

**ICANN Transcription – Abu Dhabi
GNSO Registries Stakeholder Group (RySG) – GeoTLD Group Planning Session
Sunday, 29 October 2017 10:30 GST**

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On page: <https://gns0.icann.org/en/group-activities/calendar>

(Sabastian Dukoff): Good morning everybody. I don't know if we are recording this. If we need to. We are? Okay. So, welcome to Abu Dhabi. Very quickly, I have asked somebody from the Abu Dhabi CLD to come and possibly give us a bit of a welcome, but I haven't seen him this morning. I might get him to come on Wednesday to do that.

So, today is our preparation session officially as per the agenda. Let's say that we're keeping all the presentations for Wednesday, because on Wednesday we'll make a bit more of a bash to invite other people to come and listen to what we're doing. But, in any case, this session is open, and anybody is very welcome.

The room is set in a bit of a weird way. Normally we have to have something that is slightly more convivial. This time I guess we're not going to do the passing the mike and everybody going to present yourselves. Particularly because you don't have any microphones. So, I am (Sabastian Dukoff) and I am your lovely host this morning. Excuse me?

Woman 1: I've requested a hand-held mike if you want.

(Sabastian Dukoff): No, no. I think its okay. No, no, we have it for questions. Thank you, very much. No, bring it. For questions it will be great. We're just not going to do

the round of presentations. Thank you very much. So, if we can start with the agenda and, I don't have the agenda on my computer. So, there you go. Okay. So, this morning we are, as always, going to give a bit of an updated about the group. I guess, (Anon) you're going to run this?

(Anon): Yes.

(Sabastian Dukoff): We have followed with a lot of interest the events happening in Catalonia over the last – yes. Yes, you are. And we were hoping to get an update on what's going on and explain a bit your point on the topic. We discussed that a bit in your absence as these events have evolved.

But, it would be great to hear from you. And then, basically we will go through an update of all the different subcommittees that we created a year ago in Vienna. See where we're going. Set the agendas for the week. What we need to talk about, what we need to look after, etcetera. And then, any other business you want to bring. Any questions?

So, on day two which is Wednesday morning at 8:30. I'm not sure of the room, to be checked. On Wednesday we will try to have something that is a lot more presentation driven, interactive, and full for the rest of the community also.

So, if you had friends and family that you want to bring around to show what you do during your day, please bring them over and we'll explain. Good.

(Ronald), do you want to take this?

(Ronald Chapman): Yes. (Ronald Chapman) for the record. I'm going to give you a brief update being treasurer of the financials of our group. So, our membership fees sum up to, let me check, to 26,500 euros per year. We have slightly, or really improved payment moral since our last meeting we had in Bilbao.

So, we have three members missing to pay. The actual payments in is 22,000 euros. So, you'll see it's three of the, let's say, larger members that have not paid yet. I hope it will be better by the end of the week. At least they promised.

So, income will be 26,500 and so far we have spent 13,000 or 12,680 euros, which means that we have a surplus of about 13,000, 14,000 euros. Surplus means not having spent so far. We spend our money on the local design. On the setup, technical set up and development of the website. We did, with the help of (unintelligible) at GDPR, paper.

Positioning paper that we presented in Madrid and afterwards in numerous sessions. We have (Maria Farrell) looking to revise the existing content. Bringing it into native English speaking tone. So, this is the money that we've spent so far. And, we have, about 1,000 euro for the accountants that does the financial statements against the Belgium government.

So, this is the spending we had for the group so far. Which means, whenever you have the feeling we should be more active, spend more money, not for parties but for substantive activities, please approach us. Make some suggestions. We still have some funds to spend. And it is better for a non for-profit organization to not have money at the end of the year.

Which doesn't mean that we will spend it on whatever, but we are able to do something that is for the good of the group. Having said that, that's all from the financial housekeeping. Questions?

(Sabastian Dukoff): Just to make it clear, we've raised money. You've paid your fees. We've used some of it, but we're basically left with about half of it on our hands. Which means, again, we can fund projects to spend it. I don't regard a champagne party at the end of the year as being one of those projects.

Let's not go there. If we don't use it all, next year either we'll have to reduce fees or in some way or form or something act up. But, it's no less for us to rack money for a better future. One, because we're a non-profit and we're not supposed to do that.

And second, because at this point, this is all we need. So, again, any other project, any other topic that we're not currently covering, please come to us. Because, then we have a bit of a budget, particularly to get, for example, consultants around the table and help us.

There's limited amount of stuff that we can all do on a (unintelligible) daily basis, because we only have a limited amount of time. But here we have, for example, a budget to hire somebody to go and do a study, or a paper on something that we are not able to take care of internally. Anyway. We're here all week to discuss it.

We can basically discuss it until March when we need to start raising you funds. Thank you (Ronald). Which brings us to our next item now, because (Nigel) looks so surprised. Do you want to do it now? Do you want to do it at the end to give you a bit more time to? Oh, okay. No. Okay. Well, then. Please do. Maybe here in front of two speakers. Here. You can even have two microphones.

(Nigel): They have to (unintelligible).

(Sabastian Dukoff): Oh, yes. Sorry.

(Nigel): Thank you. Well, first of all, let me introduce (Adario). The director of the Barcelona that joined one year ago. He's been acting director of (Top Cat) in a very critical period too. So, I'm not sure where should we start. Because, some of you have already been following the news and know where we are and what is going on. So, what is...

(Sabastian Dukoff): Just assume that you can start from the start. Because, not everybody was here.

(Nigel): Okay. So, in 1714. No. So, the start of the recent events begins December 15. It is a Friday at 9pm in which we are have the (labor) that called (further) to redirect one domain name to the DNS provided by the (watersebill) which is the military police. As scary as it sounds, but it is a military body.

And we manage, well, after this initial surprise to do it, following their orders. In the phone communication with (unintelligible). Which is the systems director. And, because at that time he was not at the office. It was late in the night. And, we were told to go to the office and to attend them.

We did that, and then that order, we were also requested to provide any information in connection with the registrant of that domain name and all other domain names that registrant could have. And to apply to same actions. And we did. And, there was a third point which was our main cause for concern.

And that was part of the letter that we sent to (Ike) and two days later. And that has been the main point in any documents that we have circulated, or we have seen going around. Which is the ultimate request for us, as the registry operator, to monitor and block any content in connection with the referendum of self-determination to be celebrated on October 1st.

That was two weeks after that information for the (watersebill). So, we started taking actions to reach out. Many people, like (Substian) or (Center). Many people in the ICANN community were following the details of what was going on live, day to day. Because a day to day, we had more and more issues.

So, on Sunday, 17, we sent that letter to ICANN. One of the main points in our letter was to acknowledge that it was not within ICANN's purview to enter

into issues of national legislation. Because, we understand that that's the way it is. We also noted that we don't expect ICANN to take any action.

Because, we know that it's not the body responsible for adopting any actions in this regard. But, we expressed our concern about the position in which the court order put us in connection with the overall obligation of monitoring and censorship. While we have not received any response from ICANN, of course.

So, then we start a new week. We deliver a certificate to the (watersebill) to indicate that all the actions had been swiftly taken and expressing our concern and disconformity with that third point of the court order. We said that we would comply within the reach of our human and technical means.

Sorry. Because we were not sure that we could warranty the results of monitoring and censoring every domain name registered within the 113,000 domain names in (Top Cat) and the 8,000 (Top Barcelona). That thing grew harder after the attention of the systems director two days later.

Of course, but we did not know that at that time. Then comes Wednesday, September 20. In which, 16 people are arrested after some raids and search warrants in various government departments and (Top Cat). We received (watersebill) around 8:00. (Adario) did.

It was just six policemen at that point. They didn't have a search warrant. They were just there to ensure that nobody would destroy anything. We did not know why. Why would destroy any iPad or anything. But, they said that to us.

And they also said to us that the judicial secretary would come during the morning to deliver the order so that the search could begin when the order was served. (Adario), the, at that point, Director of (Top Cat), new Director of

(Top Cat) whom none of you have met because he has already resigned after the events.

The acting President of the board. Because the President of the board at that time was in Mexico. Because, there was an earthquake, and he though, earthquake or (watersebill). I'm going now. He was in Mexico at that time. Who else was at the office? Me, and another team.

But, they were told to leave because nobody could work in that condition. What else do we have that morning? Three heavily armed cars come to the office, you've been to our office, to (Top Cat) office. It's in a building. It has like a ramp for the cars to come up.

So, they blocked the ramp and 12 to 14 heavily armed guards get deployed in front of us and we just wait for the (watersebill) to come. At that point we knew already that the Systems Director had been detained at his home.

Because, a search was being conducted in parallel at his place and he was being brought down to Barcelona because he lives in another town. For conducting the search in front of him in, at the office. So, the search was conducted as we arrived.

The criminal lawyer's defense team was already at the office. Because, we weren't ready for that, but we were lucky to come to them as friends and they, you know, leave everything to be there at the moment. And he was detained without any detention order.

And that's as scary as it sounds, because that's the way it was. And, we presented a (habeas corpus) appeal. Which, some of you know, is the appeal that you have to challenge a detention that you consider illegal. And he was brought to the judge at that point.

Which, coincidentally, was the judge on duty was the same that was conducting that course. So, the same judge that ordered detention, if there was a detention order at all, was the guy that repealed the detention. Which is, to me, you know, a bit strange.

At least in the kind of legal framework that we tend to operate. Two days after, after the mobilizations, after demonstrations, they are released. Indicted of the charges of corruption, disobedience, and misappropriation of public funds. We don't have yet the knowledge of why they are being indicted for this.

I'm talking about day, because, and this is an appeal going on. For us is a general cause. And a general cause is unlawful. You cannot do a general cause against something. You have to prosecute a cause for very specific rounds for a very specific crime and very specific individuals. But, in this case, we think it's not that.

So, they, and we don't know exactly what are the charges being brought against (pip). They have been indicted of that. The proceedings were conducted since they started in March after a criminal suit brought by a far-right party which is called (Fox).

And, this is not political bias. They're a far-right party. But, they were conducted in secret and the secret has been lifted this last week. We still don't have the volumes of the proceeding because they are being scanned and they will be given to us approximately in 10 days.

Yes, so we don't know any further. That is a short version of the recount of the events. What's the status now? (Top Cat) in Barcelona operates with the normality that the situation allows. Despite the headlines, situation is normal. There's, you know, the Declaration of Independence.

So, there's a new legal framework in development. Clashing with the already consolidated legal framework. But that's political area. And, when it comes to the registry operations, they are not suffering any incident. We are concerned because all these websites that we have to block.

They were not blocked, they were redirected to the DNS. But, we understand them as blocked, are still blocked. And more than 140 were filtered by ISPs. So, there's content about the referendum ES, but about many other activities of the civil society entities that are blocked and are not accessible.

They may be from here. So, we have now a free internet in Abu Dhabi. Freer than the one we have at home. So, they may be accessible from here but not from our place. And, we still have that order (handed) and (followed). And, we don't know what will come after that. So, that's...

(Sabastian Dukoff): Thank you very much, (Nigel). So, I need to be super careful here. Because, obviously the whole political situations, regardless of sympathies is touchy and we don't want to discuss that.

I did want to, and I'd like for you to re-clarify to make it very, very clear to anybody in this community that might ask questions, when the court came to you and say, can you please take down this domain, you took down that domain.

When the court told you and gave you a list of several domains to go and take down. They were nominal domains given. You said, yes, I will do. You weren't happy about it, but you will do it.

(Nigel): Absolutely.

(Sabastian Dukoff): Absolutely.

(Nigel): We did it within, after minutes of the delivery of the letter.

(Sabastian Dukoff): When the court then said to you, can you please take down anything that has to do with the referendum or anything politic and giving like a broad spectrum, then at that point you said, no, sorry, I can't do that.

(Nigel): No. What we said is, we will try, we cannot guarantee the result. We will challenge this order. But, we wouldn't, we did not say we are not going to do this.

(Sabastian Dukoff): Okay.

(Nigel): No, no. And that is written and accepted by the police.

(Sabastian Dukoff): Okay. So, the situation here is not about breaking agreed laws that we have within this community with law enforcement and etcetera, etcetera. It is about law enforcement following the guidelines that they've given us so far about this. Which is, you take down names when we decide, a court decides, that they should be taken down.

Not when you decide, you registry operatory, decided suddenly you have been designated to be the censor of whatever TLD. Okay. Which wasn't part of your bylaws. Censorship was not part of your bylaws. None of it is part of how you operate.

(Nigel): No. Part of the registration of (Top Cat) and part of the community charger that was incorporated into the registry agreement was that (Top Cat) would only suspend or even cancel domain names where there was a breach of the registration terms and conditions in various areas.

But one of them is in case you don't use it for language, (Catalon) language and culture. But even in those cases, we give warnings to the registrant. We give them extensions of periods of up to six months. So, we never, never

have monitored or censored any kind of content based on ideology or activities.

Not even in the cases where you could think, this is an obvious breach, and this is something that isn't acceptable by anyone. Like, could be child pornography. We haven't had any case.

But, if we have had any case of that, what we would have done is go immediately to the police and ask them for indications. Because, you never know if this is part of an ongoing investigation or not.

Man 1: (Nigel) thank you very much for this in-depth information. So, did the Spanish government also ask .TS, the national PCQID to look for content about the referendum and took over their sites, taken down as well? That was the first part of my question. And second part, did some people when you took down the domain, or block the domain, complain about?

(Nigel): We don't know about the TS. There has been no communication with .TS for this matter. We very doubt it, because I think .S would not be the domain name of choice for referendum websites. Even the anti-referendum websites were (Top Cat), because that's the success of (Top Cat), which is pervasive and not ideological.

So, we don't know who else is, I guess, in the ICANN (unintelligible). And so, we can ask him. That's a very, very good point. If people complained, well, no. We received some complains from registrars because, in the heat of the moment, we didn't warn them that we were executing that action. And, they were surprised by this. And we apologize after that because we said, look, sorry.

We had people with guns in the office. We did, were not thinking about the distribution channel at that point. But they were right. We didn't warn them.

About the registrants, no. We didn't have any complaints. No. I guess they were also, they have some other worries in their mind at that point.

(Ronald): (Ronald) (Baione-Doda). Have you been asked to disable the domain or to redirect it to a website telling this has been put down by an order of the Spanish government, which is in my opinion, something that a registry can't do, technically?

Because you think would have to assign different entries in the name server. Taking down a domain, this is easy. But, redirecting it to another point is something you need registrar services for. So, if I was asked that, and I think you told me, or someone told me it has been demanded to do it that way.

Which means, you could also redirect the page pro-referendum to a page against a referendum which means complete censorship. But, I would not know how to do it without the means of a registrar.

(Nigel): You're right. It was the second. We were asked to redirect the domain names affected to a list of IPs. And we told them what that stood, but we need to put them into the DNS.

And we had to, we had to construct DNS services at that moment, so that we could place the IPs. So, we had to do it that way and they were redirected to a website that says, that indicates that the website has been seized by the (watersebill) in an ongoing procedure, yes.

(Ronald): So, in principal you're offering a new registry service. You should announce it.

(Nigel): Only for Spanish authorities. The website that we had to display there is in bridge of the other's ability of (Top Cat) because it's only in English and Spanish.

(Sabastian Dukoff): Okay. Thank you very much. So, we, you approached us at, I think it was via (Alardo), the new manager. I spoke also to (Yosu) back then. I spoke also with the people at (unintelligible) about writing a letter to ICANN to talk about this in the name of the GLTD group.

This is something we talked about at length and will bow, I'm not going to reopen the discussion, and it was generally agreed by the different parties that whoever wanted to sign and send the letter, please do. And I don't know how many have been sent. But, the group itself, there was too many people within the group to agree that the group itself should send one.

I told you this already, via email, but I just want to make it public. So, we will not issue a statement. But, thank you very much for explaining this again. And again, if there's any questions coming, please send them to (Nigel) this week. The topic is quite hot, and indeed, has been in the press over the last month and a half quite heavily.

Thank you very much. So, the next topic is GDPR. And, I just wanted to give a bit of an update. I can't see (unintelligible) in the room. I don't know if he's online. He is not. Well, then I'll try to give an update as accurate as possible also from their situation.

So, as everybody is aware, a year and a half ago in Marrakesh, our Dutch friends from (Epheril) and Amsterdam came up with a problem an issue that they had. Which was basically that they were finding their registry and agreement in conflict with Dutch law.

And, the Dutch law being basically the fore comer of GDPR or rather GDPR pretty much in the same look and feel as they will be enforced as of May 2018. But already enforceable in Holland in full force, including the very hefty penalties that will be applied with GDPR.

And so, in a panic and with the risk of seeing the (TLD) taking to court and, basically, having to shut down because they couldn't meet the financial penalties behind it. They came to us and said we are looking into having to change out WHOIS in order to comply with our Dutch legislation.

This was done in, sort of, a closed meeting a bit like that. I don't think initially they even talked to us. They had envisioned the fact that we were on mics and everything was being public and some of our friends from (ICANN ORG) were also in the room.

So, obviously, that sort of private sharing of information very quickly became very public. Originally, not knowing anything about it, we all assumed that there would be, sort of, an easy fix because we had all heard that ICANN contracts - or any international contracts couldn't push anybody into breaking their local laws.

And as soon as local law was broken, the registry agreement would have to be changed for them in order to adapt themselves to their local law. A year and a half after, not only are we still talking about it for Amsterdam, but we are now talking about it for the whole community. So - and it will be a hot topic here, it was a hot topic in Copenhagen. It was a hot topic in (Johannesburg).

For those who didn't attend those meetings, you will find that this session is also going to be very heavily discussed. So first of all, thumbs up to the group to - and I'll send kudos to the group. This topic is - and the fact that it has been pushed so hard and brought to the agenda is thanks to everybody here to bring it up.

I think that several parties had tried to bring this to the table earlier with mixed success. It did take us at least a year between (Marcius) and Copenhagen to bring it to the table. So it wasn't all that speedy but now that it is on it I am

very proud of the effort because I think there is going to be a great benefit led discussion - great benefit to the whole community.

In order to push that effort, we conducted in April/May a survey in the whole community. And the survey was, sort of, a double edged thing. One was to try and understand what people understood of GDPR, but it was also, sort of, a marketing tool to make sure everyone was questioning themselves on GDPR and what they knew about it.

And we tried to reach as far as we could within this community, in different branches, obviously, within our group but the rest of the GDPR, the registrar community, the CCTLD's and etc. And we published the reports - a report that (unintelligible) helped us with. We published our report right before (Johannesburg).

Since then - and on the back of that report, I went and interviewed a number of parties and one of the criteria that I wanted to have was I wanted CCTLD's, or operators that have been operating for a long time, to have applied GDPR - sorry, GDPR tools, and here I've got responses, in their operations.

But because you cannot do it in new GTLD's I have operated in other GTLD's, including CCTLD's and I have to thank (Mayhan) for helping me through what (unintelligible) been doing. Including - sorry the same goes for the (Dutch) at SIDM, they helped me through what they were doing there.

And it was also true for (unintelligible), who went through that discussion seven years ago, ten years ago - I can't remember. I actually was not listening. To try to - when did you do the GDPR, the privacy in (unintelligible)? Yes. Six years ago, roughly. Whatever, roughly that period of time.

And so gaining also from their experience from having to do it and having to deal with ICANN also to get things to move. What I wanted also, was operators that had done that. And we are also operating new GTLD's.

So people who were well aware of what the constraints are within new GTLD's. Having somebody telling me what they are doing and operation that they can completely control is a different story from somebody that can - that knows also my constraints, my new GTLD constraints.

And from that we built a report, (Mayhan) and I worked on it, and we presented that separately in (unintelligible). And then I used my end slides to, sort of, bring a single report, which we then published on the website.

It's under - we have a page on our website GTLD.group/gdpr. You will find all of the information that we have gathered there for the previous study and the report that we have just done.

Essentially, I am not going to go through the details of the report. I am happy to do it but not in this session because it will take too long. So please come to me or come to (Mayhan) if you have questions to see. To understand what we are talking about.

Essentially, it is not all that complicated. Our point of view and the point of view I would like for this whole group to push this week if possible whenever you are in sessions. And this has been discussed, is first of all as a community, yes we need to be GDPR compliant.

There is no way around it. There's ways to do it but there is no reason why we shouldn't. This goes obviously for other operators that operate out of Europe because you will have you (unintelligible) on your back. This goes, as far as I'm concerned, for anybody around the world knowing that not doing it would simply mean that you are shutting yourself out of the European market.

There's been discussions for years about complying with Chinese regulations to operate in China. The vast majority of us are, if not doing something about it, looking into it because nobody is contemplating the idea of not playing in the Chinese market.

The European market, as far as I am concerned, is the same. You need to do that. So that's one thing. Everybody is concerned, Europeans and non-Europeans.

The second thing - the second message that I would like to pass is that it is possibly to be GDPR compliant with a number of tweaks to different contracts and bylaws that we have. But it is possible.

It is not the enormous beginning of the end of the world type of event that is being presented by other parties in this community. It does mean shutting down some content that we currently publish. And I'm - let's see the details in a second.

It does mean changing contracts. It does mean changing registry registrar agreements and policies. It does mean all of that. There is a lot of work involved. But it doesn't mean that it is impossible.

In our view, the easiest and most credible path to get there consists in maintaining the type of information that we are currently collecting. The WHOIS information to make it simple but all the information to continue collecting that information.

But to limit the way we publish that information. Just to get into details, in the means that we will need to change WHOIS to hide private data from the WHOIS. It doesn't mean we are going to through WHOIS in the bin. It doesn't mean that WHOIS isn't going to exist anymore.

There will be a WHOIS but still continues displaying information that is not private by nature. It will just hide that private information. It will mean also that we will install some kind of - what we call a tiered access. And I'd like for that term to be remembered because if we mean things the same way it will be easier.

So tiered access, what we mean is an access to that information that has been filtered and rationalized to those that actually need it. GDPR in itself is fairly fuzzy about what is a valid reason to access - a valid reason to access that data. They give some examples but they don't limit to those examples.

So they say, for example, Mr. Ortiz should have access to private data and when they request it you should be able to give it to them because they need to find out who is what.

They do mention - so authorities, law enforcement, all those bodies. I think that it is pretty much agreed by most- for example, an IP lawyer trying to find out who is infringing IP rights through as domain name should be able to find out that information and should be able to request it and we should be able to give it to them.

I can imagine 100 different situations where that is valid that are not listed in GDPR because GDPR has very little to do with our business and doesn't describe all of these things.

So there can be valid reasons and there needs to be ways for us to display that data when those reasons are valid. And that system is what we call tiered access. So you can access to it depending on who you are and how valid your reason is.

We are already doing this in one way of from through CIDS. Through CIDS we have to quickly analyze a request from somebody, anybody in the public

saying hey I want to see your zoned data. And you have to decide if it is okay or not to get it to them.

Most of us actually give that access fairly freely. As long as you give us your name and give us your email address and some kind of a blurb about what you are going to do about it I'll let you in,.

Some of us aren't having any discernment and let everybody in. Some are a bit more difficult. In general that is the way we - that sort of level of entrance that I am envisioning for GDPI.

What is very important for the GDPI is that we take record of all these things. So tiered access also goes with tracking and keeping track of all those requests and all the answers that we gave. That is very, very important because if that specifically is in the law. That specifically is very well described.

And also, because should there be an audit by a data protection agency - should there be anybody looking at what you are doing, they want to see what you are doing. They also want to be able to tell you what you are doing wrong.

And past is the past it doesn't mean that because they are seeing something that you have done is wrong you are going to get hit for it. But at least it is a matter of discussion for them to precise and refine what they want us to do.

So should they say, hey authorities and law enforcement and IP lawyers are okay but I don't want neighbors to look at each other's data. At least we will know that. Right now we don't know, we don't know exactly where that perimeter is.

We know that we shouldn't have it publicly available. But we don't know who is legated or not to see that data. Now closing this on WHOIS, so the focus

on WHOIS, is yes we keep all that data and we are going to shut down the contact of the part of the WHOIS, but we will have tiered access that will be as generous as need be. So anybody that is currently for legitimate reasons accessing that data should be able to access it in the future.

We are also going to have to work with data retention. The registrars have done a good part of their jobs for us. A few years back the European registrar obtained the ability to reduce or dramatically reduce the amount of data retention that they are doing from 10 years to three years. I am looking in the public - I can't remember exactly what it is but something like that.

To something that is more reasonable. We are going to have to use that sort of argument to reduce our own requirements for data retention. In terms of the data that we have in our systems. In terms of the data that we give to escrow agents to retain on our behalf.

So, these lines - again I can go into the details and please, if anybody has questions please - I am more than happy to do this outside. I am not going to spend the whole hour doing this. But every aspect of our business we tried to look we have tried to find ways of dealing with it.

We have asked people that have done it what they think about it. We have looked at it; this is not legal expertise in any way shape or form. I have (Oliver) right in front of me who happens to be a lawyer. I happen not to be a lawyer and I can't give you any, sort of, (unintelligible).

I can't give you advice. I can look at a technical system and say this technical system - different people who have had a legal look at it believe that it could work. So this is - the only point that I want to make.

And what I certainly want to do this week is to break the ice on it. I stop, we cannot spend any more time listening to people saying this is too complicated and too costly.

There are ways to do it. My initialing in Copenhagen and I put that line in the sand really (unintelligible) given that we are here now in Abu Dhabi (unintelligible). I put that line in the sand and said Abu Dhabi should be the limit. We should have decisions on what we are doing because beyond that we won't have time if we wait until Puerto Rico.

We won't have time to develop the systems by May. So this week, if we do anything as a group towards (unintelligible) certainly we will spend some time on it. This week we need to certainly we needed to absolutely hammer that down. There are ways to do it.

If you want to talk about it, please take to (unintelligible), talk to (Mayham) talk to whoever else has read the document and is ready to talk about it. There is means to do it. Let's do it and let's start hiding - again sorry, burying our heads in the sand.

So I've got microphones because we need to (unintelligible). Thank you very much.

Woman 1 Test. There we go.

Man 2: Okay, this is (unintelligible) from (unintelligible) because he is working with us on this. We are trying to do the same as (unintelligible) some years ago, you explained that before. We went to the Spanish protection agency, explained the situation. Explained the previous work (unintelligible) got with them.

And just a few days ago they accepted the situation and they proposed us that they were writing a statement for ICANN, saying that - okay, they want to help us on this.

(Unintelligible) explains he is the lawyer, so he can explain the technical part.

Man 3: So what we did was engage the Spanish (ICANN) representative so that she could organize the meeting with the DPA and she has always been very helpful. She is very active at the ICANN level and she is very knowledgeable, actually, about these topics.

And she also saw that there should be a way to find a solution that was not only for (unintelligible) but for registries for the time being established in Spain.

And - exactly. So the first time we met with the Spanish DPA, that many years ago for (Docta), what we got from them was an opinion that was so, so. They endorsed us but not decidedly and they very, very, very clearly said, which was good for us but also bad in a way, that we were not in breach of the law.

It was good because otherwise they would have been forced to fine us because that capacity for the GDPR, but it was bad because that was the cue for the IPC to request a reconsideration of the board of the approval of the (Doc.com) system.

When we discussed this with them, three weeks ago, four weeks ago, it looks like two years ago but it was just before all of these things with (unintelligible) started. They said, now we see more clearly what you mean. We have some Supreme Court's decisions that have to be interpreted in the light of what is going to be coming with the GDPR that clearly say that the acceptance of terms and conditions has to be in form and clearly expressed and proportionate.

And they think it is not proportionate requests an individual to say yes to whatever you want to do with my details in the meeting that you are telling them we will publish all of your details, they are going to be available for ICANN. They are going to go blah, blah, blah.

So you just accept this and they said no, this is not an option. There has to be an opt-out as you did with (unintelligible). They said we are just decidedly going to endorse you but as this is going to be a much - a (homogenic) regulation across the European Union, we don't want to go our way. And we also want to engage all the DPA's so that we adopt a common position.

And yes, we are good with that but we also think welcome to 2017. This is what the article 29 working party said in 2002. Okay, if you are going to do that, that's good. If all the DPA's, or some of the DPA's, are going to have a common position and strong position in front of ICANN then that will decide to help us.

We don't think that good ways to clash with ICANN, but that's just an option of opinion.

Oliver:

First of all I think - Sorry, yes it's (Oliver) from (unintelligible) and as mentioned I am a lawyer as well DPI issues. First of all I think everybody would agree that what you described as the tiered access model is the right path, it goes in tot eh right direction.

However, I think the big challenge in order to be compliant for everyone, which is a European registry, is to find the right process because we have to deal with ICANN on the one hand and we have to deal with our local DPA's on the other hand.

And I think everyone is in, kind of, a dilemma because if you would carry out a certain tier access model together with your back end provider and you agree with the data protection authority that this would be compliant, you also would have to deal with ICANN on the other side because even if the authority says I am fine with doesn't mean that ICANN says I am fine with it.

It can also be the other way around. ICANN might say if you do it like that we're fine and the authority says that is not compliant; you have to do it in different way.

So it think that is the big challenge and I think that is something where this group, and maybe ICANN itself, can give guidance but I think the rollout of the process has to be an individual process because everyone has to deal with the DPA that is competent for the respect of registry.

So, my question would be how could we, as a group, try to influence the process on behalf of ICANN because what my last information is, is that said as long as you don't have a compliant issue with your DPA, we don't see the need to change the contract or to allow you to carry out the different system, which would mean I would have to risk to be fined as a registry, firstly.

And before I can carry out something different.

(Sabastian Dukoff): So, I have said this, I am not a lawyer. I am not an ICANN representative so let me not talk in their behalf. I think that the Hamilton are report that they are received says pretty clearly that there needs to be something done.

So they -we can no longer say we don't know. We haven't heard anything like, not only did we receive the report but published the report that clearly says that.

So ICANN needs to understand. We have had discussion with FRL and they have had with ICANN. Until two weeks ago when we were in Barcelona, in (unintelligible) - until three weeks ago there were compliance grabbing them by the neck and saying okay now you need to go and return back into, you know, normality.

Reopen your WHOIS and whatever - yes we are having discussions but you are out of compliance, you need to go back into compliance. And we were

immediately able to escalate that here within the registry stakeholder group at board level.

There was different voices that said chill that backed out. This process is going to be a complicated one. It is going to take some time, let's not get at each other's neck right now until we have solutions.

So I am not - I don't have this on paper. I am looking my friend of ICANN, I mean nobody has that on paper either. But I think this is the way we need to all proceed. We need to understand that this is a touchy subject getting at each other's throat is not going to help anything. So let's do that.

The second thing is to the DPA, to ICANN, to everybody; show that the solution is not that far. Let's get rid of the demons, let's get rid of all the scare tactics and show they exist.

The DPA's don't know what we are doing, but if we show them some - well I am hoping, I'm hopeful that if we show them a plan that looks like we've read the law. We've understood the law and this is the way we think we should be able to do it, we should - they welcome that because it means they don't need to do their homework and discover what we're doing.

We are coming - this is simple upward management. I have been doing this all my life as a project manager but you don't come with a problem, you come with a problem and a solution to it. And I am hopeful that this is it.

I don't want to take the rest of the hour on this. I am seeing - I have seen hands I have seen (Mayan) - okay yes, sorry. I have seen (Richard) in the back.

(Richard Schreyer): Yes, (Richard Schreyer) is here for the record. (Sebastian), just to add on to your comment about ICANN's position and the situation with the two Dutch registries. They were served a breached notice, we know that right. And it

would seem to me that if there was any element of cooperation from ICANN's perspective they would not be serving a breach notice.

They would be acting in good faith with those two registries and saying okay, let's figure out what the right solution is. Especially when the registry agreement has a clause in it that says, specifically, if there are legal issues with respect to privacy with the release of WHOIS information, there is a published procedure to go through with a meeting face to face discussion and a whole process.

Why aren't they simply following that?

(Sabastian Dukoff): They will argue that they have for a year and a half and they still haven't found the solution. Once again, the problem with the (unintelligible) and the Amsterdam situation is what (Oliver) was referring to before, which is that they can't get from their DPA any advice that they are breaking the law in Holland because otherwise the DPA would have to fine them to that.

Man 2: Just a short update (Hector) wrote to the group yesterday that the Dutch DPA has spoken, they now have a confirmation that they will be are and will be in breach with the Dutch law. This is yesterdays or Fridays news on that.

(Sabastian Dukoff): Any other question before we close that topic?

Man 5: Sebastian, this is (Dick) for the record, you mentioned that (unintelligible) is also is an issue where we give free access to some information. Do you think that we're going to fall under the GDPI as well?

There could be personal information in the records you receive so...

(Sabastian Dukoff): Yes, so this is part of the presentation, we talked about it. We decided - and again without legal advice - with (Mayhans) legal advice. We decided

that domain names were not concern. Domain names are the product. You can't privatize a domain name.

So if somebody puts their name on the domain name it is part impartial with the same goes with name service. (Unintelligible) is an opening to zone files that only contain domain names and name service but aren't considered it as being a problem.

Now (unintelligible) also collects private information of people requesting information to the zones. But that is an ICANN problem that is not mine.

Man 2: And having multiple CCDS files, you can for sure draw some profiles of users but...

(Sabastian Dukoff): Again, an ICANN problem, they'll find a solution. Any other question and then we can go into the (deal) that is also a long topic that we need time to discuss.

I am here all week if there's questions. If there are people that are wanting to know our point of view that you don't feel that you are able to (unintelligible) please ask me that is what I'm here for.

Man 6: Yes, for the (Geo) name discussion with (unintelligible) and IPC we split this geographic names and other names into two groups. The one group (Catherine) and (Maryian) was taking care of the discussion about two letters on the second letter. And three letter on the top level and country and territory names. Yes, country and territory names.

And myself I was taking care together with (Sebastian) on the topic of geographic names in general and I wanted to present some of the considerations we made. And the position we have in this case.

Maybe, (Sue), you can bring on the presentation about - yes, the geo names presentation. So in general, we have, more or less - there are a few basic things we share with the (unintelligible) and discuss with the (unintelligible).

I start with this but - okay let's go through the Slides. Yes, next please, next. Yes, the group's own position is clear what we have in our charter and also what are geo names in the guide books. Especially those who need a support letter (2.4) in need of a support letter, a lot of lists and kept names and city names.

It includes also nicknames and close renderings as the guide books says. Next Slide please. What is the issue about discussing with the IP - so the IP lawyers see it. The ICP claims unrestricted access and priority for trademarks to their names.

Even when those names are geographic names, they had examples like the Cleveland Golf Club which demands that Cleveland that golf club applies for that Cleveland there shouldn't be any support letter from the Cleveland government.

There are a number of Cleveland's in the U.S. and elsewhere in the world and that is a requirement that no support letter is needed if they're using the TOD as a restricted TOD for brand only.

And this is a big, big issue for the IPC and we did some research on the next Slide on the topic. And found out when we compared the whole 55,000 names which are (DMCH) was a list of 4,000 city names. That is a United Nations list with all the 4,000 cities - about 4,000 cities in the world with over 100,000 inhabitants.

We found out that these are also in the DMCH and interestingly there are quite a number of cities which each were TOD's, in red, that are already in the root was in ICANN and this is only 66 names here.

You can imagine that, let's say for winter tour in Switzerland the city will be asked by the winter tour company if they would apply or some others as well. So it's not a real big issue, we think. Please on the next Slide.

So it is only these 66 out of 54,000 brand names in the TMCH so that's - and 11 of the 66 are already a TOD. So it is a more theoretical problem that IPC brings forward.

Please the next Slide. Okay, so our recommendation for our group and that's what we wanted to discuss here with you is to add to the guidebook - to the next new guidebook, two more lists which are the united heritage sides, which are maintained by UNESCO.

And their current list which is new every year. And second list, more important, is all cities mentioned but the United Nations in a list, which is also regularly updated with more than 100,000 habitants and this list - for all the names on this list and the applicant needs to have support of the local, or the relevant, government.

That is one recommendation. Next. So these lists would just be added to the guide book and that paragraph would be easy doing. The second to avoid a lot of cases we had the problem cases with geographic names. So all applicants should double check - and it's easy to do with sites like geonames.org. If their string is potentially in conflict with existing place name, mountain, whatever it could be.

I think it is easy to find out and in doubt, if an applicant doesn't know could this cause problems he just write to the relevant government with some nice cases with the rural area big industrial area in Germany. They applied for (unintelligible) and it wasn't - we consider them in this case and we said please ask the government of the federal state there if they have any concerns about or if they could give you a support letter.

They did and they got the letter back. We have no interest in that, please proceed. So very easy to do this. Contacting the government and in doubt you could have a letter from them.

Okay, the second - or the third recommendation. Oh that is a huge - yes for the double check we said that could have likely prevented cases like dotamazon, Patagonia, (unintelligible), which there had been a discussion about. That is on the next slide.

And the guy there also discussing mountains, rivers, lakes and other places and our position there, on this, is the next slide. We believe that this area of mountains and so on doesn't need any further regulation, but we say also as an applicant please double check if there are anything which is related to government or government could be concerned about, please ask the government.

That is the thing. The third one is a recommendation, is a waiver. So in such unclear cases - so (unintelligible) very formal support letter with a concrete text that had been in there.

But it should be enough if a governmental representative writes down, let's say, the mountain whatever, we don't have any interest in this. And you could have it as DOT and you could do it in a more informal way by email or something like this. But which states which person did send this.

I think that is the waiver thing not to have it such a formal one which needs to go through the parliament or something like this. Or that could be something very helpful for unclear cases.

And the fourth and last recommendation is, we had this already at the last ICANN meeting presented this priority for all DOT strings which are in (2.4.14). That includes also the both new lists. So, its - I think geographic

names and priorities for those names - for the big cities. Not for the very small ones.

Under 100,000 inhabitants where there are no official lists, worldwide, could be good. And we think this would avoid auctions because governments are unlikely to participate in auctions because they are slow or because they don't have the money, or both.

So the governments support offer TOD if you apply even for a mountain or river is that will approve for benefit of public interest and the greater good I would say. So these are the four position on the last Slide, I would say putting them together. And yes, any ideas on that?

(Alexander Shupart): Hello, my name is (Alexander Shupart). So obviously there are some people who say, okay, we are applying for (unintelligible). And I am going to Google (unintelligible) for all kinds of stuff but for sure no the locality. But if you use Wikipedia and I tried most of those cases (unintelligible), are likely not to be found through Google.

But Wikipedia you find them immediately because whatever - so the recommendation should be, essentially, if you are going to apply for (unintelligible), just got to Wikipedia and look through the few entries, rather - identical to a geo name and quite sure the people who applied, for example, (unintelligible) had no clue that there is a place name.

And it is not obvious in Google.

(Sabastian Dukoff): That is a very interesting point that you are making and I will have to disagree with you. I agree but I disagree. So, I want to be able to point to lists that exist out there in the world that are not in our control and are not (gameable).

The problem with Wikipedia is that anybody can go in and edit the Wikipedia and invent a city with whatever name. But Wikipedia is not the right example.

I don't want us to create an internal Wikipedia and we have been fighting the ideas that the (unintelligible) were trying to put forward to having a (unintelligible) organized list because it is (gameable), because people in the community here that want to go and play against this program will play with that list.

That is the major issue that I have. So yes, we need to find out lists that we can go in and point out site, it needs to be lists that are not easily (gain able). Lists that are managed by the UNESCO and there is a 10 year process to just get your name on that list. Not (gain able), I like that list.

The one about, you said that a geoname.org, that could be just a for your information. I wouldn't - because I don't know how it is sourced and I don't want to use that. So, yes please.

So that is the notion. Let's go and find lists that we can point too. Use Wikipedia just to have an experience of it, but don't use it as an example because legally it's not. It's not - it doesn't stand.

(Neil Danders): So if we are making, sorry (Neil Danders) for the record. If we are making recommendations on geo names for the new applicants guide book or the applicants guide book, one thing that we ran into - and I haven't thought this through so just putting it out there.

That we ran into (.dot African) related to how the GNP assists government support. So in the .dot Africa instance, what happened was there was now competing applications and two, say (unintelligible) of letters of support.

Although we know one was legitimate and the other was questionable but there was no mechanism outside of (unintelligible) consensus advice for governments to raise objections.

So there were no specific government objection process. Do we want to recommend that there is at least a channel for government to raise concerns outside of (unintelligible)? Because (unintelligible) has sort of been turned on its head with the IRP ruling id dot Africa.

Is there a mechanism for ICANN to put in place a specific government objection process and the reason - there is another element and that is the applicants guide book and the way it's currently drafted allow for the GNP to actually engage with governments directly.

And interrogate the quality and authenticity of letters. Our experience was that the GNP was not allowed to do that at all. And ICANN was the party that communicated with the and didn't communicate with governments directly.

Which I think is a little bit broken in terms of getting to the truth.

(Sabastian Dukoff): Excellent point, thank you (Neil) for that. There is a (unintelligible) that is starting on Geo names. That is the exact kind of input that we need to bring.

And I have heard you, distinctly say that you were going to raise your hand to write that advice. But we need that to put it - so I don't know if we need it for this, sort of, (unintelligible) presentation but we definitely need to for (unintelligible).

And what you went through with dot Africa is definitely a lessons to be learned as much as other parties that what name I keep on bringing the experience of (unintelligible). So yes, absolutely. Any other questions?

Woman 2: (Unintelligible). When we had the application window, I remember we had those geo names panels reviewing all of the application so I wondered if we have made some outreach to ICANN about the panel and what they did during the routine out and getting feedback from this panel to ICANN.

And then to the application process so we might get this feedback and then take this into respect when we discuss whether this panel has been good, valuable, whether we want to have a recommendation that we want to keep this panel or not.

(Sabastian Dukoff): Any other questions?

Man 2: We have five minutes in front of us. So, (Sue) suggested that we make a group photo after the session, so in five minutes. If everybody is fine then we, please, stay in the room. Come in the front and (Sue) is taking a picture.

(Sabastian Dukoff): So to close this and before the picture, was there any other topic that we haven't covered this morning that you would like to cover now? Does everybody who wants to present on Wednesday want to stay. Have they given us your presentation? I am looking, you have it is right here. We will talk about it after this.

Any questions about this week? Anything else that is left open? Okay (Neill) and then (Alex).

(Neil Danders): I just want to follow in (unintelligible). In (unintelligible) presentation he had something about an IPC recommendation. In terms of (unintelligible) the intellectual property constancy wanted to - what recommendation or advice they wanted to give.

I mean, I was just thinking in the context of South Africa and Africa, almost every single geographic location or UNISCA world heritage site can be tied to a trade mark.

We as a (unintelligible) do we gain almost direct opposition to what the IPC is saying? We are open and clear about that because you can't have both.

(Sabastian Dukoff): Let's make it very, very clear. The - a lot of heat that is happening around geo names is happening because of brands that haven't been able to get their names or are still in the process of getting their names from round one.

Yes, there are clearly conflicts from what we represent and what they represent. And yes, every time we put an argument that happened again this week. They will put a counterargument edge cases very often to kill the conversation of it.

Yes, they are very much there. It doesn't mean that we - we need to work with them because they also are very important voice in this community. But yes, on many, many topics we are going to have to (unintelligible) against them.

Alex: So I talked to (Paul McGrady) from (unintelligible) and IPC and I think that the threshold was 100,000 inhabitants and that U.N. list - (unintelligible) lists, seems to be something that could be acceptable by the IPC.

That major cities in the world where everybody says, yes that (unintelligible) city and but cities which has - he come up with an example of Tennessee, or something like this or (Alcoa) a medium company and they are from a small town in Tennessee.

And I said yes, (Alcoa) is 10,000 inhabitants. It is not what we wanted to have protected as a geo group. We cannot protect everything. But we should stoic, as it was said, to fix lists which are not (gameable). And that could be something where we agree with them at the end of the day.

(Neil Danders): Yes again but that is a different issue. The question would be in what way to we put forward our position on country and territory (unintelligible) and (unintelligible). As this is being discussed right now and we are, after all, the (unintelligible).

(Sabastian Dukoff): We are running out of time but talk to (unintelligible) and (unintelligible) because they are working on that. Yes, absolutely. So we are right on the nose. Meeting finished at 12 o'clock. 11:59 on my clock. We have a minute to take a picture.

END