ICANN Transcription

IDNs EPDP

Thursday, 01 June 2023 at 12:00 UTC

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DEVAN REED: Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP call, taking place on Thursday, 1 June 2023 at 12:00 UTC. We do have tentative apologies from Edmon Chung, and Maxim Alzoba will be joining late.

All members and participants will be promoted to panelists. Members and participants, when using the chat, please select "Everyone" in order for everyone to see the chat and so it is captured in the recording. Observers will remain as an attendee and will have view access only.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. If you need assistance updating your statements of interest, please email the GNSO Secretariat.

All documentation and information can be found on the IDNs EPDP wiki space. Recordings will be posted shortly after the end

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of the call. Please remember to state your name before speaking for the transcript.

As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. Thank you, and back over to our chair, Donna Austin. Please begin.

DONNA AUSTIN: Thanks very much, Devan, and welcome, everybody, to today's call. And welcome back to Ariel and Dennis, who were taking vacation. Good to have you both back. So I don't have much by way of updates this week. The public comment period for the Phase 1 report has been changed on the ICANN website, and that's now 19 June. So we've extended that by two weeks. So please feel free to let those in your groups that get the pen on drafting those comments, that they've got an extra couple of weeks to do that.

So I think unless there's any other updates, I should be providing Steve and Ariel. So as you all know, we have four sessions pending for ICANN 77. We haven't developed a schedule yet, but the leadership team will be working on that in the next week. So obviously some of it depended on how much we got through in the charter two questions in the last couple of weeks, and we've done extremely well. I don't think we really expected that we'd be this far. So that has some impact on what we will discuss at ICANN 77.

The plan was that we would use ICANN 77 for starting the charter two questions. So the fact that we've got through the harmonization topic and we're making some progress through C1,

2 and 3 is also really good news. So we'll just continue on with the phase two questions, or at least that's the plan, and then hopefully we can by the end of that we'll be in really good shape with phase two charter questions, and then we'll have to go back to phase one as we deal with the public comments that we receive. So the plan is to make as much progress as we can on the charter two questions in DC when we're there in two weeks' time.

So with that, I'm going to hand it back to Ariel, and we'll do a recap of our discussions last week, and finalize some of the issues that we were discussing last week, and then we'll move into discussion of C3 and C5, which are about ROID. So with that, Ariel, are you right to drive?

ARIEL LIANG: Yes, and I just pinged you on the message about something else to perhaps provide an update for the membership refresher, but I don't know whether you want to mention any of that.

DONNA AUSTIN: Yeah, sure. So I don't know whether folks are aware or not, but we did, leadership team did reach out to all of the chairs of the respective groups that have provided members to this group just to reconfirm or provide an opportunity for an update on the members to this group, and we have heard from most, but we haven't heard from the NCSG or the IPC yet. So if we have any members from the NCSG or the IPC on the call, if they could just remind their chairs to respond to that email, that would be very helpful to us. And from those that we've heard from, I think we will have some changes with our GAC representation, but we won't

know that until after ICANN 77, and I think the others are just reconfirmed, which is great. So with that, back to you, Ariel.

ARIEL LIANG: Yeah, sounds good. So the first portion of this meeting is to do a recap of our discussion of C1 and C2, and I understand that there are still some parts that the group hasn't reached a conclusion, and we also recognize last week's meeting didn't have everybody attending, of course, so we cannot say we have reached agreement without circling these preliminary agreements for the group to review again with a fuller membership. So that's the purpose of doing this, and of course, I captured these based on the update from Steve and also discussion with Donna, Justine and then listening to the recording. So if there's anything that's not super precise, I will appreciate folks to speak up and try to provide input.

So this is just a quick reminder of what C1 and C2 charter questions are about. So they're basically about the same entity requirements at the second level, and then C2 has the two parts. Part one is basically asking whether same entity means same registrants at the second level, and then part two is about the activation rules for varying labels at a second level, whether there's any change needed based on the same entity requirement.

In fact, I thought part two will be tackled later together with the domain name lifecycle or domain behavior related questions, but I think it also makes sense to just work on that now, and I'm glad the group made progress kind of faster than I initially anticipated.

So that's the question, and then the green box you're seeing right now is the summary of a preliminary agreement that I heard in the

recording, and I also have a question for the group as well. So the first agreement I heard is that at the principle level, the group agreed to extend the same entity requirement to existing second level labels, and the second agreement is that same entity at the second level is defined as the same registrant. So these are the principle agreements, and then the third agreement I heard is related to part two of trial question C2. It says second level variant labels may only be activated if they're registered to the same registrant.

However, the part I wasn't completely clear is whether the canonical name part comes into play, because if you look at the contractual language in the registry agreement, if you look at 2.2, it says variant IDNs may be activated when requested by the sponsoring registrar of the canonical name as described in the IDN tables and IDN registration rules, and then 2.3 also mentioned about canonical name. So I wasn't sure whether the group has confirmed it's the same registrant of the canonical name or it doesn't matter. So that's why I highlighted this red part and put a question mark here. But I think at least the group do agree that the variant labels may only be activated if they're registered to the same registrant. And it's just for the registrant part, we probably need to have some further clarification.

And then the fourth agreement I heard is some exceptions to the rules, basically grandfathering the existing second level variant labels if they are already registered to different registrants and allow them to continue to exist. So that's the four preliminary agreements I heard, but I think the third one may need to be fleshed out a little bit more.

And before I turn the floor back to the team, I just want to mention about the diverging opinions that I heard in the call. It's regarding the variant label activation of the grandfathered second level labels. So it's related to the fourth bullet point above.

So the first opinion I heard is that—I think it's the majority of the team, but at least many of the members support not allowing further activation of variant labels at the second level until only one registrant remains for the variant label set. That's for the grandfathered existing second level variant labels. So this allows further activation.

But then there's also an opinion, I think, notably mentioned by Maxim, is to actually allow further activation if one registrant among all these grandfathered second level variant labels requests to register another variant label. So allow activation. And so these are the two opinions I heard and I will welcome the group to provide more rationale behind these opinions, especially the second one. And I think that's where the conversation kind of stopped. So I will pause here and give the floor back to the group and then also give the floor back to Donna for running the queue.

DONNA AUSTIN: Thanks, Ariel. So, we have a couple of people in the waiting room. So if you haven't received a nudge from Devan to come into the room proper, I don't know how you let us know but so just keep an eye out for that. Devan, can you just come on the mic and let me know whether you've pinged Nitin and Peter? I think they're both eligible to be in the room.

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DEVAN REED: Yes, I have.

DONNA AUSTIN: Okay. So I know, and this is probably your first time in the group and you're appointee of the ISPCP. So in order to join the room, you will get a ping from Devan. And you need to hit that. Okay, great. So Nitin's in. And Peter will be the same. So I think we're okay to go. Sorry for that little delay. And Dennis, go ahead.

DENNIS TAN: Thank you. I was not present last meeting and I heard the recording yesterday. So I think it's a fairly fair recap of the discussion. Just a clarification question on bullet number three. I think that's correct in terms of the principle of cemented the requirement of registrant, but has there been a discussion as to who is to enforce this, or it's going to be talked about later? I'm talking about whether registry or registrar is going to be enforcing the same registrant. But just a question whether that's [inaudible].

DONNA AUSTIN: From memory, Dennis, we haven't discussed that. So I guess what we're trying to do is get agreement in principle on the idea. And then we have to work through a little bit of discussion about how that would work. Last week was a long time ago. So maybe we did have that discussion but I don't recall it. So if anyone else has a better memory than me, but I don't think we discussed who would be responsible. Anyone remember?

Okay, we didn't discuss. That's good. My memory is not failing me just yet. So that's something we can certainly discuss, who would be responsible and how that would work.

On the grandfathering for what Ariel identified as item four, so we did agree in principle that to grandfather existing second level variant labels if they are already registered to different registrants and allow them to continue to exist.

Where we had some discussion was what that grandfathering really means. So, obviously, we can grandfather those variant labels so that they can still exist, even though they have different registrants. But I think where we started to have some disagreement is what happens if one of those registrants wants to register another variant in that group at the second level. So would that be allowable or not?

And as Ariel characterized it, I think it was most in the group were in favor of not allowing additional registrations within that variant set regardless of who was trying to register. And then I think maxim and I, and certainly myself, I had some sympathy for this, is, does it really break the principle of the same entity requirement if you or two or three registrants of a variant set, If one of them wants to register another string in that group or even if two or three?

So I just wanted to kind of take that discussion a step further and think about what the consequence of that would be. My concern I suppose is the impact on the registrant. So, are we disadvantaging existing registrants if we wanted to just say that within this variant label set, there can be no more registrations because we have two different registrants, or even three within

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that variant set? What's the consequence if we say we can't go down that—we don't think that would be good policy to allow additional registrations, or if there is, one of those registrants wants to register a further second level domain within that variant label set, what's the harm in allowing for that? So whether that's problematic for the registrant or problematic for the registry of the registrar and trying to manage that. So Sarmad, go ahead, please.

SARMAD HUSSAIN: Thank you. This is Sarmad. Just to add a bit in the direction of what you're suggesting, Donna, I think one of the things to look at is what is the motivation behind same registrant concept. And I think the idea is that if the two variant labels which go to different registrants, that causes a potential confusion for end users because apparently quote unquote it's the same string, because it's a variant, but it is being used by two different people or registrants, from the point of view of end users.

And that can minimally cause some end user confusion. But of course, if that's allowed maliciously or if it's being used maliciously, it can actually cause real harm to end users. Because of phishing kind of issues. So minimally confusion and obviously more broadly, it can cause some security issues for end users.

What I was going to add was that by allowing another name registration in the same way, I guess what we're doing is we are increasing potentially the end user confusion. Because now there are more labels, which are being registered, which can cause confusion in the DNS, and potentially also more security issues. Just wanted to add that. Thank you.

DONNA AUSTIN: Thanks for that, Sarmad. And I think from memory from the conversation we had last week, we don't have a great deal of data around existing second level variant labels. And I think you identified one example, Sarmad, but we didn't have many others. So, one of the challenges that we have with 4 is we don't have a lot of data. So we don't know what's the volume of the problem that we have with existing second level variant labels that are currently registered to two different registrants. So we don't have a number for that. I think we might, I don't know whether we noted this in the call last week, but given we don't think it's been identified as a serious problem because if it was, I think we would know a little bit more about it than perhaps the number of registrations that fit into that category is probably small anyway.

So just to, I don't know, reenergize the discussion from last week, but now that we've had a week to go away and think about it, does anybody have any additional thoughts on the idea of grandfathering. Dennis?

DENNIS TAN: Thanks, Donna. I just want to caveat my following remarks as still preliminary and forming an opinion, but just want to offer this insight. So thinking with the end goal in mind, where we want to, we're discussing the same entity principle and the same entity at the second level being the registrant and whatever definition form registrant takes, but registrant equivalency for that matter. Registries and potentially registrar will need to change their system, how to behave, right? Thinking about, for example, managing the life cycle of variant sets, labels, transferring between registrars and ensuring that the same entity principle is maintained throughout the life cycle of the variant set. So in that

regard and taking into account, right, the registries and registrar systems are very complex systems that we want them to work in automated fashion at scale, it's going to be very difficult to cater for what I'm referring to as edge cases, meaning the existing variant domain that may be going to different registrants.

So in that regard, I think it's going to be easier for the systems to manage one set of rules and potentially they will need to work on exceptions, but provided that those exceptions do not grow over time, rather they are minimized over time. And so I think in that sense, I think option one makes the most sense. Whether we want to make it policy or let that decision making to their own registries and registrars to make their own decision as to what makes sense to them. I mean, that's a different discussion, but I think thinking with the end goal in mind, I think that's our driving principle. I think Justine alluded to some of that, but that's our driving principle and that's where we want to be. So, well, I just wanted to offer that. Thank you.

DONNA AUSTIN: Thanks to that, Dennis. Satish?

SATISH BABU: Thanks, Donna. So first of all, the very reason why we agreed on the same entity principle was to minimize or completely avoid user confusion. So anytime we break the principle, user confusion is bound to arise. So now this is an exceptional case when there are already two registrants that are using, I mean, to whom these variants have been registered. So we try to grandfather them.

Now, grandfathering is not an ideal situation. It's not even a desirable situation. I mean, I'm not an expert, but this is what I understand. So we do not want more complexity by adding one more grandfathered variant. Because we are adding to the total complexity, we are adding to the total length of the time that this deadlock will remain. So it is best to kind of resolve this as soon as possible and to minimize any addition to the problem. So in my opinion, even if there are additional variants available, they should be blocked and not be allowed to be registered to either one or the one or two, whatever number of the existing registrants. Thanks.

DONNA AUSTIN: Thanks, Satish. Jennifer?

JENNIFER CHUNG: Thanks, Donna. I agree with what Dennis said earlier about the operation side of things. And I'm actually now thinking more on the lines of if we're looking at Opinion 2, how will that work if both registrants want the same variant? We will come into another kind of conflict where how will we decide? Is it going to be a first come, first serve? It just becomes a much more complex situation where it's, aside from all the reasons that both Satish and others have already mentioned, minimizing user confusion and minimizing the grandfathering situation, there's also the point where who is going to adjudicate when this is requested? This should be something that is a routine activation. But if there's already two different registrants, then this becomes a lot more complex. Thank you.

DONNA AUSTIN: Thanks, Jennifer. So, excuse my ignorance, but our registry and registrar operators. So what's the current situation? So obviously when somebody requests a domain name, they go to the registrar and then the registrar checks with the registry operator whether it's okay for the variant to have the IDN at the second level, or is it, or at the moment, is it just there's no need to double check with the registry operator? It's just, you can allow the registration of the name, provided it hasn't been offered somewhere else? Michael?

MICHAEL BAULAND: Yes, thanks. To answer your question, Donna, the current practice is usually that if someone wants to buy a domain, whether it be an ASCII or IDN domain, they could go to a registrar and they usually send a so-called domain check command via EPP to the registry. And the registry then responds to that check, whether that domain is available or not. And depending on that response, the registrar then registers the domain for the registrant. Thanks.

DONNA AUSTIN: Thanks, Michael. So I don't see any more hands, there's been a little bit of chat, but I think that the chat is really to support Opinion 1. So I think the idea here with Item 4 with the grandfathering is that for the purposes of what we're doing—so we all understand that it's going to take some time for our recommendations to go through the policy mill. So in maybe two years' time, if I'm being optimistic. So in two years' time, the policy would be that second level variant labels that are already registered to different registrants will be allowed and continue to exist. But those registrants will not be allowed to register further variant labels in that specific set. So I think that's where we are.

If I can kind of lean on my registry and registrar colleagues here. If we just take this item for a step further. Dennis, you mentioned the lifecycle of a domain. So, what happens when a registrant will register a name for X period of time—is there any problem with those two registrants renewing the labels that they have, or is it just that the labels can exist for the period of time that the original registration was for? I don't know if we can think a little bit further about the impact here on the lifecycle of the domains. Michael.

MICHAEL BAULAND: Yes, regarding the lifecycle. I think renewals should be possible because most of the registries, and I think all gTLDs are required to have an auto-renew mechanism. So registrars and registrants can depend on their domain to exist until they actively delete the domain. And if we would break that principle to say that in case of this grandfathering process, one of the domains may not be automatically renewed, that would cause real problems. And how would you decide which one you would want to take away the domain? So renewals and auto-renewals should continue to be possible even for domains which need to be grandfathered. Thanks.

DONNA AUSTIN: Well, I guess the question is, do folks agree with Michael that the grandfathering does not prohibit the continuation of those strings that belong to different registrants? Because that will be the normal lifecycle if they were to renew it and that's not going to get in the way of that.

And the reason I ask that is because when we say grandfathering. I think we need to be pretty specific about the longer-term impact

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on the string. So we don't want folks to assume that grandfathering means that once your current registration period runs out, that's it. Then the grandfathering period is over.

So if folks are okay with what Michael is describing, then I think it would be good that we actually record that. Any objections? Okay, so Dennis is saying that renewals are permitted.

All right. So I think what I want to do is just make sure when we write this up that we made that point with the grandfathering piece so that it's not something that comes back in implementation where they ask questions about what about renewal. We can say we thought about that, and renewals are okay.

Okay, where does that leave us, Ariel? are we good to move into whatever comes next?

ARIEL LIANG: Actually, I think for the item three, the summary of preliminary agreement—Michael, please go ahead.

MICHAEL BAULAND: Just a quick comment. When we talk about the renewals, I think that this also means that transfers will be allowed and not under restriction. So if one variant belongs to registrant A and registrar A1 and the other variant belongs to registrant B and registrar B1, then both registrants are free to transfer their domains to any other registrar. I just wanted to check that the team is okay with that one too.

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DONNA AUSTIN: Thanks, Michael. So we've got renewals and transfers and I guess there's a number of stages in the life cycle of a domain. So are there any others that we just want to call out? The intention with grandfathering is that this has x impact, y impact or no impact. Yes.

DENNIS TAN: Thank you. Just reacting to Michael's point. I don't think we need to be that prescriptive, I think, but just stating that renewals are permitted for these grandfather names. But the end goal is the same entity principle. Whether that domain is specifically needs to be transferred, let the registrar solve for that. Provided it's renewed. So just first reaction because otherwise I think our policy recommendations are going to be very difficult to craft that language to come up with all these cases for grandfathering names. Thank you.

DONNA AUSTIN: Yeah, thanks, Dennis. And I think we do have a chart a question about the impact on the domain name life cycle. So maybe that's where we should be having this discussion. Ariel, is it to this point? Or we go Michael and Hadia?

ARIEL LIANG: Yeah, it was to this point. And it's exactly the next question after ROID, that's exactly the next set of questions that the group is tasked to deliberate.

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DONNA AUSTIN: Okay, so maybe we can hold that discussion. But then it doesn't hurt to have these discussions along the way. Michael?

MICHAEL BAULAND: Yes. I just wanted to mention why I brought up the transfer point, because we not only have the restriction to have the same registrant, but we also have the restriction to have the same registrar. And in that case, we could have a situation where the variants belong to different registrants, but are with the same registrar. And then if we allow transfers, that would mean we also allow those grandfathered domains to have different registrars, even if they didn't have them before. But I still think it needs to be done, because otherwise, we would restrict the registrants too far, because they suddenly wouldn't be able to change the registrar anymore. And we certainly don't want to push that. Thanks.

DONNA AUSTIN: So I guess Michael, is the point you're making that with grandfathering, it's not just about allowing the registrations to exist, but whatever the rules were at the time that they perhaps purchase the name, then they are the rules that continue to exist throughout the life of that domain?

MICHAEL BAULAND: Yeah, more or less like that, that they must not be restricted in the way where they want to host their domains, where they want to have them. That kind of thing. Yes.

DONNA AUSTIN: Okay. All right. Thanks. Hadia.

HADIA ELMINIAWI: Thank you. I raised my hand to go back to the part about the size of the problem. So I guess there is sort of consensus that the way forward is grandfathering. That is option one, because it makes sense and it aligns with the principles that this group adopted.

However, knowing the size of the problem is important. Not to decide now an option one or two, but also to know the impact of existing cases. So for At-Large, for ALAC, we focus on the interests of end users and we don't want users to be confused. We want them to be safe online. And so knowing the size of the problem lets us know the impact of existing cases or the possible impact of existing cases on the ecosystem.

Again, this is not related to option one or two. And I'm not sure if it's even related to one of the charter questions. But I think having some indication of where we are is good. Thank you.

DONNA AUSTIN: And thanks, Hadia. So I mean, I don't disagree with you. I think data might have been helpful to us in this instance. But I think Dennis noted in chat that the effort to get that data probably outweighs the benefit that we would get from it. I think based on what Sarmad presented last week, this is a small problem. It's not something that probably there's a lot of at the moment. So the grandfathering that we've put in place here is probably for a very small number of registrations. And I think to Sarmad's point about the concerns about user confusion and even the possibility of malicious activity, if a domain's been registered for a long period of time, and it's in use, genuinely in use, then I don't think there's a problem. If it was being used for malicious behavior, it probably

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would have been dealt with already. So I think what we're dealing with in four is a small number. And I think to Michael's point, in considering pieces of the domain name lifecycle, I think the point is that for the purposes of this grandfathering, it is for those registrants who own those names at the second level, whatever the rules were when they purchased those names, those rules continue for them into the future, they won't be caught up in new policy. I think that's what I heard from Michael. And I think that might have been what Dennis might have been suggesting as well. So I think that's where we are in the grandfathering. So does that seem okay to folks? All right. So let's move on, Ariel.

ARIEL LIANG: Thanks, Donna and everybody for the discussion. Sorry for going back to the point three in the summary slide. And I just want to confirm about the canonical name piece, whether that matters, because given our current discussion, the further activation of additional variant label in the set would disallow if there are two or more different registrants that registered labels in the set. So that's the case. And then I guess for if activation is allowed, that means the registrant has only one for the entire set. So I think that's what I heard. And I'm just wondering whether the canonical name part still matters, because in the current contractual language, it was mentioned. So I'm just wondering whether we don't mention this at all and just figure out during implementation or do we need to specify anything? And I see Satish has his hand up.

SATISH BABU: Thanks, Ariel. You bring up an interesting point, because right now these are two equally, what should I say, valid and relevant registrations, the labels. But the moment you do a variant analysis on them, one of them has to become the primary. So we don't

know how that process is going to work and which one among the two is going to become primary. And that would automatically mean that the other, the owner of the variant label will be disadvantaged. So that's an interesting problem. I'm not sure what the answer is.

DONNA AUSTIN: Satish, are you talking about the situation where we have two registrants within the variant set or are you just—

SATISH BABU: Right. So I'm talking about the situation where currently there are two people who are registered, two registrants, who actually without their knowledge, they actually registered variants of each other. Now at the time that they registered, there was no such thing as variants. Now we are bringing variants into the picture. The moment we do that and we use the root zone LGR, the LGR is going to say, so I'm not even sure what will you be feeding into the LGR as the primary. So only one of them can be primary.

DONNA AUSTIN: Right. So to be clear, at the second level, it's not the roots on LGR that—

SATISH BABU: Yeah. So I'm assuming there is some process like the LGR where we had discussed briefly, I think Sarmad had mentioned that there is some equivalent to that. I'm assuming—maybe I'm wrong.

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DONNA AUSTIN: Yeah. Dennis has his hand up, so maybe he can enlighten us. Dennis.

DENNIS TAN: Yeah. Thank you. I just want to react to Satish's remarks. At one point, domain names not being variants and ... I don't think that's the case here. We're talking about second level domain names and the second level domain name rules are based off the IDN tables published by the registry operators, right? So if those domain names were registered as variants of each other, that's the case that we're talking about. It's not that this policy will make domain names today existing domain names today, second level domain names, variants suddenly just because of whatever policy we make here. That's always a policy by the registry operator at the time of registration. So I think that maybe that's important clarification that we need to make here so everybody's clear. We're talking about variants at the second level that at the point of registration were variants of each other, right? And allocated to the same registrar and we don't know if they assigned it to different registrants. I just wanted to make that clear.

DONNA AUSTIN: Thanks, Dennis. So going back to Ariel's concern about the canonical name, is that an issue or it's just a bit of a red herring because canonical is actually mentioned in the contractual language? I don't know that it's necessarily something we need to worry about here. Do you want to flick to the next slide, Ariel?

ARIEL LIANG: Yeah, the next slide doesn't really apply anymore because the group has reached agreement on the grandfathering piece. This is just to tease out the—

DONNA AUSTIN: The slide that we were on before.

ARIEL LIANG: Right. Okay. So I don't think there's anything to be done with item three. So Dennis is agreeing that he doesn't think we need to worry about the canonical name designation. Okay. So Justine, is there anything further? Justine is asking what's the impact of inserting or omitting canonical name?

JUSTINE CHEW: I think Dennis has answered my question.

DONNA AUSTIN: Right. Okay. So it doesn't matter. All right. Let's move on. Okay. Sounds good. Thanks, everybody, for the input. And glad we have tackled this. And I just briefly mentioned this slide was set up to discuss the two opinions for the grandfathering piece. And I laid out two scenarios for the group to consider. But I think we have basically reached a conclusion that no additional variant label from the set will be activated. So those two scenarios would not really cause issues anymore. So I don't think we need to go over the slide for this one.

DONNA AUSTIN: Let's move on.

ARIEL LIANG: Okay. And these are just background. So I think we have basically wrapped up C1 and C2 for both parts of C2. So great job, everybody. And then now we can move on to C3 and C3A. It's a discussion of ROID. And I will provide some background information on this. And of course, I give kudos to Steve for doing the prep for last week's call. And then a lot of the content comes from his slide. But also I checked the staff paper and did some of my own analysis. So we also have experts in the room such as [inaudible], registry, registrar folks, plus Sarmad and Pitinan, and they can provide additional input if any of the point wasn't covered precisely. So I'll just provide that caveat and hopefully we can provide at least a sufficient context for the group to start a discussion.

So C3, this question is basically about mechanism to identify the same registrant because based on group discussion, we have confirmed that same entity principle applies to second level and same entity means same registrant at the second level. So now this question is about how to identify the same registrant.

And the question itself is asking, what is the appropriate mechanism? And then in the context of this question, we provided the recommendation from the staff paper, which is to use ROID to ensure the same label beneath all variant labels or the second level variant labels are allocated to the same entity. And however, staff paper recognized that in practice, this may not be very easy to do. And then we'll provide some further detail on that.

So then the last paragraph of C3 is asking, is ROID a reasonable mechanism to determine the same registrant at the second level? And then also, if not, what mechanism or function can be used to identify the same registrant? So this is the core of the question is asking for mechanism.

And C3A is the question of C3, but it's conditional upon agreement. If the group decides to recommend ROID as the mechanism, what additional requirement may be needed to ensure the same entity principle is followed? So this is the summary of the question. And now I will provide some background on these two questions.

In the staff paper, in fact, there are four different mechanisms the staff paper discussed. The first is using ROID. And now I think I should provide a full term. It's the repository object identifiers. That's the full name. That's the first mechanism.

Second mechanism, staff paper discusses having all registrant fields to be the same, but disregards the usage of ROID. So not to use ROID specifically, but have all the registrant fields to be the same.

And then the third mechanism is having a core subset of registrant fields to be the same. So not all fields, but the core subset of the fields related to the registrant to be the same.

And then the fourth mechanism is requiring a cryptographic probe to ensure the same registrant. And to be honest, I don't quite understand this mechanism, but actually in the staff paper, it says this mechanism is way more complex to implement compared to the previous three. And it doesn't really yield a consistent result or

it's just not very implementable. So actually it shut down the fourth mechanism pretty quickly in the staff paper.

So what staff paper recommends is using option one, but it doesn't preclude additional mechanisms if our working group decides to recommend some additional ways to achieve the same result. So that's a context from the staff paper.

And now I just want to provide some additional detail regarding the ROID, what it is about. So the ROID in essence is a globally unique identifier that is assigned by a registry to a contact object. So the contact objects can be an admin contact object, tech object, or a registry registrant object. So when the object is created, it gets an ROID that's assigned by the registry.

And if you look at the screenshots on the right hand side, you will see this is a query of a domain name and then the data associated with that domain name and the highlighted parts are basically ROIDs. So there's a registry registrant ID. So that's probably the key ROID the staff paper is recommending is using this registrant ID to identify the same registrant. And then there's also admin ID and tech ID. So there, these are all ROIDs.

How ROID is created, it's basically created by the registry, but they generate the ROID via its repository. And actually, I do need some help from experts in the room to explain what repository means. But based on my understanding is the repository is something registered with IANA to identify a specific registry. And then that repository can encompass one or multiple gTLDs that's managed by the registry. But actually, Maxim, I don't think that's true because some registry may decide to use the same repository to encompass all of its TLDs. But I do welcome experts

in the room to confirm that it's based on registry's choice, not specifically one repository per TLD. That's what I learned.

And then in terms of how ROID looks like, as you see on the right-hand side, the screenshot, it's a series of numbers that's on the left hand side, that's a local identifier for a contact object. So this series of numbers assigned by the registry, plus hyphen, and then plus the registry's repository identifier. So that's how it looks like.

And then how the ROIDs are used currently. So basically, the registry agreement currently requires the use of ROIDs for some instances, such as the RDS, or WHOIS Output, Data Assist Group, BRDA, I don't know exactly what BRDA stands for, but it's one of the functions that ROIDs use and the EPP, and also Trademark Database List of Registered Domain Names. So ROIDs have already been used for some instances, and then they're required in the registry agreement.

And another piece to note is ROIDs are stored in the shared registry system with the acronym SRS. And then this system is maintained by registries, but it supports the usual business functions of domain name registration services by registrars. So registrars have access to the SRS, and then they will see the ROIDs, and the ROIDs are maintained by the registries in that system. So that's, yeah, thank you, Donna. The BRDA is Bulk Registration Data Access. I think I should know, I really didn't remember the full term of this, but thanks, Donna.

So that's a really general background of ROID. And then I just want to quickly go over this slide about the potential benefits and drawbacks of using ROIDs for identifying the same registrant. And

this information is partially gathered from the staff paper. So staff paper actually already identified some benefits and drawbacks.

So in terms of the benefits, ROID is a globally unique identifier. So it has a benefit by nature because it's globally unique. And it's generated by the registry's repository for all of the gTLDs it manages. So if you use the ROID, you should have a basic confidence that it should point to the same contact object within that registry. So you will have that level of assurance.

And also another benefit is that ROIDs can be verified by a third party if they have access to the RDS or WHOIS. And if they verify that, it only requires verification of one field, which is basically the registry registrant ID. And then that's the highlighted part in this screenshot. So using ROID has these benefits, but happy to hear input from the group whether you see other benefits for using ROID.

However, there are some drawbacks of using ROID to identify the same registrant. The first or the key part is that in a registry agreement, there's only a requirement to use unique per object ROID. So the object can be registrant, can also be tech and admin. So it didn't really say it has to be unique per registrant ROID. So there's no such a requirement in the registry agreement.

So as a result of that, the same ROID may not be assigned to the same registrants by the registry. It really depends on the fields that particular domain relates to, like the fields that filled out for the data. So maybe I'm not explaining his point very well, but the key takeaway is that for the same registrant, it may not have the same ROID that's related to the registrant within that registry.

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And another drawback is that registrars may not use the same contact object for the same registrant for different registrations by that registrant. So there's also an existing challenge already regarding using ROID to identify the same registrant at the registrar level. So there's some challenges of using ROIDs.

So I think I will stop here because we did go over quite a bit about the background and I know Maxim has his hand up for a while. So welcome Maxim and others to chime in to provide more details on this background

DONNA AUSTIN: Ariel, can you just take the slides back to the charter question, please? Okay, thanks. I know this was a lot to take in, particularly the stuff about ROID, but maybe we can concentrate on certainly if our registry and registrar colleagues want to add anything to Ariel's information about ROID itself. But there's a part of me that thinks this is an implementation question, but we specifically have a question here about whether ROID is a mechanism to identify [registrant] and the same entity. So let's discuss that. So Maxim, go ahead, please.

MAXIM ALZOBA: First of all, let me speak about ROIDs. The thing is those identifiers are unique and unique per object. And we saw compliance tickets because in escrow uploads of registry, ROIDs were reused for different objects. And thus, we assume that it cannot be the same ROID for the registrant for different registrations. It's first.

And also, it's a reading of ICANN that ROID can be reused for different registrations. I remind all that reading of a contract is up to party to a contract, not to a single party, but to both parties. So registries have own reading.

Speaking about same ROIDs for different registrations, it will compose tracking means and tracking of a person's behavior is against privacy laws, such as GDPR.

The third thing, speaking about ROIDs and IANA, only the bit of text which included in the ROID is registered with IANA. For example, some registry has three or four or five letters of some sort, which included in all their ROIDs. That's it. In IANA repository, you cannot find anything more than those few letters. So complete ROIDs have nothing to do with IANA.

And also, the situation where the ROIDs unique per object, I remind you that different registrations are different objects in database. And it means they will have to have all ROIDs unique. So the different ROIDs for the same registrant, even in the same registry, are going to be different.

But since we have a restriction that all registrations of variants in the set have to be done by the same registrar, it should be checked on the registrar level, because registrars, they have means to verify who the registrant is. They can ask for passport, for ID, for the invoice from the postal company or something. So to verify that it's the same person or the same entity. And it's the point where you can establish that.

And speaking about similar text in the registration fields, I think it is not going to work. For example, some mail systems, they see email strings with dots in it, in the left part of email, as strings

without dots. So for example, if you put into your Gmail email account dots after each letter, it's going to accept it, to be accepted the same way as your usual email. That's it. So it's not unique. Or if you write the postal address bit differently, like instead of street, you will add str. and same street name, or maybe different pronunciation of the street. It's going to be the same address, but it will be different from the point of view of text string. So it's a bad idea.

I recommend to use registrars to identify that it's the same object, because they have the means to do it, unlike registries. Thanks.

DONNA AUSTIN: Thanks, Maxim. And Michael?

MICHAEL BAULAND: Thanks. I want to respond to some of the points Maxim said. One point about the tracking, I don't think this is an issue, because registries under GDPR can just not publish the ROID in the WHOIS, and in that case, there's no tracking across registrations.

And the second thing, where Maxim said that it's not possible to have two domains having a registrant contact with the same ROID. That's not the case. You can surely reuse ROIDs. That's what we are always doing, and there is no issue in having multiple domains using the same registrant contact, and that one having the same ROID. Surely the domains themselves must have different ROIDs, but that's a different topic. Thanks.

DONNA AUSTIN: Thanks, Michael. Sarmad?

SARMAD HUSSAIN: Yeah, just to sort of add to this, currently there is, I guess, no policy requirement that the variants have to be registered through the same registrar. So, registrant actually can go to different registrars and register variants of a single domain name. I guess that's a question for this working group, whether a same registrar requirement should also be added, but currently I think that is still open. Thank you.

DONNA AUSTIN: Thanks, Sarmad. I'm not sure where we are, folks. Ariel, can you get back to the charter question, please? So, I guess, putting ROID aside, is there a mechanism that we could decide would adequately do what needs to be done here, or is this like some of the conversation we had with harmonization that this is for the registries and registrars to decide how to implement? So, Dennis, Satish, and then Michael.

DENNIS TAN: Thank you, Donna. Within the small support team of the CPH tech ops group, we have some preliminary discussions on whether the ROID is the solution. I think it has been noted in the past that this is not a common practice among all registrars. And so, whether to have a single implementation across the industry, which it has, potentially, its benefits, it will come to a cost of implementation and enforcement. So, it will add costs to implement that, right? Because you will not do that just for IDN, but you have to do that for across the entire registry or registrar systems. I think that's one.

So, I think at this point, again, this is not a final, but at least the preliminary thoughts within the group is that I don't think we are in a place where we want to impose one solution across the industry. I think the registrant, who is the registrant and how the same registrar is enforced can be dealt with, solved for in different ways.

I think I would be more interested in this working group to have a conversation on who is in the best position to enforce that relationship. But yeah, that's all that I have to say about whether ROID is a solution. I think it's a solution, but I don't think we are at a point where we can point to as being the solution to manage and enforce same registrant rule. Thank you.

DONNA AUSTIN: Thanks, Dennis. Satish and then Michael.

SATISH BABU: So, the question that Sarmad had asked and what Dennis just spoke, to me, it feels that if the first point of contact for a new registrant is the registrar, and if a new registrant is going to register an IDN kind of name and there are variants for it, then it is at that point that the registrant should be exposed to the question of whether they want to register the variant as well. And some education of the registrant has to happen there.

So, the first point of contact is registrar. So, I would assume that that is where the management of this whole same entity constraint should focus on, with support from the registry probably. The second point is that the entity in this case, in the second level, is the registrant. So, we are trying to solve the problem of uniquely identifying the registrant, registrar, registry combination.

I understand that ROID only has, it does not have the registrant part of it inside. So, some combination of ROID plus the registrant unique ID. I note that Ariel has rejected the fourth item, which is the cryptographic approach. If there is a concern about tracking, a cryptographic hash of this information actually is not traceable back to the original people. And it will serve the purpose of a unique ID. Just flagging this, not necessarily the solution, but as an option maybe.

DONNA AUSTIN: Thanks, Satish. Michael?

MICHAEL BAULAND: Yes, thanks. I tend to disagree with Dennis with the suggestion that the registrar should check the uniqueness. The problem I see is that in order to check that two contacts or registrants are the same for two domains, the registrar needs to know that those two domains are going to be variant. And for that, they have to implement the IDN table or the LGR, which is defined by the registry. And up to now, the registrars don't really care about the IDN tables of the registries. They just send the registrations and let the registry decide whether a domain is going to be a variant or not. And due to that fact, I think the registry should be the ultimate instance to check that for a new registration, if it is a variant, that first the registrar is the same as for the existing registration, and also the registrant is the same. And the only sensible way for registry to check whether the registrant is the same is to check the ROID. Thanks.

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DONNA AUSTIN: Thanks, Michael. Maxim?

MAXIM ALZOBA: I think we have forgotten about resellers. For example, in the easiest situation, the reseller has two clients. For the registrations, we will see the same data, even if two different domains registered by two different clients of a reseller. And only the registrar can say something about it, because we cannot distinguish on a registry level. Thanks. It's going to be all fields the same for a reseller. Thanks.

DONNA AUSTIN: Thanks, Maxim. So I think what I heard from Michael and Dennis were perhaps not consistent views, but I'm just trying to break this down to try to understand it a little bit better. So if we're using, if it's possible to use ROID, so that's initially the registrar as a contact, uses ROID for the contact, and then that somehow is checked again with the registry, or—I'm sorry, I'm going to blame the hour, but I've got a bit of brain fuzz here. Michael?

MICHAEL BAULAND: Yes, thanks. Maybe it makes sense to show the example [by Ariel,] which I provided. That is a case where it's shown how it's at the moment already done in our registry system. So we already allow variants, and the way we check that the registrant is the same is that we check that the contact handle, which essentially comes, boils down to the ROID, is the same.

So displayed here, we have two modes of variants, variants as object and variants as attribute, whereas the variants as attribute

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is of no importance here, because in that case, there is just a single domain object, and for that domain object, all variants are just properties of that domain object, and then of course, automatically for that domain object, there's just one registrant contact and just one registrar, and by definition, if it's just one, it's always the same. So the problem only exists in this variant of object model, where each variant is its own self-contained first class domain registration with its own life cycle, and for that, we check then that whenever a new variant is registered for an already existing one, that the contact handle, so the ROID of the contact is the same as the one for the existing one, and this for our registry system is the easiest way to check, because we don't have to use any heuristics to check whether the street or name are similar enough to be counted as the same.

With the ROID, we are sure that whenever the ROID is the same, it's definite that the registrant is also the same. Of course, there are situations where a registrant may have two contacts with different ROIDs, but in that case, the registrar will have to take care of that and use an existing contact with the same ROID to be able to register the variant. Maybe this helps a bit. I don't know. Thanks.

DONNA AUSTIN: Thanks, Michael. We appreciate the input. So if, and this is just an if, so if in considering this charter question, we agreed that ROID would be the best option to identify the registrant, would that be an obligation on the registrar, or would that be an obligation on both the registrar and registry? So what I heard from Dennis is there's considerable cost involved. So I think there is work to be done

MICHAEL BAULAND: Yes, I think it means work for both sides. The registry will have to check for all registrations that the ROID is the same, but this is basically a very simple check because you just have to compare two strings and make sure they're the same. And for the registrar, it means that they will have to reuse contact objects. So when they have a customer and create a contact for that customer and register a domain for this customer with that contact, they have to make sure that if they want to register a variant of that domain for the same customer, they have to reuse the existing contact and not create a new contact. But I think that's a manageable constraint for the registrar and it makes life for all parties as easy as possible in my point of view.

DONNA AUSTIN: Thanks, Michael. Maxim?

MAXIM ALZOBA: If we create data structure incompatible with the current data structure registries used, we will create a situation where literally, I'd say hundreds of millions of records are not compatible with what's prescribed in the policy. So it's not just change of a code. You will have to effectively change contents of all [inaudible] databases. Unavoidably, it will lead to mistakes, errors, and it's a loss of time and money. So whatever we create, it should not be too complex because change of few lines of text in a registry, if it's a large registry, it means a few months of time because you plan

in advance the work of the programmers. It's not just some code writer who changes things. There are teams. They have plans and you will have to test it all, etc. So it's literally across industry, it's millions of dollars into drain. Thanks.

DONNA AUSTIN: Thanks, Maxim. Dennis?

DENNIS TAN: Just to build on Maxim's point, I just posted on the chat here. I don't think we can talk about these registrant ID and what might be transferred from registrar to registry and who's to enforce that without mentioning the registration data policy that is being currently being in the IRT process.

There are different data elements that need to be sent, are required being sent from the registrar to the registry and different levels of those data sets depending upon whether there is a legal basis for transferring that information or even a data processing agreement. So that is very relevant to this discussion because the ROID is not something—the registrant ID that is not being sent from registrar to registry in connection to a domain name.

I'm not saying that the registry object ID is created by the registry, but the connection to a domain name specifically, that's something different. So if that data element is not sent from the registrar to the registry, then that enforcement cannot be done. And I think that's what I referred to the cost of changing the ways how registries or registrars do their business.

Registrars, they do their systems for their business models and registries do as well. We try to maximize our assistance for our own purposes, but this discussion as to what method we use, I think it should be at this point in time, be left to the implementers to decide how to solve that. And let's focus on the policy, what needs to be fed and who's responsible for that at the different levels. Again, not in a vacuum, but taking into account all the different aspects of registration data that we need to also be mindful of. Thank you.

DONNA AUSTIN: Thanks, Dennis. So based on the conversation that we've had, I don't think we have anywhere near consensus to support ROID as the way to do this. Ariel, can we go back to the charter question, please?

So the question here is what's the appropriate mechanism to identify the registrant as the same entity at the second level for future and existing labels. So ROID was identified in the staff paper. Is ROID a reasonable mechanism to determine the same registrar at the second level, the future and both—I think maybe the answer here is that it may well be a reasonable mechanism, but to decide what the appropriate mechanism is to identify the registrar as the same entity, that is something that would be left to the registries and registrars to decide.

The policy is that we have the same entity principle for the registrant at the second level. So that would be the policy that the registries, registrars have to adhere to. And how they make that happen will be up to them. And ICANN will, through compliance, they have mechanisms where they can check whether these

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things are being done or not. So I tend to think that ROID may well be a reasonable mechanism, but it's not one that this group would support as the mechanism that registries and registrars would have to follow to identify the registrant as the same entity at the second level. So is that a reasonable summary? Sarmad?

SARMAD HUSSAIN: Thank you, Donna. So I guess a related question is that if that with that policy, I guess this was also being raised by Dennis, who would be the responsible, I guess, organization or entity to ensure that? Is that registry or registrar? Do we have clarity on that? Thank you.

DONNA AUSTIN: Thanks, Sarmad. Go ahead, Michael.

MICHAEL BAULAND: Good question, Sarmad. I don't think we have clarity here because I think that Dennis and I think Maxim are saying that the registrar should check that because they have the best opportunity to decide whether an entity is the same. But I think it should be done by the registry because only they have the full knowledge of the LGR and can actually know whether two registrations are considered to be variants and they have to check for the same entity. The registrars probably do not even know whether they are the same and the same entity needs to be used.

DONNA AUSTIN: Thanks, Michael. Anil?

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ANIL KUMAR JAIN: Thank you, Donna. I support Michael on this. Still, there may be a situation when during the period the registrant has changed the registrar and that is a possibility. So in that case, getting inputs from registrar may be conflicting and difficult. So I also feel that registry is the right choice for determining whether the registrant is same or not. Thank you.

DONNA AUSTIN: Thanks, Anil. Maxim?

MAXIM ALZOBA: Registry has no means of contact with registrant. They have to trust to information passed from registrar. So if we do not speak about abstract text and we're trying to speak about real users who are real physical bodies or legal bodies, information of this sorts is in hands of registrar because registry, they do not interact with registrants at all. It is the idea. Registrars talk to resellers and physical bodies or legal bodies and then they pass information to registry. So registry has no means to identify if it's truly the same entity or it's just similar bits of text. We have no methods to do that. It's all in hands of registrar.

So I support Dennis in registry has to ensure it's the same registrar for these variants, but the same registrant is in the hands of registrar because they actually contact the legal or physical entity. Thanks.

DONNA AUSTIN: Thanks, Maxim. Michael?

MICHAEL BAULAND: I tend to disagree because registries have a very easy way to check whether it's the same registrant by just checking whether the contact uses the same ROID. If it's using the same right, they can be 100% sure that it's the same registrant. Thanks.

DONNA AUSTIN: Thanks, Michael. Maxim, and then I'll draw a line under this and try to sort out where we are. Maxim?

MAXIM ALZOBA: Actually, [SRS] database is working, might work a bit differently. It assigns ROIDs after the creation of some process, not before it. So registry can assign a ROID, not necessarily reuse it or doing something like that. So the actual knowledge of who the registrant is, is beyond registry. They have no means to contact it. Thanks.

DONNA AUSTIN: Thanks, Maxim. So, Nitin, welcome. Nitin, go ahead, please.

NITIN WALIA: Thank you. Well, I believe it all depends upon registry policies. Registries who are doing the KYC of their customers, which means know your customer, for them, the data of all the registrants is always available with the registry. And it's easy for them to identify that. But yes, the registries who are totally dependent upon registrars, in that case, the situation would be different. Thank you.

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DONNA AUSTIN: Thanks, Nitin. So, Dennis, go ahead.

DENNIS TAN: Thank you, Donna. Just a reaction on know your customer policy. That's even a different layer as to what we're talking about. We should not be concerned of the person or legal entity behind the registrant object, right? Here, I think what we want to have is some kind of, it's a registrant object, right? Registrant equivalency beyond the person, the individual or legal entity that is behind that domain and registration, but a way to assess that it's the same registrant.

It could be, for example, the registrant account in the registrar system, right? And they have different profiles and what have you, I don't know. So, I don't think we need to define that. But the registrar knows who the registrant is.

And again, just want to have this discussion in the context of the registration data policy, right? Section seven defines different levels of the data set that must be transferred or may be transferred from registrar to registry. And what I'm reading is that the minimum data set does not include registrant ID. And if registries go that route, then I think, I believe it's going to be very difficult to implement exceptions to that rule, just for a small portion of registrations, which IDNs tend to be today. That's all I'm saying. And maybe we need to have more conversations around roles and responsibilities so that we can define good policy out of this. Thank you.

DONNA AUSTIN: Thanks, Dennis. Michael?

MICHAEL BAULAND: Yeah, just very quickly. I think maybe it makes sense to discuss this item in the small group, in which Dennis and I are, the CPH tech ops subgroup, because this is mostly concerned just around the technical way registries and registrars will want to handle this.

DONNA AUSTIN: Thanks, Michael. So given most of this discussion has been between our registry and registrar colleagues, I would be very happy to ask the tech ops group to have a look at this issue and see if it's possible for you to bring back path forward for how we can respond to this charter question. I think getting the heads together within the tech ops group would be really helpful to help the rest of us on this question.

                      I'm just throwing this out there because I don't know what the schedule looks like for people for ICANN 77, but it would be good to know whether this is something we could bring back to the table for some more discussion while we're together in DC or whether it's going to take a bit more time to work that out. Maxim?

MAXIM ALZOBA: I think we also need to ask tech ops about reseller in this item. Maybe it's going to be forbidden for this kind of registration, or maybe we will need to find some way to distinguish same registrants who do their order via resellers. Thanks.

DONNA AUSTIN: So maybe that's a question that tech ops group could look into as well. You know, what's the implications, if any, for resellers? And I will note that any policy that we develop doesn't have a flow on effect to resellers necessarily. So the contracts are only with registries and registrars.

So I think with that, I think we might leave it there for today. And maybe Dennis and Michael, we can have another conversation to just see what's possible at ICANN 77. If it's if it's too soon, then that's fine. It's too soon. We'll work on something else.

But there's another element to this question that strikes me, that, is this an implementation detail? You know, it does say at the beginning of this charter question with that the working group in the SubPro IRT to coordinate and consider the following question. With the IRT being set up, maybe this is one that if we've decided what the policy is for the same entity principle for the same registrant, is this implementation detail? But of course, any guidance that we can provide based on conversations we've had would be beneficial, I think.

So with that, I think we're going to call it for today. We won't be having a call next week. Obviously, folks will be starting to travel and doing preparation for ICANN 77. So we will, as I said, the leadership team will be doing some work to try to work out what our agenda looks like the next week, for the week after for our sessions.

And I know we've asked this question before, but we didn't have the full schedule. But we will put a question out to the list just to get a sense of who will be attending what sessions. Our sessions,

I mean, the IDN EPDP, because that will be helpful for planning as well.

Thanks, everybody. It's a difficult and complex conversation today, but I think at least we've got, I think it was C2 sorted out. So that's good work. So we will see you, for those who are attending, we'll see you in a couple of weeks. And yeah, safe travels, everybody.

DEVAN REED: Thank you all so much for joining. Once again, this meeting is adjourned. I'll end the recording and disconnect our remaining lines. Thank you.

[END OF TRANSCRIPTION]