It might be storage. Processing includes all of those things. Not that we have to include all of those things. Okay. So that's what we mean when deliberation -- and we're going to have to do exactly what you're talking about when we deliberate. And hopefully, we'll get to at least one of those today.

David?

David Cake: Just looking at drafting team three about domain name certification, all through that we've been very explicit that there are alternate means of getting that and achieving the same purpose. What exactly -- and I think in that report, we went into a lot of detail about that but what we found was that in debate that was not -- making it clear that there are alternate means, we are not yet really in a position to come to good conclusions about the implications of that are. That was not -- it didn't seem to be very productive at that time.

So the idea that there may well be alternate means and that privacy by design may comply with the GDPR and so it may mean some changes to how that is done, that certainly on the table it's just right at the moment that is not I think something we're finding debate is productive, we will get to it.

Chuck Gomes: Thank you, Lisa, for reminding me and I'll go to you next, Beth. We are on Slide 7 in the slide deck right now for remote participants and I'll try to remember to mention that. So Slide 7 right now. Beth, go ahead. Really good timing, right.

Beth Bacon: I'm really, sorry. Not a comment on any of this. So I know that we are not deliberating and I don't want to take us down that road early, but we keep talking about data as we frame our thoughts going into that, hopefully if we make good time, when we say -- if we say something is not a legitimate purpose, that doesn't they're expected to figure out how to get it a different way. It means that you can't do that under the GDPR. So I think we need to keep in mind that if it's not a legitimate purpose, you either need to think of a different way to approach your needs with regards to data or understand that you can't particularly do that anymore.

So I just wanted to throw that out there understanding we're not actually talking about it yet.

Chuck Gomes: Thanks, Beth and that's a good point. And keep in mind, our task isn't just GDPR related. It's global. So there are lots of other places that have

requirements that may be similar to the GDPR or may be different. So the nice thing about the GDPR work is it's giving people some motivation to get moving a little bit faster and it hopefully will add some clarity to some of the things. If they do an interim model, it may test some of the things that we're going to explore and we may learn some things from that. So we see the GDPR work as probably being beneficial to us. But at the same time, we don't want to narrow our focus just to GDPR unless the board comes back and tells us that.

Okay, that's another issue. If you want to talk to me about that, we'll do that offline. Okay, is it Marc next? I can't see very well to my left.

Marc Anderson: Marc Anderson for the transcript. One other point is that this is also not an exhaustive list. We decided to use the EWG report as a starting point but just a reminder, this is not intended to be an exhaustive list of all the possible purposes.

Chuck Gomes: Thanks, Marc. Chuck again. And another important point to make is we gave the drafting teams the ability to describe who need to be contacted, who might need to be contacted, or just identified regardless of whether it's in the EWG report or not, if there was somebody -- and in fact, one of the teams I led we actually ended up with an item there that we'll get to later today, and you'll see it, that isn't an item that's collected today. But there was really good discussion about that item and we'll talk about that later today.

Next slide please. Okay. So the first of the remaining proposed purposes, and I'm going to underline the word proposed, so we're on Slide 9 now, we say proposed purposes again because we haven't reached any rough consensus conclusions about any of these purposes as to whether they are legitimate for some sort of processing. So the first one that we're going to cover today is the regulatory enforcement purpose that was worked on by drafting team 5. You can see that I coordinated that and you can see the members of the team that contributed to this.

And the way we're going to do each of these proposed purposes today in this part of our agenda is a presenter from the team will go over what the team ended up with and in some cases that might not be a final decision. There may have been disagreement on the team and that's okay. And we'll allow all the team members that are present to contribute to the discussion either remotely or in person. And then we'll open it up to the whole room if you'd like to contribute.

You may disagree with something that they suggested. We want to hear that. That's good. Our goal today is not to finalize what the team did, but rather again to increase our understanding and get the discussion started so that when we deliberate on the proposed purpose, hopefully that will go a little more easily.

So our presenter for regulatory enforcement, and we're going to pull that one up right now, is going to be Farell. And we have now, again, these presentations for those accessing -- participating remotely -- are available there. They were also distributed to the working group last week. So if you pull up the one from drafting team five on regulatory, the regulatory purpose, that's the one we want. Now, keep in mind, drafting team 5 did two. They broke their assignment into two parts, regulatory and ICANN contractual compliance, which we'll come back to later.

So Farell, go ahead.

Farell Folly: Thank you, Chuck. Farell Folly for the record. So just before continuing, the definition we have agreed on before continuing on the work is that for regulatory purposes, we are talking about information that needs to be assessed by any regulatory entity to enable contact with the registrant to ensure compliance with applicable law.

So for the first question, who associated with the domain name registration needs to be identified on that (unintelligible) proposed regulatory purpose, we came up with applicable regulatory authority with potential jurisdiction over registrant, registrar, and registry may need to be able to identify as necessary contact the following, either the domain name registrant, or the (unintelligible) representative. B, domain name registrar; C, the domain name registry.

And then for the point two as the objective identified in all contact in each of the entities, we separate into three part also for each cases and then for the registrant, it would be to determine who is the authorized holder of the domain name registration and what is the entity's legal jurisdiction. And the domain name registrar is concerned, it will be to determine what registrar entered the domain name into the applicable (unintelligible) domain name registry and what is the registrar's legal jurisdiction.

For the last part and in the domain name registry is to be to determine what registry entered the domain name into (unintelligible) and what's the registry legal jurisdiction. So for in any case, the purpose will be to provide notification of any possible regulatory issue or ask clarifying question about any possible regulatory issues or communicate possible regulatory action on the consideration. And lastly, to provide official notification of final action taking. Know that all these four points will come back again so the following I will not repeat them, but be aware that it will always be the objective for contacting any of the person or entity listed above.

For the last point, what may be expected of that entity with regard to the domain name. Domain name registrant or designated representative who do any of the following either confirm their authorized holder of the domain name registration, identify as a legal jurisdiction, ask clarifying question about issue identified by the regulatory agency, respond to question as by the regulatory agency too, and provide relevant information to assist the regulatory agency in the deliberation. And in the last case, appeal action taken by the regulatory agency.

Next page. So for the last bullet point, there are two things is -- there is one thing that is important is the (unintelligible) that is using either case just before us (unintelligible) the bullet point just noted that it's (unintelligible). It's important to mention that. We'll see that later. Domain name registrar could do any of the following as applicable. Confirm their registrar of the domain name registration, identify again the legal jurisdiction, and the same point I have listed above. And for the last bullet point, domain name registry also could do any of the following as applicable. It's the same as the registrar, but at the level. So that's what we have in two in our drafting team.

Thank you. I'll welcome any other member of the drafting team to add any contribution he or she wish to.

Chuck Gomes: Thanks, Farell and notice that there are a lot of comments in this deliverable here. Some of them note where there was disagreement in the drafting team and we should talk about those. If the person who disagreed would like to speak up that's super, would like to do that. We're going to call attention to them even if that person is not here. And some of them are just clarifying points.

So let's focus first on question number one, who associated with the domain name registration needs to be identified or contacted for the proposed regulatory purpose. And the first one in response for regulatory authorities may want to contacts or just identify with the domain name registrant. So there was considerable debate about that. So let me turn it over to drafting team members and ask you to share your thoughts on that and in particular why there was disagreement here.

Kathy, go ahead.

Kathy Kleiman: A lot of those purple things are mine. I'll just take credit for it. So when we're looking at regulatory purpose, and then I'll get to this particular question,

Chuck, the question comes to mind about collection and processing. You really can't separate them. You're not allowed to process data for purposes that you didn't collect it unless it falls within a certain type of exception to the data protection laws. So really, collection and processing are married concepts.

So can ICANN collect and process data pursuant to its mission for regulatory purposes. So I'm going to say no and we'll get to that later but it has to do with this. And the reason why is that ICANN is not a regulatory agency. We're not a government agency. That's specifically why we're a private not for profit based out of California.

And so the idea that we would be collecting for a regulatory agency is kind of anathema. But would regulatory agencies probably specifically for purposes of content, but other things, want to contact a registrant? Possibly, but is that contact within our mission, which expressly excludes contact? Probably not.

So wherever I saw registrant, I crossed it out and there may be ways to reach the registrant through the registrar and as an old telecom attorney, the Federal Communications Commission of the United States doesn't hold the addresses of every unlisted phone number in the United States, but they know how to reach them, anyone they need to reach for legality or regulatory purposes, through the telephone service provider.

Chuck Gomes: Thanks, Kathy and just one, I think, difference of opinion from me on what you said. The fact that something is not collected I don't think necessarily follows that there might be some other processing that occurs. So for example, if the -- now, obviously, you can't give access to anything and I probably said that wrong previously, but the fact that you might not collect a particular data element for a purpose doesn't mean necessarily that you wouldn't give access to that under controlled conditions if it's collected for another legitimate purpose.

Kathy Kleiman: Chuck, this is Kathy again. Do we have a way to certify that question with someone who's an actual authority on the GDPR? Because what you've said is not my understanding but we're two Americans talking about the GDPR. And this is a really, really, really important question.

Chuck Gomes: And we will get to those questions. We're getting ahead of the game and really getting into deliberation right now. So I want us to come back to that when we get there. Stephanie?

Stephanie Perrin: This question is really not devoted to this. It's a far broader, more general questions. Stephanie Perrin for the record. We've had quite a bit of discussion in the GNSO about wasting our time in PDPs and I will confess, and it's nothing against this group, but I'm getting a tad grumpy. I hear there's a meeting that Michele thinks is more important with the business constituency to discuss an accreditation scheme. Meanwhile, we're here still back in an antique process that is not recognizing the GDPR, talking about a bunch of data elements that I could tell everybody that this is excessive until I'm freaking green in the face -- and I'm getting there. One more party, I'll be showing up tomorrow green.

What's going on here? I'm here in good faith participating but I think I should be over arguing, crashing whatever party Michele is at right now because it strikes me it's more important. Just throwing that out there. Chuck, I know you value our time. What's going on? We're wasting it here. Thanks.

Chuck Gomes: I appreciate the opinion, Stephanie. We're hoping as a leadership team that this isn't a waste of time. You may be proven right but we made a decision and we're going to move forward on this. If we find it's a waste of time we'll redirect, as we've done many times in the working group.

Now, anybody else want to talk from the drafting team, drafting team five, want to talk about this purpose before I open it up to the whole audience. Beth, go ahead.

Beth Bacon: Stephanie, I feel you. It's frustrating because I get the frustrating because sometimes we do feel like we're going in circles but I do think it's important and there's reason we laid out the process this way to go through step by step. In the end, I think it will get us to a better result, but it is painful sometimes. But I will make a comment mostly with regard to the draft we had.

So the draft, we clearly had a lot of feelings within the drafting team and several questions, and some of them were based I think part of what Kathy's concern is, we came at this from different angles, different assumptions, and some of that I think is coming out in the comments. I will say that when I view this, I tried to pull back quite a bit and understand that I may not agree that there's a regulatory purpose. I may not agree that there's access but if there is a regulatory agency and we are not saying that ICANN is a regulatory agency, so I think that is one angle that we differ upon. When I view this the way I approached it, ICANN is not a regulatory agency but there are regulatory agencies in the world that access and use WHOIS data for their purposes and some of these are the reason for their uses, and some of these are the uses. These are the tasks they complete.

And I think that it's important to say that as an overarching view of this document, there is no assumption here that any of these data elements would be proposed to be public. This would all be accessed behind the gate, the tier, the whatev. And I think as you go down, I think through that lens of we're not saying ICANN is a regulatory agency. We're saying these are used by regulatory agencies. You can see that we felt some of what it was overbroad and some of it assumes I think we're in number two. Did we make the edit?

So I think if we had decided there at comment four, we didn't agree very much on that comment at all. So I think if you do read that one, maybe skip that. And quite frankly, number three, there was a lot of question. A

registrant may be subject to the terms and conditions of the contract with the registrar, but quite frankly, if it's contacted in any way by a regulatory agency from anywhere, it can do what it wants. They're an individual person.

So I don't know that we have any standing to comment upon that what happens after the contact. This is why the regulatory agency might contact you and then it's a black hole because you can do what you want. And that's where I'll draw the line. Thanks.

Chuck Gomes: Thanks, Beth. Any other questions? Yes, Holly?

Holly Raiche: Just by way of example, in Australia, I know because I ran a WHOIS workshop many years ago, and the people who showed up were the corporate regulator and our competition consumer regulator. And they regularly WHOIS data. It's not necessarily public but they do approach data for things like scams, for some of the corporate stuff. I know it happens now. That's just an example of where in fact it is used by various regulatory agencies.

Chuck Gomes: Thanks, Holly, and I'm going to open it up to anybody in the room if you'd like to ask a question, or disagree with something that's been said or in the report. Again, this is not a plan to be a deliverable of the working group and we're not making any final decisions on this but hopefully, we're raising enough issues so that when we do start trying to reach some sort of agreement on this proposed purpose, it will be easier.

Maxim, go ahead.

Maxim Alzoba: Maxim Alzoba for the record. Actually, I have small clarification question. Do we assume that collection data for one purpose and using it for another is a good thing? Because I don't have that impression.

Chuck Gomes: We're going to look at that on a case by case basis with each proposed purpose. Kathy?

Kathy Kleiman: Again, let me raise the question if we can certify now up to a GDPR expert or a comprehensive data protection law expert whether we should be making that assumption. It's my understanding that collection and processing are married concepts. You cannot process data for a purpose that you didn't collect it for. That's my understanding except with some exceptions that fall under law.

Chuck Gomes: Marika?

Marika Konings: This is Marika. This may be a good point to remind everyone that we already had that conversation and it's not an exception. There's a compatibility clause that outlines that purpose that are deemed compatible with the purpose for collection for a legitimate interest are also accessible under the GDPR. We also created a small team and maybe it's worth following up with that group to look further into this concept of compatibility and what is required to assess the criteria for that compatibility. But it's something that the group did look into already.

Chuck Gomes: And that's still going on. Vicki, go ahead.

Vicky Sheckler:: Thank you, Marika. Thank you for reminding us of that. Kathy, as you know, there is Article 6 of the GDPR, which does list the exceptions, which is I think what a lot of this group is dealing with. Happy to ask at the appropriate time for appropriate legal review. I'm sure we will but I would prefer that we not insist on that discussion now since we are all aware of the exceptions in Article 6. Thank you.

Chuck Gomes: So Kathy, this is Chuck, before you rejoin the working group is when this activity that Marika brought up and I know that Steve Metalitz is on remotely today and he and who else in the room was joining with Steve to try and

examine this? We found out we probably can't get an answer really quickly on that, but this whole idea of compatibility is an area of the GDPR.

Now, can we decide as a working group that something is compatible or not? That's why we're trying to do a little research on the side on that to find out. So you may want to look at that yourself. Go ahead.

Kathy Kleiman: I did have an RDS quiet period, which I admit. Could you recirculate, Marika, that material? That would be very interesting to read and I'm glad someone has looked at it. Thank you.

Chuck Gomes: And that was on the working group list so it was all there. Any other questions or comments on this proposed purpose and the work by the drafting team? Marc?

Marc Anderson: Thanks, Chuck. Marc Anderson. I have two questions. I'll start with the first one for the drafting team members. I wondered if you have examples of applicable regulatory authorities. It's a pretty board category and as I recall when we met at ICANN 60, you actually did provide examples there. So it might be useful here if you could talk about maybe examples of a regulatory agency that might have an interest here.

Chuck Gomes: Well, first of all, Holly, what are the examples you cited?

Holly Raiche: Okay, the examples. They would relate to for example, we've got a (unintelligible) competition consumer commission. So there would be, for example, they look at a lot of scams, which would be fall under the consumer protection areas. The corporate regulator also has certain jurisdiction over certain corporate practices where they might be wanting to hunt down corporate activity that they suspect may in fact be in some way fraudulent or whatever.

So my understanding of those two corporate regulators who do access the relevant material from the (unintelligible) which manages .au, they would be using that information to actually track down the -- and I'm not sure whether they use the word illegal or not, but certain in terms of consumer protection, over which they have jurisdiction, and competition, over which they have jurisdiction, and corporate regulator in terms of some of the corporate fraud and so forth. They would be using WHOIS information. It was termed WHOIS but the information would be held by (unintelligible).

Chuck Gomes: Do you want to respond first or do you want me to go to Griffin?

Griffin Barnett: Thanks, this is Griffin Barnett. Just to give an example, the U.S. federal trade commission is an example of an agency that regulates (unintelligible). Yes, it's the equivalent in the U.S. of what you're talking about.

Marc Anderson: You have your mic on. Thank you, Marc Anderson again for the transcript. I guess I'm wondering if maybe these are regulatory bodies but the use case seems to me that you described as an anti-abuse or criminal investigation use case. And maybe there's some overlap but I think maybe the use case -- from what you described -- I think the use case for accessing the data is criminal investigation or abuse not regulating in the space.

So I guess -- and maybe a grey area. If you're in the room, you might see some people who are shrugging and nodding heads.

Holly Raiche: I think it may be grey. I think perhaps the greyest would be, for example, chasing down scams, things like that where I know that would be a grey area where perhaps it isn't an established legal thing. Well, some of it would be. And I think you and I are conjecturing because they didn't reveal the details but it would be certainly quasi-within their consumer protection or corporate regulation areas.

Now, I am not sure you can call that necessarily criminal. Probably illegal under law would be the best we can do and I take your point. That is a difficult one and I don't have the level that they would give me anyway.

Chuck Gomes: Thanks, this is Chuck and before I go to Maxim, note that another proposed purpose that probably or may -- I don't know what the answer is or not -- overlap with this is the proposed purpose of legal actions. How does that? And we could decide as a working group when we start deliberating things, maybe we need to combine them or define them better or whatever. But I think that's what's coming out of the discussion right now.

And that's all possible for us to do. But again, what I see happening in this discussion, and I wish Stephanie was here so I could ask her if I'm right on this and her view of this, that it's a waste of time. This is helping us understanding and we may decide then when we get to legal actions and regulatory, maybe we need to look at those together or maybe there's a difference. That's all stuff we're going to have to work on, on that. Maxim, go ahead.

Maxim Alzoba: Maxim Alzoba for the record. Actually, I agree that it could fall into usually into three categories. If the consumer protection regulatory body of the particular jurisdiction, because for example, when personal data of some human published, it could be investigated by telecom regulator. It could be investigated by the personal data protection agency, or it could be violation of his customer or her customer rights.

So it could be any combination because in some jurisdictions, those roles are combined like telecom regulator also is a regulator for personal data. Could be. Sometimes it's three bodies so it varies from jurisdiction to jurisdiction and it's not necessarily have to be legal action. It could be like preemptive actions of sorts. For example, they pick 1,000 customers and they try to see what's going on with the data online, for example.

It is not necessary and legal action and process. So it's not criminal investigation. It's not administrative investigation. It could be like test of what's going on with the customers or what's going on in the telecom industry, or what's going on with the protection of citizen's rights from perspective of personal data. So it's not necessarily one. It could be one of three or combination of those. Thanks.

Chuck Gomes: Beth, go ahead.

Beth Bacon: Thank you. Beth Bacon for the record. I'm digging back into my memory when we were actually trying to draft this out and we spent a lot of time actually discussing and trying to split the hairs. Regulatory and abuse are different and we very clearly and very purposely did not address or include in the definition there the abuse type of inquiries because we felt that that was different.

And I think we even went through so far as I see Griffin and moved it into you document under legal and abuse. So when we are talking about regulatory, I think the brain space should be very narrow. IRS, FTC, those sorts of investigating a business claim or that sort of thing. So I think it's very narrow and it's not a huge list, and it's actually a difficult list to make. So just want to call out that it's abuse, regulatory, different.

Chuck Gomes: Thank you. Marc, you asked the question what are some examples. Has there been enough response to that?

Marc Anderson: Marc for the transcript. Yes. I thought that was helpful and I remembered the IRS was one of the examples you gave, so I thought that was a softball but maybe not. But nevertheless, I think it led to a good discussion on the topic. I did have a follow-up question or, I'm sorry, a (unintelligible) question.

Chuck Gomes: Go ahead.

Marc Anderson: On number two, what objectives achieved. One of them you listed for C, to determine what registry entered the domain name into its top level domain registry, and what is the registry's legal jurisdiction. That seemed a curious use of WHOIS. You know the registry by virtue of the domain name itself. And I'm not even sure WHOIS today at least tells you what the registry's legal jurisdiction is. So I thought that was curious. I wondered if somebody from the team could maybe delve into that in a little more detail.

Chuck Gomes: Chuck speaking and certainly if somebody in the team wants to respond. Let me respond. If you can't tell the legal jurisdiction, isn't that why they would contact the registry to find out?

Marc Anderson: That's not in WHOIS.

Chuck Gomes: I don't understand, what do you mean it's not in WHOIS? Oh no, it's not. Exactly. And the point is, isn't that a reason why the regulatory authority would contact the registry if they're not sure whether it comes under their jurisdiction or not. Because if it's not in their jurisdiction they don't have anything to say anyway.

We're talking past each other aren't we?

Marc Anderson: I'm not sure I follow the logic but I see you have a bunch of hands of people that want to jump in.

Marika Konings: if I could maybe just clarify, this is Marika for the transcript, that it's not focused on what currently is in WHOIS. So this was also an exercise to look at what may potentially be needed, or useful, or helpful for future generation RDS. So keep that in mind as well as you look at these responses.

Thank you, Marika, and very fair point. I made that one of my standing items to remind everybody that we shouldn't focus just on existing WHOIS. So thank you for reminding me of that. But still, I think I'm not sure an RDS purpose is to tell

you what registry entered the domain into its own registry. That seems an odd use case.

Chuck Gomes: So Marc, let me try again and then I'll go to Griffin. Griffin will probably do a better job than me but this is Chuck. Nobody is suggesting that it needs to be in WHOIS at this point at all. What we're saying, though, if whatever the regulatory authority is, whoever that is, if there's an issue that comes up, isn't one of the things they would need to find out whether it's in there -- if the registry is in their jurisdiction or not? They can't act if it's not in their jurisdiction. That seems like a no brainer to me but I must be missing something.

Griffin, go ahead.

Griffin Barnett: Thanks. This is Griffin. I'm reading the question, question two, and it says what is the objective achieved by identifying and/or contacting each of those entities, one of which is the registry. It doesn't say how do you identify and contact them using WHOIS, right. So it could just be a question of -- I'm not doing a good job probably of explaining this -- but the question speaks more to identifying and contacting an entity and what entities you might need to do that with. It doesn't tie that to WHOIS.

Does that make sense? So you can go to nick.tld and find out who the registry is. You don't need WHOIS to do that because if you have a domain at issue, you know from the TLD where to look for that. But you'd still want to be able to identify or contact the registry in connection with regulatory purpose. I think that's all its saying.

Chuck Gomes: Holly, you're next, and then Maxim, and then Kathy.

Holly Raiche: He actually stole my point.

Chuck Gomes: Maxim?

Maxim Alzoba: Maxim Alzoba for the record. Two points. First, the current idea of in WHOIS is to provide effectively for registrars and registries contact address. That's it. It doesn't say that this particular entity is in Delaware or it has like mailing address in France and in reality, it's just Italian company. It doesn't say the jurisdiction of the legal body. It says where you can contact them by mail formally and it's a the first thing. And the second thing is, the applicability is questionable because from point of view of GDPR, if you deal with the data of European citizens or residents, you're subject but in our jurisdiction, for example, only laws of our jurisdiction are actual on our territory.

So it's a bit questionable and I'm afraid that we might need the jurisdiction for the registry, registrar, reseller, and registrant in the end to understand where, for example, access is allowed or something. It might not be the best idea to have a matrix of compatibility of who can ask what. Because the current idea is to access to everything to everybody, which I am not sure is quite compliant with the privacy laws around the world. But it's what it is. Thanks.

Chuck Gomes: Thanks. Keep in mind what Marika said. We're not restricted to what's in WHOIS today and not that we would add to it. I guess we'll probably end up subtracting based on a lot of data privacy laws. But I think you just said what the drafting team was saying. You might -- a regulatory authority might need to contact the entities you just listed to get a little more information to see if they have any authority there or not. Kathy, go ahead.

Kathy Kleiman: Griffin said something interesting that the information is available in another location. And since we are talking about next generation WHOIS and the RDS, again, is there a column in the table that we're creating that says this information is available someplace else and may not need to be in the RDS at all?

Chuck Gomes: Kathy, that table is just a means to summarize what came out of these discussions and the drafting team work. It's not a table intended to include

everything with regard to our deliberation, which we're going to do. We're going to have to go where you're going and make answers on that. That table is not intended -- it's intended to just be kind of a summary of what comes out of this discussion and the others. When we get to deliberation, we're going to have to include those. So you're thinking that table is going to provide more than what it was intended for.

Kathy Kleiman: If the table is capturing our discussion then I'd like to urge that it capture the discussion so we don't have to rethink this next time. We're talking about what data we need in the RDS and what data might be available from other sources and hence not needed in the RDS. That seems very fair and in play and good to capture, again, so we don't have to rethink and revisit that.

Chuck Gomes: It'll become even more of an eyesore, won't it, if we add everything. The reason I'm not inclined to support that is because our purpose right now is not to deliberate and we're getting into deliberation. I have tried to restrict the discussion. Some of you haven't honored that so that's why I would not support that.

Now, if the leadership team or the working group as a whole overrules me on that, I'm open to that. Let's moved to the next proposed purpose please.

So if we go back to the main slides, I don't know if we need to do that. We may just go to the next proposed purpose, which I think is legal actions. Is that right? Yes. Okay, so let's just go to the legal actions one here and Griffin, I think that's yours, is it not?

Griffin Barnett: It is, but is there a second part of drafting team five on contractual enforcement that we want to (unintelligible) or not?

Chuck Gomes: There is but we're doing that last.

Griffin Barnett: Got it. Thank you. So this is Griffin.

Chuck Gomes: By the way, just so people understanding why we as a leadership decided to do that. We're hoping to get to deliberation on ICANN contractual compliance since we're at an ICANN meeting and we have contractual compliance people present I think. I haven't confirmed that. So we thought it would flow a lot easier if we talk about that one and then go into the deliberation rather than having it disjointed. So you are correct, but go ahead.

Griffin Barnett: Thanks, Chuck. This is Griffin. So drafting team six, legal actions. I'll just read quickly our definition and then try and walk quickly through our questions and answers here.

The legal actions purpose of RDS includes assisting certain parties or their legal representatives, agents, or service providers to investigate and enforce civil and criminal laws, protect, recognize legal rights, address online abuse or contractual compliance matters, or to assist parties defending against these kinds of activities. In each case, with respect to all stages associated with such activities including investigative stages, communications with registrants, registration authorities or hosting providers, or administrative or technical personnel relative to the domain at issue, arbitration, administrative proceedings, civil litigations, private or public, and criminal prosecutions.

So it's quite a lengthy run-on sentence but it's got all the information in there. And one thing I just want to point out in the definition and others in the drafting team or others in the working group can correct me if I'm wrong about this, but here, the use of contractual compliance matters and the definition is intended to refer to contrasts between private parties. It does not refer to contracts between ICANN, an ICANN contracted party. I think that's what we're talking about in the other portion that we're reserving for after this.

So with that, I will move onto our questions and answers here. So who associated with the domain name registration needs to be identified and/or contacted for each purpose. So to determine if a legal action may be

warranted, legal entities may need to identify and possibly contact one or more (unintelligible). So again, we see the person or entity that currently owns the rights to the domain name or their designated representative.

So this would typically be the domain name registrant or I guess in certain cases, it could be an agent or privacy proxy service, the registrar and/or reseller, the registry, and potentially the operator of domain name servers.

What is the objective achieved by identifying or contacting each of those entities? So we identified to determine who is the authorized holder of the domain name registration and what is that entity's legal jurisdiction for the registrar to determine what registrar entered the domain name into the applicable top level domain registry and what is the registrar's legal jurisdiction to determine what registry entered the domain name into its top level domain registry and what is their jurisdiction. So you can see this maps fairly closely to the prior proposed purpose.

And then finally, I would just mention if possible to determine the entity of the web hosting provider associated with any content located at the domain name and what is the hosting provider's jurisdiction. And I'll just point out here it is possible with existing WHOIS data elements to identify a hosting provider through the IP address associated with the domain name, and in some cases also the name server, which the name server is not always the hosting provider but occasionally that's the case.

The objectives for contacting any of the entities listed above if needed are to provide notification of any possible legal issues affecting the authorized holder of the registration and to confirm legal jurisdiction, to ask clarifying questions about any possible legal issues, and to confirm the registrar's legal jurisdiction to ask clarifying questions about any possible legal issues and to confirm the registry's legal jurisdiction, and if possible, to ask clarifying questions about any possible legal issues and to confirm the hosting provider's legal jurisdiction.

And for all of these, as applicable, to communicate possible legal actions under consideration, such as but not necessarily limited to canceling the domain name registration and transferring the domain name or removing website associated with the name and to provide official notification of final actions taken in the course of the legal action.

And finally, what might be expected of that entity with regard to the domain name. So registrants or their designated representatives would be expected to do any or all of the following as applicable in response to requests from legal authorities. Confirm they're the authorized holder of the domain name, identify their legal jurisdiction, ask clarifying questions about issues identified by the legal authority, respond to questions asked by the legal authority, provide relevant information to assist the legal authority in their deliberation, or take other specific actions as requested or directed by the legal authority for each of these categories, and potentially appeal actions taken by the legal authority.

Domain name registrars would be expected to do any or all of the following: confirm they're the registrar; identify their jurisdiction; ask clarifying questions; respond to questions from the legal authority; provide relevant information to assist the legal authority in their deliberation; and also appeal actions taken by the legal authority.

Registries confirm that the registry identify their jurisdiction, ask clarifying questions, respond to questions from the legal authority, similarly provide relevant information to the legal authority, and appeals actions.

And finally, domain name registrants or their designated representatives, registrars, or registries would be expected to respond at their discretion to communications from entities seeking civil or pre-litigation relief. Again, we stress that respond doesn't mean to comply with the request necessarily but

rather to acknowledge the request and let the requester know what action if any will be taken.

One quick thing I'd like to mention before I...

Chuck Gomes: Before we open it up to the general audience, let's go up...

Griffin Barnett: Chuck, can I just mention the other drafting team members really quickly before?

Chuck Gomes: Oh, sure.

Griffin Barnett: So I'd just like to mention the other drafting team members in addition to myself were Paul Keating, Roger Carney, Vicky Sheckler:, Farzaneh Badii, and Juan Manuel Rojas.

Chuck Gomes: Thank you. Okay. Can you talk a little bit about the comment -- and this is where any of the drafting team members can jump in. Because this particular element was one that was added, and by the way, I want to share a compliment here on this drafting team. This is an area where we started out with a different suggestion rather than operator of domain name server and there seemed to be a two sides of the argument and we weren't making any progress.

And one person in the drafting team suggested a compromise. Now, whether this is a good compromise or not, we can debate that but that's what we need to happen in our working group if we're going to make progress. Now, it may not be a good compromise and we may not add it when we get to deliberation, but if people will operate that way, it's going to really help us. And what happened in this particular, I think, domain name servers was the compromise. I added operator because of the way the question is worded. It says who, so that's not too significant in terms of what we're going talking about.

But this is the kind of result that we need to happen. They may work. They may not. But I want to draw attention to that because that is exactly what we need to be doing in the working group. We have lots of disagreements and we've got to quit harping on those and try, okay, how can we come together on this? We need to all be working towards finding some sort of at least rough consensus in terms of things.

So anybody from the drafting team want to comment on this now? And then I know Maxim wants to jump in. Farzaneh, please.

Farzaneh Badii: Thanks, Chuck. Farzaneh Badii speaking. So we decided to replace the host provider with the name server. So that was the compromise and I think that's a good compromise because the name server is within ICANN mission. It should be and it is said in the bylaws. Now, I saw that I'm sorry, I didn't look at the final document. In one of the pages, I still see the web host provider, the term. Maybe we have to change that. I don't know.

But if we agree that it should be only domain name server operator and we move the webhost provider than it should be everywhere. So it should be the identity of the, if possible to determine -- no, but yes, that looks okay actually. But also, I have a problem when it says that to associate with any content located at the domain name. And we discussed this. We said ICANN should not get involved with the content regulation. But I'm not going to bring up the old issues. I understand that we're going to discuss this and we're going to discuss the purpose later. Just flagging this.

Chuck Gomes: Thank you. I hope she doesn't mind but she's the one who suggested a compromise and I personally complimented her because, again, that's the kind of participation that will really help us and the other members of the drafting team said yes, that's a good compromise. So we won't always find good compromises but that's the kind of efforts that will really help us as a working group make some more rapid -- I shouldn't say rapid -- faster

progress than what we're making. Okay, I don't think we'll ever be rapid. Well, that would be nice and by the way, if that web hoster -- a new idea was suggested on the drafting team for the web hosting provider. And that's where we had great discussion on the list about that. And like Farzaneh said, that's really not in ICANN's purview, right. So even in registrar and registry agreements, there's nothing in there about web hosting providers. But it was a good compromise.

Now, if there was a mistake in not carrying that all the way through, that was the coordinator's fault. That's me. So I apologize for that. Okay, Maxim, now you're on.

Maxim Alzoba: Maxim Alzoba for the record. Two items. First, DNS server operator might have nothing to do with the current registration. The example in our jurisdiction, a regulator issues special list of domains, which are banned from buffed through ISP channels or they're filtered. Third party on purpose field domain. They registered a domain, filled it with all kinds of basically not very human unpleasant things, waited until the regulator issued the band, then replaced DNS servers with our DNS servers.

And at this moment, we had nothing to do with this. And we basically our DNS servers for one of our companies were blocked on the territory. And in the current situation, you have no way to prevent third parties from using your DNS servers in their registration. Because there are no requirement to provide, like, proof of legal -- right to do so or whatsoever. And I'm not sure that we're going to install the whole set of new legal requirements all across the industry is the first thing.

The (unintelligible) hosting service, unfortunately, it's the information cannot be final. There are some hosting providers, which provide you services like hiding behind their services and it doesn't give you information about the jurisdiction of the final entity. And things are quite big, those companies, big chunk of the web hosting providers cannot be established. So I'm not sure

we need to add this because it's not final I'd say in simple words. These two fields, they're not final. They might lead to further investigation and thus, I'm not sure that we need to refer as a target to these fields here. Thanks.

Chuck Gomes: Thanks, Maxim. Lisa's next but Vicki, I think you wanted to respond to Maxim. Is that correct? If so, please go ahead.

Vicky Sheckler:: Thank you. I think what we were thinking in putting that in here with respect to the couple examples that you said. If someone is using your name server in an appropriate way, it would be good for you to be contacted to say, oh my god, do you know what's going on. So I think that was part of the thinking. We've identified an issue. That issue is associated in the record with this name server. You contact the people that operate that name server. It may be they intended what was going on and maybe they didn't, and maybe in your case where you don't know why, but they put it there.

And again, I'm not a technical person so maybe I got this wrong, but the idea that that where it should be going to, right, to get the IP address. So if there's a problem with it, it would be good to know that. And in the legal action context, it's where presumably there's some illegality associated with what's going on there.

In the case of things like (unintelligible), which is I think what you're referring to in terms of it's the stop gap measure, at least in my experience, knowing that is helpful because then we take the investigation further. So that's part of the reason that we thought it was useful to include it in this description.

Chuck Gomes: Thanks, Vicki. Lisa, you're up.

Lisa Phifer: Thanks. Lisa Phifer for the record. If we could scroll up just a little bit, Caitlin. Thank you. So under the definition here, it refers to the purpose including assisting certain parties or their legal representatives, agents, or service providers to investigate and enforce. So it seems like that's the party that's

initiating contact when there is contact. And that leads me to my question, which if we can scroll down to the answers for number three. It refers to registrants or representatives would be expected to do any or all of the following in response to request from legal authorities.

So I'm wondering who the legal authority is here and how they got involved in the purpose. Thank you.

Chuck Gomes: Vicki, go ahead.

Vicky Sheckler:: I think there's two answers to your question, Lisa. One, when we thought about legal action, we thought about it as being civil and criminal. And so to the extent there's a criminal action, that would be the legal authority. And we may have missed something in here but we had the (unintelligible) in our discussions of if the person that's investing the legality is not a legal authority, there would be a lesser expectation of a response in that we would hope the person would take reasonable efforts to respond to blah, blah, blah, blah, blah. But understanding that you don't have the weight of legal authority behind you.

Chuck Gomes: Kathy?

Kathy Kleiman: So we are talking about legal actions and we keep adding the words legal authority, but of course most legal actions are private. They're done by corporations, individuals, and their attorneys. So I just wanted to tell a story from about 25 years ago now, when I was very, very young. And internet service providers were handing over chat room identities to anyone who demanded it. And they were doing it based on allegations of illegality, that someone had said something in that chat room that was insider trading, or was fraudulent, or was defamatory. And the ISPs were handing over these identities on a request, which is what's coming in -- what we're saying here is on a request.

The ISPs got sued because it turns out there was protection for those chat room identities and the allegations weren't always true, and I have to compliment my mother on being very involved in one of these cases. And now, ISPs do not turn over chat room identities. They go into magistrates -- I apologize, that's mine. They do not -- too many people want to reach me. We're going to let that go.

So they do not turn over chat room identities on mere allegation anymore. It goes to a magistrate under a Jane Doe or a John Doe and the magistrate decides if the level of allegation rises to a legal level if there's enough proof. And then we'll decide whether to order the ISP to turn over the identities. So here, when we look at number three, it says domain name registrants or designated representatives would be expected to do any of the following.

No, they might be expected to do any and all of the following as applicable in response. They might be expected, maybe, to confirm but if it's a criminal allegation, at least in the United States, protected by the 5th amendment against self-incrimination and they're innocent until proven guilty. So someone is going to have to prove it.

And if it's a civil allegation, there may be protections as well. So I think we have to be very careful with our phrasing here but I don't know what the editing process is for these documents. Thanks.

Chuck Gomes: Thanks, Kathy and I think that's why -- and drafting team members can respond -- that's why the word might was there. It's not always the same.

Kathy Kleiman: The word is would. I'm suggesting it become might.

Chuck Gomes: You're suggesting it's would? Oh, it is would. Okay. And we can deal with that when we move forward. Thanks for the point. Anything else on this proposed purpose?

All right, rather than start the -- oh, Farzaneh. Sorry. Thanks for letting me know.

Farzaneh Badii Farzaneh speaking. Just wanted to flag that I raised this concern when I was in the drafting team that this definition of legal action is just too broad.

Chuck Gomes: And we talked about that. We can work on that. We don't need to correct it right now. One of the things that's going to happen and we had some -- I think we had a tentative working group agreement on this a long -- I don't know which number it is -- one of our 49 that said eventually we're going to have to make sure the definitions are right. If every time we needed to fix a definition we stopped and fixed the definition -- it takes quite a while, by the way, a working group this size to fix definitions -- but it would be tough. But yes, that's accepted that we can work on that. And eventually, we'll have to, to make sure if we especially propose this purpose as legitimate for some sort of processing, we're really going to have to make sure that we have that right. Thanks, Farzaneh. Anything else?

We're going to take a break right now because the break time is coming up within about six minutes. We have stuff over here. Is there stuff at the table? So there's some refreshments at the table here. Let's try and keep it to about a 15 minute break. And we'll come back. We will go over the drafting team seven work on abuse and so forth, and after that, we'll do the one on ICANN contractual compliance. Thanks.

END