

**ICANN Transcription – Abu Dhabi
GNSO – Registrar Stakeholder Group (RrSG) Meeting Part 2
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On page: <https://gnso.icann.org/en/group-activities/calendar>

Graeme Bunton: Are we good to go at the back of the room?

Thumbs up. All right, let's get going again. If we could get everyone to take a seat, please and thank you.

I hope everyone had a delightful break, enjoyed that extra five minutes, used it wisely.

We have GDD staff joining us for an update on GDD stuff. So thank you everyone who's here, (Cyrus), Jen and...

Man: (Unintelligible).

Graeme Bunton: Yes. So thank you for joining us. And, Jen, are you ready to go? You want to - all right. Let's hear it.

Jennifer Gore: Good morning, everyone. Jennifer Gore, ICANN staff. So he is diligently working on getting the slides update - or uploaded. So we're going to kick it off without them.

So welcome to Abu Dhabi. Few things I realized, we only have 30 minutes. I'm going to brief through these things pretty quickly. But I'm around all day if you have any questions, concerns, comments, answers. Appreciate it.

Okay. So the first update is around the Naming Services Portal. And I've invited Chris Gift, who is our Vice President of Product Development, and to give a quick update on the registrar Naming Services Portal.

We're also going to talk about the registrar pages on ICANN.org and reforming of those pages into a content library.

We're going to invite Francisco to come up and talk about the technical compliance monitoring and as well as we have initiative underway that we talked to some of you about in Johannesburg which is around registrant services initiative, education and awareness. And then just, you know, a brief plug for the upcoming GDD Summit in Vancouver in 2018.

Is that working? All right.

So, Chris, I'm going to hand this off to you. Thank you.

Christopher Gift: Thank you. This is Chris Gift, ICANN Org. Thank you very much for having me. I'll just give a quick description of what's happening and - until we see the slides or not.

So we launched the Naming Services Portal in September of this year, in late September. So that's effectively live. We are now working on - we're fixing just a few enhancements to that but we have pivoted and we're now working on the registrar portion of that. So we had committed to a registrar beta, the initial beta, so Beta 1 in December.

Fortunately, we're going to have to push that into early January. The reason is for us is that we're delivering, we're going to be ready later in the month of December and we'd initially thought we're going to be ready in the first couple of weeks of December start of beta. We're actually going to be ready later in the month and that just doesn't make a lot of sense to have that around the holidays. So we're just going to kick it off early in January instead.

Also later in that quarter, first quarter of next year, we're going to have some additional registry enhancements to fix the things there or some minor issues or also just to continue to improve the system.

In Q2 of next calendar year, we will have the second registry beta. So that should be a full feature system at that point, still closed group of users aimed to have a full beta set loaded as well, so we can test with beta. And we'll pursue that.

We'll also be launching CBDS within Naming Services Portal. I know it doesn't necessarily affect you. But nonetheless, I want to give you a sense of what else was happening within the portal. It's all the same resources.

And then lastly, we're aiming for Q3 calendar year of next year for launching in general availability of the registrar portion.

So that's the highlight of the roadmap. We're doing a couple of other things to - we're initiating a couple of other things very quickly. One is to improve the knowledge of our own team of how you work. We're working with Jennifer to do some day in a life work where we can - I know she's already done it with some of her people where we can show up to where you work and see how you operate, so we can better design services or systems for you. We'd like to continue with the user group that we've started. We want to continue with that. And we'd like to obviously have joined the stakeholder group on a more regular basis to update you on status of where we stand and what's happening.

Lastly, if any of you do have questions about the registry portion of it, if you're at all curious or curious how the system works or what's there, feel free to stop by the GDD booth. A gentleman named (Juan) is there and he's going to give you a demo with the look very similar to what you guys are - will have as well but just if you're at all curious.

Thank you.

Jennifer Gore: Thanks, Chris. Any questions?

Graeme Bunton: Actually Jeff but I got a - sorry this is Graeme. I put myself in the queue for comment which is I think this is late. We've been expecting this coming for years and still haven't seen it. It still sounds like if it's third quarter 2018, I'm frankly not optimistic we hit either. And that feels unacceptable. We've been waiting literally years for this and that's frustrating and I'm hearing that frustration from my members, too. So I need you to hear that frustration as well. And I don't know what it is that we can make this project happen faster. But it, you know, are we going to be sitting here again at this time next year going "We're almost there"?

Christopher Gift: I understand that frustration and I expected to hear that and I understand. It has been an ongoing thing for many years. The only thing I can say is that to effect of the timeline is resources. We're working on a set number - we have a set number of resources that are working on this. The only thing we can do is elevate the discussion to change that resource allocation. That is the only thing that'll affect the timeline.

Graeme Bunton: Thank you. So who do we need to harass for more resources for you? Is that Akram over there? Akram, can we...

Christopher Gift: (Unintelligible). So really in internal, we have subinternal resources around that. So it's how they're allocated against multiple projects. But yes, harass

Akram and then Akram has had a negotiation with other internal VPs and how do we allocate them.

Graeme Bunton: Right. So, sorry, this is Graeme again and we'll come back to Jeff in just a sec. Registrars are a reasonably important piece of ICANN, you know. There's, you know, some of the function of this world depends on us. And having this sort of system available to us is going to improve that. And so it seems relatively rudimentary to me that we should be providing the appropriate resources for an important project for this important piece of the community to get that done.

So, you know, Akram hear me say this, you've heard me say this and if I need to go harass other people to make that happen, then I'm happy to go do so.

Akram Atallah: Good morning, everyone, and thank you, Graeme. This is Akram for the record, Akram Atallah for the record.

(Graham), you can consider me harassed. I just want to clarify a couple of things. I think that the reason for the delays of the - of launching this portal for the registrars really, you know, inexcusable. We have had many different problems and delays and finally we're here. But I think right now we can actually be more predictable on our schedules. We've had some learnings and some growing pains, you know, in finding resources to develop the - on the sales force platform. As you all know, the sales force platform is actually becoming like the face - the platform of choice for a lot of companies. Resources are not so easily available. That's the first issue.

The second issue was getting our resources to be up to speed on being more productive and I think now we have a good understanding of our productivity versus the difficulty of the task. So we can predict things more.

And then the third issue is that we are trying to get you as much functionality as possible when we launch this portal and follow it very quickly as quickly as possible with the compliance piece of the puzzle so that you have real good use out of this platform and not to just give you access and say "Okay, it's just a couple of contact details" and then it's not valuable, right? So we think to line it up in the right way.

And I think the forecast of this is hopefully much more reliable than what we've given before. And I'm not going to say it, you know, but maybe even optimistically we could do a little bit better but, you know, I'm not going to commit to that, okay? Thanks.

Graeme Bunton: Thank you, Akram. I had Jeff and then actually Darcy and Michele in the queue.

Jeff Neuman: Thanks. Jeff Neuman with Com Laude. Just a question because I was looking for - can you spend just two minutes just telling us exactly what functionality the portal is going to have? What are the lists of features, you know, why is it something that we should be excited about? And I heard (Graham) say that he's been waiting for this. But I'm - and maybe I'm newer to this conversation but I'm just not sure what the functionality is.

And then the second thing, second question I have is just something to make people aware of that when they release the registry portal, there's - and Akram and I had talked about this. There's a legal terms and conditions that comes along with it. Many registries had objected to the initial one because it calls for a lot of waivers and disclaimers and a lot of things that you wouldn't necessarily expect right away.

So I know that some registries are having discussions with ICANN about the agreement to use the portal. My assumption is it'll be the same thing for the registrars. And so I don't know if we want to add a registrar or so to that group to make sure that whatever we come up with because obviously it's

probably going to be the same type of agreement for both registries and registrars, probably about one agreement. I don't know if that's something we want to get someone to immediately volunteer for to make sure registrars are involved in that.

Graeme Bunton: Thank you, Jeff. That's a good point. We can find someone to volunteer for that, I'm sure.

Christopher Gift: This is Chris Gift, ICANN Org. You put them in touch with (Russ). (Russ) is running that on the registry side in terms of interfacing with (unintelligible) terms of use.

Jeff Neuman: Okay. Just full disclosure, I'm one of the people that's on that group to review it anyway. But more from the - well, I'm assuming it's going to be the same registry/registrar but anyway. So I'm on that but it's good to have someone else. And then if we could just discuss the features of this.

Christopher Gift: This is Chris Gift. This has taken more time. I understand you want - we'll send out a document later on that describes that then we can have the discussion, you know, via e-mail or some other form to go over that.

Graeme Bunton: Sure. Thank you. We don't have a ton of time and I've got Darcy, (Mikaely), (Christian), (Cyrus) and Heath in the queue. And so let's try and keep those free, so we can keep going through this GDD agenda.

Okay. So, Darcy?

Darcy Southwell: Thanks. Darcy Southwell. So, Chris, I don't want you to go through every issue but can you maybe give us, or Akram, the top two that were the problems that have caused the delay because I know I've personally been talking with you, Chris, about this since, like, probably three years now. So to ensure that those delays don't happen again, maybe what are the two - top two or three?

Christopher Gift: Sure. This is Chris Gift. Some of the delays we've had on the registry side. So we've had one team only that's been entirely focused on creating a portal for a platform for everything and then focusing on the registry services themselves, right? So there's two things we needed to build, the portal and then the registry services.

So some of the problems we had that were unique to the registries were around data migration, right? We're moving from a portal, a GDD portal which was very contact-centric and we're moving to a very different paradigm in terms of how data was organized. That's just created a lot of analysis and a lot of work internally for us to get that organized and get that ready, get that set. That took far more time than we had planned as an example of what caused some delays for us.

Graeme Bunton: Thank you. Michele?

Michele Neylon: Yes, thanks, Michele for record. I mean, while the update is appreciated and all that, I mean, this has gone beyond the realm of (unintelligible) and has moved into (unintelligible), I think. I mean, it - I guess the distinct impression that you're trying to launch a perfect product instead of trying to launch something that's actually usable. We've been talking to you about this for I don't know how many years. Darcy is saying three. (Volker) is saying five. There's been previous iterations. If you were running a business, we'd have fired your entire department. We'd have hired somebody else who would have something out by now. I'm sorry it's just - this is ridiculous.

Christopher Gift: So this is Chris Gift. So we've been focused entirely on the registry side. And in there, I take your criticism and that you're right, we went full featured on the registry side on the Naming Services Portal in full and on - we launched all 30 registry services all at once when in reality, you know, maybe we could have launched with a few at a time and then just had a generic case for the rest and then slowly added them. We didn't do that. We want all in

which - and I thought you're right. You know, we probably - we could have done it in a different way. We are moving the team now as split. Partly a part of the team is now working on the registrar services. So we just haven't been working on the registrar services and we're starting that now. We've been very focused on the platform as a whole.

Graeme Bunton: Thank you. I've got (Christian) in the queue.

Kristian Ørmen: Yes, this is Kristian Ørmen. What I heard from my registry it's not really full featured but that was not what I wanted to comment. Just a small comment on the resources. In (unintelligible) on a whole other topic in the compliance session, the answer from ICANN staff was also resources and now we're again hearing it's a resource problem. You really have to look into this if the budget is wrong or you're just sizing wrong. We can't have the resource and (unintelligible).

Graeme Bunton: Thank you, Kristian. Good point, too, bringing up the ICANN budget which continues to grow and actually something that registrars seemed to be paying a bit more attention to that, you know, ICANN grows and grows and grows and it doesn't and materially we can see this. That growth is not providing more resources at the moment for registrar needs.

I've got Heath and then Volker.

Heath backed out. Volker?

Volker Greimann: Yes. Thank you, Graeme. One question I have is - the one part that's really most interesting to us about this portal that I haven't heard mentioned before today which is the compliance part. Will, once it goes online, be compliant - or the compliance should be the first thing that will go online or will we have to wait another couple of years for that part to come? I mean, for us, to see how our tickets are being received and processed in stages of all the tickets, that's the essential thing that we would actually have used for. The rest is

nice but the part that we would interact on a daily basis perhaps just to make sure that we are on the safe side will be the compliance integration. So status from - where we are on the compliance part.

Christopher Gift: So this is Chris Gift. Yes, we'll send out more information with the feature list that we're looking at. But the short answer is yes, you will see compliance tickets. You'll actually see them in the beta. And then you'll see them going forward.

I will be very clear though it will not be a full integration and then integration with the compliance system until we get compliance onboard as well. Having said that, we're continuing to look at how we can speed up that integration between the two systems. But in the meantime, when we launch with general availability at the - in the third quarter is it will be limited integration.

Graeme Bunton: Thank you, Chris. This is Graeme. Sorry the piece there is that you still don't know how you're going to do a compliance integration?

Christopher Gift: This is Chris Gift. No, we understand how we're going to achieve the integration that'll give you visibility into the tickets. We understand that.

For the full, no. There is - so let me take a step back. So right now the plan is to stick with this limited integration that we're providing in the beta, right? We understand fairly well how to do that and we understand how to launch that.

The next step is for us to then transition compliance from their existing systems to sales force so that we have a full - one platform for everything, right? That portion, as people are asking, how long that will take, we do not know the extent of how long that will take. To migrate full compliance, we don't at this point in time. We don't have a whole requirements solidified for that portion. We do know that it will be a fair amount of time.

So what we're investigating and again this is - things we're working through and I don't - we don't have all the answers yet is how can we extend the limited integration we're going to have for you at the betas and extend that further and provide increased functionality without fully migrating everything to sales force. So something we're actively extending. I'm hoping - we're actively researching now. I'd like to be able to come back to you soon with more information on how we can do that.

Graeme Bunton: Thank you, Chris. Ben?

Ben Anderson: Yes, hi, Ben Anderson here. I know whenever you look at roadmap, you know, the stakeholders in the room say that my project is more important. I'm just trying to understand why CCDS Version 2 is ahead of this. I'm pretty sure that if the registries were in the room, they'd say it's really, really important providing access to (unintelligible). I'm not entirely sure that's the most important thing for us in this room. So what is it that makes that more important than the registrar portal? Why is that prioritized over this?

Graeme Bunton: That's a good question. I can say that that project started a while back as a replatforming project.

No, no, no. That was originally launched.

Man: (Unintelligible).

Graeme Bunton: Oh, the registrar, sorry. I was talking about CCDS.

Ben Anderson: Sorry, it's Ben here. No, I'm just saying I know that the CCDS maybe started a few years ago but this started five years ago. So I'm just trying to ask what the priority is.

Graeme Bunton: That's a very good question. And I don't have a good answer for you on how the priorities are decided because...

Ben Anderson: Okay. So it's been - could I say as a stakeholder, could we prioritize this above that?

Akram Atallah: So, Ben, as all system developers know, there are sometimes things with low hanging fruit that you can get fairly quickly and things that take a little bit longer time. So it's - I don't think that we can sit here and promise you that if we move CCDS to third quarter I can get you the registrar in the second quarter. So I just want to make sure that it's not apples to apples comparison just so...

Ben Anderson: It's Ben. And I completely agree with that, Akram, but as you know, the product manager, I'm always itchy to have stuff now. And I would hazardously guess, in fact, I would say if prioritizing internally the registrars, our revenue-generating CCDS users are not. And that would be my prioritization.

Akram Atallah: I fully understand and fully agree with you. And I want to just make sure that - this is Akram Atallah again. I just want to make sure that we all know that we're trying to do as much as we can as quickly as possible which means we're trying to walk a fine line between launching a portal that you don't care about versus launching a portal that has everything on it. And so we're trying to walk a fine line getting you enough of the usability so that you can appreciate having to switch to the portal and not forcing to use multiple systems at the same time. So it's a fine-tuning of this. I would recommend that we have a session with maybe some part of the group that are very interested in this to make sure we fine-tune the - what we're working on and what we will - what will be available in the registrar in general with this release so that we don't try to push too many things in and get it as soon as possible but give you something that you would like to have, okay?

Graeme Bunton: Thank you, Akram, and thank you, everybody for that discussion. So I think you guys are hearing it pretty clearly frustration in the room with this project.

The back channel betting right now is whether there's a new round of new gTLDs or the portal first. I'm not taking bets on either of those. I don't want to be sitting here in another year's time having this same conversation. So this is pretty frustrating. I don't know that we need to get this little team going to talk about how we need compliance functionality in there. I think you guys hear that pretty clearly around the room that that needs to be in there, that needs to be a priority. We need to make this happen.

Akram Atallah: I 100% hear you and then what I'm trying to say is instead of us guessing on what will make sense for you guys, I'd rather have you participate in the decision of saying "This is the minimum set that will make us happy." And we go get that minimum set going for you. Given all of the different things that we need in this so that you have the same understanding as us on what's available, what can be done and so we can all make those decisions together instead of separately, so.

Man: So we can mobilize the members but let's try and make that happen.

Akram Atallah: Yes.

Man: Thanks.

Graeme Bunton: Okay. Thank you. We're just about out of time for GDD staff. You have - can you summarize anything else you've got in like two minutes?

Jennifer Gore: Certainly. Thank you, (Graham).

So just - could we go back to the - just go to the top agenda and I'll quickly just run through them. And if anybody - I know (Zoe) that sent out the presentation to the members. So if anybody has any questions during breaks or after this session, please feel free to come talk to me about them and I'll work with (Zoe) and (Graham) to schedule a Webinar to go over the other items.

On the ICANN.org, the registrar pages, we have put together a library to index them a little better in preparation for our revamp of ICANN.org. So that will be launching in the coming month. They're easier to find. You can search by keyword, by document and by language.

Technical compliance monitoring. Francisco, you want to talk about this for a couple of minutes? Just check up to the nice things. Just one minute. Thanks.

Francisco Arias: Very good. Thank you. This is Francisco Arias, ICANN Org. Pretty briefly, this is a project we are about to launch. We have been working on developing the specs for a system that will check automatic compliance on provisions for registrars and (unintelligible) on the policies. If you have been tuned in to the discussion draft on RFP or the (GDP) on subsequent procedures, you make that before we were planning to do this.

The timeline is we're going to launch RFP next Monday. There's going to be an outsource service. At the moment, we don't have a date yet. The (panel) will be prepared to - for the decision of the provider. That's it in...

Jennifer Gore: Thanks, Francisco. Just real quick on the registrant services initiative. I'd like to introduce (Chang) and her team have been responsible for putting together some collateral related to registrant services that we'd like to welcome your registrars to take advantage of and leverage as far as education awareness and there are some good information out there on the transfer process for registrants as well as WHOIS accuracy. So please check that out also for ICANN.org and I'll be happy to answer any questions related to that material.

And then just quick plug for 2018 GDD Summit. We've sent out a save the date that's going to take place in Vancouver in May of next year. So we're hoping to see you all there.

Thanks, (Graham).

Graeme Bunton: Thank you, Jen, and...

Cyrus Namazi: Thank you, Graeme. This is Cyrus with ICANN GDD. Very, very quickly, so all of you have received our communication about the 2018 GDD Summit that will be in British Columbia in Canada. Two things I wanted to put on the table for you to consider. My meeting team is actually revolting against me because I give them such a short notice to find the right venue for us in some remote corner of the world specifically.

So what I'd like to propose for you to consider and I just made the same proposal to the registries team earlier today is that we should go ahead and actually have a date and location selected for 2019 and 2020 as well. And I'd like to strongly propose that we consider actually having some kind of a rotation mechanism not in line with but ICANN does which is going to all corners of the globe. But we've had - by May of next year, we'll have had two of the summits hosted in North America and two of them in Western Europe. I'd like to propose for us to consider going to Southeast Asia for 2019 then bring it back to Western Europe in '20 and then sort of get it to that rhythm North America in '21 and then, you know, that sort of a thing.

This has many benefits for us. We can secure the right venue for your planning purposes. Our planning purposes I think is going to be very beneficial. Then I can actually go work on having other conferences actually collocated at the same time with us like the DNS Symposium that we had in Madrid to sort of make it more time of your travel times and travel dollars.

In 2018, we will not have DNS Symposium hosted with us like we did in Madrid. They have chosen a different time, different venue. But I am very optimistic that the board is going to have their workshop actually preceding

the GDD Summit. So we will have good participation from some of our board members.

So these are the proposals for you to consider. We'll follow up with (Graham) and your leadership of the team to sort of get some agreements in place, so we can go ahead and put the pieces in place.

Thank you, Graeme, for indulging me.

Graeme Bunton: Thank you, Cyrus.

Okay. I think we need to carry on. Thank you very much for joining us. We're moving on now to a conversation about GDPR. And we've got Thomas Rickert joining us, I believe, to talk a little bit about that. There's a room up here, Thomas, if you could.

And there's a spare muffin.

All yours.

Ben Anderson: Hi. So this is Ben here. Just a bit of background as to why Thomas is here. I was the ExComm. We've actually asked Thomas to create a positioning pipe which is most definitely not legal advice for registrars. But it is a paper that we're going to send around to all the members after this which outlines the impact the GDPR may have on registrars and resellers and it's something that we felt that our members that maybe don't have access to, you know, a lot of legal counsel can take back internally and position with inside their own organization, so you will know what is going on and what you can expect. Thomas has very, very kindly offered to hang around. I mean, he hangs around ICANN a lot. So that's not much of a surprise. But if you want to talk to him about anything that he talks about today or anything on the paper, then he will be on hand to talk to you. Thanks.

Thomas Rickert: Thanks very much, Ben, for the kind introduction. I'm Thomas Rickert and many of you know me and my capacity as director names and numbers with the ECO Association, which is an Internet industry association, and I just want to make perfectly clear that I was asked today to speak here in my capacity as a lawyer. So I have a law firm based in Bonn with nine lawyers in total specializing in IT related matters and we're particularly looking into issues for the domain industry.

So what you can expect from today's session is that I want to demystify GDPR a little bit because there are so many notions around that clearly show that there are misunderstandings about what the regulation is about.

And so I have a couple of slides that we're going to go through as quickly as possible. These are wordy. So I apologize for that upfront but I think it's important for you also to see some of the original language of the regulation to understand what's actually in there.

And then what you're going to get by e-mail is a paper which has a little bit more information on that. So don't expect this to be a solution but it's rather a guide to help you understand what GDPR is, what - how it will affect your company, if any, and what areas of concern you need to take into account and what you need to do in the next couple of months.

So let's dive into it. And I should say that if you are actually following this all the way through, I have a little treat for you. I said - I asked them I would bring swag to Abu Dhabi. Would your group appreciate some swag? And he said "They love swag." So expect some swag at the end of the session.

So we're going to go through it generally with all of you briefly although that's not too brief but it's actually, you know, some of the basic terms in GDPR that we're going to discuss. Then we're going to look at who GDPR is applicable to. Oh my god, I'm losing site control. To whom is it applicable because it's a

European regulation. So people from other parts of the world might ask themselves how this could possibly affect them.

I'm going to talk about sanctions. I'm going to talk about ways to become compliant to the solution but sort of a methodology or route. And then what needs to be done beyond being compliant and then a quick outlook and recommended next steps.

So let's go to the general overview now. For those who haven't yet marked their calendars, the starting date for GDPR will be the 25th of May 2018 and a little info Web site, gdpr.ninja, you find countdowns so that you can take a look at how much time is left on a daily basis.

And this regulation is around for almost two years now, 1-1/2 years now, you know. So it entered into force a while back but it will apply as of May 2018. And so those who claim this has been new to them or even when ICANN and other stakeholders are starting to talk about GDPR with European Commission officials to ask about what the requirements are, as you can read in ICANN engagement plan. One might say that you could have known about this a little earlier in the process.

So another important distinction is this is a regulation, not a directive. Directive needs to be translated into national law. Regulations are directly applicable. So regardless of what your national governments are doing, this will be in effect, in full effect as of May 2018.

So the goal of GDPR is protect persons through the way that data is being handled. And so the purpose is to regulate data protection as uniform throughout EU to give EU citizens better control over the personal data and regulate how controllers may use that personal data. On the other hand, it shows the free flow of personal data within EU and to regulate the export of personal data outside the EU. And I think this is something that's relevant for

almost every party here because we're having exchange of data between registries, registrars and the like.

So one of the main themes, increase transparency requirements. We'll get back to that later during the talk but you need to inform the data subject, i.e. the natural person, about what is done with his or her data all the way through. They need to fully understand what's happening with their data. And if you don't do a good job on informing them, particularly the ones in comes to consent of null and void, right? So this is why we need to be so careful about understanding who does what. And you'll hear me repeating a few things because then I think it's easier to really let that settle and sit in your brains forever. We need to specify the roles and responsibilities of the parties involved and also explain this to the users. And this will need to go into the ordering processes at a later stage, right? So unless we have certainty about the roles, it's going to be very difficult to fulfill these information requirements and with these documentation requirements. So you need to document what you're doing with the data and you need, you know, upon request be able to proceed information about how the data is processed, what data you have, who got access to it and so on and so forth.

Then there are increased data security requirements. So you need to make sure to adequately protect the personal data of the data subject. Then we have increased accountability requirements. For example, you need to report breaches. Those intrusions from the outside, as well as internal glitches, let's say somebody makes a mistake and data is publicly available or even if it is deleted where it shouldn't be deleted that would constitute a breach. And that can trigger notification requirements to the authorities and notification requirements to the data subject. So you need to then carefully assess whether such case is present and in what form you need to inform the data subject or get the authorities involved.

Right to be forgotten, right? Erasure is called in the regulation as well. It's the right of data subject to make them - make the data go away with the

parties involved. And I guess this is going to be particularly relevant when we have a distributed system where information goes all over the place.

Question is, how can we actually honor this right to erasure?

Then we have the right to data portability which might not be too relevant here but when it comes to social media platforms or ISPs that have customers with the data on it, they must be able to ask, "Well, I would like to change providers. Give the data to me. I'd like to take it somewhere else."

Privacy by default. We all - we see all these pre-ticked boxes for consent and I understood the T&Cs and so on and so forth. That would be not privacy by default but you have to have default settings that protect privacy. And then the user can actually change those parameters and show more of his or her data and so on and so forth.

Privacy by design means that your technical systems, your operations need to be set up in a way that only collect some processes the data required. So when you're talking to your software vendors, I'm sure that many of you don't have internal software development department that you go elsewhere. You can't just lean on the software vendor to do everything right. And actually they don't have an obligation if they're just selling you the software but you need to make sure that they are giving you software that follows the standard, right?

Let's not confuse this with the controller process setting where you might have subcontractors working for you. That's a different story. Under GDPR, both of them will be responsible and liable. We'll get to that in a moment. But for software vendors, for product that you use, you are responsible and it's not the owners of the vendor.

Okay, so what does GDPR protect? It protects personal data or PII or the rights of natural persons to be more specific. And that is identifiable data of natural persons. So that means an identifiable natural person is one that can

be identified directly or indirectly. So that's important. In particular, direct identifier such as name and identification number, location data and online identifier to one or more - oh my goodness, or to one or more factors specific to the physical, physiological, generic, mental, economic culture, social identity of the natural person. That can be a period that's static or dynamic as we've learned from the court. Phone numbers can be potentially RFDs, what have you. So that's very, very broad. It needs to be assessed carefully because as soon as you can establish a link between the data element and a natural person, even if you need some information from third parties, that might constitute natural person. That's personal data.

Legal persons are not covered. But just to be careful because if the name of a natural person is in the name of the legal entity, such as in my case which is Rickert Recht which is a law firm, that could make the name of the legal entity PII, right?

And also the legal representatives that are usually publicized with the data enjoy protections under these regulations. So you can't easily say "Okay, just because that person is a board member or CEO of the company they don't have those rights." In fact, they do have these rights.

What is processing of data? Set up operations which is performed on personal data or sets of personal data whether or not automatically, such as collection, recording, organization, structuring, storage, adoption, iteration, retrieval, consultation, use, disclosure, transmission, dissemination or otherwise making available alignment or combination, restriction, erasure, destruction. I didn't make that up, believe me. That's verbatim was in the regulation. So that's very broad, right?

And all that needs to be justified and treated differently. So let's bear in mind processing can be a lot of things. Let's talk about roles and responsibility. There's a lot of talk, if some of you would have read the legal memos, about who it is the data controller, who is the processor in this game. And up to

now, a lot of folks are aware as long as I'm the processor and not the controller, I'm fine. I don't have a risk. And this was true in the old days, right? That's when GDPR is kicking in. There's liability for both the processor as well as the controller. Yet, the roles are different, right? But don't think that if you are tag control - processor in this game only and if you're not the controller, if that's where the results of the assessment that you would be fine. Nothing could be further from the truth. There are liability risks for you as well.

So, you know, I'm not going to read this out for you entirely but the controller determines the purposes and the means of processing of personal data. Now you would have heard that ICANN said sort of "We're not the data controller because we just do what the community asks us to do." Yet, in the use case metrics that they publicized, they've said "Well, these are the data elements that we require the conflicted targets to collect and process." And we punish them with breach notices in case they failed to do so.

So what more do you need to fulfill that definition? Right? So that's just my personal guess but I think ICANN will have a hard time arguing that they are not the data controller, at least for a certain processing type and for certain data elements.

And then when you - the data controller needs to take into account what data there is, what the risk to that data is and ensure to be able to demonstrate that technical and organizational matters have been taken to keep that data secure and in accordance with this regulation, right? So there's quite something to do for the controller under this new regulation although, you know, for European entities, you know, this is not really news.

The data processor means the natural or legal person, public authority agency or other body which processes the personal data on behalf of the controller where processing needs to be carried out on behalf of the controller, the controllers will use only processes providing sufficient

guarantees for implementing proper technical and organizational measures in such a manner that processing will meet the requirements of this regulation and ensure the rights of the data subject. Right? So they also have to do a good job.

And now different scenarios can be present. You can have a scenario where one is a controller, the other is a processor. That would be easy. In this scenario, what's more likely is that we have to look at each data element and we have to look at the various purposes that we can find for using that data element. So it can - may well be that you have controller-processor relationships that are different for different types of data and purposes.

So billing data, for example, the registrar needs accountholder data to send invoices to their customers. And therefore, they're collecting that for themselves for the process of fulfilling those contracts. And they need to store the invoicing information to fulfill bookkeeping requirements for a couple of years subsequently. But ICANN, for example, doesn't have an interest, a general interest in the billing data, right? So the registrar might be controller for those data elements, yet ICANN might be for different elements and where people have joint interest and fulfill things jointly then you even have kind of co-controllers or joint controllers, right? So that's quite complex and that's something that needs to be thoroughly discussed.

But the, you know, bear in mind, there's a joint liability. So if I'm a - I am grieve data subject, I can go both through the controller as well as the processor to seek relief, right? So that's to be born in mind.

Principles of processing personal data shall be processed lawfully, fairly and in a transparent manner. I also spoke about transparency a little bit earlier. It needs to be collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. That's purpose limitation. So you can't tell a customer "I'm going to send you a book if you order it with my company online." And once you get the

personal data, said that you need that data to invoice and to know where to ship the book to but then you can't certainly publicize that information as well as pass it on to, let's say, the (butcher) around the corner because he also might have an interest in selling something to that person, right? So it needs to be limited to what you need to fulfill the contract or what's in line with the purpose to be more specific.

The processing needs to be adequate, relevant and limited to what's necessary. Data minimization, I spoke to that a little bit earlier. Then the data needs to be kept accurate. That's also one of the main themes that the data subject has a right for his or her data to be kept accurate. So you need to be responsive. The folks want to get their data rectified.

And we're not going to use all that. Integrity and confidentiality, that's a security related aspect. So, you know, bear in mind, limitation of purpose is an important thing in this regard, lawfulness of processes.

So there's a lot of talk about consent. And currently in the RAA, you do have the requirement that was sent to you by ICANN to collect the data based on consent. Those of you who have read or heard about Dutch authority's statement on whose data and where you're asking for this consent, too, so this consent is coupled with the fulfillment of the contract, i.e. you are denied a domain name if you do not consent to this very broad processing of data, then it's null and void, right?

So consent, I have another slide on consent but consent is tricky. So if you use a consent-based model, there are certain risks associated with that. What's less controversial or less problematic is if you process data for the performance of the contract. The aforementioned example of the book - online bookshelf, certainly the bookshelf needs the shipping address. Otherwise, they wouldn't know where to ship the book to, right? But they don't need gender, age, hobbies or what have you of the data subject, right? So what you need to fulfill the contract and nothing more than what you need

to fulfill the contract you can actually collect and process without consent from the user.

And now we can have a little exercise of going through what you think is required to fulfill your contract as a registrar, right? But there might be a little less lift than what's currently in the WHOIS specification.

Then processing is necessary for compliance with a legal obligation to which the controller is subject. Processing is necessary in order to protect the vital interest of the data subject or another natural person. So those are all bases for lawful processing. And then, you know, what's been made reference to in the legal memos is the processing necessary for the performance of the tasks carried out in the public interest or in the exercise of an official authority.

And the people who say "Well, WHOIS public who is vital for the public interest because we can do so many good things with it," you know, IP infringement, criminal offenses and what have you. But legal memos that we got basically say, well, this doesn't cover it. So if people tell you "We are covered with about just making reference to 61E," I agree with those statements to say that that is not covered because that would go too far.

And then processing for the purposes of the legitimate interest by the controller. Now you might say you have a legitimate interest in doing certain things, you know, setting on the data and making available so that you don't have that many support queries or data review request, and therefore, people should just look at the public WHOIS. But there's been a decision on Google Spain where they said that commercial interest do not outweigh the rights of the data subject. So in that exercise, not each and every legitimate interest would be sufficient but at least there'll be ways against the interest and the rights of the data subject.

Okay, consent. The controller must be able to demonstrate that the data subject has consented. So you need to make sure that you're ordering

processes sufficiently document that the user has ticked or that he has seen what's meant by this consent and what the consequences are. I guess that's not a very easy task to do.

And then you need to make sure that the request for consent is presented in a manner which is clearly distinguishable from other matters in an intelligible and easy, accessible form, use clear and plain language. Any part of such declaration which constitutes an infringement of this regulation shall not be binding. I mentioned that earlier.

Now, we do not know how this is all going to play out but it may well be that the ccTLD registries would all come up with their individual solution. So if I fill my basket with, let's say, 15 domain names and then I'm presented with as many privacy statements as there are TLDs involved, question is whether court will say "Well, that's fulfilling the transparency requirement," you know. So that's going to be a challenge.

But an even bigger challenge is that with - consent can be withdrawn at any time without giving any reason. And it must be freely given, so it can be covered. So you can't say "You must consent, so you get the domain name," right? So I see that there were - Jeff? James?

James Bladel: Yes, thanks. I guess a question I have is, can you say that once consent is withdrawn that they lose the domain name? Is that acceptable?

Thomas Rickert: No, you can't - because that would not make the consent freely given because then the customer know that he or she would be punished in case they would withdraw. There must not be any sanctions for withdrawing consent. Right? So therefore, people are discussing whether you should have different sets of declaration whereby you don't really need - don't need a consent for just the domain name registration but where you would ask for consent for additional bits and pieces.

James?

James Bladel: I mean, Jeff and I are thinking in the same length here. So if you're going through a checkout process or registration process for a domain name and you say "I need your consent to complete this transaction," are you saying that we are somehow obligated to continue the registration process if the consent is not given or is later withdrawn and that does not make a lot of sense to me. That sounds like, you know, it feels like in some extent that it's necessary to complete the transaction and to have any kind of integrity in the transaction. You need that data.

Thomas Rickert: I'll let Volker answer this.

Volker Greimann: Well, a good model to look at this is if you look at the ccTLD policies of that IT, they have a checklist of questions that must be answered at the time of registrations and one of these is I consent to the publication of my details in WHOIS. And if you consent to the publication of your details in WHOIS, the registrar will publish your details in WHOIS. If you do not consent, you'd still get the domain name.

James Bladel: Okay. So my question is, we can say consent to publication, consent to sharing with third parties or consent to sharing with me, the registrar, to process this transaction. You can have different types of consent for different functions or different purposes and you can give them essentially - and I can't even imagine how clunky this interface would be but it would be like a menu of consent.

Man: Well, there's always the business need. Of course, you need the data to provide the service as is which is, for example, for billing purposes, then you have the need and you need the consent to collect that data at that point.

Jeff Neuman: We'll just add, I mean, let's just - sorry, it's Jeff. You know, the number of consents, can you say if they don't consent having their data stored with the

third party escrow provider and they say no, can you then not give them the domain name? I mean, there's so many different processors in the chain.

Thomas Rickert: Can I - you know, we're getting into a very detailed discussion. I will have 15 minutes left to give you a rough overview. But in fact, it's maybe argued and this is why this is so challenging. You can say that for the security and to protect the rights of the registrants, it is required to involve an escrow agent, right? And therefore, if that is required to fulfill the contract to protect the customer from, let's say, a registrar going out of business and then nobody knows who the registrants are. So that might be required to fulfill the contract in itself, right? But you need to carefully look at what's on with what data element. So, you know, don't panic too much, you know, but I just want to explain the general mechanisms of how this is being applied.

So, okay, so another term that you will stumble across as you move on will likely be the record processing activity. So you need to document every processing, every process in your company. So name of contracts of the controller, joint controllers of the representative, data protection purpose of the processing, description of what data that is. I'm not going to go through all that but it is a very comprehensive document or piece of software in which - database where everyone can immediately understand. And you'll need to provide that information upon request from the authorities, what is done with the data, right? So that is quite comprehensive.

There is a comparable thing for processors. You can go through that but, you know, you also need to archive to whom you reveal data, to whom it's transferred, how long you retain it and all the rest of it.

And then a data security management system, that is not by name mentioned in GDPR but there are a couple of clauses where such system is made reference. So a data security management system should be set up. And that is basically one mechanism, if you wish, that contains this record of processing activities that also has processes of who has access to what data,

what is the process for on-boarding new vendors, how do we deal with crisis, stuff like that. So basically it's a comprehensive manual on how to treat personal data in your company.

To whom is GDPR applicable? Long story short, EU-based companies fully applicable and then for non-EU companies, it is applicable if and when the company deals with personal data off EU citizens and if they do that not only occasionally, right? So if you have American users and only ten that stumbled across your TLD or your services and registers a domain name for your service, you might fall under the exemption, right? But if you, let's say, have your offering, service offering out of Asia in English or in German, then clearly your target is a European audience. And if you then have customers, then GDPR is applicable for those data elements from European data subjects.

So I don't want to create additional complexity because we're talking about changing WHOIS but actually there is a possibility for you to have a different WHOIS, for example, for European data subjects then for data subjects from other jurisdictions.

I think we shouldn't go down that route but you are only required to protect the data of the European Union data subjects and not for your whole customer base wherever they come from. So you need to take a look into that.

And then if you - if this is applicable to you, you need a representative in one of the European member states and it needs to be - and you can pick a member state in which at least one of your customers is residing, right? So you need a representative. If you fail to appoint a representative, that's one of the milder sanctions that GDPR has to offer is only up to €10 million or 2% of the global annual turnover.

Sanctions, I've covered quickly the highest thing is 4 million or - sorry, 4% of the global annual turnover or €20 million. So that's quite substantial. And the reason why we're seeing everyone waking up with them is the sanctions, right? We knew about WHOIS issues in Europe for decades but nobody really wanted to invest in that because there was almost no risk of being sanctioned. Now, there is this risk and even worse, if the Data Protection Authorities that is - that could haunt you with, say, okay, these are nice guys. We're not going to go after (Mikaela). Then a data subject could file a complaint with the authority and if the authority doesn't really process that complaint, they could sue the authority for inaction, so right? So we're running to this vicious circle where the authorities couldn't even be nice to you, they want to because they are under pressure to look at cases and be - and take action upon them.

So now let's look briefly at how to become compliant. So I've already covered a lot of that. You know, many of those things are related to challenges that every business is facing. You have employees. You have vendors, you know, and employee data needs to be protected as well. They have internal processes, invoicing, archiving, bookkeeping, what have you. So you need to analyze that. And then as a registrar, you have compliant issues in the (G world) and in the (CC world).

So how would you usually go about with this? So first question is - and isn't this nice for a lawyer? Right? So I was running around with the most boring slides in the world. You know, I just have text on them and even that I didn't do particularly well because I'm not good with PowerPoint. So I asked for these to be made in order to illustrate this and make it a little - 15? Yes, give me...

Man: (Unintelligible) a little bit more time.

Thomas Rickert: I can go on for hours with this. It's just so much fun, isn't it?

So first thing you need to do is check if GDPR applicable to me. And then once you've established that it is, then you need to establish the status quo of are the processes organizationally technical that you have in your company, right? You really need to follow the data flow inside your company and establish what you have. That's not yet a legal assessment but you just need to find out what's happening in your company and usually if you have a consultant helping you with this, they would provide you with a detailed questionnaire which you populate so that that you see what's actually happening at the moment.

And then you'd take a look at the risks, right? So you would establish the record of processing activities. And by analyzing each and every process in your company, you would find out, okay, that looked suspicious. And if it looks suspicious, then you might determine, "Okay, this is actually a high-risk, high-damage probability while others might be low-risk, low-damage probability," right? So you would establish this record of processing activities and you would identify the ways of a gap analysis would establish what you need to change in order to become compliant.

So what type of data you would check? Is it personally identifiable data that you have? You would look at the sensitivity of the data. So if you have data which I think you don't have to collect but there are medical organizations that collect data about health and stuff like that. So depending on the sensitivity of the data involved, there are different rules applying. And if there's a risk, then you might need to be forced to do a data protection risk assessment and ask the authority, is it okay for us to process this data in that way because there's a high risk involved with that. And then they can say "This is okay for you to do with the measures that you're proposing" or you need to readjust or you can't do it at all.

Then you need to look at the origin of data. Have you collected the data yourself? Or have you received it from third party? In which case different rules would apply which we can't go through in detail. Then you would look

at the purpose. Is there a legitimate purpose for collecting that and processing that data for each and every of the processing steps? What other recipients of the data? And that is both internal as well as external. Right?

And people are slowly waking up. I was buying a bicycle for one of my kids and I was quite surprised that the guy who's explaining the bicycle to me did not have access to my user account with the company, right? But that's the way to go because he doesn't need that data while the cashier is the person working at the cash desk, he certainly needs to be able to access that and book that on my account, right? So you need to establish internal access rights management system so that only those folks inside the organization can see what they need to see to do their job.

And then also transfer abroad. A lot of folks are jumping to talk to me about safe harbor which, you know, has been invalidated, a Privacy Shield to justify the change of data with the US but actually there are a lot of steps to be considered before that. You know, data that is not legitimately collected or that you can't pass on to third party legitimately, you can't, by any means, transfer to the US or to some other third party jurisdiction, right?

So that's something that you need to bear in mind, who gets access to that data.

Man: Thomas, can I just ask a question specifically on the transfer or board of data just because it's been going around on a few lists and specifically towards the escrowing of data from the EU to Iron Mountain.

Thomas Rickert: Well, talking about transfer to third countries. I mentioned at the outset that the flow of data inside the EU should be facilitated or should be kept, right? So inside the EU and I know that Iron Mountain is also working in the EU, right? So if they come up with something that is compliant in the EU, then there should be little problems but you should - but you still need to notify the data elements about where this data goes. You don't need to mention the

company by name but you need to say that third party is used for securing that data.

If it goes abroad, then we have different alternatives. There is the adequacy requirement. So you can relevantly easily export that data to countries that have a comparable or adequate protection level basically the same as we have in the EU that would be Switzerland, Canada, for example.

And then you have third countries, one of which is the US and we'll talk about the US here. And there you have Privacy Shield at the moment which is the legal basis to authorize those transfers. There are other ways to doing that. You can ask for explicit consent for the transfer. You can have binding corporate rules to justify into group transfers that go aboard, for example. But in this case, you would most likely use EU standard clauses as long as they are not invalidated. There's the risk of these might be invalidated as well. But you can use those to justify the data transfer to the US.

And Privacy Shield is a model where people - where companies can self-identify themselves and promise that they will adhere to certain standards. Right? So that - it is possible to do that legitimately.

Then the location of storage, I guess that links to the point that Ben made. So we've touched upon that. If you have - if you are storing your data elsewhere, you also need to make sure that is possible.

(Graham), do you have another question?

Graeme Bunton: We had a question on the queue - sorry, this is Graeme. We got two questions in the queue. I don't know if we want to hit them now or we want to hit them later with (Mikaely) and then (Theo).

Michele Neylon: Thanks, Thomas. Just a couple of points. One, I suppose, is if you could, well, scare the room to death a little bit more would be good but just one of

the concerns I have is that some of the conversations I'm hearing in hallways is that people seem to be laboring under this mythical illusion that if ICANN comes out with some, quote-unquote, "solution" for GDPR in relation to our contracts of WHOIS that that will cover us which, of course, is not the case. And I know you have covered that a little bit. So maybe you might go a little bit more into that. That will be helpful.

Secondly, if you could clarify exactly who the - who you understand the suppliers, too. I mean, my view is that as it's a regulation, it becomes national law in all member states. A national law in the member states doesn't give a damn on what passport you're carrying. It still applies to you. I mean, you can't murder people whether you're American or Irish in Ireland. It's still illegal.

And the third thing was just in respect to Iron Mountain. They don't have servers in the European Union.

Thomas Rickert: Okay. I thought that. So on the point of applicability and whether an ICANN-provided solution can be the solution for everything, I have another slide where I'm going to go to that. So I'll keep your points in mind.

Shall we take the other question now? Theo?

Theo Geurts: No, I'll pass for now. Thanks.

Thomas Rickert: Okay. And then retention period. You can keep data forever. And for different data elements, you might have different retention periods. Some of the data you might need to delete immediately after you've served the processing. Other data you can keep, let's say in Germany, as I mentioned, for ten years, you know, to fulfill bookkeeping requirements and to have that data available if tax authorities are knocking at your door. So you need to look at all those data elements and look for a legal basis on how you can - how long you can keep them.

And this is particular pain for some of the registries, you know. In the (CC world), they say “Well, we’re doing little less than what landowners have IE record where you can see and where you have archived who the owner of the domain name is.” And if they don’t have that or if they’re forced to delete that after a couple of years, then chances might be slim to result disputes over domain names, you know, because sometimes it’s important to actually follow back in history who has the domain name, what changes were applied to the domain name and so on and so forth.

Okay. Then, you know, you do the gap analysis. You come up with recommendations. You implement those recommendations, fill the gaps that were identified and then, ideally, by May 25th you have your data security management system ready which also helps you with changes over time, so you have the facility at your fingertips that helps you to stay compliant.

So in the (G world), we have a couple of (unintelligible). We have resellers, registrars, registries, ICANN, the EBERO. You might ask yourself, why the hell is he mentioning the EBERO? But when a registry fails, ICANN can request the escrow agent to pass on that data to EBERO. And let’s assume the EBERO is operating in jurisdiction where they don’t give a damn about GDPR. So you might be fully compliant into that point of time but as soon as ICANN has this right to give this data elsewhere regardless what, right, the system is broken.

The same for registrars being terminated or going out of business. If that data is being handed over to somebody who’s not compliant, then the whole system fails. And the mere possibility of getting access to data is already data processing and deemed to transfer. Right? And therefore, you need to take a look at the contracts and carefully craft the rights that ICANN has because if ICANN has this right, the system, according to my personal opinion, is already broken.

So you need to craft this in a way that ICANN can best require the data to be passed on to another provider that guarantees that he - or the company will be GDPR compliant. Same with, you know, escrow agent needs to be looked at and then certainly another couple of points to be considered is thick versus thin, right? So there are registries that have been operating in the same fashion and it worked perfectly. So a data protection authority might ask, you know, why aren't - why isn't everyone going thin? Why do we need to pass on that data to the registry? Or even worse, if you have a reseller business and if the reseller has pulled the account and invoices, the (unintelligible), why should that data be passed on to the registrar even?

I'm not saying that this is the end game, you know, but those are questions that looking at this from a data and minimization standpoint, those are questions that need to be answered. And we're currently looking at a system that has historically grown and fulfilled all the wishes of law enforcement and other WHOIS customers and we're trying to fix it by taking out some pieces. But that's a wrong approach. We need to look at it as if we had a blank page and look at what is actually required to do the service, what additional things do we need to make a good business and then we might consent - add consent-based pieces onto it, right? That's not to say that we need to throw away everything that we have but our thought process should be reversed.

And this notion that public WHOIS can be maintained I think is dead. You know, we've heard it more than 50 years from European Data Protection Authorities. And I think as registrars, you need to be firm, saying "Who are we? Why should we help infringe upon the rights of data subject just to make it easier for everyone to get access to that data?" If you want the name and the address to cell phone number, I think nobody in this room would suggest that you can just knock at the telco's door. They want a legal basis for revealing data and they will ask for court orders. And it's not that this is not possible. This hasn't stopped the world from turning, right?

And if there are legal instruments required, we should not say we're doing that by way of breaching third party's rights but we should do it by saying "We do what's needed to be compliant and avoid sanctions." And if lawmakers want to equip the law enforcement authorities with the rights to get easy access to such data, they should come up with legal instruments. And it is possible even on a GDPR even to equip private companies, private investigators with those rights, only have the lawmakers not yet established those instruments, right? So I think we need to be resistant on that because you are going to be the ones facing the risks.

And even if you are the processor for a third party's data, if you are, just assuming, you are dealing with hundreds of controllers. And if they do something wrong, the data subjects might be knocking at your door for multiple infringements, right? And therefore, I think you need to do a good job and being compliant.

Then, you know, and so if ICANN comes up with a model, which (Dave) sort of said they would, we heard that they're going to have three options that they're going to put out.

We can assume those options to be in the best interest of ICANN. And it can't be done in isolation. As I mentioned earlier, the roles and responsibilities of the various players need to be clearly circulated and put into paperwork and operationalized. And therefore, this is something where registries, registrars and ICANN need to be at the table. That is a matter of contractual compliance, period.

This is not a beauty contest. If you want to do shiny policies for additional things, that's a full blown community process that can kick in, right? But this is contractual compliance only, and therefore, you know, just to demystify it, if ICANN comes up with a solution, do not assume that you can just take something and you'll be fine. As I mentioned earlier, you need to do all that homework that every company needs to do. But then you need to do

additional bits because you can't expect ICANN to come up with a solution for the - for scenarios where resellers are onboard, right? And if it only - if it's only that part, you know, that there will not be a complete picture.

Then privacy proxies, some were saying...

Man: Five minutes left.

Thomas Rickert: Okay. Okay. I will try to wrap this up in two minutes and then we have - privacy proxies. Some say "We can do privacy proxy services and we'll be fine." Not true. If you can - even if you can collect certain data elements, which is probably not true because nobody is using the billing contract, for example. So we already engaged in excessive data collection, right? But even if you can collect that data, that doesn't mean that you can publish it or that even, you know, by camouflaging what you have, that's good enough. So even if it's privacy proxy, you still need to make sure that the data underneath is handled correctly.

Law enforcement interest, I spoke to earlier, so let's not do that. Public interest has been turned down as a legitimate interest in the legal opinion, so I won't comment on that any further.

RDS and tiered access is a technical implementation way, right, but it doesn't solve the issue. Whether you do it through the WHOIS protocol or Adept or what have you, if the underlying architecture and collection is not legal, the technical protocol will not make it even. But it can help to do certain things.

Data retention, we need to fix. Registrars need to do data retention. It's not legal in Europe. It will not be and some of you have gone through the waiver process. You can do that but it's only a partial solution and zone file access we need to discuss because if you get the zone files that has mine data, big deal. So that's also something that needs to be taken into account.

And all those we're just talking WHOIS should look at that slide. It's far more complex, right? And if we want to be compliant, we need to look at the whole picture.

So compliance in the (CC world), I'm going to skip that. What we need to do beyond becoming compliant, you might need to have a data protection officer inside your company. You can outsource that. You can do it internally. But, you know, that's something for you to consider. Then you need to have processes in place. Somebody needs to maintain the data security management system. Then you need a representative in the EU, right? That's beyond AT. You need somebody potentially to help you with incident response so that you are not hit by surprise when there's a breach, you know. So you can talk your concerns about that and they can help you finding the right language to involve the authorities.

And you need to do training, you know. So there's little value in all these exercises we have started. They haven't had a clue about this, you know. So you need training that can be done onsite or remotely.

So start the process now. Watch out for developments at the ICANN level. Start implementing as soon as you can although there's the (rescue) of the last in chain, right? So as long as ICANN and the registries haven't come forward with their requirements, it's hard for you to implement solutions, right? So there's a risk of duplicate efforts if - unless we have to find everyone's roles and responsibilities.

Worst thing that can happen is that ICANN says "I'm not the data controller because, you know, I'm going to waive on my rights," Registry says "Well, I don't really want that data because you can go as soon as you like to," right? And you have this thing up and nobody wants to be responsible. And so I think that needs to be sorted out in a collaborative fashion ideally.

And, you know, implement as soon as they can and demand solutions from your partners, be it your software vendors, be it ICANN, be it the registries.

And that is it for this part. And if we're done, then I have this final picture for you.

Man: Sure.

Graeme Bunton: Thank you very much, Thomas. That was great. And there's a lot in there. Those slides went out to the mailing list. Everybody should have those in your inbox already for reference.

There's a couple of questions in the chat. One was from Chris Pelling. And he was asking whether it's an EU citizen or an EU address. So if they're an EU person but they're living in Canada, are they still under GDPR?

Thomas Rickert: Chris is trying to gain the system. I think it's EU data subject as long as - I think it's not linked to citizenship. But I would need to double check to be quite honest. I'll come back to that on the list.

Graeme Bunton: Thank you. And then Theo was asking, will GDPR apply retroactively? So if domain was registered years ago, do we have to go back and fix that?

Thomas Rickert: GDPR does not apply retrospectively but the data that you collected before GDPR is kicking in needs to be in compliance with GDPR requirements.

Graeme Bunton: I've got a hand in the room from (Theo) and then I've got (Bob).

Theo Geurts: Thanks. This is Theo for the record. So you basically are telling us that we have (unintelligible) to do. We need to change all the registry contracts, a couple of hundred of them. So that's going to be a lot of fun. And building off on what Chris just mentioned and evading the GDPR problem, you shouldn't be evading anything or trying to circumvent anything or anything when it

comes to GDPR. We are talking about GDR today. Next week, it can be another country. I mean, there's over 100 data protection laws all over the world and that number is increasing and they'll only get tougher. So within the ICANN community, we have a big issue to get compliant with all the countries in the world.

So I think it's very important that we should sort of understand our role in this ecosystem. We are sending data all over the world to many, many countries and lots of it is personal identifiable data. So today we're going to have an issue with GDPR. Next week we're going to have an issue with another country. Thanks.

Thomas Rickert: If I may briefly respond, we've asked this question to various people and there are new laws underway in various jurisdictions. But I think there's only one jurisdiction that claims to be potentially restricted in GDPR. I think that's South Korea, if I'm not mistaken. But I think that the standards applied here are quite high. So you shouldn't expect too much additional burden. But that's just an educated guess.

Bob Wiegand: Bob Wiegand, Web.com. So why don't we - let's, if I could, just take a minute - how much time do we have? Are we done?

We're overtime? Okay. Quick, let me just do a high-level question, how many registrars in the room that believe they have EU data in their dataset have started the GDPR review compliance process?

Okay. That makes me feel a little bit better. So everybody is aware of it. When I stood up at Web.com's specifically an internal team to start looking at this. And so we had our Chief Security Officer, our, you know, our data experts, so a fairly broad team. And we're a publicly traded company, so we're HIPAA compliant. We're SOX compliant. We're PCI compliant. It gets - when you have a lot of people in the room and you review a presentation like you just gave, it's very - it can be very overwhelming. And so they're

what I call rapid trails. You get people who go off on these what-ifs and tangents and you have to kind of get control of the - in my opinion, get control of the room the best you can.

What I have done specifically with my organization has been to kind of I call the EPL one bite at a time. The first thing I've done is I have said "Where is our data, structured and unstructured data, where is it?" And Web.com is a compilation of 14, maybe at 16, 17, acquisitions. Our data resides on a lot of different places. Structured data is different than unstructured data. I'm telling you how I'm doing it, so maybe it helps you. Where is our data? Let's inventory it and let's classify it. Until I have those two pieces of the puzzle in place, you can at least start that portion of the exercise. You're going to need it anyways. You need to know where your data is and you got to get it classified. And I'll just leave it at that is if you're looking for a place to start and you haven't done that already, that's where I'm starting.

Thank you.

Thomas Rickert: I guess that's an excellent point. And, you know, I'm suffering from the predicament that I need to condense a lot of information to the short talk. And this is basically why I have to get tools done because they help slice and dice the process. So what you're seeing is establishing the status quo is the first thing.

You're going to then take a look at things, doing the gap analysis, you know, so you can do that in iterations and start with the internal processes now and it will take you some time to gather all the information. And during that time, maybe something is coming from the (G world) that helps you understand how to fix the things for the (G world) and maybe then, you know, the (CC world) is coming up with ideas. Slice it. Peel the onion, you know. So I think that's excellent advice.

And it's manageable. You know, we're doing this for a lot of companies. It's manageable and there are, you know, there are a lot of advisors out there who can help with the structured process, take away a lot of the pain.

Graeme Bunton: Sorry. So we need to get some lunch now, right? Because it's - wait.

Privacy and proxy, oh man. We are - so we've got a couple of more things in the queue on this and then we'll need to move it along relatively shortly. I think it's pretty clear we need some more discussion on this topic. So it feels like probably extra policy call-slash-Webinar. We can ask Thomas to come back. We can work on this some more. So let's try and get through that little queue pretty quick.

I've got Volker, Tom, Neal.

Volker Greimann: One thing that we also should consider is that we have a lot of contractual partners who currently demand data as a threat of de-accreditation that we will no longer be able to provide registries that demand data - underlying data or privacy services registries that wants to have that data, you know, accept anything else.

I mean, they will also be present with GDPR with some of the (unintelligible) and other jurisdictions that may simply not care and we would have to have some very urgent discussions with them, maybe even today with the - during our meeting with the registry stakeholder group that these policies, these contractual requirements will also have to change. So they will allow us to be compliant.

Graeme Bunton: Thanks, Volker. Tom?

Tom: So I have a question about how you demonstrate compliance. You know, are there, say, annual filing requirements. You've said we have to hire a

representative. When do you have to hire that representative and when do you have to prove you have one?

Thomas Rickert: Okay. First things first. I think (Volker) makes a good point because if you make your partners unhappy that you don't transfer the data anymore, the risk of you continuing illegal processing of data is that the authorities, they can't only do monetary sanctions, they can stop you from processing data, right? So if you shut them down, that might help you not being shut down yourself. It's as easy as that.

And, (Tom), to your point, you just have to - you just need to have that - those systems available. So you don't need to proactively go out to the authorities unless there are cases where you have to do this data protection impact assessment. But other than that, you just need to be able to proceed the information upon request.

Man: I'm paraphrasing you quite a bit, right?

Neal McPherson: So small operational issue, the RAA review team we've been reviewing, as you noted, the RAA amendments that come to the door from the registries. We actually have issue with Verisign coming in a few months ago where essentially today we can't sign this new vision of the RAA. We've got a new RAA currently amendment on the table to review the changes in there also not going to be - at the compliance. So to be consistent, I guess we need to reject that as well which would be - which makes it fair. But also it's kind of a little unfair and that the current contract is also proving out the GDPR compliance either. So, I mean, we should maybe, you know, think about how we want to position ourselves here and maybe there's a topic we can discuss with the registries today.

Graeme Bunton: Thanks, Neal. This is Graeme. That is absolutely true that many of our, as Volker pointed out, contracts are probably problematic. And we need to be consistent with the incoming RAA changes that we see and we should talk

about that this afternoon with the registries. So like heads up in this funny world we live in where we don't know what's happening with these compliance bits and our contracts with ICANN that we're going to have the best time improving these things. You know, technically, it's ICANN that approves them in the immediate future.

I have Michele in the queue, too, and then we'll - and Ben and then we'll wrap this up.

Michele Neylon: Thanks. Michele for the record. There's just one thing to note because it's coming up in the RDS PDP, possibly elsewhere, possibly in other forum within the ICANN circus. Some stakeholders' interests, whatever you want to call them, are kind of pushing some ideas that would lead to a balkanization of the interest out of the markets, throwing around ideas such as with GDPR, then, you know, and European-based registrars would only deal with European customers on this kind of craziness.

We've seen this on the RDS PDP several times. This has been - these comments have been made by the DSRIP. It's been made by certain other people from the, quote-unquote, "info sec" community. And it's just something that people need to be aware of. I mean, obviously, for some registrars, it's probably a massive issue because you may want to be upgrading in one or two markets. But for other registrars, you may be scratching your heads going, you know, what are these people smoking and would they share? Thanks.

Graeme Bunton: Ben?

Ben Anderson: Yes, thanks. Ben for the record. So I found this incredibly useful and I want to thank Thomas for doing this today and for creating the paper for us.

The thing I'd like to say also that I think the ExComm sales that this is definitely where membership fees can really benefit us as a collective. And

I'd certainly like to see if we can ask Thomas and maybe others if there are other things that the members would like to see, do we want a checklist, you know, a simple thing? I can see everyone chatting on Skype about different things. But I'm really encouraging to share those thoughts on the list even if, you know, you'll send e-mails every five seconds or someone that's never done it before. But this is where your membership fee should go. So I'd encourage you to do that and I think we can do more around just to help everyone. Thanks, Thomas.

Thomas Rickert: Thanks very much. And I promised swag I will put some on the table there. So a lot of folks like the ninja. So I have brought ninja T-shirts. Can you read this from the back? "GDPR, don't let it catch you unaware." So have fun. Thank you for having me.

Graeme Bunton: Right. That was great. We've got 15 minutes before lunch?

((Crosstalk))

Graeme Bunton: Right. Okay. And I think next up on the list is privacy and proxy from, I think, (Theo). You want to tee that up, please, and thank you, Theo.

Theo Geurts: Yes. Thank you. And this is Theo for the record. So the privacy/proxy is (unintelligible). I have to use moving very strictly. It's a little bit more simply than I originally anticipated.

And currently we are now shooting for a comment period in December. So that means that we have a lot of reviewing to do when it comes to the actual contract that I posted on the list yesterday.

For those who looked at the contract, you will find it strikingly similar with the RAA 2013. And I find that a little bit problematic in the sense and I'll be coming back to the GDP issue again. Do we want to have a contract in its current shape, very similar to the RAA 2013, come into effect somewhere

next year while we still haven't figured out all the GDPR issues? So I'm going to tee that up for you guys. I have some discussions.

Man: Yes.

Man: Okay. Hi, Theo, thank you for the grenade. But can you give a little more contexts to what it is you're hoping to have us discussed?

Theo Geurts: Okay. So I'll give a little bit more of a description then. This is not tied to the vote. So this is a different subject though I'm going to say when Rob Hall mentioned it yesterday, I thought that maybe even none of that idea to maybe couple this thing. But again, what we have now produced as an IOT is a contractual agreement for privacy services which is very - it looks like the RAA 2013. Let me go a little bit into detail.

So the RAA 2013, as you all know, has a data retention specification which requires us as contractual parties to do a lot of collection of data. We're going to mirror that again for privacy services. In the agreement itself, we go a little bit beyond the RAA 2013. So the contractual obligation for privacy providers will be even tougher.

And again, it comes back to the question, do we want this as a group? And that is the question that I'm putting out to you guys. Do we want this for a privacy service? If you don't offer privacy service, then you may be very fine with it though I would like to point out, as we sort of heard from Thomas in his earlier presentation, we do not have many options under the GDPR to fix this GDPR issue and privacy services might be a gap solution that we're going to rely heavily on. And I would argue that it's such a heavy regulated services and not in our best interest. Thanks.

Graeme Bunton: Thanks, (Theo). So my sense is that we don't have enough people or people haven't had enough time with the documents that just came out yet to dig into

a lot of the meat on this. So we need to do that. Probably that's another call we need to organize. I've got Darcy and then (Volker) in the queue.

Darcy?

Darcy Southwell: Thanks. Darcy Southwell. And just to clarify for registrars who are not on the IRT, we don't have an accreditation agreement. We have a draft. So we're in this process of providing feedback and it's really critical that those registrars who are on the IRT are giving that feedback. (Serge) sent out a great (unintelligible) yesterday with a lot of detail about particular provisions that have problems.

We're seeing a couple of themes. One is that - let me just step back for one second. For those that aren't super familiar with IRT, this is all about implementation and the implementation has to follow the policy because the policy has already been decided through the PDP process. So we don't get to change policy at this point. We have a lengthy document that gives us the policy. So we're having a situation where a lot of the drafts we get the language that staff has presented to us do not follow the policy. And so that's something we had started pushing back on.

But one of the things that's challenging is finding that because you have a 100-plus page policy document and then you have to somehow figure out where in the IRT document we've been given was an accreditation agreement or some other document, where those discrepancies are. And so for anyone who's on the IRT, we can use help with that.

And then there is the question of GDPR. And there are a lot of aspects just like the Registrar Accreditation Agreement that do not consider GDPR there being put in automatically into the draft agreement for the privacy proxy. And so how do we slow down something that is set for, you know, a December public comment period which the GDPR side I don't know how we even get there. There's too much work to do. But then you add in GDPR and that's

not just a drafting problem. That's a conceptual problem. So any members who can help, we will take it.

Graeme Bunton: Thank you very much, Darcy. I've got - I think it's Volker and then Michele and then I saw Jothan and Alex.

Volker Greimann: One of the further problems here that we're facing is that ICANN is looking at this as a very thick, so to speak, accreditation process where we originally envisioned something very lightweight that could be completed by a privacy provider in the - a matter of hours to get accredited and do the business then be bound by the policy. ICANN is looking at this as something where they will get every provider. Providers will have to provide tons of documentation that they're trustworthy. We'll have to pay an accreditation fee in multiple thousands US dollars range, annual reoccur - annual fees for cost of this. And our argument has always been that this is something that the community wants. This is of no benefit to the providers themselves. So the community should pay out the ICANN budget.

ICANN is pushing like very heavily on that because they're saying they have no budget but I don't feel that we're unjustified what's making that demand. So part of that is also having to analyze the agreement that the draft agreement that's being presented to us and pushing back on all the heavy handles or thick requirements in there and trying to make this more into a lightweight process that is called accreditation but actually is nothing more than the certification. That's what we would actually want. We want something lightweight that - to bring into the fold as many providers as possible and not make it difficult for them to join a few parts of this.

Graeme Bunton: Thanks, Volker. I think that train has left that station a long time ago on getting a lightweight regime. It's optimistic.

Michele?

Michele Neylon: Thanks. Michele for the record. Hundred percent agree with everything Volker has been saying. I mean, one of the issues that I touched on earlier is around, you know, ICANN's revenues. Revenues are falling. They're trying but their expenditure isn't. If they, one, they seem to think at some level that they can make up some of that shortfall by creating another revenue stream with having thousands and thousands of dollars in application fees for the accreditation for this and then thousands of dollars of recurring revenue on this.

Now for a larger entity, you might not care. Fine. But those of us at the smaller end of the spectrum, this is potentially a massive issue because it begs the difference between something being viable versus something being a major, major cost.

Also in terms of the entire thing around identity background checks and a whole range of other things, you know, they're making something which should be relatively simple, way too complicated. It's a bit like with the registrar portal that sounds like the most overengineered product in the history of software development.

Graeme Bunton: Thank you, Michele. Jeff?

Jeff Neuman: I'm going to say something rather open (my end), I'm seeing in the context of being a CEO of a, you know, small registrars having to deal with quite a number of things. I heard the concern that (Volker) had about budget. I listened earlier to a rather protracted and unfinished project about a registrar portal to support us and existing stakeholder group. As I look in the context of creating a new stakeholder group for privacy/proxy to use some sort of a resource is not yet prepared and to think of it in the context of creating a new stakeholder group to then look at all the concerns about GDPR, it just seems to me like there are a lot of cars going into the same direction in a rather hazardous process being undertaken.

I realized - I heard, you know, the train has left the station. However, you know, I recall back to the new TLD program that people will remember if we get it wrong, not if we get it done on time. So, you know, I understand that there's a timeline and there's some momentum into the pace but it just seems like it's time to take a pause here and let some of these things actually play out before we get into, you know, really hitting the gas pedal and accelerating what we're doing with the privacy and proxy stuff. I just heard - I hear so many reasons why not to or at least to stop and let that process bake in before we would continue down that path. Am I the only one in the room thinking this?

Graeme Bunton: Thank you, Jeff. So I think there's people in the room who agree with you. The problem is that agreeing in this room is not the place that is helpful. We need more people to get into that implementation review team and take a look at this document and comment on this document that staff has put forth and really tear it apart and say that we have problems with how this looks, we have problems with how this is going to work, we have problems with the current context that this sits in. And that's where that change needs to take place. So I would encourage yourself and everybody else who find this problematic to dig in there a little bit. I think we've - many of us who work on that policy, myself included, haven't been to engage some of this IRT and as we saw from - in the registrar transfer policy fee that when we don't engage on IRT is where the stuff goes off the rails. And so we need to take back in there. And it is not too late for some of this.

I see six hands that I have (Alex) first.

Alex Schwertner: Thanks. Well, I opened this document the first time just a couple of hours ago and I am puzzled by the 76 pages of this. And I wonder, where is the disconnect? The policy language actually warrant a document like that. And that's nice. I was not expecting something like this coming out of this process at all. So how does ICANN staff end up with a 76-page draft where all they needed to do is write a certification process? Like, how did that even

happen? And how do we best approach this? Like, this is just invalid, insanity. Like, this can't happen.

Graeme Bunton: Do we have GDD staff in the room? Is there anyone - I saw - Jen, are you hearing this? (Mikaely), are you hearing this? Good. Good.

I've got Heath.

Yes. We'll give Heath a moment. And you guys can have a seat if you can respond to this. And so we've had now and between us and lunch. So heads up.

Heath?

Heath Dixon: Heath Dixon, Amazon Registrar. And I have not been following this carefully. So it seems to me that the right approach is not to dig into the agreement and start redlining it and fighting the battle on that turf. It feels like the right place to start is by challenging whether or not we need the document. So I just - I want to lean in on this but I'm trying to figure out what the right way is. And it seems like asking lots of registrars to start redlining a document that we don't think is legitimate approach isn't the best use of people's time that maybe the better approach is for us to start challenging the premise that we need to have an expensive cost, a complicated agreement and all the other things instead of giving in to that and fighting the battle on their ground.

Graeme Bunton: Sure, Heath. That's a good point. Thank you. This is Graeme for the transcript.

So that's fine. We don't need to redline the documents. I think that's a good point. I think that conversations still needs to happen within that IRT though. And so that's the place where we need those files.

Caitlin?

Caitlin Tubergen: Thanks, (Graham). This is Caitlin Tubergen with ICANN staff. And to respond directly to Heath's comment, I think that as staff, when we receive policy recommendations that have been approved by the board, we're directed to implement those.

And so if there are serious concerns within this group and I've expressed this to some of the registrars on the IRT as well, it'll be helpful to us if those are articulated in the form of a letter that we can present to the IRT and possibly to the GNSO Council if there is a reason to pause the implementation because we, as staff, don't have the authority to just pause an implementation unless we're directed so from the GNSO Council and the board.

But I would suggest when we're getting together and articulating those concerns in an organized way and then we can present it to the IRT and possibly to the GNSO Council if there's a reason that we need to change course on this.

Graeme Bunton: Thank you, Caitlin. That's very helpful. This is Graeme for the transcript.

So I think we need to wrap this up and get to lunch. Darcy has very kindly promised to provide the mailing list with a summary of the issues and the pieces of this that she thinks are problematic. And so maybe the next step is that we take that and turn that into a letter. And, you know, there's a lot of concerned faces around the room. So I'll expect you guys to help contribute to make that punchy. And I see (Volker) and then we're going to go for lunch. So keep it quick.

Volker Greimann: Just a little bit more background. I mean, we, as registrars, are pretty much all aligned that we need the lightweight system. And I've tried to push the certification instead of my accreditation all throughout the PDP but we didn't get that because basically we were the only ones in the room asking for that.

Now when we are saying that we would like to have less severe background check - or not background check but it was my argument there's people in the room probably IRT that's more (unintelligible) such an essential part of the background and they need to be so trustworthy and we need everything that we can get. So while we have these arguments, we will need to get the other side of the ICANN (G world), the other house onboard with that.

We can't make the policy change alone. We cannot make implementation to fit our purposes alone. We need to convince the other houses and that's going to be very hard because we've been trying for a long time without much success there.

Graeme Bunton: Thank you, Volker.

Okay. So that's still some work to be done on privacy and proxy. We are now going to take 15 minutes to get some food and then we're going to return in here for a working lunch. Food should be in the room out there. Go get it. Get back to your desk soon and we'll get going again with some conversation around the cross-field validation.

Woman: If you can pause the recording.

Graeme Bunton: All right, everybody, if you could - we're all still eating. It's a working lunch and that's okay. But we're going to carry on with our agenda as there's still lots to get through today and lots more discussions to have.

So I'm going to pass it over to Jen Gore from ICANN staff to talk a bit about Across Field Validation.

Jen, please and thanks.

Jennifer Gore: Thanks, Graeme

And I'm so glad everyone is eating while we're talking about the subject today.

Hi, I'm Jennifer Gore from ICANN Staff. And I want to quickly run through a couple of slides and update everyone on the status of the WHOIS Accuracy Obligation under the 2013 RAA which is Across Field Address Validation.

If we could quickly scroll down, (Graham) or (Zoe). Thanks. So I just want to go over our current status on the shift from an RFP to an RFI, the intent of the RFI, next steps and really focus in on - I just saw questions, commentary that the team might have.

So, current status, based on the meeting that we had in Johannesburg, a followup letter was received from (Graham) at the end of August, along with the conference calls held the week after that. The registrars expressed their feedback in regards to the drafted RFP in which was submitted from ICANN to the Registrar Working Group and which there was - so I'm unsure if it's two months or three months that you guys have that for review. But the net-net of that was the position - preferred position was to look at doing an RFI versus an RFP in order to eventually get to the point to do a feasibility study.

We move forward. Thanks.

I know there's been some comments on the list over the course of the last 24 hours. So I just wanted to quickly go over the difference between the RFI and RFP and then talk a little bit about the intent of the RFI.

I believe as we were having our meeting in Johannesburg there was some requests, and in the letter that was responded from the Registrar Stakeholder - or the Registrar Working Group, there was a request from (Graham) and others to look at collecting - doing a revised request to see what solutions were in the marketplace since it's been four years since that request was

made in order to then move forward on the benefit cost analysis and the feasibility study.

So at this point in time, we have published the RFI that's available. I believe I sent a copy of that out to the Registrar Group. The questions contained within that RFI, that PDF document, we used a system called SciQuest within Supply Chain. And that system allows those that are interested to express their interest, gives an overview of the RFI, and then the questions are provided to the respondent asking for expression of interest. And those questions were contained within that PDF document.

So the intent of the RFI is purely informational to inform us as a Registrar Working Group and ICANN on what solutions are available on the marketplace. We had - I pulled this language directly from the RFI. There's no obligation on the parties responding to submit to future RFP or for ICANN to proceed with the implementation or a vendor selection. And all submitted contact - content information will be assessed by a third party. So we can publish that report in conjunction with the Registrar Working Group in order to perform the feasibility study or cost benefit analysis.

The net-net of the result of this is hopefully get to a point where we present a solution to the registrars. And based upon the terms of the agreement, we need 2/3 votes in order to support the proposed solution in order to move forward. If not, if the support was not received, the proposal would be to submit a - publish a report that indicates why it's not in support and list the pros and cons as to what the intent is of the report and the fact that the services in the marketplace may or may not support that intent.

Questions?

Darcy Southwell: Darcy Southwell.

So regarding the RFI, I think - is November 27th is the response deadline?

Jennifer Gore: Yes.

Darcy Southwell: So about a month. What's ICANN's, you know, program for outreach to potential providers?

Jennifer Gore: So we have revised that response into the RFI four years ago. So our Supply Chain Management has reached out to those providers. We've received a handful of expressions of interest at this point in time. And we intend to reach out to some other providers that have responded to similar RFPs in the past and RFIs in the past.

Heath Dixon: Heath Dixon, Amazon Registrar. Have there been any responses yet?

Jennifer Gore: ICANN's received expressions of interest. Yes, they have.

Heath Dixon: Sorry.

((Crosstalk))

Jennifer Gore: So there hasn't been any...

Heath Dixon: Has anybody started answering questions?

Jennifer Gore: Not yet.

Heath Dixon: Okay. If ICANN only receives expressions of interest and nobody actually completes the RFI, what is the plan going forward?

Jennifer Gore: So if there isn't any completed responses to the RFI, we've had to reconvene with the Registrar Working Group to determine what the next steps should be as part of that process.

So at this point in time, to answer your question in short, we don't - we haven't come up with a plan yet.

Graeme Bunton: Michele, go ahead.

Michele Neylon: Michele for the record.

Just one thing that people may need to bear in mind is anything we do in this is going to have to have a data protection element. Because for example, in the case of Irish postcodes, they're unique to each building. So if you have my postcode, that is a problem.

Jennifer Gore: If and when we get to the state of an RFP, we would obviously incorporate those requirements.

Graeme Bunton: Just so people - and this is Graeme for the transcript.

This is so everybody is aware, Across Field Validation is a - not a PDP and it's also not strictly an RrSG issue. It is actually open to all accredited ICANN Registrars, whether you're an RrSG member or not. So there is a little bit of vagueness in how we collectively respond to the RFI. And so that letter was not formally an RrSG letter. It was a - from the group of registrars that were working in collectively on this.

If other people want to get involved in that, they should feel free to I guess talk to me, although I don't necessarily think of myself as the person in charge of that. But it makes a minor difference in how we respond collective.

Jennifer Gore: Thanks, Graeme. Jennifer Gore, ICANN Staff.

So upon receiving the letter from you that was signed by you as the Chair of Registrar Stakeholder Group, there was quite a bit of response on the list in support of that. So those responses for each registrar was recorded.

Graeme Bunton: So this feels easier than I thought this session was going to be. I suspect that there is going to be a little bit more feedback on how this is playing out because I think there are some concerns with the RFI that went out. But I have not had the chance personally to read it yet.

Does anybody else have thoughts or comments on the way this is going for Jen?

So I think there might be something from (Chris) in the chat.

Oh, Darcy, did you have something else?

Darcy Southwell: Darcy Southwell.

So the registrars who are part of this had provided a redline version back to staff. I haven't compared it line by line yet, but your RFI I think does not include some of those pieces. And I think specifically the ones I noticed first would relate to determining whether it's commercially feasible, which there's two requirements in the RAA. It has to be commercially feasible and technically feasible.

And so if we're not asking those questions to providers and we're not getting that information, assuming we get responses, you know, so I'm concerned there.

And I'm also concerned that we provided a redline version back and we got no commentary back from staff, and yet what you put out sort of ignored many of our comments.

Jennifer Gore: Based on the response we received from the registrars as part of the registrar working group, including the letter and the follow up phone call on it, there was clear direction provided to staff regarding the redlines to the RFP. And I

just want to indicate that we didn't actually receive a formal response to the RFP.

So there was an informal response received but there wasn't a formal redline response received. So based on that we put out the RFI based on the direction that we received. And when, if and when there is an RFP put together and sent out, we will obviously work with the registrar working group to ensure that their information is included.

As part of the nature of an RFI, the criteria that was provided by the registrar working group was not incorporated in the RFI, because we were obviously surely looking for information regarding services that are available in the marketplace.

Darcy Southwell: Darcy Southwell. So are you saying you didn't -- I don't remember the date, I know Greg DiBiase sent it -- are you saying you didn't get that redline document?

Jennifer Gore: We did receive the redline document, but then there was follow up conversations that were contained within the letter, and then the phone conversation that said - that was conjecture-y to the redline response as provided as such.

It was - we realized we sent you the redline, but perhaps we should change focus and look at doing an RFI versus and RFP.

Darcy Southwell: Darcy Southwell. So I want to talk about content and not titles. Call it an RFI, call it an RFP, call it what you want. The content of what the registrars who are in the working group collaborated on and sent you changed it from a request to do a feasibility study to what you are referring to as an RFI -- title aside.

So I guess I'm disappointed that we put in a lot of effort and collaborated as a registrar group to provide feedback on what we know from an operational perspective provides data to answer these technical and commercially feasible questions. And I feel like you're more focused on whether it's an RFP or an RFI and not the content. And we did communicate with you, so...

Jennifer Gore: There were several communications and I - we can take this back and have a meeting with this registrar working group. And if the consensus is to move forward on the RFP versus an RFI, then we can modify that accordingly. And I can take that to the list if you all agree that's the next step.

Stephanie Duchesneau: This is Stephanie Duchesneau with Google. Separate from this, if there was a sense on ICANN's side that there was some inconsistencies between what was expressed in the letter and in the redline, might this not have been a good opportunity to come back to us and convene a conversation around what we were actually asking for? And sort of - if there was discrepancy in the redline itself, to update that rather than sort of just taking these and publishing what you will.

Jennifer Gore: That conversation did take place the week after - exactly one week after the letter was received from (Graham).

Stephanie Duchesneau: Because I think there's a lot of surprise on our side of what we're seeing out of the actual publication versus what we provided.

Jennifer Gore: Understood, because the intent of the document is different. And as a member or as party to the contract, we can actually put out an RFI in order to receive requested information, obviously knowing that there's no obligation on any party's part in order to pursue an RFP if we get to the point where we believe that nothing was technically commercially feasible.

Man: I think the bigger concern being expressed here is, I don't remember seeing anything on the RFP lists about this conversation or...

Graeme Bunton: You won't, because as I said, this is not an RRSB issue. This is on all accredited registrars.

Man: Okay, so where do I sign up for the list that all accredited registrars get?

Jennifer Gore: There's a wiki page. I'll be happy to show you the link.

Man: Okay.

Graeme Bunton: Yes, we can share that on the registrar list. Heath?

Heath Dixon: Heath Dixon, Amazon registrar, I'll admit that I hadn't actually read all the way through the document to see that all of the changes that we had requested in the redline were not implemented. So that - I'm sorry, I assumed that those changes had been implemented.

It's definitely true that one party to a contract can go out on its own without consulting the other party. It's disappointing that that's the approach that was taken here. And I'm saying disappointing because I don't want to say something more rude.

If this is the way that we're going to proceed on this, working at odds instead of together, it's going to be a very, very difficult process.

So I think that taking this as your latest step was a very bad move for building trust and cooperation.

Woman: Thank you Heath.

Graeme Bunton: Do I have anyone else in the queue on this? It feels like we've had some real miscommunications with ICANN staff about what this is or what we thought it was and what you were accepting as a draft and what was moved past. And

so this is - we need to probably have a meeting and clarify what we think is going on and what the order of operations is.

I've got James and then Michele and I'm not sure if that's a new or old hand from Darcy.

James Bladel: I'm sorry, I'm kind of coming into this late; I had to step out. But this is still the cross field validation component in the RAA that requires registrars to vote to approve. So to Heath's point -- I'm also struggling with the diplomatic approach -- what do you think is the best path to gaining registrar approval of a proposal versus in some ways I feel like, you know, setting something up to fail right out of the gate? Which is not necessarily looking like a nonviable option at this point, if that's, you know, something that we should discuss.

I understand that there's pressure coming from other elements in the community to, "Where are you on this, ICANN? Get going on this? You know, get it going, it's been sitting there for too long." And those folks of course are one or two or three arm's length away from the challenges associated with this.

But I think we're the folks that you actually need, you know, to bless this idea for it to happen. So can we hit a reset button on that at some point and kind of restart that - rebuild that trust, rebuild that collaborate approach? Because I think if it does break down, then the answer is, from a registrar perspective is, we're just not going to vote for anything you put in front of us. You could look like a Christmas gift and we're not going to vote for it.

Woman: Understood. Thanks (James).

Graeme Bunton: Michele?

Michele Neylon: Thanks, Michele for the record. Just it's a slight segway but it's the same topic. The question I have is, are you guys on staff getting a lot of pointed

questions from our friends in the PSWG slash GAC? Or are they leaving you alone at this meeting?

Jennifer Gore: If you look back at the GAC communiqués over the course of the last several years, there is clear indication of our request for status on this initiative. As I have not had any direct conversation with the GAC or the PSWG at this meeting as of yet, I do have a meeting scheduled with them later this week and this is on the topic - the list of topics.

Michele Neylon: Thank you.

Graeme Bunton: Is that a new hand, Darcy?

Darcy Southwell: No.

Graeme Bunton: Anybody else on this? So Jen, it feels like probably we need to organize another meeting of this working group and registrars. If you're not involved, we can get you involved, to sort of take a step back, look at the work that's been done and make sure that we're all on the same page as to those expectations, because it feels like we're pretty not aligned at the moment.

Jennifer Gore: Absolutely, let's send out a (unintelligible) to schedule a meeting.

Graeme Bunton: Okay. Going once, going twice on cross field. All right, Thank you, Jen.

Jennifer Gore: Thank you.

Graeme Bunton: What is next on our agenda?

Woman: Tech ops.

Graeme Bunton: Tech ops, great. Tech ops update from (Tobias):

Tobias Sattler: Tobias speaking. So regarding the registrars Tech Ops Committee, we had a meeting with the registries yesterday -- yes yesterday -- and we were talking about a bunch of things regarding timing, upcoming meetings, and how we actually structure the proposals that we are going to send, and therefore we were especially talking about the registry maintenance notifications and that we put - we moved forward this proposal to (Anayette Yestrov), because the registries think that it would be better to have an IETF implementation instead of a non IETF implementation in their system. So this will probably take some time as far as I understood the IETF approach.

On the left there's also some things going on, on the registry side, because I want to look into if there is an RSF needed. Most of the people yesterday shake their heads and said no, but well there was - it was on the table, so they will follow up with ICANN staff to see if some of these ideas need some (unintelligible).

Well there was also the concerns about the process itself, so we put out an idea to the subcommittee to discuss this, how we actually structure the work at the subcommittee, like how do we prioritize our topics or who can actually raise topics and stuff like that. So I guess we will have a discussion on the mailing list or someone here in this room wants to speak up, you're welcome.

Well on the other side we also found the issue that we definitely need more participation, not just within the tech ops group, it's also needed that we need more participation on IETF related things, because the registries addressed the concern that the registrars are not heavily involved in the IETF process. So this is just to show some of the - you're also willing to let some people behind the scenes, like developers, participate in either the tech ops group or directing IETF.

Well I guess that's probably it from my side.

Graeme Bunton: Thanks (Tobias). So maybe I'm going to pull this up a bit because there are new faces in the room. Registrars have a - the RSG has sort of a subcommittee that we call Tech Ops and it's where we try and tackle and resolve technical and operational problems that we all face.

Some of that is, you know, within just, you know, inter-registrar stuff and some of it is between us and registries where we need to work with them to, you know, resolve painful things, you know, for example, registry reporting and how that should be automated or standardized and the, you know, transaction reports should have a standard format -- things like that that we, you know, cause pain for lots of us.

There's no reason why we can't have some sort of standardization there, so we get together and work through that.

So we have the Tech Ops and it's doing some good stuff. We had some output from this group already that's cool and helpful and working. We need a little bit more structure in there, as (Tobias) was saying, so that we can - we don't want to turn it into a PDP where we have like these heavy process in there. But we need to formalize that a little bit and make sure that we can push issues forward in a more structured manner and that we're not leaving stuff behind.

So that's a conversation that I think we maybe need to have inside Tech Ops, but we also need some more resources in there to keep that moving forward and make sure that we have people who can tackle and spearhead issues.

So if you care about operational stuff and you've got some pain points as a registrar, either between registrars or with registries, then this is a good place for you to send like a PM instead of your policy person to dig into that stuff, and so we could use that help there.

Sort of spit balling off the top of my head -- and maybe (Tom) or (Alex) want to pitch in here a little bit about how you think that process should work -- is that it's going to require, I think, someone to spearhead an idea that they think is problematic and what that potential solution would look like. We set a timeline for review on that.

If it gets through Tech Ops and it hits the end of that timeline, then everybody's agreed, then it can bubble up to the RRSB. And then if it needs to work with the registries, we can do that.

That's sort of how I think it should work and then we can provide some underlying detail on that, like, how long the timelines are going to be. We don't need to do that in the room at this moment. But (Alex), did you have thoughts on that?

Alex Schwertner: Not much to add. I think it's absolutely - as a product manager, I think it's worth spending your time in this group, because there's cool stuff that we can do. And a lot of times it's just coming up with an idea and having us (unintelligible), well this would be a much better way of doing it. And once we have that, registries are absolutely receptive into implement that.

And so there is actual progress to be made and it's not a policy and what if discussion. It's actual progress.

So I think it's pretty cool that we have this and are able to work with registries on it. And we just need a process that at least allows us to identify what it is we want, because it's hard to speak with ten voices and say, "Well we have five proposals and kind of all work." We don't really know yet what the best would be.

We need to be able to put something forward and actually move on proposals so that we can get (unintelligible) registries. And yes, I think we are on the way of making those - well, the progress of getting there.

And ideally, at the next GDD summit, we would be able to spend some time on those topics as well and maybe make even more progress.

Graeme Bunton: Thanks (Alex). I see (Tom), but briefly before I go to you, you raised a good point, (Alex), which is that the GDD Summit -- and especially the one in Madrid -- was pretty wish-y washy, I think. I think a lot of people were frustrated with that. It felt like it was another ICANN meeting.

We sat around in a very long, awkward room and had some panel discussions where people in the back couldn't hear and we didn't actually, you know, achieve anything. And that space -- the GDD Summit -- is supposed to be operational. It's not to send - it's not the place to send goofballs like me to talk about, you know, subsequent procedure nonsense for days.

Man: Excuse me. Hi (Jack).

Graeme Bunton: And so what I would really like to do, as we think about the May 2018 GDD Summit, is that we're going to push a bunch of this into this tech ops community, where we're going to look at all the operational issues that we want to fix -- these real nuts and bolts-y things -- and then we're going to really work to make -- and by we I mean I need all of your help to do this -- to make that next GDD Summit really focused on those technical and operational issues that cause us all pain so that we can come out of that summit having genuinely solved problems.

And the tech ops place is the place of that conversation and let's make sure that we get the people in there that feel those pain points as they're building our platforms so that we can get that working. (Tom)?

Tom Keller Tom for the record. I think one thing we should outline is where we're trying to (unintelligible), because I think there's not a lot of transparency around

that. So this is not an endeavor where we try to come up with a standard and then shove it down the throat of the registries. But it's more of a process where we as a registrar can formulate what we currently want from the registries, which are where we the clients basically and they are suppliers, and then go out to the registries and ask them whether it would be possible to do it.

So there's no (unintelligible) process of saying only because one registry adopted it, the others have to do it. I don't think that's the expectation. It's really more about having one voice and we need to make a better job on actually getting our act together and coming up with solutions we all want to like. And then I believe the registries will be very receptive of that.

Currently we're all talking individually and if we just say, "Oh, we want to have our billing place in order," they say, "Yes (unintelligible) but what are the others saying?" You know, that might be an obstacle. And we have to remove this obstacle so that they have the assurance as what we do. It's a good thing for the customers.

So to point that out we have two tech ops groups. So we have a registrar only tech ops group -- and this is where (Toby) sent around a proposal for a standard process -- and we do have a registrar which is (unintelligible) tech op group. And this is the part where we would probably discuss the proposals we came up with in the registrar only tech op groups.

Graeme Bunton: Thanks Tom. Does anybody else have thoughts on that? Bob?

Bob Wiegand: Bob Wiegand. Quick question, show of hands, how many registrars have somebody on their team participating on the IETF -- The Internet Engineering Task Force? One, two, three, three, looks like three.

So what I wasn't aware of -- somebody had mentioned to me the other day -- that the reason they want more registrar involvement in the IETF is that the

IETF will come up with these regulations. And if it's primarily registry driven, what happens is, when we're in these tech ops meetings around kind of the ICANN world, the registries will say, "Well, there's already an IETF standard out there and it's great and we should just abide by that."

And one of the registrars was informing me that because we don't have a lot of registrar representation in IETF, we kind of sometimes - they kind of hold that IETF standard as the holy grail when a lot of times it's not really what the registrars - how the registrars would want something to work.

So that's - when you hear people say we need more participation in the IETF, that's why they're saying it. I thought it was helpful to mention that.

Graeme Bunton: Thanks (Bob), this is (Graham). Was that you volunteering more web.com resources for the IETF?

Bob Wiegand: Bob Wiegand again. We are focused on something called GDPR and privacy proxy. So that would be a no.

Graeme Bunton: And I think that's the dilemma that most of us have. But you're not wrong. There are things happening inside the IETF that, aside from a few of us in the room, I think I actually saw five hands, but we probably should figure out a way to put some resources there.

I think we're running ahead of time now. I've got 10 after 1 and the cross field validation moved much quicker than I suspected it was going to, which is good. I think we can move shortly into talking about the charter.

But before we get there, I tried to thank him earlier but he had left the room, he's now back. (Tom) finished up his, was it a two year term on the non com? And so we appreciate your efforts there and thank you for serving.

Okay, so we had a, I thought, really good meeting the other day in here around the new RRSg charter. And stick your hand up if you're working on the charter team in the room? I see (Lindsey), (Janelle), (Luke), (Theo). You guys have certainly - you guys have done a huge amount of work. It's amazing. I think the new charter is excellent. It is so much more readable. It's so much more coherent. It's remarkable. And so this is an entire rewrite of the RRSg charter.

And so we had some good conversation again the other day about the bits and pieces of that that are sort of fundamental to the stakeholder group that we need to resolve, and so we've got a little bit of time to touch on those topics today with the stakeholder group (unintelligible) as a large organization.

And so we'll run through those that the sort of ex com had flagged those topics for conversation and where we got to the other day. But there's still some unresolved issues that we can talk about briefly here. I'm not sure we're going to, like, resolve them, but maybe we can give some more ideas back to the drafting team that they're going to take back and cook up another version on.

You can still provide - so what we're going to do today is talk a little bit more about some broader issues. We're not going to work to specific language in the charter. Like, we're not going to put it up on the screen and wordsmith specific sections.

You should still do that individually, though. So you've got the charter. It's in everybody's inbox. There is a form to fill out and that link to that form is in your inbox also, because there are pieces that need some wordsmithing, where we need to look carefully at the language. And we should all go and do that individually and provide that feedback, because that is still necessary, aside from these sort of broader discussions.

Yes, so Zoe's going to tell us how this process works.

Zoe Bonython: Hello, this is Zoe Bonython for the transcript. So I just wanted to go through the timeline with you guys. We did do this yesterday for those that were actually at the main charter review session. But for those that were not, what we're - I'll give you the endpoint.

We're aiming to try and get the whole process and not just the sort of internal registrars voting on and agreeing what the charter is, but then the subsequent public comments period and then board process of approval, which in itself would take - the latter part will probably take around two to four months.

So what we're aiming to try to do is, if possible, get everything done by the time we get our next election cycle -- so by the end of May. So with that in mind, if we take two months for the board, two months for the public comments, it takes us to the end of January. So we're aiming to try to get to a point where we're able to vote -- hopefully in an affirmative way -- on the charter by the end of January.

With that in mind, what we're proposing -- and unless people have a huge objection to this -- is that the call for feedback is going to remain open. So with the 31st day, it's going to stay open until the 12th of November. I realize that this week is gone, but anyway, another week after ICANN 60.

The charter review team - can I just finish? I'll come back to you, (Jeff). And the charter review team will then meet again on the 13th of November. We will then aim to have enough of our meetings to have the next sort of official draft for your review ready for the start of December.

And then - so then we'd have from the start of December to the end of January to hopefully get to a point where we're - we may not get to 100% consensus, but to where we can agree that this is the version of the charter that we're going to vote on.

One possibility that other groups have used where they've had one particular contentious issue is that you can vote on that one issue rather than on the whole charter. So that is - could be an option if it came to it. (Graham's) looking at me in a startled way.

But hopefully we'll avoid that, and like I said, hopefully we'll just get to a version of the charter that we're happy to put to a vote at least. And that vote process will be done and hopefully we'll have an agreed charter by the end of January.

So Jeff, you had a question?

Jeff Neuman: Yes, thanks, and I appreciate the timeframe and I appreciate all the work that's gone into this. I don't know if it's now or -- and I apologize for not being able to make that meeting, there were just too many conflicts -- but at some point we need to go through this -- item by item -- to figure out what are the concerns? What are the issues? What were you trying to get at by drafting that provision before any wordsmithing is done?

So when you get to things like voting versus non-voting numbers, what were the concerns that went into drafting that language? Because I can provide redlines, but my redlines are not going to address your concerns. They're going to address what I want them to, right? So it doesn't help.

So until we have a section by section sit down of what was trying to be address there, it's a little premature to talk timing. I mean, I'd love to get it done, but again -- and maybe again, we do it here, now, it's fine, although it might take longer -- but the root of all of my questions -- and I submitted a bunch of them -- some are that there's unclear language.

I can make it more clear, but I don't know where you're coming from on it. So how am I going to make it more clear other than the way I want it?

Graeme Bunton: Thank you, Jeff. This is (Graeme). So I think you can put that feedback into the form, saying, "I'm unclear about this section." And we'll hold a webinar, presumably, where we can actually go through that feedback that we've collected and discuss those issues with the charter drafting team so that we can provide you clarity and help answer some of those questions and then feed that back. Does that seem like a reasonable way to do that?

Jeff Neuman: I guess I did send an email, so I'm thinking that was the feedback. But if there's anything else I need to, I guess let me know. Again, we do have some time, so I'd love to hear, for some of the big sections, what are the big concerns?

Zoe Bonython: It's Zoe again. So I think we did start to do that yesterday -- so the sort of big topic areas. The point of today is to go over what we talked about yesterday and to give the wider group an idea of what kind of general consensus or a general agreement that we don't have consensus on.

And so - and for sure some of the things you brought up were things that were discussed yesterday. So perhaps we should start by going through a sort of summary of where we're at right now and then hopefully maybe we'll have time for more discussion. And then if we - if it's very clear that there are things that we just - we need more discussion before the - well before the charter thing gets back to it, then we can agree to hold another session. Is that - is everyone happy with that? Okay, thanks.

Graeme Bunton: Sure. Just to be clear, I was not on the charter drafting team, so I was not in the weeds on a lot of this. But we had - was that yesterday? Time has no meaning here.

So the - we briefly covered was - briefly - we worked to about four, five major issues or talked about them yesterday in that meeting and discussed them with people there. And so I'll run through the first three and then we can

probably dig into four, which is I think the topic that you were concerned about, Jeff.

So the first thing we talked about was two year terms, moving from one year terms to two year terms for the executive committee. That seemed to be generally supported. The thinking there is that it takes at least a year to sort of figure out what you're doing and then another year to be kind of good at it. You can all tell that I've been in this position for more than a year now because I'm so kick ass.

And so there wasn't a lot of disagreement on moving that way and it aligns - will stagger the election cycle so that there isn't, like, a huge turnover ever year, and it aligns with the timelines for our GNSO councilors as well.

And if people have thoughts or feedback on these things, they're in the document or you can raise your hand here.

Two vice chairs was an idea that's been pitched and was generally supported as well -- one for policy to coordinate things like public comment periods, working with the people who are helping us draft issues, letters, comments -- things like that -- making sure that the people participating in PDPs have those resources they need, that we'll have someone in each PDP that can report back to that vice chair and we can organize all of that.

And then on the other side we'll have a vice chair for Tech Ops, which is making sure that this Tech Ops is working through issues, helping coordinate things like the GDD Summit. What's that?

Man: IOT.

Graeme Bunton: IOTs, ensuring that the process we were talking about just a few minutes ago is followed and moved forward. And so that seemed to be generally

supported too, some concerns about recruiting enough people to fill an extra vice chair role.

But it feels like a good separation of responsibilities and it helps us be more effective. So that's another thing to ponder, but it was generally supported yesterday.

We discussed about SOIs and declaring of affiliations for registrars, especially in the context where we keep buying each other and telling each other and having interest in other ICANN related groups.

And we didn't quite resolve that, or at least the language and the charter needed some more work around that, and so that's gone back to the drafting team as well to see if they can come up with some language that really clarifies what it is we're trying to figure out there. Right, yes, what does affiliate mean? Is it, like, what is that actual - are we trying to come up with a legal wording for some sort of legal relationship between companies that are also registry, or some other business within the ICANN sphere participating here? So that still needs a bit more work.

And then the last one -- and this is a good one for conversation here -- is the question of eligibility and the voting or non-voting, which I think was your concern, Jeff. And we can dig into this for a few minutes and I don't know if (Zoe) can pull up the language in the charter so that we can have this.

So let me tee this up a little bit -- and people who were here in the meeting yesterday might find this repetitive -- is the eligibility question is sort of an existential dilemma for the registrar stakeholder group, because it really defines who we are and who we think we represent.

And so there are concerns about the way we structure our eligibility of who can vote and who cannot. That the way we do that is to protect ourselves from being captured by outside interests. There is general worry that there

could be another round of new GTLDs -- 1000 brands apply and become vertically integrated. And so then 1000 brand registrars with intellectual property interests come and take over the registrar stakeholder group.

And so there is a desire to protect ourselves from that sort of scenario. And where I think we got -- and I think you can see it here, 2.3, B is one of them, you can see it on the screen there -- and so this is - and it was good conversation yesterday.

So we talked about this in terms of white listing and black listing. So what we're essentially doing here is black listing things that are not registrars.

And we talked a little bit about maybe that's not actually quite the right approach. What we should be doing is saying, "This is what we think a registrar is." And then the piece we added onto that yesterday was, well maybe we just have a process where if there is, you know, we try and capture what we think a registrar is, or at least a registrar that belongs in the group. And then we build a process where we vote if there is some concern about eligibility.

So that is - and I think this is an important discussion for the room, because I think people like yourself, Jeff, have good opinions on this. So please, share some thoughts.

Jeff Neuman: Yes, so I think we need to separate this into discussions, right? Eligibility, who's eligible to be in a stakeholder group? It's anyone that's got a contract with ICANN to be a registrar, period, right? I mean, it should be nothing longer than that. It's pretty simple.

Okay, then we get to voting versus non-voting, and I was in the registry stakeholder group when they were contemplating all of this too. And since then we've had 1000 new TLDs and, you know, the world didn't come

crashing down and the fears weren't realized. So I think that's something to keep in mind.

But as long as registrars provide registrations to third parties other than themselves or their affiliates, they should be eligible to vote. And they don't vote in another stakeholder group, right? They should be eligible to work, period. Why? Because they're bound by the same consensus policies that everybody else is bound by.

It doesn't matter that I'm a corporate registrar and I only sell to corporations and I don't do retail. It doesn't matter. I'm still bound by the exact same policies. I still have to follow all the transfer rules. I still have to follow the cross field validation and all that other stuff that we discussed.

So that's what really needs to go into it other than the, you know, the notion of, oh my god, what if we're, you know, there's a million different brand registrars?

So I think as long as you are a registrar that offers registrations to third parties other than you or your affiliates, you should be able to be a voting member, unless you vote in another -- you or your affiliates, in the legal definition -- vote in another stakeholder group. And it's that simple.

Graeme Bunton: Thank you. I saw (Volker) in the queue. But thinking about this, is it limited to stakeholder groups? Like, so section C there includes governments. So if you're a government owned registrar, where your government is participating in the GAC for instance, would that exclude you from also voting here? Is that double dipping in the ICANN context?

I'm not - like, I don't know the answer to that, but I think it's, you know, I think it's maybe a little bit more complicated than what you just suggested.

Jeff Neuman: There are going to be the - a couple edge cases, like a government controlled registrar -- which I don't know how many there are that are ICANN accredited now -- but again, you can - it all works on definition of affiliations and you can have four governmental entities affiliates means blah, blah, blah, because it could be one area of the government that votes in the GAC that has nothing to do with the other area of the government that happens to be the registrar.

I mean, it's - there's a million different possibilities. But at the end of the day, when we look at it who's going to be - are you going to be bound by the policies that are voted on this group? And the answer - if the answer is yes, then you should be eligible to vote, unless you vote somewhere else. And let's talk about the somewhere else's that we're concerned about.

Graeme Bunton: Thanks Jeff. Volker?

Volker Greimann: I think we need to make a brief distinction here when we're talking about brand registrars. There's two different kinds of brand registrars. There's the MarkMonitors and the boutique registrars and there's the (unintelligible) office brand registrar services. But there's also the brands that set up their own registrar, that only sell their domain names to affiliates in their organization.

Jeff Neuman: Exactly. That's why I said what I did, right? I wasn't thinking of myself as a brand registrar or MarkMonitor or any of the others. We're corporate registrars -- a little bit different -- we don't say brand registrars.

I was thinking exactly what you were thinking, that a brand that only provides registrations to itself and not to any third party, maybe in that case they're not in the same position. But any entity that's an ICANN accredited registrar that provides registrations to third parties other than their affiliates should be eligible to vote in the stakeholder group.

Graeme Bunton: Thank you, Jeff. And just a reminder for everyone to say your name -- like I'm Graeme Bunton -- before speaking. Yes, sorry, if I wasn't clear, I meant

not corporate registrars, but that sort of narrow gram core selling dot.gram domains to gram core entities.

I've got Michele and then James I think. No, not James?

Michele Neylon: Yes, thanks, Michele for the record. (Unintelligible) useful and interesting dialog, but I think there's certain - it's very easy to oversimplify some of the concerns that some of us would have.

I mean, saying, for example, that you're a registrar if you sell to third parties sounds lovely. But what if you're only selling one TLD and no other TLD? Then the concerns and issues that you face are completely different from those of us who are selling a load of different TLDs, because we're seeing a lot of...

Jeff Neuman: Can you go into detail about that? Because, actually, again, transfer - all of those policies apply.

Michele Neylon: No. Look, Jeff, you're a very able lawyer, who is very good at...

Jeff Neuman: Michele, just go into your concerns. Don't just make a statement. What are you concerned about? What are you afraid of?

Michele Neylon: Okay, take, for example, some of the registry operators were operating TLDs that are - do not have exact what one might call mass market appeal. I've been bringing up concerns about trying to remove the separation between registrar and registry, trying to do things like accrediting the CCTLD registrars, or treating them as if they were registrars even though they're not ICANN accredited.

So they've been trying - there's a big push from some of these entities, so what they're doing is not spinning up a registrar like, say, I don't know, I'm trying to think, they're spinning up a registrar simply to offer that one TLD

because that's the only way that they can get to do it. And the way they're manipulating it and using it is completely different.

There aren't issues around transfers because often - well there can be issues around transfers -- sure, hypothetically -- but consider there's only, like, two or three registrars offering the TLD. It's a very, very different ballgame.

I mean, it's like the difference between - competition between Lamborghini dealerships and competition between Ford dealerships, except in - kind of in reverse being that people actually might desire a Lamborghini.

Jeff Neuman: Yes, but both of those dealerships are in united auto workers.

Graeme Bunton: Names.

Jeff Neuman: I'm sorry, Jeff Neuman. They're both in the same industry and they're both regulated by the same regulations. I mean, I understand that if there are very specific issues that you're concerned about in terms of that one situation. Then let's get those on the table and let's figure how we can from a policy perspective. But just creating a blanket, if you only service one TLD you're not in the same position, GDPR applies across the board.

You know, everything we talked about today, there's nothing, I think, that we haven't talked about today - nothing that we have talked about today that doesn't apply to those registrars.

Graeme Bunton: Thank you. We need to pause for a brief moment while they swap translation services, so let's give it a moment, if you don't mind. Give us a thumbs up when you're...

Woman: Transcription.

Graeme Bunton: Transcription, not translation. And in the queue, (Sophia), I'll get you so you don't have to stand there for forever, because there's few people ahead of you.

So in the queue I've got (Owen), (Keith), (Darcy), (Jacques), and then (Sophia).

Woman: (Unintelligible).

Graeme Bunton: Oh, you said you didn't want to talk. No, you do want to talk. Okay, all right. So I have (James), (Owen), (Keith), (Darcy), (Jacques), (Sophia). Are we good to go on the transcription? And then (Volker) and then (Tom). Okay.

Man: Why don't we just go around the table?

Graeme Bunton: Yes, (Tom), (Ben). Almost, almost, stay on...

END