
ICANN Transcription
GNSO Temp Spec gTLD RD EPDP – Phase 2
Thursday, 17 March 2020 at 14:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

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https://community.icann.org/x/oB_JBw

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Page: <http://gns0.icann.org/en/group-activities/calendar>

TERRI AGNEW: Good morning, good afternoon, good evening, and welcome to the EPDP phase two team call taking place on the 17th of March 2020 at 14:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken via the Zoom room. If you're only on the telephone, could you please identify yourselves now?

Hearing no one, we have listed apologies from Alan Woods, RySG, and Matt Sirlin of the RrSG. They have formally assigned Beth Bacon and Owen Smigelski as their alternate for this call and any remaining days of absence.

Alternates not replacing a member are required to rename their line by adding three Zs to the beginning of their name, and at the end in parentheses, their affiliation, dash, "alternate," which means they are automatically pushed to the end of the queue.

To rename in Zoom, hover over your name and click "rename."
Alternates are not allowed to engage in the chat apart from private

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chats or use any other Zoom room functionality such as raising hands, agreeing or disagreeing.

As a reminder, the alternate assignment form must be formalized by way of the Google link. The link is available in all meeting invites towards the bottom.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now.

Seeing or hearing no one, if you do need assistance updating your statements of interest, please e-mail the GNSO secretariat. All documentation and information can be found on the EPDP Wiki space.

Please remember to state your name before speaking. Recordings will be posted on the public Wiki space shortly after the end of the call.

With this, I'll turn it back over to our chair, Janis Karklins. Please begin.

JANIS KARKLINS:

Thank you, Terri. Hello everyone, welcome to the 46th meeting of the EPDP team. So today, we have rather light agenda for the team call, but after that, it is the plan to switch to the small team or small group mode and examine questions related to financial sustainability. In other words, answers to the questions that ICANN Org asked in relation to financial assessment of the cost.

So my question is, can we follow the proposed agenda? In absence of request for the floor, I take that this is the case. So let me start by housekeeping issues. We have a few of them. First is on Zoom webinar format, and here I will ask Berry to inform what it means. Berry.

BERRY COBB:

Thank you, Janis. The first one, based on our experiences last week for the remote 67 meetings, we utilized a feature within Zoom which is a webinar option, and in that, you'll have noticed that as you entered into the Zoom room, you were promoted to not a participant but whatever the term is. As a panelist, you were classified separately from those that would just normally be observing in an effort to try to recreate what we would have experienced if we were meeting face-to-face.

It seemed like really the only challenge to overcome was adjusting your chat room settings so that when you typed in a message, that it would [inaudible] to the panelist and to everyone else that was observing. So what staff is contemplating moving forward is going to continue forward with this webinar style, and the primary rationale for doing so is that for each of our meetings, we typically have 15 to 25 people that will call in on the audiocast line, but it's not the greatest experience in that you only get audio feeds and you're unable to see the shared screen as well as any of the chat dialog that's going on.

So starting Thursday's meeting, we will switch to this webinar format, we'll test it for two or three continued meetings. If we continue to experience the same result that we had from last

week, that will be our mission moving forward. And the other benefit as well is that in terms of a cost perspective, the licensing is already folded into the Zoom enterprise agreement, so we'll be able to save a little bit of funds, not needing an additional line to perform the audiocast.

In regards to that, please send feedback on your experiences in the new webinar format so that we can take that input and course correct if necessary. I see Amr's hand. Please go ahead.

AMR ELSADR: Thanks, Berry. I can wait until you're done, so please carry on and I'll just ask my question when you're finished. Thanks.

BERRY COBB: Okay. Well, I was done with the Zoom webinar format and I'm going to move on to the public comment status.

AMR ELSADR: Oh, okay, then maybe I should just go ahead and ask right now, because my question is on the Zoom webinar format. Sorry for interrupting you, Berry. I was just wondering, because one of the nifty features that I thought [inaudible] the Zoom webinar format, having the panelists cast and everybody else is that you could have people actually observe meetings who [aren't] for example members or alternates of this EPDP team. Is this something that is also being contemplated as an additional feature?

I know there are people who follow the audio streams of these calls, and I'm guessing if they could log into the Zoom room as a regular observer as opposed to a panelist, this might be cool for them. I was thinking that the same could be done of the monthly GNSO council calls. Speaking for myself, I think that'll be pretty cool.

BERRY COBB:

Thank you, Amr. I guess I didn't do a well enough job explaining the rationale. That's exactly the reason that we're doing it. As noted, those that listen in on audiocast, which is a fairly substantial number, 15 to 25 people on any given call, it's a very poor experience. You'll recall in phase one, we had the ability when we were using Adobe Connect to have dual Adobe Connect rooms in essentially one, and an extra laptop was being used to share that remote experience.

And then of course, when Org made the decision to switch over to Zoom, we lost that capability and surprisingly—I guess we had the capability all along, we just never really explored the full spectrum of features that are offered on the webinar setup. So like I said, at least from a staff perspective, it seemed not to disrupt the continuity of deliberations within the group, that it was overwhelmingly positive that we considered to move it forward.

Okay, so again, please provide input or feedback if you see disruptions to this new format, and leadership will consider it. Secondly, the public comment status. Over here on the right part of my screen, you'll see the public comment proceeding closes in six days on the 3rd of March. I just really wanted to provide a

status that yes, indeed, the public comment does close in six days and that we received what looks like five complete submissions thus far, none of which are from any of the primary groups or the stakeholder groups, constituencies or the SOs and ACs.

The only other mention that I want is just to remind the group that for each of the free text responses for each of the survey questions that are in the form, there is a 2000-character limit to those, and what I recommend is that as you're formulating your response, if you're using Microsoft Word or pretty much any other Word-style application, it can do character and word counts for you. That essentially equates to about four pages assuming normal margins and those kinds of things, so that should be more than enough to provide an adequate response to each question.

As a reminder, there's also a freeform section at the end of the form as well to talk about any general comments that you'd like to submit or other things considered that may not have been included in that question set.

The last statement I'll make is that if for any reason in your submission using that form, if you run into errors, please e mail Caitlin and copy me on it, and we'll help you out any way that we can. Worst case scenario, we can manually copy and paste. That's not the preferred route, but if you run into any errors through the form, please e-mail us right away and we'll get back to you immediately to help resolve the issue.

I'll stop there, and Janis, I'll go ahead and turn it back over to you to manage the queue.

JANIS KARKLINS: Thank you. I have one hand up, which is Marc Anderson's hand. Marc, go ahead, please.

MARC ANDERSON: Quick question on the 2000-character limit. If one of our comments is going over the 2000-character limit, what is the procedure [inaudible]?

JANIS KARKLINS: Berry, can you answer that question?

BERRY COBB: I'm sorry, his line broke up. If I understood correctly, if one of the comments were greater than 2000 characters ...

JANIS KARKLINS: Yeah, what to do in that case.

BERRY COBB: In that case, go ahead and submit up to the 2000 characters. I'll be honest, it's technically 2400 but we capped it at 2000 just to keep a margin of error. Submit what you can in that particular cell, and then as I said, just e-mail Caitlin and we can manually copy and paste that entry into the spreadsheet you see over here on the right.

JANIS KARKLINS: Okay, thank you, Berry, for this explanation. Again, try to be, in your comments, as concise as possible because ultimately, we need to review all those comments, and if there are pages and pages of text, then it puts really a huge workload on the staff and ultimately to the team to review all those comments.

Any other questions? So there was a request if I understand correctly from Stephanie to extend the comment period on the initial report on priority one and SSAD. Stephanie, can you confirm that my understanding is correct, that you're asking for extension of the initial report?

STEPHANIE PERRIN: Yes. I haven't conferred with NCSG on this. I am just doing this in my own personal capacity, but I know that many of us are busy trying to respond to the COVID emergency, and I think that realistically, we are not going to get the kind of public input that we might have been able to achieve prior to the emergency. Some of us are in emergency state right now, there's a lot of activity going on, and while I am confident that the NCSG will get its comments in, I think that registered name holders are going to be negatively impacted by this.

And I think actually since practically everything has been cancelled or postponed at the moment, it undermines our credibility if we just continue to march on relentlessly. Thank you.

JANIS KARKLINS: Thank you, Stephanie. I am fully affected by the coronavirus, and I'm working from home, and actually, every meeting in UN is

canceled, and I can tell you I have much more time now. So we were very clear from the beginning that the 24th of March deadline will not be extended, and those who wanted to submit comments had to factor that in.

So we also have a very clear deadline for activities of the team, and that is end of the fiscal year which ends 30 June this year. And our sort of target deadline of 11th of June for submitting or publishing final report is linked with the scheduled council meeting, I think on 14th of June if I'm not mistaken.

So if we postpone or extend the comment period, that means we will be risking or running huge risk to not meet our deadlines, and then basically hit the 30 June threshold without final report. So this is where the problem lies.

So again, I know that there are submissions from NCSG already in, and so I maybe could consider allowing those who are specifically affected by COVID-19 another week, but I would be very reluctant to extend the deadline for submission of comments in general. Stephanie, please.

STEPHANIE PERRIN: Thanks very much. I do understand that some of us have more time on our hands. Public authorities do not. Civil liberties groups who are out trying to help the communities do not. Frankly, ICANN is dropping to the bottom of the priority list when we are talking about potentially billions of dollars being redirected to pay salaries for casual workers, for people who are stuck in the gig economy. I shan't go on and on. My own priority is to get my criminal records

check approved so that I can continue to deliver meals on wheels to shut ins.

I think that ICANN, somehow having just managed to turn its face-to-face meeting into a virtual meeting, could find the budget to extend this limit for another couple of weeks in order that we might get meaningful public comment. I am sure that everyone who's on salary to fight data protection in the so called WHOIS replacement will have the time to prepare their comments. I'm worried about registered name holders who are not paid to work on this full time and public authorities who have much bigger priorities. I would be aghast if any of the folks who are working on COVID and the epidemiology aspects of this took time out to respond to this call for comments.

It's just disrespect, nonsense to suggest that we could not slow this down a couple of weeks. Thank you.

JANIS KARKLINS: I offered a week. Marc Anderson, please.

MARC ANDERSON: Is my audio any better now?

JANIS KARKLINS: Not really, but we still understand you.

MARC ANDERSON: Okay. I'll try speaking loudly. Sorry about my microphone issues. I'm just thinking out loud a little bit. Stephanie makes some really good points, and certainly, we're all impacted by world events right now, but I'm wondering if there's a middle ground. We do have the second comment period for the initial report addendum that we expect to start immediately following this current public comment period that's going on.

so my thought is, is there a possibility or is it an option that maybe we would accept as part of this second comment period comments for the entire report for those that were unable to make the first [inaudible]? I don't know if that helps or hurts, but I'm trying to be creative here and thinking out of the box on what we could do to meet our timelines but still accommodate people impacted by world events.

JANIS KARKLINS: Thank you, Marc. Volker, your hand was up and then disappeared.

VOLKER GREIMANN: Yeah, I was basically trying to make the same point as Marc, so disregard my hand.

JANIS KARKLINS: Okay. Look, then if that is the wish of the team, then we can do the following. So the comment period for the initial report on SSAD would end as suggested on 24th of March, and we would start examining those submissions, comments received by that date.

We will publish the addendum to initial report for public comments with a note that those who would like to submit comments on that addendum should do it by a certain date, and here I do not recall exactly what the date was for addendum. And then we would put in a small print suggesting that those who have not submitted their comments for entirety report or SSAD may do so and the team will examine it at the end. So that would be—[I got the note] that's 3rd May would be closing period for addendum to initial report.

So, would that fly? Alan?

ALAN GREENBERG:

Thank you. I'll point out there's a two-week period for staff to summarize the comments. If staff is flexible enough to take comments that come in, at least in the first week of their summarization and add them as they're going on, then we effectively have added a week to the comment period without changing our timing. That certainly has happened before where things have been added as they came in. I know it's more of a pain for staff, but that is an alternative. Thank you.

JANIS KARKLINS:

So let me ask staff what would be the preference. It was suggested by Marc to allow comments on all report for those who have not submitted to the first one by 24th of March, or two-week extension and then only comments on addendum by 3rd May only on addendum. Berry.

BERRY COBB: So first off, as I said in the chat, we have no more slack in our plan, and it's not just a financial aspect that is causing the [conclusion of] trying for us to deliver on time by June. This is not the only working group out there as well. The council was very clear, specifically the chair at our last face-to-face about other issues that are pending, waiting for conclusion of other work to get done.

So ultimately, this is not just about financial aspects as well. Ultimately, if we extend by one business week or five days, that really puts us in jeopardy of a mid-June delivery date. There is no more other slack, so ultimately, if the group wishes to extend this, then we need to first and foremost file a project change request with the council informing them of this delay and that as them being managers of the policy process, need to provide input on this. I believe my line is clear.

JANIS KARKLINS: Yeah, it is clear.

BERRY COBB: So in terms of Alan's question about the report, don't confuse the summary of comments that needs to be submitted within the two-week period versus staff making the comments available for deliberation and review into progressing towards the final report. In my opinion, the summary reports are never a decent tool to advance the deliberations and discussions of the working group. In fact, in reality, most PDPs, it's only after the working group reviews the comments that make for a fully informed summary

report of comments. So from a staff perspective, as soon as the comment period closes, I'll be spending every waking minute to compile all of the comments into a tool that we've done just like in phase one to make them ready for this group to deliberate on and review through.

Staff is still considering the overall approach on how we're going to review those comments, but for those that were on phase one, that the breakout of small teams, the review of comments that provided more detailed information about the draft recommendations, all of those, that particular format seemed to work pretty well over going through every single comment line by line is what we've done in the past. That's really all I have to say.

JANIS KARKLINS:

Okay. Thank you. Look, I understand frustration, and I understand all the limitations that we're facing. Indeed, there is a sanitary emergency that is going on. There is economic hardship that many of us will be affected directly or indirectly by that in terms of businesses, in terms of impact to family members and so on.

Nevertheless, we are at the late stage of the project, and even that is not the most important one in the world. We need to get this project to conclusion. So we have 84% of the work according to various calculations. We need to do 16%, so I think it's our duty since we volunteered to do so.

I would maybe like to suggest the following that technically we close the comment period 24th of March, we start examining whatever will be received by that time, and then we will allow

those who couldn't submit for some reason comments by that date to do so with the comments on addendum, and we'll examine them to the extent possible to meet our deadlines. So that would be my suggestion.

Answering Thomas' question, I cannot stay longer than 22nd of June as a chair, but of course, [there are] replaceable people. The team will select another chair and they will carry on if I will not manage to close the work by then.

Stephanie, your hand is up. I assume that's the old one, or it's a new one?

STEPHANIE PERRIN: Sorry, old hand.

JANIS KARKLINS: Okay. So with that understanding, can we move on? I repeat, so we will close the comment period on 24th of March for initial report, but we will allow those who cannot, for one reason or another, submit their comments on initial report by 24th of March to do it together with their comments on addendum to initial report, and we will examine them to the extent possible.

So then I would like to add additional information to housekeeping issues. One of the topics that we have not addressed in detail and that is important is this evolutionary mechanism or review mechanism. Without pre-judging what comments we will receive on that one, I ask staff start examining, analyzing what conversation we have had so far on this mechanism and put

something on paper for us to examine to kickstart this conversation while staff will be working on compilation and synthesizing of all public comments, which means that I expect that something will be on the paper, maybe early next week that we could start thinking about it. And if you have any specific ideas apart from those that have been voiced during the previous conversations about the mechanism, please feel free to send e-mail to the mailing list or contact staff directly.

So I see that there should be three major clusters of consideration. One is on functions or terms of reference of that mechanism, the second one would be modus operandi, how that mechanism would function, and the third would be the composition. So in those three directions, staff will be analyzing every previous conversation we had on this topic. So it is just for your information so you're not surprised that something is posted. That will be upon my request, and based on what we have had already previously discussed starting with our retreat [inaudible] and then elsewhere.

So with this, I would like to move to next agenda item, which is potential OCTO purpose. And if I may ask staff, Caitlin, to kickstart the conversation until where we are now with the inputs to this issue. Caitlin, please.

CAITLIN TUBERGEN: Thank you, Janis. I wanted to note that we did not receive any proposed minor edits or changes to the language that the support team proposed in the OCTO purpose document. And just as a reminder to everyone, the ICANN Org liaisons provided a

response to the EPDP team's question about if ICANN Org thought it necessary to have an additional purpose for the OCTO, and the liaisons provided a very detailed response which is included in this worksheet and would be included in the addendum to the phase two initial report for review. And you'll note that the text here following the ICANN Org liaison's response reads, "Having considered this input, most members of the EPDP team agreed that at this stage, there's no need to propose additional purpose to facilitate ICANN's office of the Chief Technology Officer in carrying out its mission.

Most also agree that the EPDP team's decision to refrain from proposing an additional purpose would not prevent ICANN Org and/or the community from identifying additional purposes to support unidentified future activities that may require access to nonpublic registration data. And again, to note there was no proposed edits on this text. Thank you.

JANIS KARKLINS:

Okay. Thank you, Caitlin. So that is the propose text for the report as our recommendation for the [inaudible] draft. Marc, Alan G, and Becky, in that order. Marc, please go ahead.

MARC ANDERSON:

Thanks, Janis. Sorry, this is an old question back on the previous topic, the mechanism for change. Just a quick clarifying question, was there an action item for us now to deliver input on that, or was the action item to wait until staff is producing a paper and then we're supposed to respond to that? So, sorry, I gathered there

was an action item, but I wasn't clear on exactly what—when that action item kicked in. Sorry for my confusion.

JANIS KARKLINS: Yes. I asked staff to analyze what has been said by whom on this topic previously, and based on that information, to do initial write up for our examination. At the same time, I said that if any of team members have any specific contribution to make at this stage, they should feel free to do so. That is not a formal action item, but if you have ideas how this mechanism should be structured in those three baskets that I said, or clusters, terms of reference, modus operandi and composition, so then feel free to liaise with staff or just send your thoughts on the mailing list.

That said, we will talk about mechanism sometime next week, most likely next week, Thursday, and everyone will be able to provide input based on staff initial write up. So that was my suggestion or information.

MARC ANDERSON: Thanks for clarifying. Very helpful.

JANIS KARKLINS: Sure, Marc. Alan G on OCTO purpose.

ALAN GREENBERG: Thank you. Two comments. First, it dawned on me when I was looking at this over the last couple of days that it would make absolutely no sense if we were to have in an ICANN policy the

term OCTO. That's the name of a department which the CEO could change on a whim to something else. So if we did end up with something, it really shouldn't reference OCTO but should be much more generic.

But my comment really is on the second half of this. Maybe that's the same question as Marc asked. I don't see the mechanism that we could use to add another purpose later, because if it's not in the policy, then contracted parties aren't obliged to release the information. So I really don't see how we could do something later without reconvening a PDP. But if someone has some insight, I'd appreciate it. Thank you.

JANIS KARKLINS:

Thank you, Alan. Becky?

BECKY BURR:

Thank you, and I just want to weigh in here a little bit. The board, as we indicated last week, has given a lot of thought to ICANN's security, stability and resiliency mission, and we're comfortable not having a specific OCTO purpose based on having a purpose two that follows the formulation we just discussed last week, which directly addresses ICANN's foundational, fundamental mission of security, stability and resiliency.

But obviously—and I think this goes to Alan's point about referencing OCTO as opposed to ICANN. Yes, it is OCTO and ICANN are the same thing when it comes to purpose and mission.

JANIS KARKLINS:

Thank you. My understanding is that we inherited specific question on the OCTO purpose from the phase one and we're acting on that inherited topic. So the agreement that hopefully we will reach on ICANN purpose next Thursday will also comfort Alan's concerns that there is this overarching ICANN purpose, and that could be operationalized in the future when need arises without PDP.

But this is legacy issue, we need to close it, and hence we're attempting to do so. I have Amr and Hadia in that order. Amr, please.

AMR ELSADR:

Thanks, Janis. I'm a little confused, and I might not be following the conversation very effectively, but it sounds to me like we're kind of conflating a potential OCTO purpose with ICANN's SSR remit. To me, those are two separate issues that, like you said, Janis, they've been carried on from phase one and there are more issues. It's not just those two, there's a number of them, but I'm not sure why we seem to be conflating the two right now.

But I also have a question on purpose two and SSR in general. If we go through with this, are we just going to go ahead and rubber stamp the proposed text, or is this what is being proposed at least, or are we going to go through a similar exercise with this purpose in the way we did with all other ICANN purposes when we came up with those different worksheets for each purpose detailing the various details involved and different processing activities, the lawful bases for each one, identifying the controllers and processors for each one?

So I would personally favor this approach because I feel like we really need to narrow down what we mean by SSR. And this is not only important in terms of our work but also in terms of how this is explained to registrars later on when whatever notice is provided to registrants as an implementation measure, your registration data is going to be processed by these actors for these purposes. We need to be specific that we simply inform them that ICANN is going to access your registration data and process it for their own SSR purposes as outlined in their mission. That doesn't make a whole lot of sense to anyone. It doesn't make a whole lot of sense to me, and I supposedly have a bit of an idea about this. I can't imagine how it would read to someone who is not familiar with ICANN's existence. Thank you.

JANIS KARKLINS:

We have a worksheet on purpose two. we have also the board consideration on purpose two that was outlined last week during the virtual meeting by board liaisons that was broadly supported by the team in the comment or chat group, and issue of purpose two, formulation of purpose two will be on our agenda for next meeting and hopefully we'll be able to agree on it.

So please review that worksheet, please review the latest information that was provided by the board liaisons. So here we're dealing exclusively with the OCTO purpose which was left over from the first phase, and they're trying to close it. Hadia, your hand is up. Please, it's time to speak.

HADIA ELMINIAWI: Thank you, Janis. I just want to know the reason we had this OCTO purpose in phase one, and this is because actually GDPR gives a privileged situation to researchers. So GDPR actually exempts research from principals of storage limitation and purpose limitation as to allow researchers to further process personal data beyond the purposes for which they were first collected.

And at this time, we thought that maybe the OCTO office would need to do research, and that's the reason we were initially thinking of a purpose for research. And I do agree with Alan, of course, that in that last paragraph, it should speak to beyond OCTO and refer to ICANN. Thank you.

JANIS KARKLINS: Yeah, the OCTO is in the first paragraph, in the first sentence of that paragraph, and the second is generic reference to ICANN Org. So what shall we do? I do not have any further requests for the floor, and I didn't hear really strong opposition to this proposed formulation. So may I take that this, what is now on the screen, would be something everyone could live with? Going to the initial report, or addendum to initial report.

So may I take that this formulation could be the one we would like to see in the initial report on priority two issues? Okay, so be it. Let us then move to next agenda item, and that is accuracy and WHOIS ARS. So I understand that there has been some evolution within the GNSO council. For the sake of those who weren't present last time, we had a conversation about it and I was

informed that GNSO council is examining this issue, whether that is within scope or outside the scope of EPDP.

And I promised to come back to this item. I keep my promise, item is on the agenda, and I understand that Rafik has information to share with the rest of the team. Rafik.

RAFIK DAMMAK:

Thanks, Janis. As I explained in the last call, the GNSO council followed up in the council list to continue the discussion about the request coming from the EPDP team, and as you can see, that's what was shared in the EPDP list. I sent a response that was drafted by Keith which summarizes the several [points and careful] explanation about the position of the council that has consensus. While there were some groups that expressed different point of view, based on kind of the balance approach that proposed here, we went through and shared the response by request from Keith.

So I think the main idea here is that we need to decouple the topic of data accuracy from the work of EPDP and the council will consider the issue further, so to have more discussion, because we acknowledge the complexity of the topic while also its importance, and the council will work to consider possible next steps, for example including a small group or scoping team to establish the framework to address this issue. So maybe as example, you can see that approach that was followed lately by the council for other topic, is to have scoping team for the IDN variant or transfer policy, and I think the point three is quite important, is to acknowledge the possible impact. So we recognize that we need to prioritize this accordingly to respond to

any concern that regarding the priority of this topic from the council standpoint.

So I think one action asked by the council is to encourage the EPDP team to submit the pending legal memo to inform the work for any future scoping, I think in response to what legal team was discussing regarding the question. So the advice here is to go ahead and to submit those questions so it can be useful for the future work on the accuracy topic.

I think in summary, the council acknowledges the importance of the topic, but with regard to several factual—like time constraint and the complexity and the need maybe to go further in terms of scoping from council standpoint, so the council will work on that later on. So I think this is kind of the summary of the response from the council. I'm happy to follow up.

JANIS KARKLINS:

Thank you, Rafik. So what will be reactions, I have Laureen's hand up. Laureen.

LAUREEN KAPIN:

Thank you. Not surprisingly, we're disappointed by this decision, and in fact, on a substantive level, we disagree with this decision. We think that the issue of accuracy is clearly within scope, especially because the phase one recommendations very explicitly stated that the current accuracy requirements will stand, and also coupled with the fact that we have had an ongoing debate about the responsibilities of data registration accuracy within the meaning of the GDPR. In fact, there's a pending

question that the legal committee has worked on precisely on this issue, and just from a big picture perspective, if you take a step back, the whole issue of access to nonpublic registration data is actually of little importance if the data you're getting back is not in fact accurate. So I just wanted to state for the record our disappointment and disagreement with the conclusions here.

JANIS KARKLINS:

Yeah, maybe I was not exact when I said out of scope. I was mistaken. It was not question about out of scope, it was question whether within the given parameters, we would be able to submit or reach any conclusion provided that for so many years, the WHOIS accuracy issue has not been solved in satisfactory manner to all.

And here, for me, it is also to weigh a little bit the delivery on SSAD that as I recall at the beginning of exercise, many groups here present in the team said are of big importance and urgency. And now, almost a year and a half down the line, we're about to deliver SSAD but we may be seriously delayed with the issue of accuracy if we attempt to address it in a satisfactory manner. So here is this balancing that we need to do.

Alan G followed by Amr.

ALAN GREENBERG:

Thank you very much. I support fully —and I think I can speak on behalf of ALAC, we support fully what Laureen said. I'll remind the group that how the ARS came about, there was the first WHOIS review team made a recommendation that accuracy be improved

because they found clearly there were problems. ICANN came back and said we can't improve it but at least we'll measure it. And now we haven't measured it for almost two years. The GNSO council, although not saying that we can't do it in the future, are essentially delaying perhaps anywhere from a year to several years until another PDP or something can be convened to look at it, if they decide to do that.

I think that's really shameful. Thank you.

JANIS KARKLINS: Thank you, Alan. Amr?

AMR ELSADR: Thanks, Janis. And not to take away anything from Laureen and Alan's previous comments, if folks have grievances with the current state of registration data accuracy, that's their right and this will eventually be reviewed. But speaking for myself and I think for the NCSG more broadly, I think GNSO council made a good decision from a procedural perspective at least, any changes to obligations on contracted parties regarding registration data accuracy could have a significant impact not just on the contracted parties themselves but also on registrants. And if registrants are going to be penalized as a result of policy recommendations we might come up with, it seems to me only fair that this as a policy topic needs to be scoped properly and we need to make sure that all the loose ends involved be identified, clarified and included within the scope of whatever PDP takes this on.

So I just wanted to express my personal support for the GNSO council's decision. But like I said, not taking away any of the concerns raised by Laureen or Alan. Thank you.

JANIS KARKLINS: Thank you. Georgios, followed by Volker.

GEORGIOS TSELENTIS: Yes. I would like just to caution that we're not talking about a procedural only issue whether we are going to discuss about accuracy in this PDP or in a next PDP, or sometime in the future. We are talking about something that is inside the GDPR. We have cautioned that it is an issue of compliance, and so if there is problem later on regarding this, I hope we will not regret because we didn't address it properly as described in the GDPR.

I also regret the fact that despite our efforts to make clarification questions on the issue to the legal advice, these were not submitted. So personally, I just want to agree with what was said by Laureen so far. I think we don't agree with this and we would like to record that. Thanks.

JANIS KARKLINS: Thank you, Georgios. Volker.

VOLKER GRIEMANN: Thank you. Looking at this realistically, accuracy is a hot topic at ICANN, it's always been a hot topic at ICANN, has provided many

fixes, many changes. The 2013 registrar agreement has provided some fixes that have had a very positive impact on accuracy.

Being a very divisive topic, the topic that a lot of argument can be made over, including this at this time would almost certainly lead to us breaking our timelines that we have. I don't see that this group is in any way able to make any consensus recommendation on this, noting where our positions are at this time, so I think the council has made the only correct decision and took this issue out of our consideration and said that they will revisit it at a later time to allow us to finish on time to provide our product, the SSAD, and provide a product that is not marred by any superfluous or additional consideration that might cause us to lose consent on the road. This is something, I think, that's important. We need to make sure that whatever we are resulting in is, A, delivered on time, even though it's delayed considerably, but in the time that we have left, and B, is something that can find consensus, and I think including accuracy in here would just include a time bomb, a stink bomb that will just blow up the process, and that would be a terrible shame considering all the work that we've already put into this. Thank you very much.

JANIS KARKLINS:

Thank you, Volker. Margie followed by Frank.

MARGIE MILAM:

Hi. I'd just like to echo what Georgios said and remind the group that the reason this was in the phase one report was because we agreed that we would talk about this in phase two. That was the

compromise at the time with came up with that recommendation. So I know Janis, you weren't around in phase one, but that's what's so disappointing about this, is that we all recognize it was important, and because we were trying to get the initial report out, we just said let's move it to phase two and then it got deferred and deferred.

I do think this is a problem. I agree with Georgios that this is a GDPR compliance issue, and it's really unfortunate that the group will not honor the compromises from phase one.

And I also think that as we mentioned last week and our councilors also mentioned, we could find a way to at least address some of these issues. And assuming that we wouldn't reach compromise is really unfair because we reached compromise on many other things that were controversial, and creating a small team perhaps to explore whether there is some common ground we could achieve on accuracy, in my view, was the right way to go.

So I, again, agree with Georgios. I think this went against the compromise in phase one and we're very disappointed about it.

JANIS KARKLINS:

Thank you, Margie. Indeed, I wasn't around in the first phase, but I was told that the report of the phase one suggest that accuracy issues should be addressed at a later stage while other outstanding issues have been referred to phase two specifically. But again, I'm not arguing that, I'm just stating a fact.

I have Franck's hand up, Marc Anderson, and Georgios.

FRANCK JOURNOUD: Thank you. I don't want to restate the concerns and the strong disappointment that others have expressed about this decision. I just think that spending a year and a half to develop a system for access to data without ensuring that that data is going to be accurate is sort of mind boggling.

A comment was made earlier about those fighting against data protection. I think it's just ironic that I don't know if I or anyone else who was the object of that comment that we would be arguing for accuracy which is a GDPR requirement, not a nice to have. And it seems we're not going to be addressing this in this EPDP, so we are going to have data controllers and data processors that are going to continue to process data that may very well be inaccurate. There's an oddity here that I just cannot wrap my head around.

JANIS KARKLINS: Thank you, Franck. Marc Anderson.

MARC ANDERSON: Thank you, Janis. One thing I wanted to just first recognize is that everybody gets that accurate data is desirable and good, and nobody here is advocating for inaccurate data. I also want to remind everybody that per the phase one recommendations, all existing accuracy obligations remain in place. [inaudible] by not covering accuracy here in phase two, and as the council said, covering accuracy in a focused and properly scoped effort, does not mean that we're saying nobody needs to have accurate data.

In fact, the GDPR obligations for accuracy continue to apply to contracted parties. Those obligations do not go away because we didn't develop a specific policy recommendation in phase two. Those GDPR obligations, like all other GDPR obligations, are applicable to contracted parties, and contracted parties need to make their own internal decisions and choices on how to meet those obligations.

What we have not done is [inaudible] discuss policy recommendations on this beyond the existing obligations, contractual and policy-wise that are in place. So by not covering it here, we're not saying, "contracted parties, you don't have to be accurate and you don't have to pay attention to GDPR." All the existing obligations for accuracy continue to be in place, and the obligation to follow the law, GDPR, are still in place. So I do want to remind everybody of that.

I certainly understand and appreciate the frustration and acknowledge that accurate data is important and necessary and a goal we should all have, but considering the previous conversation we had about extending the public comment period, how we didn't have room to do that, I don't think that's realistic to say we can take on accuracy in the limited time frame we have, and I agree with the council decision.

JANIS KARKLINS:

Thank you. I think I will take further comments from Laureen and then Rafik will draw the line. Laureen, please.

LAUREEN KAPIN: Thanks, Janis. This actually is to emphasize a comment in the chat from Berry, because I think it needs clarifying. There's a recommendation by the council for us to submit the pending legal memo to help inform the work of any future scoping team, but as clarified by Berry, they don't mean the legal memo, they mean the legal questions on data accuracy, and that actually would be a welcome step forward here. so I just want to make sure that folks are aware of the clarification that Berry made in the chat, and hopefully we will actually be able to act on that because that is an excellent recommendation, because if we're struggling with this, one thing that would be welcome is some legal guidance.

JANIS KARKLINS: Okay. Thank you, Laureen. And Rafik is the last in the line. Oh, no, I have Alan G. We need to close this conversation. Rafik, please.

RAFIK DAMMAK: Okay. Thanks, Janis. I understand and take note of the concerns and disagreements, but I think it's important to remind everyone about the request. So there was a request for clarification for guidance to GNSO council as the GNSO council is the manager of the PDP, the scope of this EPDP, and the GNSO council responded. We know that there are some disagreements, and I think those points were made several times, but the guidance was given. [We are the] council, and the proposal tried to be balanced, and that's why for example we noted the complexity, we noted that we have to work on the topic, so that's why getting input for

the future work and so on in relation to the legal question, that's why it was made.

So I can understand all those points, probably I can bring them to the council, but just I think we [inaudible] Anyway, we need to move on here, that's what I wanted to say.

JANIS KARKLINS: Thank you, Rafik. Alan G, you're the last one.

ALAN GREENBERG: Thank you very much. Just a quick response to Marc. No one's disputing that contracted parties still have a requirement for accuracy. If we've learned anything from the coronavirus, it's that measurement is really essential to understanding where you are and taking remedial action. Without measuring, without knowing that, it's all mindless words that have no real meaning. Thank you.

JANIS KARKLINS: I sense that there is a lot of frustration from one hand and support the council decision at the other hand, so what I would suggest is that our legal team or legal committee during tomorrow's meeting look at those legal questions related to accuracy and bring them to our attention on Thursday's meeting, and at least we would submit those questions to Bird & Bird. And if return comes at the time when we still can have a conversation about the answers, then we can devote some time to that exercise and see whether we can get any closer to consensual recommendation in whatever form that may take, either to get in the final report or to get simply as an

FYI for the GNSO council for future consideration. So I would propose that conclusion on this agenda item today.

I see no hands up, so then we will proceed accordingly. The next and the last item is to say that the next team meeting will take place coming Thursday, 19th March, 2:00 PM UTC. We will have a number of topics. One is a purpose two, the automation case, and we will still look at if there's any other outstanding question that needs to be examined as a result of today's call, including the one which now will follow that is on financial issues.

So with this, I would like to thank team members for active participation in this call and would like to switch now on the small group mode. Of course, those who want to stay on, feel free to do so, and we will now examine the draft answers to the questions which were asked by ICANN Org.

So here, I would like to maybe start by asking Berry to kickstart conversation, and I see that Eleeza's hand is up, but Berry, why don't you start?

BERRY COBB: Thank you, Janis. I'll start by turning it over to Eleeza so she can make some introductions and a summary statement. Thank you.

JANIS KARKLINS: Okay. Eleeza, please go ahead.

ELEEZA AGOPIAN:

Thanks, Janis and Berry. I just wanted to first thank the team for having this discussion. It'll really help us as we try to construct a useful process in it for this team and their work. The assumptions and questions that we sent to you some weeks ago—I lost track of time—really came about from a discussion among several different teams within the org to get a sense of how we would construct a cost estimate, what variables we really needed some more specificity on. So we're really looking forward to a discussion, hope it's productive and collaborative.

To that end, I invited two of my colleagues to join us. You'll see them in the Zoom chat, Aaron Hickman from our GDD operations team, and Francisco Arias from our GDD technical services team. They did a lot of the work in putting together these assumptions and questions and are basically here to either answer or discuss with you what some of these answers are or to maybe ask some more probing questions to help us get into the level of detail that we need to construct something useful, like I said. So I hope that's helpful, and I'll stop there.

JANIS KARKLINS:

Okay. Thank you. Before getting into details, I would like simply to ask group members to put this whole exercise in perspective. So all this that we're talking here are our best assumption, and we do not know what will be or how accurate our assumptions are and what will be reality. Therefore, if we can sort of think of kind of thinking in terms of range of numbers rather than attempt to get to the very precise number, maybe that would be the right way forward.

So probably, we need to take one question by at the time, and some cases, bullet points, so then we will plow through the answers. But Berry, still, I would like to ask you. you follow this very closely. What is your assumption, guess, on comments provided since the last meeting? Where we are and the numbers or figures on the screen, do they represent already kind of average that we have?

BERRY COBB:

Hi Janis. Based on the comments that have been submitted so far, again, I think that they were general comments about whether there was either agreement or disagreement about the base number applied here, what I would recommend is that we go through each of these. I'll try to explain the method to my madness, and you used the appropriate word just a minute ago, that it was really a guess but that we basically kind of stepped through each of these draft responses and tried to have one or two minutes of discussion about whether these are correct or not. I shouldn't use the word "correct," but if they're at least in the parking lot of the ballpark, so to speak.

As you noted, I don't think we need to overengineer this because we just really won't know until we do know, but I think that it's important where possible we try some precision on this as opposed to ranges, because I think it will make it easier when staff is plugging in numbers into this system. And especially as Eleeza pointed out, I would definitely encourage you to ask questions of clarification based on the questions originally submitted by staff because this will help better inform them as to some of the information that they're looking to input here.

The last thing I'll say is just a hint of history, we'll recall that these questions were originally submitted early this year, prior to our LA face-to-face, events have overtaken a few of these questions in that the original request was based on the three proposed models that we had on a preliminary draft, but we did manage to work down to getting to one single model, the hybrid model, and so all of the draft responses here are based on the single proposed hybrid model and where possible, I tried to extract elements that we had listed in our initial that's out for public comment based on those.

So as an example, this first question under the scaling section is divided between automated request candidates versus requests that will require meaningful human review, and where possible then I further step down into the delineation of the three automated requests. Let me make sure—here's the link to the Google form.

So just briefly here for question number one, they're trying to understand what the volume is going to look like on the number of requests. Eleeza and team can correct me if I'm wrong, but the original concept around this question was probably based a little bit more off of a UAM type model that could potentially be fully automated, hence the reference to previous query volumes against WHOIS systems and the like.

But our current SSAD model is much more oriented to only accredited users will have access to submit requests and then we've noted that each request may contain multiple domain names but that once the request is being processed on multiple

domain names, that the actual processing of those would be further delineated on a per domain name basis.

So that's kind of the rationale that I have set up here, and again, let me just briefly walk through this first section on the automated ones, and then we can open up.

So according to the initial report, we have three possible areas that could be automated. The first is UDRP, URS proceedings where the providers are requesting the information, basically, I put a ballpark number of about 5000 requests or 10,000 domain queries per year. I based that off of the 2019 WIPO number of cases filed, which I believe was in the area of 3900—there it is right there, 3693 proceedings in 2019 based on 6284 domains. So I basically extrapolated out that there are four other providers that are also submitting administrative proceedings and requests for data.

Requests from law enforcement, this was an absolute total guess, and so I strongly encourage Chris Lewis-Evans or Georgios or anybody from the GAC to help put some more rationale around what this request amount might look like. I have zero experience in that regard, so it was truly just a guess, and how I started that guess is just kind of based on the 178 members in the GAC that might be a potential consideration for how their jurisdictional law enforcement agencies would perhaps be a conduit by which they would become accredited.

And then lastly, the contracted party may request to the central gateway that they wish to fully automate all requests that come to them. Now, it didn't make sense to just say all contracted parties,

which would be in the number of 2000 or so. There have been some informal discussions that the smaller contracted parties that won't have the staff or expertise to perform the balancing test on these types of request may more easily think that the risk is less by fully automating those requests.

So I kind of just drew a rough number that any contracted parties that had greater than 200,000 domains under management, that kind of set the threshold where it'd be more likely if they had less than 200,000 that they may not have those resources. And then of course, those contracted parties that are greater than 200,000 would potentially have the resources and expertise to perform those balancing tests.

Again, very arbitrary, and happy to adjust, or as Janis noted, maybe this is one of the candidates where a range is put in place before that. So I'll stop there.

JANIS KARKLINS:

Okay. Thank you, Berry. Now we're talking exclusively about scaling, what is now on the screen. And please try to address specifically what you disagree and give a quick rationale, but also name a number that we could capture and put it in the response.

So I have Mark SV followed by Marc Anderson.

MARK SVANCAREK:

Thanks. I was pretty happy with the numbers for how many people ought to be accredited. I thought it was a good estimate. I don't have any opinions about UDRP, URS or law enforcement

because that's kind of out of my area. I just wanted to mention that I have done some estimating on Microsoft's likely use of at least some data fields based on fraud prevention, consumer protection, things like that. It is linked in the comments there so you can see what our current use of the data is. So you could imagine that at least three quarters of those, we would have a legitimate interest in getting at least some of the contact information for those in order to restore the function of our machine learning algorithms.

So there is some context linked into the document there, and the numbers are fairly big. I think in actual practice, the bottleneck is not going to be on the frontend. The identity provider's not going to be the bottleneck, the gateway's not going to be the bottleneck. The bottleneck will be the deciders at the contracted parties. So when you look at those numbers, don't freak out, because we'll find a way to figure out what the daily balance of those is. But if you want to know what my desired volume would be, look at the tech day talk that's linked in the comments. Thanks.

JANIS KARKLINS:

So you don't have any specific number to name which then would go in the reply. That's my understanding.

MARK SVANCAREK:

Well, I could put the numbers directly from the tech talk into this document if you don't think it would—it depends on who's looking at this document.

JANIS KARKLINS: ICANN Org.

MARK SVANCAREK: Okay, if it's ICANN Org, then just take the numbers right out of my tech day talk and put them in here.

JANIS KARKLINS: [Why don't you do that?]

MARK SVANCAREK: Okay, I can do that. I will do it myself.

JANIS KARKLINS: Thank you.

MARK SVANCAREK: Sorry.

JANIS KARKLINS: Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. So yeah, I was going to say, Mark, if you could drop those numbers right in, I think that would be very helpful. On the scaling question, what I was looking at, I'm not sure that separating out automation versus manual review is going to be material from an SSAD perspective, and I say that because the SSAD system is making a recommendation in all cases, and so

my understanding is the SSAD system itself is going to be doing the same work whether it's an automated disclosure decision or a manual disclosure decision. It just comes down to on the disclosing entities' side whether or not they're choosing to accept the recommendation automatically from the SSAD system or not.

So on my review—and I'd be happy if others chime in, especially ICANN Org who are implementing this, if you have thoughts on that. But I was not sure that—based on my review—that breakdown between automated and manual is really material for our work.

Another topic, Mark, I want to thank you for pulling hard numbers that we can look at. I think that's very helpful, and I think we need to get more of that. In question two—

JANIS KARKLINS: Let' stay at question one first.

MARC ANDERSON: Okay. I can do that, Janis, but I think question one naturally flows from the number of requestors in the system first. But I can hold that comment until we get to question two.

JANIS KARKLINS: Yeah. Again, if we're applying simply technical sense, then automated system should be able to process as many as needed, and that shouldn't be a big burden because we need the machine

whether to produce one recommendation or 100,000 recommendations. So that would not add much cost.

What will add cost is whether we need to review manually one request or 10,000 requests. So that's the big question. And Marc, if you look to those 65,000 requests that is like a guess now, what's your gut feeling? Do you think that this is something that we may suggest, or you think it's too high or it's far too low?

MARC ANDERSON: Me or Mark SV?

JANIS KARKLINS: You, Marc A.

MARC ANDERSON: Being someone not from a requestor group, I'm not sure I'm in a position to speak to the numbers. I recall I asked specifically for those—the last time we discussed this—representing cybersecurity [inaudible] intellectual property, law enforcement to provide the estimates for their groups on those categories. I think it's critical that we get estimates from each of those groups on their expected level of volume. I don't really think I can make a guess on their expected level of volume.

JANIS KARKLINS: Okay. Chris Lewis-Evans on law enforcement, 7000 per year requests. Is it reasonable?

CHRIS LEWIS-EVANS: Thank you, Janis. It may be easier [to—unfortunately gets into] number two a little bit. The numbers of requestors [certainly slightly out,] obviously 178 countries starting. The UK has approximately 75 law enforcement agencies. The US, slightly more, and I think that's around 18,000 police agencies in the United States alone. So if you look at 20,000 police agencies in the US alone, those numbers probably look a little bit low.

The European Commission did convene an expert working group and we've got a [selection of] numbers which I shall try and put into this document as soon as I can gather that, but I would suggest that the numbers on the screen are a little bit on the low side by a factor.

JANIS KARKLINS: Okay, thanks. Francisco.

FRANCISCO ARIAS: Thank you, Janis. So a clarification question for Marc Anderson. You said something, Marc, about the differentiation between automated and not automated to not be important for the central gateway. I wonder if I misunderstand what that implied there. I thought the recommendation that the central gateway was going to provide is something that could be automated always. In other words, even for manual requests that would require a manual authorization, the recommendation from the central gateway will be automated and it will be up to the contracted parties to do the manual review as they need to do according to legal framework

and whatever else applies. But I thought the recommendation from the central gateway was always going to be automated, at least that's how the [SSAD] was explained to me. It would be a very different cost if we were thinking that the central gateway has to do a manual review on all the cases. I will appreciate clarification on that.

JANIS KARKLINS: Marc Anderson.

MARC ANDERSON: Thanks, Francisco. Sorry if I misspoke. I don't think that we're expecting the SSAD system to do a manual review of any case. I think the recommendations are for the SSAD to do an automated review in all cases. So apologies if I misstated any of that. So I agree with what you said, but I think that also sort of reinforces my point. I think the SSAD will function the same regardless of if the decision to disclose is automated or not. The SSAD itself is doing the exact same work whether it be to automate or to provide an automated recommendation to the contracted parties. Does that make sense, Francisco?

JANIS KARKLINS: Yes, it does. He already thanked you, Marc, for the answer. So yeah, the whole idea is that the central gateway would produce automatic recommendation and then if accepted, then basically, it would be a learning process for first months, years, and then we expect that this recommendation rate would match acceptance rate by contracted parties. And then the question is when this rate

will be high enough, close to 100, whether then certain types of requests could be automated fully without human involvement. So that was idea, simply to provide the mechanism where we could train algorithm while not putting at risk anyone who has legal liability in making disclosure decisions.

So I had Mark SV's hand up but it disappeared.

MARK SVANCAREK: Yeah, I was going to make a comment on Francisco's question, and I think it's already been covered by Marc A. And I'm still working on my numbers. It's very nuanced though, so it's worth discussing once I give you some actual numbers because I think people are going to be like, "What? How could that be?" And there's a certain number of assumptions. Well, there's certain thing that I know, and there are other things that I have to speculate on. So still working on that.

JANIS KARKLINS: Thank you. Okay, let's look at point two, how many requestor accounts must system support. Beth, your hand was up and then disappeared. Berry.

BERRY COBB: [So I'd] just start dialog and try to explain my madness here. Really, I started with this question first because I think as Marc or both Marks may have noted, they're closely connected. Cybersecurity entities, a complete guess, thinking of like the

APWGs and those types of entities. I just really had no idea, intellectual, brand protection. I kind of base that well.

In general, the Fortune 1000 companies are the most aggressive in protecting their brands, so I kind of just used that as a general number to dictate the possible amount of accredited entities, and of course, the brand protection service providers. Law enforcement, which sounds like it's way out—it's not even in the parking lot, so hopefully Chris will provide more details there. And then the all other, just calling it 1000 accredited entities, and in general, was assuming that for each accredited entity on average, there would be about 5000 requestor accounts associated with that accredited entity. But again, very huge guesses.

JANIS KARKLINS:

Okay. Thanks. I think on law enforcement, Chris suggested that you just add one zero at the end of every number that is on the screen. So any comments on two? Marc Anderson, you had a comment on point two.

MARC ANDERSON:

I think I pretty much covered it, Janis. I think the number of requestors that would be using the system is really going to drive most of the other questions here. So I think it's critical we hear from cybersecurity, IPC and law enforcement on the numbers that they expect to see here. And I think most of the other questions really flow from this. So that was just a point I was trying to make here.

JANIS KARKLINS: Okay. So Chris said not one zero but two zeroes, which is now on the screen. It looks a little bit high for me, but anyway. Chris.

CHRIS LEWIS-EVANS: Sorry, I thought you were half joking with the add a zero to everything. 178 countries still stand. You've got the UK at 100 agencies, the US at 20,000, you've got to probably go somewhere [inaudible] number of 1000 per country, which then probably gets you at that sort of number. So I think that number is about right.

JANIS KARKLINS: Okay. Thank you. So from cybersecurity from intellectual property, who do we have on the call? Do you have any? Francisco.

FRANCISCO ARIAS: I have another clarification question here. If I understand the model, the idea will be for law enforcement to—they will go to their national accreditation bodies, right?

JANIS KARKLINS: Yes, the idea is there would be one gateway per country, and all requests coming out from that particular jurisdiction would be channeled through that one, and SSAD would interact with the one entity per country.

FRANCISCO ARIAS: Right, so in terms of accreditation for the part that ICANN needs to provide the cost estimate for accreditation. I guess we don't need

to worry about those law enforcement agencies for accreditation because they will go to their national accreditation body if I understand the model.

JANIS KARKLINS: Yeah, there would be kind of internal accreditation system that we would not know. we would have only one contact point, and we would work with that. And I think that that will certainly not make a lot of expense. I think that the bigger expense will be to think about accreditation of other user types apart from the law enforcement.

FRANCISCO ARIAS: Understood. That's for accreditation. But when we are talking about queries, then [it] matters, right?

JANIS KARKLINS: Yeah. That, I don't know. It seems like neither cybersecurity folks nor intellectual property, IPC is on the call. Marc Anderson.

MARC ANDERSON: Thanks, Janis. I don't think we necessarily want to assume it's one gateway per country. I know that would be nice, but I think— maybe Laureen or others on the call can correct me if I'm wrong here, but I suspect maybe different branches of government will have different portals. For example, consumer protection might not necessarily have the same gateway as law enforcement. I'd

like to hear from others on that one, but I don't think we necessarily want to assume one gateway per country.

JANIS KARKLINS: Chris.

CHRIS LEWIS-EVANS: Thanks. Yeah, I think [you may see a] comment on the initial report n this. I think it would make sense in my mind for one per country. However, obviously, as different countries and territories have their own remit, some of those different functions might not be linked up and they might be not be able to link up. So yeah, there may be a couple per country, but certainly wouldn't expect it to be lots and lots. But I could certainly foresee a couple per country.

JANIS KARKLINS: But anyway, this would not be determined by ICANN. This will be stated by either GAC representative or whatever kind of mechanism will be put in place where ICANN will reach out to a country and then these entities will be identified by the country, and that's it. So there will not be the formal accreditation process by SSAD, this will just be statement of fact and issuance of credentials, and then information will start flowing.

CHRIS LEWIS-EVANS: Yes, that's correct.

JANIS KARKLINS: Okay. Francisco?

FRANCISCO ARIAS: Just wanted to mention about the number of accreditation bodies. That would be important for the costing model out. We were assuming one per country. If it's not that, that's fine, we just need to know what's the upper bound that we need to use for the cost estimates. Thank you.

JANIS KARKLINS: Sorry, I didn't get your comment and question. I didn't understand it.

FRANCISCO ARIAS: Sure. We were assuming one accreditation body per country or territory. I hear that is not necessarily that. It will be great if you could provide what number we should use to estimate the costs. Is it two, three, ten? It would be great if you could provide guidance. Thanks.

JANIS KARKLINS: As I said, as I see it, the country may be either through GAC representative or in any other way would inform ICANN that these would be those entities that would interact with SSAD. What is behind those entities, that shouldn't be of interest of ICANN. That is a national system that will be put in place to use SSAD.

So again, I don't think that accreditation of public authorities or law enforcement would represent a major cost. The accreditation of

companies, individuals, organizations that are not public entities, I think that that accreditation system would represent the biggest chunk of expense for the system.

Let me see Franck's estimates on potential intellectual property users of this SSAD.

FRANCK JOURNOUD: Hi. At this stage, there was nothing that appeared wrong in those estimates, but I would say —and I think sort of the comments made by others so far bear this out, that it's extremely difficult to estimate whether we're going to have 2000 or 4000, etc. Those seem to be sort of—we're talking orders of magnitude [inaudible] when we looked around, that seemed like 2000 accredited entities for IP enforcement, [inaudible] like a good estimate but it's very hard to give more than order of magnitude, and order of magnitude means basically your numbers are almost worthless.

JANIS KARKLINS: Yeah, but we need to do estimated or educated guess, as I said. We don't know exactly, but we have a feeling. So as Chris said, the law enforcement, add two zeroes because of A, B, C. Now, you're in the area of intellectual property protection, so you know how many actors you have and how many of them potentially would be interacting with SSAD.

So if you say this number looks okay, fine. We may be wrong, but at least we will be educated wrong.

FRANCK JOURNOUD: There you go.

JANIS KARKLINS: So Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. I was going to kind of say the same thing you were going to say. I was just going to encourage Franck, I think even an order of magnitude estimate is helpful. As Janis suggested, [I would echo,] range is helpful too. So if you could provide a range, I think that would also be helpful. But yeah, I just want to encourage you to provide the best numbers you can for intellectual property, but an order of magnitude or range is helpful.

JANIS KARKLINS: Okay, so anything more on number two? Number three?
Marc Anderson, please.

MARC ANDERSON: Thanks, Janis. A question for staff. I would expect that this question's getting at the number of accreditations you have to support on an ongoing basis. I see Berry takes into account there'll be a sort of land rush once the SSAD system goes live. You'll have a land rush of people trying to get accredited. So that probably needs to be taken into account, and maybe not necessarily a one-year estimate. I would suggest the majority will come within the first couple of weeks, a land rush period, but then you'll also have a steady—once that initial land rush is over, you'll

probably go into a steady state, see a leveling off of the number of accreditations you see on a month to month basis.

So I would think that's the biggest factor, or it has to be taken into account when designing and scaling the system. What is your initial land rush going to look like, and are you ready or able to deal with that? And then what does the steady state after that look like? That's my take on that one, hopefully that's helpful.

JANIS KARKLINS: It is. Thank you. Chris.

CHRIS LEWIS-EVANS: Thank you. I think law enforcement may be slightly different here in that there probably won't be that rush initially with any backlog. We probably have almost the opposite, where there'll be a big phase of education around this new system now being available, and it'll take a while to scale up. We're probably talking a year or so. So I think rather than being a wash it once, I think it may be the other way around for the law enforcement. Thank you.

JANIS KARKLINS: Okay. Any more on three? On four?

BERRY COBB: So Janis, here, this is basically just a guesstimate based on what we have in the initial report, and I didn't try to extract any more.

JANIS KARKLINS: Yeah. Francisco?

FRANCISCO ARIAS: Yes, so on this one, we had raised a question about what a business day is or from the point of view of whom. I think in another question, the answer suggested was that it'd be from the point of view of the requestor. We just wanted to confirm that's the case because that would have a big impact in not only the central gateway but also the other participants, like for example contracted parties. If the SLAs are going to be measured on business days from the requestor, then for example a requestor could say "My business days are always, from Monday to Sunday, and no holidays, no nothing." Right? And then we'll have to have systems and processes that work all the time.

An alternative could be for example to have business day to be based on the party that is processing the request so that the requestor can get an estimate on when they could get the response if we know the business days or each of the components—each of the parties that are operating each of the components of the systems.

JANIS KARKLINS: I think for the cost estimate, you just apply common sense. One business day means 24 hours, and then if Saturday, Sunday falls in the middle, then again, this'll not change much in my view for the cost estimate, because automated—the gateway will pass through a request in no time, and then that is just a question of

contracted parties, how they organize the sort of request processing process.

Marc Anderson.

MARC ANDERSON:

Apparently I'm on the same page with you today. I was going to say essentially the same thing. I think our expectation is the SSAD will automate these and so the SLA really applies to these priority one, two, three for all others. SLAs really apply to the contracted party. So I think maybe if we look at what Francisco needs here, I think he maybe needs to understand what the—how quickly that automation at the SSAD level is expected to occur. From the moment a requestor submits a request in the SSAD system, what is the expectation for how long it would take for that request to be sent over to the contracted parties for fulfillment? Either automated or sending it for manual review.

Would that be correct, Francisco, what you're looking for there? And maybe I'll just stop there. Is that the information you need, Francisco?

FRANCISCO ARIAS:

Yes, I guess for the central gateway, everything is automated as you said, so it should be fine, but [we were just noting] the SLAs apply to the whole thing and [inaudible] So having SLAs that require a response in one business day for example where contracted parties will need to respond according to the business day of the requestor seems like something that will drive the costs,

I guess not the central gateway costs but the contracted parties' costs perhaps.

MARC ANDERSON:

Thanks, Francisco. Well, I made a comment—I think somebody else did, might have been Sara as well, that the business days would not apply to the requestor, it would apply to the party that's fulfilling the request. The party that's taking the action to do that will have the business days according to them. So I think that solves that problem as far as whose jurisdiction [inaudible] business days under.

But I guess we need to get back to the question about how long it would take the SSAD to pass the system, take that along, or send that request along. I think maybe we need to stick a pin in that one [inaudible] little bit further. I'm not sure I have the answer off the top of my head, but it makes sense that you would need to have some kind of guidance on what the expectations are for those SLAs on the SSAD system.

JANIS KARKLINS:

Yeah. Again, since we're talking about pure estimates, I think the margin of error will be extremely high here, including—I mean on both sides, on the side of estimates of the volumes as well as on the side of estimates of the costs. So actually, what I would see out of this exercise is a range—not the range but the scale, so whether the building up the SSAD technically would cost 1 million, 10 million, 100 million, whether operation of SSAD sort of range of

expected activities would cost 5 million a year or 50 million a year or 500 million a year.

Because we do not know anything, so all this is really kind of very generalize. So I made my calculation more or less that 12, 15 people will be involved on permanent basis to clear all of that, but I was thinking about central gateway, when the decisions are made at the central gateway, so then how much the salaries would be, and I came up with the 3 million operations of SSAD per year.

Again, it's a totally out of cuff calculation, and I actually am very curious to see what you will come up, guys, in comparison with my 3 million.

MARC ANDERSON: [inaudible] made a great point. So maybe to Francisco, if we said for number four, processing is expected to happen automatically but not give you a range, say automatically but not more than ten minutes, is that enough for ballpark estimation purposes?

JANIS KARKLINS: Francisco, would that be helpful for you?

FRANCISCO ARIAS: I'm sorry, I have to confess I missed what Marc said.

JANIS KARKLINS: [It's not on this one.]

MARC ANDERSON: For number four, if we gave you guidance that SSAD processing is expected to occur automatically but not take longer than ten minutes, is that enough for estimation purposes?

FRANCISCO ARIAS: Yes, that works. Thank you.

MARC ANDERSON: And Berry, I see you're typing in real time. I don't think—never mind, your good.

JANIS KARKLINS: Terri, I have a question. Can we continue for a while, or we need to stop now? We're already five minutes past the hour.

TERRI AGNEW: The Zoom room is available for you to continue if you would like.

JANIS KARKLINS: Okay. Can I suggest that we continue for another 15, 20 minutes and try to get to the end of the document? Okay, number five, Mark SV.

MARK SVANCAREK: Thanks. Okay, now again, more analysis is going to be required to get these volumes, because it's a curve that tails off and goes to a

steady state, and I'll have to have a better developer than me actually write some scripts to analyze this. So here are some ballpark numbers.

Let's assume a system that's fully automated, everything gets approved, whatever, there's no SLA issues. On the first day, I would ask for 500,000 names. On the second day, 85% of that, and it would start to go down 85% per day, because there's always new names coming in. It's a long tail kind of a problem.

And then of course, there are some names where the records will change. We will see the records change within the public WHOIS and then the next time we need that name, we can't just use the value that's stored, we have to ask for it again.

So when we look at what it says here, 20% above the baseline of aggregate number of requests—so just for me, I'm going to have to be doing some sort of throttling on my frontend so as not to swamp out the system, so I need domain names that we need to look at during that period of time that get throttled out, we just downvote them and say, “Okay, we don't know if we can trust that domain name or not, so just downvote it.” And it'll eventually work out in the mailing list thing, right?

But the fourth bullet, storing, delaying and sending high volume requests. As I'm mentioning, this whole thing about the throttling, that is a storing and delaying function. The purpose of it is to avoid failing SLA performance. But I just want to make sure that when we start storing, delaying and sending a high volume of requests—this is inherently high volume requests. If I'm throttling myself, then I'm storing, delaying. So we just need to make sure

that that's not considered some sort of a form of abuse. That's it for now.

JANIS KARKLINS:

Okay. But you see again, we need also to think what type of funding model to apply to the system. Once we will know more or less how much cost is involved, then we could start thinking whether—and we already discussed it briefly, but there might be a subscription fee, and then we can review it as we go, or there may be pay per request fee, and that of course would dramatically reduce the number of requests because people will start thinking, really, do we need to put that request on if we need to pay whatever the fee will be? Marc Anderson.

MARC ANDERSON:

I think this one is really difficult for us as the EPDP members to be able to answer. Generally, this is a question, I think, that only the operators of the system—in this case the operators of the SSAD system—will be able to answer. The SSAD system will be designed for a certain number of volume based on the estimates that we provided above, and so the SSAD system will be scaled for some level of volume and the operators of the system will have to make a determination of how far over that volume they're able to support and at what point does a high level volume or other activity represent a threat to the SSAD.

Sort of a long way of saying I think ultimately there's not a whole lot of guidance that the working group members could provide

here. The SSAD operators are ultimately going to have to make that determination.

JANIS KARKLINS: Thank you. Mark SV.

MARK SVANCAREK: Yeah, I have a similar feeling to Marc A. Again, I don't think the chokepoint is in the frontend. We can figure out how much it costs to have an identity provider to have this many accounts. We can guess if there's this many requests, how much performance do you need in the gateway, and the real bottleneck is going to be at the other end where contracted parties have to figure out how they implement their part of the system.

So we probably can't answer question number five without actually some real-world knowledge of how the system works. I think we're just going to have to slowly allow requests to flow into the system and see where it chokes and what the nature of the choking is before we can determine what a threat to the SSAD looks like or how do you even model question number five.

So I think that's related to what Marc said, hopefully, because I think I agree with what he said.

JANIS KARKLINS: Thank you. Let's move now to six. Any comments on six? Marc Anderson.

MARC ANDERSON: Thanks Janis. I think Berry put in some further clarity about monitoring and auditing [inaudible] certifying. I think the key for the log retention is the auditing interval. So the retention for logs should be tied to the auditing interval, whatever the maximum length of the auditing interval is.

EPDP phase one 18-month recommendation I don't think is applicable here. I think the auditing interval is the key that should apply to [inaudible].

JANIS KARKLINS: Thank you. Mark SV.

MARK SVANCAREK: I have a similar comment to Marc A. I think there's some more nuance about when the records actually get purged, so if the auditing quantum is 18 months, I'd like to maintain an 18-month collection of logs and not just purge them all the day after the audit. But I think that his concept that it should be related to what the auditing quantum is is exactly correct.

JANIS KARKLINS: Okay. Here my question is to Francisco, how big a difference that makes to keep information 18 months or [36] months?

FRANCISCO ARIAS: Storage should not be that expensive, I think.

JANIS KARKLINS: Okay. Again, for the auditing, probably, we will have auditing, one, two audits per year unless there is sort of general disagreement how system functions, and then we need to do a specific audit. So again, why don't we put two years and that should be good for estimate? For keeping log information, that does not add much to the cost.

Number seven, Marc Anderson.

MARC ANDERSON: Thanks Janis. I don't feel like I'm even remotely qualified to answer this question, but maybe answering a question with a question will help you. What does ICANN typically do for these types of systems? For example, what do they do for the naming services portal or the trademark clearinghouse for example? It might be good to know what is typical for these types of systems.

JANIS KARKLINS: Aaron, can you answer?

AARON HICKMAN: What we have typically done from a support perspective—and this includes things like the TMCH, data escrow and things—is that we've always required at least support to be provided in English, and then some of the providers may offer additional language options, which we certainly prefer when we're selecting a vendor, but we don't necessarily require it. English is sort of our baseline, and then from a naming services portal perspective, we typically do English as well. that's sort of the official language of ICANN, if

you will. But we do try to respond to other languages if we have the expertise among the team on staff.

JANIS KARKLINS: Okay.

MARC ANDERSON: I think we can just respond and suggest that ICANN follow their standard practices here or something along those lines. We're not recommending or requesting anything outside of their normal practices.

JANIS KARKLINS: Exactly. So number eight.

BERRY COBB: So for these, again, pulled an extract out of recommendation 18, and it seems prudent given the amount of risk of this system in terms of wrongful disclosures and those kinds of aspects that we need to have the robust monitoring, reporting and auditing, certainly in the early stages, and then perhaps they can be relaxed somewhat as the system starts to mature, we have better understanding about automation capabilities in terms of them being lawful, etc.

So again, it's pretty much consistent across all of these responses, is that in the first year, there should be audit every six months, and then year two can go annually thereafter. That's where I started from.

JANIS KARKLINS: Yeah, I think it makes sense. And again, you can always argue that you can have audits performed by a team of auditors, 21 persons in the team, or you can do it by one person just looking if things work well, fine, come back in three months and, again, for a cost estimate, there should be kind of a common sense approach taken and ICANN has the auditing history or practice and experience, so that shouldn't be much difficult. Marc Anderson.

MARC ANDERSON: I have no fault in Berry's logic there, I just want to note Sara made a comment, the registrars, that this should be defined in policy, and I think maybe that's a good point that we should consider.

JANIS KARKLINS: Okay. Nine?

MARC ANDERSON: I can just jump right in. I think the same applies to nine, jump right to ten.

JANIS KARKLINS: Yeah, the same applies. Ten?

MARC ANDERSON: Same.

JANIS KARKLINS: Ten, same. 11? Probably the same.

MARC ANDERSON: Yeah. There's a bit more in there. Hats off to Berry for the work he did here again, but yeah, at the end of the day I think let's go with that for estimation purposes.

JANIS KARKLINS: Okay. 12? Again, since accreditation always incurs costs, we should not be too demanding, but also, we should not be too relaxed, and then from my perspective, two years, that would be fine, unless there are allegations of abusive behavior. Okay, 13. Marc Anderson.

MARC ANDERSON: I'm back on 12. I'm wondering if there's maybe a need to differentiate between accreditation for government entities versus accreditation for nongovernment entities, and I'm maybe thinking out loud a little bit here, but my thinking is that government agencies maybe will be reaccredited less often than nongovernment entities. I'm curious whether there's thoughts around that one.

JANIS KARKLINS: Marc, we will not know what the accreditation process within jurisdiction—how this will be organized, so that is the national question, sovereign sort of system that will be put in place. And through the GAC, ICANN will be notified that these are your

contact points and they will be the ones who will send requests or through whom they will send requests, or they will deliver those accreditation tokens.

So we shouldn't be worried about that part. ICANN will accredit the entities, so that will be cost that will fall in ICANN's remit. And then here is if we put the accreditation every year, it means that every year, adding a cost. And if companies, known and good companies—do they really need to go through every year the pain of accreditation? Every two years is already good enough. All of us, we get passports for five years.

The reaccreditation probably means do the same paperwork that is for accreditation, but of course, you just pull out the old file and update it, it's not the same. So the first time to get papers, that's one thing. Then it's copy paste. But still, it is time consuming and somebody will need to receive those papers, examine them and put the stamp on. Francisco.

FRANCISCO ARIAS:

Thank you, Janis. One of the things that we were—so we have more questions than the ones we sent to you regarding the model. We only sent you the questions that affect the costs, but there are other questions that we have. Maybe I'm getting ahead of myself and this is not really the time to talk about these, but you just mentioned something that is answering one of the questions we had, which is how is ICANN going to know who is the accreditation authority for a given control territory. I think you said that ICANN will learn that through the GAC. If that is the case, it would be great to have that in the paper. That will solve one

implementation question that again is not affecting the cost but is certainly an implementation question that we are going to have.

JANIS KARKLINS: Yes. So, can we settle on two years—unless there is allegation of abuse—instead of one year as Marc is suggesting? Okay. Marc, are you still on? You're not reacting anymore.

MARC ANDERSON: Sorry. Two is fine for estimation purposes.

JANIS KARKLINS: Okay. Thanks. 13. I think that, again, please apply common sense that we had already this discussion, what is the business day. 14. Okay, that is also kind of from the policy. 15. Any problem with 15 answer? No. 16? So any problem with 16? No. 17? No problem with 17? Mark SV.

MARK SVANCAREK: I think rather than say a small subset of requests are probable candidates, I think it's a subset of request categories are candidates for automation. So when you look at the use cases that we've discussed, records which have already been disclosed and contain no personal data because they're privacy proxy or they're corporations or something like that, that could be a sizeable percentage of the actual requests, but it's only one of the request categories. So that's the only comments I had here, is the edit you've just made.

JANIS KARKLINS: Okay. 18. No comment? 19, Eleeza.

ELEEZA AGOPIAN: Hi Janis. Sorry to interrupt your flow, I just wanted you to know that both myself and I think Francisco need to drop in the next minute or so. I apologize, I know this is important, but I think [inaudible].

JANIS KARKLINS: Yeah, we're going over time, so that's understandable. That's why I'm rushing through the text, because I want to close it down today. So, 19. Any issue with ... Eleeza.

ELEEZA AGOPIAN: Yeah, if I may, just because Aaron also needs to drop, we had a couple of specific questions on I think number 23, and I think one or two other ones that we would be happy to send back to this group or to put it into this Google doc. It might help to do it collaboratively and offline if that would make things easier and help the team to wrap this up.

JANIS KARKLINS: Okay. Since we're half an hour over the time limit and many people are dropping, let's do it this way. From 19 to 23, ICANN Org, please, if you have any specific questions, comments, please let us know as soon as possible, and we will try then to turn around quickly responses on those comments, and our aim would

be to put this for consideration of the team on Thursday that we could submit the answers to you on Thursday. So that's my suggestion.

And with that understanding, thank you very much for the participation, and this call is over. Have a good rest of the day.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned. Please remember to disconnect all remaining lines, wash your hands and stay safe [inaudible].

[END OF TRANSCRIPTION]