DEVAN REED:	Good morning, good afternoon, and good evening, and welcome to the IDNs EPDP call taking place on Thursday, 29th August 2024, at 12:00 UTC. We do have apologies today from Alan Barrett and Abdulkarim Oloyede. All members and participants will be promoted to panelist. Observers will remain as attendees and will have access to view chat 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 PDP wiki space, and recordings will be posted shortly after the end of the call. Please remember to state your name before speaking for the transcript. And please note, all chat sessions are being archived. As a reminder, those who participate in ICANN, including this session, are governed by the ICANN expected standards of behavior and the ICANN community anti-harassment policy. Thank you. And over to our chair, Donna Austin. Please begin.
DONNA AUSTIN:	Thanks very much, Devan, and welcome, everybody, to today's call. Devan and I were reminiscing about when people used to join these calls 20 minutes early just to have a little bit of a chat beforehand. I guess we've gotten to know one another pretty well over the last two and a half, three years, so we don't feel the need for that anymore. We're at meeting 116, and I don't think we've got too many to go. So, we certainly are on the downhill road to home, so that's really good news. And thanks again, everyone, for sticking with it for all this time.

I don't have much by way of updates today, so I think we'll just get straight into it. So, we do have an update on Recommendation 6. Folks might remember that we had a request from Sarmad to see if we could prioritize or finalize the language for this recommendation so that it might allow the commencement of some work for the RSP evaluation. But I believe Sarmad has an update for us on that. So, we'll go to Sarmad first, and then what I want to do is go through Recommendation 6 and see if we can finalize the language. So, Sarmad, are you good to go?

SARMAD HUSSAIN:
Yes, thank you, Donna. And hello, everyone. If you recall, we'd suggested that the IDN table harmonization-related recommendations—if there was a possibility that we could get stable language earlier on—we could, in some ways, do some prep work on the data part and be ready when the recommendations are eventually approved by GNSO and the board. Or, considered and if they're approved, we could start implementing the data. But in any case, I think we've had some subsequent discussions, not just us, but of course, the IDN EPDP team as well, as well as, from what I hear, GNSO as well.

Obviously, there have been some concerns in the sense that this seems like we are, I guess, trying to implement a recommendation before it is duly considered. In that sense, I think it's probably best that we rescind the request, which we earlier made. Our intention was just to be prepared, but I think it wasn't really—I guess we don't really want to request for an exception process in that sense.

So, I guess what I'm saying is we'll probably rescind the request and try to find a solution within the existing framework. And I guess we can follow up with a request to do that as well. We'll obviously work internally with the RSP evaluation program team and others to see what is a possible solution based on the current framework moving forward. Once these recommendations are duly considered, and I guess if they're approved, then we'll come back and implement them through the regular process. Thank you. Back to you, Donna.

DONNA AUSTIN: Thanks very much for that, Sarmad. So, with that in mind, what this means for us as a team is that we will just continue as normal, I suppose. So, this Recommendation 6 will just be part of the Phase 2 final report that goes up to the GNSO Council for consideration. So, it's pretty much business as usual, but thank you to everyone for being receptive to the request at the time that we received it from Sarmad. But I think what we've come to realize during some of the conversations, certainly in the leadership team, is that it would have resulted in some substantive changes to normal PDP processes, and balancing that with the expected benefit, I think we came to the conclusion that it probably wasn't worth it—"worth it" is the wrong terminology—but it's just a consequence of timing, I suppose. We're almost there, but probably not as timely as Sarmad and his team would have liked. But, you know, that's just—it is what it is. So, unless anybody has any questions for Sarmad, then we will just get into the language itself, to the text itself, for the recommendation and see if we can reach agreement on that, and then we'll just continue through the rest of our work. So, any questions for Sarmad? No, looks all good. All right, so with

that, Saewon, can I hand over to you so you can take us through the language and we'll see if we can wrap up Recommendation 6?

SAEWON LEE: Sure, Donna. Good morning, everyone. Hello, everyone. This is Saewon from staff. So this is the working document, the Section 4 that has been numerously shared with the team. So, we'll see the language through the working document today. So, the recommendation that we were trying to finalize or expedite the process for was this Recommendation 6. Previously, Recommendation 6 and Implementation Guidance 7 that we have now merged into one. I'm not going to give further background on this because we have seen this numerous times, and this document with the updated language has been shared with the team. I'm just going to share the screen and open the floor for agreements or objections at this point. There are several comments in the rationale that I do want to go over, but right now, I would like to open the floor for discussions or confirmation for the language that's on the screen now for you.

DONNA AUSTIN: Thanks, Saewon. So, you know, this language has been out on the list, I think, for a little while now, so hopefully folks have had a chance to read through it and are in a position to speak to it if there's any concerns. Now would be the time to raise it. Otherwise, we're pretty much of a mind that we will accept this language and move on. So, any concerns from anyone? Or does any of the groups need more time to go back to their respective parties to see whether there's any problem with this

language? All right, so Nigel said it looks good, reads okay, Michael is okay, no concern, and Satish says it looks good. Hadia says it looks good. I don't know if Dennis is present, but I don't think Jen is. I know that the registries' small team also had a meeting recently, and just wondering if it was also confirmed there too.

DONNA AUSTIN: So, Maxim says it looks good, I don't see Dennis's hand up, so I'm going to say we're okay. All right, so this is a little bit of a milestone here, folks, because this was probably the most difficult discussion that we had of our Phase 2 work. So, thanks to everyone for coming together and being in a position where we can agree to this and move on. And just for the record, Dennis says that C5 text looks good to him as well. So, that's great. So, thanks, everybody. I think there's some rationale language you wanted to go through, Saewon?

SAEWON LEE: Yes. So, again, the language in the output as well the rationale, they've all been shared with the team for a while now, and there are a few comments here, but again, there's not as many as we had hoped, but just to kind of go over some. So first, we do want to point out that through Hadia's comments to add the other relevant sources of information, we have added it here. Then there was a comment from Michael related to this should be uniform. So just to read out his comments or just to summarize his comment. So basically, this additional text was from our discussions after the public comment review, and this was related to, especially related to charter questions

C3 and C3A, where additional language was asked or additional rationale was asked to be added into the rationale of Recommendation 6. And it's just explaining that, or this was raised through the registries' comments where the mechanism to identify the registrant as the same entity should be uniform, but the actual mechanism itself, we will leave it open to be discussed and determined at the implementation stage. And that's basically what this was trying to say. And I think what Michael was commenting on was the fact that it sounded contradictory or that we sounded contradictory in the sense that in the beginning, it says that the mechanism should be uniform, but then at the latter part, it says that it's leaving it at the discretion of the registries and registrants. Again, what the language wanted to say was that this is actually leaving it to the discretion of registries and registrants to be determined at the implementation stage. So just in case, I have added a line to make sure that there is no confusion. But it is new language, so I do want to leave it to the team for another review, but also to ask Michael if this does satisfy the concerns. And I see Michael's hands up. So if you would like to talk to this.

MICHAEL BAULAND: Yes. Thanks, Michael, for the record. So what you mean with should be uniform is that it should be uniform within a single TLD or because it's not uniform, it's most likely not uniform across all TLDs because some TLDs use that mechanism and others will use different mechanisms. So that's what confuses me with this uniform.

SAEWON LEE: Thank you, Michael. So, at the time, again, this was a language that was made from—or this was text that was incorporated from the discussions that we had had in relation to the Charter questions C3 and C3A. So, this was basically where the comment was that the mechanism to identify the registrant as the same entity at the second level for future and existing labels should be uniform. And this was basically taken from the comment that was raised during while we were looking into the Charter questions C3 and C3A on what the mechanism should be or how it should be determined or guided by this team. I don't know if this is not, let's say, specific enough. And if so, if the team could maybe suggest how this should be changed.

DONNA AUSTIN: Thanks, Saewon, and thanks, Michael. So I guess—and I'm sorry, Michael, this is the first time I'm seeing your comments, so I haven't had time to digest it—but I understand your question about whether we're saying the uniformity should be within the TLD or whether it should be broader than that and across all TLDs. So, I think that's what we need to sort out. And then once we've answered that question, we can go back to the language. So, if somebody's memory is better than mine, we can try to work this out. I get the sense that we weren't saying uniform across the board. I think we were more hinting at uniform within a specific TLD, but I could have that very wrong. Satish and then Hadia.

SATISH BABU: Thanks, Satish for the record. We are okay with this, provided there is some kind of portability, meaning registrants can move from registrar to

another registrar without any, you know, collisions. So this is fine, but there has to be some guarantee of, you know, being able to move between registrars. Thanks.

DONNA AUSTIN: Thanks, Satish. Hadia.

HADIA ELMINIAWI: Thank you. And I guess the answer to what Michael is asking for could be in the paragraph that's later on in this document, which says, "For the avoidance of doubt, this means that the specific mechanism will be determined during the implementation stage by the GTLD registry operators and the sponsoring registrars, not that each entity will have a method of its own choosing." And I guess this is what we mean by uniform, or at least this is how I understood it.

DONNA AUSTIN: Thanks, Hadia. Michael.

MICHAEL BAULAND: Yeah, so I guess this means that it should be uniform within a TLD and its variant TLD. I guess if we maybe add that sentence, then I'm fine with that.

DONNA AUSTIN: Thanks, Michael. So, Hadia and Satish, is that consistent with your thinking? So, Satish, I understand what you're saying about, you know, I

guess, transportability between registrars. And I don't know that that this would necessarily make that problematic, because I guess that there's different methods used now and that doesn't provide any problems when you're transferring from one registrar to another. So, Satish, if you can confirm whether this is okay. So, Satish is okay if we can add that clarification that it's uniform, you know, for the, I guess, the source and the variant and its variants. Maxim, you had your hand up. It's okay. All right, so I think, Saewon, if we can just add that clarification, then we should be okay. Hadia?

HADIA ELMINIAWI: Yeah, I just wanted to mention that my understanding that it will be the same across registrars. It's an agreement between the registry operator and its registrars. So, that shouldn't cause any problems when transferring from one registrar to another. At least this is my understanding again. Thank you.

DONNA AUSTIN: Thanks, Hadia. Dennis?

DENNIS TAN: For whatever it is worth, I just want to point a few observations here. So, starting with, I appreciate this conversation about uniformity is in the rationale and not in recommendation itself. I mean, from a—I'm hearing all the different insights. Ideally, ideally, right, we would want—and when I say we, the DNS industry, registries, registrars—we would want to have maximum interoperability across, you know, the different

parties involved in the registration of the domain name. That makes, you know, the industry stronger, and registrars have the best user experience or not.

Again, that's a desirable future state where IDNs work seamlessly across TLDs, registrars, and whatnot. That said, today's environment of IDNs, right? We have—I mean, we know—I mean, this group understands that there are at least two models by which IDN can be activated, right? We've talked about the object model where every variant domain name is a domain name in its own right and the registry manages the relationship in certain ways. And there's the attribute model where there is a parent-child relationship between the source and the variant domain names are activated. So, in that sense, you already have today—you have two different ways to identify what is the primary and what are the allocatable variant, how they behave. So, right? So, that's one thing. So, we cannot expect, like, in the near term, everybody's going to converge into one single model because the realities are different. So, that's one.

Second, I heard talk about registrar-to-registrar transfers, and that should work seamlessly. So, a couple of things there. When you have a registry—and now we have to talk about the registry and the registrar relationship. If the registrar accepts to carry TLDs, right, as a product to offer domain name registrations, the registrar has to conform to the registry rules as to how they activate domain name, including in the future variants. But it's not that a registrant can freely move a domain name or set of domain names to one registrar to another if the other registrar, the target registrar, does not carry those TLDs. Does that make sense? So, there's not going to be free registrar-to-registrar

transfers if the target or the gaining registrar does not carry those TLDs. And, therefore, those domain names cannot be transferred to that registrar. So, I just want to clarify that even though, you know, registries come over, but not all registrars can carry those services. So, the registrar-to-registrar can happen only if both registrars, the losing registrar and the gaining registrar, carry the same TLD, and, therefore, they will conform to the registry rules in terms of how to handle banking and whatnot. And, yeah, those were the observations I wanted to make. So, thank you for your attention.

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

MICHAEL BAULAND: Yes, Michael for the record. On a second thought, I don't want to open a can of worms here, but this uniformity could be a problem because we have two models, basically. One is the registry checks that the same entity principle is upheld, for example, by making sure they all have the same ROID, registry object ID. Then it will be uniform within the TLD, but in case the registry says, well, we just checked that the registrars are the same for all variants, but the registrar will have to check that the registrant is the same entity. But I'm not sure we can or should enforce that every registrar checks the same entity of the registrant in the same way. Because some registrars maybe just test customers they know in person, and they check that it's always the same person activating the variant, whereas others might have some mechanism to check the address, email address, or whatever. So that might quite depend on the

business model of the registrar, how they want to make sure that the registrant activating the variants are the same entity. They in the end just tell the registry, we have checked this by some means, probably some EPP extension or something like that. They just say, yep, we have checked it, it's the same, but I'm not sure we should enforce that all registrars do this check in a uniform manner.

DONNA AUSTIN: Thanks, Michael. So, I wonder if we could—so, noting Dennis's comment that really what we're doing here or talking about here is aspirational—I wonder if the language was something along the lines of the EPDP team agreed that the mechanism to identify the registrant as the same entity at the second level for future and existing labels should be, to the extent possible, the same or something like that. So, we're referring to the mechanism. So, to the extent that it's possible, the mechanism for identification should be the same or should be uniform. But if we can add that qualifier in there to the extent possible, would that satisfy folks? Satish and then Maxim.

SATISH BABU: Thanks, Donna, Satish for the record. So, as far as the mechanism to uniquely identify a registrant is concerned, we are happy to kind of leave it to the implementation detail. As long as this entity principle is upheld, I think we should be good on whatever way it is implemented. That is one. On the transfer issue, I am not sure whether this is going to collide with the TRP working group because they are looking at how to transfer these things. At this point, I would like to consult ALAC on the

issue of transfer. Basically, whatever is our position, the EPDP's position, and what they have to—from an end-user or registrant point of view, what they have to say about it. I would like to go back and consult them. Thanks.

DONNA AUSTIN: Okay, noted, Satish. Maxim?

MAXIM ALZOBA: Just wanted to mention that ROIDs are unique objects, and to avoid a situation where the user is tracked via ROIDs by a third party, usually domains with the same TLD of the same registrant have different ROIDs of registrant, so it cannot be tracked this way. Thus, it's up to a registry if they want to risk their business, if they want to use this method of using the same ROID. Thanks.

DONNA AUSTIN: Okay, thanks, Maxim. So, I don't think we've got too much to do here in terms of language. I think it's a little bit nuanced, so we'll take the comments on board. I note that Satish wants to go back and chat with ALAC about this, and Satish, I think Steve is going to put a note in chat, but we did—so, a reminder that we did—the EPDP, our staff support, have been chatting with the transfer PDP staff support to make sure that there's no collision in terms of our recommendations and their recommendations, and I think we got the all clear, so I don't think there's going to be any problem there.

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SAEWON LEE: I'm just wondering if this is new language for everyone, and maybe it's good to kind of present this out there for another week, just so, A, staff will have to go back with leadership to kind of refine the language a bit more, but again, maybe we'll put this out to the list, especially for Recommendation 6, as it's just now been confirmed with the output so that everyone's happy with the additional rationale as well. Again, please mind my basic knowledge, as I'm still learning through this whole domain name system, but basically, just to point out that this additional language was an additional input post public comment review process for the answer to—or the additional answer to charter questions C3 and C3A, as I've mentioned down here. But again, this additional language is again a response to what Michael had raised, and obviously we'll be going back to adding more language or adding a bit more clarity to this top part that, again, Michael was questioning. So, once it's done, we will again put this to the list, and then just from what we were discussing, the additional, let's say, details to that is also at the last tail end of the rationale.

So, with that, I do want to go on. So, as those of you who have reviewed, and I'm hoping most of you or everyone, we do have at the end of each rationale in this final report, just like Phase 1, the public comment review process and how the rationale or the language came about. So, here we had originally, just as a hypothesis, added the request from ICANN Org about expediting this recommendation, but now after Sarmad's presentation, we will get rid of this paragraph, and I just wanted to note that to the team.

DONNA AUSTIN: Just to hold on that. So, that last paragraph that you had highlighted, I think we can, just for transparency, I think we can still note that there was a request from ICANN Org, and that was later rescinded. I just think for transparency that we should have something in there, because it was—there's an email thread to Council, there's discussion on Council. So, just to tie that neatly in a bow, I don't think we take this out completely. I think we just have perhaps just a sentence that says there was a request, and it was later withdrawn for X, Y, Z, and that's how we'll manage that.

SAEWON LEE: Okay, so then we'll just leave this or revise this paragraph where we will end with the updates. If the team agrees, we will go with that. Then that does conclude our discussions for agenda item number three, and again, a big milestone that we have concluded the language for output or Recommendation 6, and we'll get rid of 7, obviously, and the numbering will again be updated accordingly as we will be striking one output.

To move on to item number four, we will be discussing grandfathering, and again, this sheet of the revisions that were made from ICANN Org has been shared with the team, and unfortunately, I only have one comment from Michael so far. Again, this might be—fortunately, it means that everyone's agreeing with this replacement, but just before I go on, let me share this document with you again.

DONNA AUSTIN: Can I just ask folks, rather than assuming, have the groups been able to consider this document and have discussions about the suggested changes from ICANN Org for grandfathered? Jen, I see your hand is up. Go ahead.

JENNIFER CHUNG: Hi, this is Jen. So, the registries did discuss this briefly during our internal call this week, and I think, in general, we are—you know, we understand why it needs to be changed because it is a problematic term, but I think we also talked a little bit about the general problem of having a problematic term, and it would not just be the IDN EPDP. So, I think—I don't know where it might be good to note this in a rationale somewhere. I know it does touch on quite a few different parts of our recommendations. There was a suggestion from, I guess, the registry small group to actually bring this up to the council and then—I mentioned that this might be a problem that would come across in different policy development processes and other working groups.

And one more thing that was also discussed was, since we are looking at this, of course, under the lens of our own recommendations, so exempted, excluded—these two terms would match or be suitable for how we look at our set of recommendations. For example, we're not trying to set a precedent of saying every single time in the future, and I know we're not doing it, but that when grandfathering comes up, that exempted or exemption or excluded should be the term to use. Sorry if it's not very clear, but I think those are the things that we discussed. Thank you.

DONNA AUSTIN: Yeah, thanks, Jen. And I certainly personally understand where you're coming from and understand the concern. And I think it was when we were reviewing ICANN's comments when they came in, I think we probably all had that same knee-jerk reaction that grandfathered is used in many different policies and documents ICANN-wide. Why should we change it now? But we understand that there are some sensitivities around the term. So I guess we're the first ones that have been asked to take that into account. So, that's what we're doing. So, with that, we'll go to Maxim and then we'll work through the document with Saewon—actually, Maxim and Satish, and then we'll work through the document. So, Maxim?

MAXIM ALZOBA: I think there are two items I would like to underline. First, this term is widely used in the industry. And second, and if we exclude it, it's not going to not be used. And second, that the term, if it's replaced with something, needs to carry information that the previous items have a history, and we want to honor this. And thus, I suggest that the nearest replacement might be inherited. Thanks.

DONNA AUSTIN: okay, thanks, Maxim. So, we'll talk about possible alternatives as we work through the document. So, Satish?

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SATISH BABU: Thanks, Donna, Satish for the record. Again, I'm also very happy to kind of continue—I mean, I prefer that we continue with the term grandfathering, but it doesn't seem to be possible at this point because of ICANN's comments. Now, as far as exempt is concerned, I have a little bit of a problem with that. I mean, I mean, I'm, of course, happy to go with the group, the wisdom of the group. But exempt doesn't give it any sense of the transitional nature of this. I mean, we don't want grandfathering to exist forever. Exempt leaves out that particular aspect of it.

In the last call, I had talked about transitional exception. That phrase does carry the transitional nature. Now, ICANN did not invent the word grandfathering. It is borrowed from the public discourse. And if you look at who has provided that, it is largely US—the legal system of the US. They are the ones who first, I think, used grandfathering, and ICANN seemed to have borrowed it from them. And currently they're using transitional exception also. So, the advantage of transitional exception is that it is not just exemption because it is not time bound. Transition does carry an urgency to kind of do away with it eventually. So, just my comment. I am happy to go with the wisdom of this group. Thanks.

DONNA AUSTIN: Thanks very much, Satish. So I guess we are—I guess this is probably the first time that ICANN has raised concerns about the term as it's used in a PDP. I guess we're a little bit the guinea pig here in that we're trying to find a workaround. So, let's work through the document that Saewon has up. One of the things that I'm worried about here is that we could spend a long time arguing about what's the best term to replace

grandfathered wherever we've used it. And it could have a consequence for how long it takes us to get through the work. So, I think we all understand that we do have a little bit of a deadline that we have to try to meet here. I'm going to invoke the "die in a ditch" protocol or whatever it is. So, if you can live with the replacement term that's suggested by ICANN, can we go with that? But if you really have strong objections to it and you don't think it's suitable and you can't live with it, then let's have a conversation around it. But personally, I don't like exempted, but as I worked through the document, I thought it was the best of the alternatives in that it's a one-for-one change, except in a couple of different places. So, it's almost a global replace. So, that makes it easy. And if we use the term exempted with the thought of it means grandfathered in this instance, then I can make it work. So, I'm not 100% comfortable with the term, but I could understand the logic that was coming from ICANN Org in trying to make this a one-for-one match. And I think exempted is probably the best of a bad lot. So, as we work through this, if you can live with the replacement suggested by ICANN, that's great. We'll tick it off. If you can't, then let's have a conversation about it and see whether there's a different phrase or term that we want to use or whether it's grandfathered that we want to stick with. So, I appreciate that ICANN has asked us to change the word because of sensitivities. So, we will do our best to accommodate that. But if it gets to a point where we think this really isn't working for us, then I think we can go back to ICANN Org and say, look, this really isn't working. Can we keep grandfathered? And from this point on, maybe there's a direction that maybe it's something for the council to consider or a broader conversation within ICANN. All right. So, with that in mind, let's get moving on this and see how far we can get. And please just

think a little bit outside the box on this and see whether you can live with it or whether this is really problematic for you.

SAEWON LEE: The general suggestion is mostly exempted and excluded. And it's going to be quite repetitive as we go on. And again, assuming that most of you have seen this sheet, I'm just trying to think how to make sure that we don't take too long on this. But again, the general suggestion is exempted and excluded in one sentence where it's repeated. And I've also shared with you the suggested terms, just in case to keep those in mind. But I've kind of focused the screen on the columns C, D, and E, because that is where you can see the word replacements, the revised sentence, and the full recommendation text at the same time. Again, as Donna mentioned, if we think this is going to be too taxing of a work and grandfathered is best to describe or to be added in our final report, please do suggest so, but we will go through one by one.

So, the first is through Recommendation 3, where the recommendation was revised to "immediately prior to the policy effective date of the same entity principle as set out in Preliminary Recommendation 1, the existing variant domain names that do not conform to the same entity principle must be exempted." So, that was the suggestion. And I'm not going to read the full recommendation text, but this is basically what the text was. And ICANN also suggested an alternative for the sentence that follows, which says, "There will be no change to the contractual or allocation status of existing variant domain names. The requirement of having the same registrant and the same sponsoring registrar will not be applied retroactively." And to this, Michael has also commented that

the alternative is good, but maybe adding a sentence like, "Such existing domains are exempted from this policy and will be referred to as exempted in the course of this document." And I added a suggestion— maybe we can add this to a footnote if we do go in this direction, or obviously we can add this to the end of the sentence. But so this is the first revised sentence. Again, Donna, I don't know if we want to go through one by one. I wasn't actually thinking of that today. I was hoping that there would be more comments. But is that what you're suggesting?

DONNA AUSTIN: It was my thinking because I wanted to give folks an opportunity to say whether they can live with exempted, but I actually like Michael's suggestion that you just showed up there. And I think the other thing we probably need to do is have something in the glossary about exempted and that it means grandfathered. And I think maybe in the executive summary, we should try to address some of those concerns that Jen raised, or maybe not, but somehow capture the concerns of the group that grandfathered or grandfathering was our preferred term. But because of concerns raised by ICANN Org about sensitivities around the language, we agreed to do X, Y, Z. So, I think we try to capture that there. But I do like the suggestion from Michael. And it may be overkill, but perhaps in everywhere that we use exempted, we have a footnote that says, "In earlier times, this meant grandfathered," or something to that effect. Because I do have a concern that even when this gets to the IRT, that people might be scratching their heads about, "Well, what do you mean by exempted?" So, that may raise some concerns as well. Maxim?

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MAXIM ALZOBA:
Maxim Alzoba, for the record. I think we need to add something like, "As far as those domains are not registered by the same entity." So, those are not exempted forever. When, for some reason, those domains fall in the same hands, there should be—the policy should be applied to those domains again. Right. So, we say that it's exempt until they are in different hands. And as far as they fall into the same hands, they need to move from this status. Thanks.

DONNA AUSTIN:
Thanks, Maxim. I think we have a specific recommendation around that issue somewhere, so we will make sure that's captured. So, I understand Saewon's hesitation to go through this word by word. So, what's the preference of folks here? Given the conversation we've just had, are we okay to go with the suggested language by ICANN and add these qualifiers, like something along the lines of what Michael has added here? Also adding something in the executive summary that captures the concerns that were raised by Jen earlier. And I think Satish was hinting at similar concerns. And then also have something in the glossary just saying that exempted was—or excluded—have been used in cases where we would have had grandfathered. Does that work for folks? Satish is okay with that. [Nitin's] okay. Dennis is okay. Michael's okay. Maxim's okay.

All right. So, Saewon, I think what we'll do is, given the conversation we've had, we will work through the document, change the language to what's been suggested by ICANN. But we're going to have to—I know

this is overkill, but if we have a footnote that says grandfathered or something like that where we've used exempted, we'll have a leadership call in the morning so we'll talk about this a little bit more, but we'll find a way that I hope is going to make everybody comfortable with this. And I wish this had been raised during SubPro or something like that so that we weren't the bunnies that had to try to sort this out. All righty. Is there anything else you wanted to raise, Saewon, or are you comfortable that we're in a position to move forward on this?

SAEWON LEE: So, again, just the reason that I didn't want to go one by one is not because it's not important. It's more that, as you can see in the word replacement column in C, the replacements are mostly exempted unless it's repetitive in one sentence, where it's then suggested as excluded. And that's why—and obviously, it's a different context, but still, I just wanted to make sure that everyone knew that the majority of the replacement is to exempted. And so, from what was discussed, we will change it accordingly and add Michael's comments to footnotes.

And just to kind of cover the glossary suggestion. So, this was also actually a comment made by Alan within the glossary. And this I was going to cover as a later agenda item, but I'll cover it now. So, for Grandfathered, Alan had actually suggested that if we do change Grandfathered to exempted, that the glossary be changed accordingly. So, I think from the discussions that we've just had, what we'll do is add in exempted and then to there maybe—I mean, if we're taking Grandfathered from today's discussions, we will take it out, but add this detail to the exempted entry while also adding this explanation to the

executive summary, as well as the rationale, if everyone agrees. Not seeing any objections. Okay, so then the glossary part has been covered and grandfather, then we'll just move on accordingly.

Then we'll move on swiftly to agenda item number five. And this is related to what Steve was mentioning in the chat, as well as Satish. And so, first of all, we do want to give you an update on outputs 10 to 12. And I'll do that through the working documents. Okay. So, Steve did mention it in the chat, but just to again update everyone on the progress. So, for outputs 10 to 12, I think it was early to mid-August, so staff reached out to the transfer policy review PDP working group support staff and requested the working group to review the outputs 10 to 12 and hopefully to provide feedback on these outputs by September the 4th, so that we have feedback in time for our September the 5th meeting. And this was also the case because they are currently on a break. And at least from the initial review from the transfer policy review PDP working group leadership—again, as Steve shared in the chat—they don't seem to think that these outputs have any negative impacts or issues with the transfer policy recommendations. And basically, they have said that maybe they might require an update to the transfer policy as part of the implementation, but our recommendations or outputs do not conflict with their recommendations. So, that's the initial review that we have received. So, again, I just wanted to point that out to the team so that the team is aware. Hadia?

HADIA ELMINIAWI: Thank you so much. And I guess their response makes perfect sense. And it does make sense, actually, for them to point out the transfer policy for variants that we actually have developed. So, thank you.

SAEWON LEE: Thank you, Hadia. Any more comments? Yes, Jennifer. So, initial review just means that the leadership and staff have reviewed this. And their, let's say, initial feedback is, "Oh, it seems that there is no huge problem to this." But this has been circulated with the team to get back to us by September the 4th, which is next Wednesday. And then by Thursday, we can give you an update. Okay. So, if there's no more questions or comments, then we'll move on. I don't see any more hands. Now, we come to the more important part, which I think we'll be spending most of our time on now. And I'm going to open the email for your reference.

So, again, I think everyone's familiar with the email threads that we've been sending out. And the latest one was related to outputs 14 to 15, which we'll discuss today. And I want to discuss this through this email so that everyone sees it all at once. So, for outputs 14 to 15, again, with this updated language and reason behind it, that was shared with you all through email, not so long ago. So, maybe not everyone has been able to digest it or share it with the groups. But just to kind of go into discussions today and provide some updates and introduction of what's been updated.

So, this update for 14 and 15 is obviously through the public comment review process and the team's extensive deliberations. And also, staff went in and consulted ICANN Legal, especially related to the data

privacy concerns. And then also GTS function for ICANN Org's role or the involvement in providing technical solutions. But as much as we did get response from Legal, we are still pending response from GTS, the technical services group. And basically, Legal advised to restrict public access to allocated variant domain names of a given domain name or avoid disclosure altogether, as we stated in the reason. And this was obviously in case of exposing personal data.

And again, as mentioned, through the email of 14 and 15 rationale, the outputs were separated with two different purposes. And Recommendation 14 was more focusing on the contracted parties communicating to determine the allocated and allocatable variant domain names for a given domain name. And this was basically to ensure the same entity rule principle. And Implementation Guidance 15 was more focusing on the end users' possibilities to gain access to the necessary information without compromising privacy. So, this is how the language was discussed as well as updated. Again, in the email, as you can see, we presented the rationale for change as well as the new language as well as the current language, which is within the working document, and which we haven't redlined just because we are leaving this to discussion.

Before I stop, I do just want to add another reminder that Implementation Guidance 17 is, again, dependent on 14. And this is about publishing the relevant recommendations to the registries' websites to implement these recommendations or policies accordingly. And this will only be done after the 14 and 15 have been completed. So, before I stop, I will maybe ask Steve to provide any more input or

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additional information and then open the floor for any comments from the team.

STEVE CHAN: Thanks. This is Steve. Nothing to add at the moment, but happy to answer any questions that might come up.

DONNA AUSTIN: Thanks. And just to note that this is a little bit of a move away from the language that we had in the draft report. And it's the reason that we've revised it this way is because of the conversations that we've had around this issue in the last meeting or the ones before that. So, we're just trying to provide a recommendation that's clearer about what we're trying to do and thread a needle through some of the discussions we were having. So, Nigel.

NIGEL HICKSON: I did see the email and perhaps haven't fully digested it yet. But I wonder if we got any—we didn't get any comments during the public consultation from the community in general. So these are subsequent comments. Well, we did—sorry. In that case, my comment is wrong. But my second comment is it seems to me it's all to do with permission and acceptance and etc. I mean, there's no hard and fast rule in the European data protection rules that stop publication of this information. It's all down to whether people have accepted that this should be published in any explicit language. So given their consent in an explicit way and have had the chance to give their consent. So I think we need

to look at this fairly carefully because I don't necessarily think it's contrary to data protection rules.

DONNA AUSTIN: Thanks, Nigel. I think what we were trying to do here is provide discretion to the registries and registrars to be able to fulfill this obligation within their existing practices. So what we're trying to focus on here is that if somebody wants to know what the variant set is, then they should contact the registry directly with the request and then whatever process the registry has in place, they will respond to that request accordingly. So when we had this conversation within the group, we had some—I wouldn't say disagreement, but there was some concerns over the use of using the term of public service. So I think what we're trying to get away from here is that we are not sure that that's absolutely necessary. But if somebody wants to know, then there must be a way that they can actually ask that question. So what we're saying is that can be done through the registry operator in accordance with their dedicated or nominated process. So I think that's how we're trying to thread the needle on this. So it's not necessarily a public service because one of the concerns with that public service was the protection of data, private information. So the way that this has been captured now, it takes away from that, but still has a requirement that any user, end user, registrar, whatever, who wants to know what the variant set of an IDN second level is, can contact the registry directly. So that's—Steve, I think that's—if you've got anything to add, but I think that's the intent of what we're trying to do here. So Hadia and then Satish.

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HADIA ELMINIAWI: Thank you. This is Hadia for the record. So in Recommendation 14, the current language or the new language, the new language says that does not require developing a system. So the new language says, "should work with ICANN-acquired registrars to provide information on the allocated variant domain names for a given domain name," but it doesn't say how, right? Or is it still through a certain system? Because the current language says that they will work together to develop and enable a service to discover the allocated variant domain names. But the new language says that they will work together to provide information on the allocated variant domain names. So is this also through a certain service? So that's my first question. And I guess if 14 means that we are going to have a system, then I guess in 15, we could use that system. If the registrars accept and consider, we could be using this system to disclose or deny data based on registrars' decision whether to disclose or not. So I stop here. Thank you.

DONNA AUSTIN: Thanks, Hadia. I'm going to ask Satish, if you don't mind, I'm going to jump the queue and ask Steve to respond to Hadia.

STEVE CHAN: Thanks, Donna. This is Steve from staff. I guess maybe to take one quick step back and try to frame these two recommendations. So, Recommendation 14—well, actually, I'll take one step back again. Just the intention here is to demarcate two things. So, there are two things that we're trying to do, which is to allow the registries and registrars to

be able to communicate with each other. And we're also trying to retain the ability for the public or the end user to be able to discover the information. And so, there's potentially two separate things that we're trying to do. And so, that is actually how these two recommendations are separated.

Recommendation 14 is about that ability for the registries and registrars to be able to effectively communicate and determine what the set is. So, to your direct question, Hadia, the intention is not to specify the mechanism. That is for the registries and registrars to determine what the best mechanism is. And so, I guess just to complete the thought, Recommendation 15, the intention there is to make sure that we retain the ability for an end user to also get that information. But as Donna said, we're trying to thread the needle, taking into account some of the input that we received from ICANN Legal that, as the rationale says, essentially that it might not seem obvious that there's data privacy concerns, but getting the set information may inadvertently disclose information unintentionally.

So, this is a lot of needle threading. Hopefully it makes sense. We're trying to satisfy two needs. One is the need for the contracted parties to speak to each other, and then also the ability for the end user to get information in some way. Thanks. Sorry, and just to finish, all of this is without trying to dictate the mechanism by which the contracted parties communicate to each other.

DONNA AUSTIN: Thanks, Steve. Satish?

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SATISH BABU: Thanks, Donna. Satish for the record. First of all, I don't think—as ALAC, we're not at all kind of bothered about how the contracted parties communicate among themselves. We are completely happy to support any process that they want to use. That's fine. But one of the founding principles of ICANN is the global public interest. If you look at ICANN wiki, you'll see that it's foundational. Now, we do have a responsibility to the world at large that they can discover variants. My intervention right now is only about 15. It is not about what the contracted parties want to use for communicating among themselves. But the end users have a right to find out the variant set. Because this is the first time we are introducing variants. And with this introduction, there is a lot of responsibility on us. And we have to ensure that the end user interest is also kind of answered, basically. I strongly feel personally—of course, I will go with the group, the wisdom of the group—I personally strongly feel that there has to be a mechanism by which an end user can find out the variant set of a given variant. Thanks.

DONNA AUSTIN: Thanks, Satish. So, I think what we're suggesting here with Implementation Guidance 15 is that the way that you would do that is to go directly to a registry and ask the question. So, I think if it's not clear that the intent of the 14 is that there's a requirement that if somebody wants to know what the variant set is, then they can find out directly from the registrar—the registry. Then maybe we need to tidy that up. So, if we make that a requirement in the recommendation rather than implementation guidance, would that satisfy your concerns?

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SATISH BABU: I think as long as there is some way of finding out the variance set for a given variant, I mean, we don't have any issues on how it is implemented or, you know—and I don't see any personal information in this, given a string to get the—because what we get on the tool, that online tool that we have currently, is the entire set. It's public information. The only thing that—but what we don't have is the information on what is activated and what is not. Otherwise, the entire thing is public. I don't see how this can be kind of seen as a kind of data privacy issue. Thanks.

DONNA AUSTIN: Thanks, Satish. I guess in the initial discussions that we had when we were talking about a public service, I guess what we were assuming is that if there was a service available to find out the variant—you know, what the variant set is, is that if there's an IDN that's been registered at the second level and somebody wants to know what that variant set is, then I think there was an assumption that what you would find when you made that request, or if there was a public service for that, is that it would display certain information. And what you're saying, or what I'm hearing you say now, is all that needs to be seen is just the actual second-level domains that are in the or could potentially be in the variant set. Nigel?

NIGEL HICKSON: Yeah, yeah, yes, thank you very much. And thanks to Satish. And I think I fully agree with him. And personally, I mean, I think there's two issues

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here. First of all, there's the issue—why can't a variant set be published? Because that in itself is not personal information, as far as I can understand. I mean, we regularly exchange details of what a particular domain is. The domain itself is not personal. www.somethingelse.com, it's not personal information. So, I don't see why the variants can't be published. I mean, I can understand why the details of who owns the variants can't be published, but the actual variant itself. So, that's the first issue.

And the second issue is that—I mean, as Satish said, I mean, people need to know what the variants are. I mean, as I understand it, a lot of our recommendations sort of rest on the knowledge of what the variants might be. So, there has to be a way of them being listed. And it can't be for the registrant to go to the registry and ask. I mean, that doesn't seem a very efficient process at all. Thanks.

DONNA AUSTIN: Thanks, Nigel. And just to—I mean, you're focused on the registrant. Satish, I was getting the sense that it wasn't necessarily the registrant, it could be any end user that wanted to know the information. I don't know whether that really matters, but I just wanted to draw that distinction. So, Steve and then Sarmad.

STEVE CHAN: Thanks, Donna. This is Steve. So, I am definitely not a lawyer, but I have friends in ICANN Legal who are, and they were the ones that provided the feedback. As a layman, I would probably read the same way. But the way that ICANN Learn reads it is they believe there's a risk of personal

data being revealed by way of potential patterns or links between the domains that could reveal details about the registrant's identity, activities or personal information. That's the specific feedback they gave. And the broader point I would make is that if there's ambiguity about whether or not the disclosure of this information could disclose personal data, it makes it potentially problematic to disclose that information. So that's what the registration data policy EPDP was all about, because it was essentially imposing by way of contractual requirements disclosure of information that was problematic. So if there's ambiguity, it seems like it might be problematic for this EPDP to impose the disclosure of the information. Thanks.

DONNA AUSTIN: Thanks, Steve. Sarmad.

SARMAD HUSSAIN: I just wanted to add that in some cases, I guess it would be a little more complicated than just running an IDN table and checking whether a particular domain name is allocatable, because now we also have this grandfathered or exempted domain name. So there may be cases where different domain names are registered and their variants as per an IDN table but they're registered to different registrants. So there needs to be, whatever that query is, we would need to go back and check that detail as well. Thank you.

DONNA AUSTIN: Thanks, Sarmad. I get the sense we're making this far more complicated than it needs to be. I can't get my brain to find a better solution at the moment. When I read—the reason I've asked Steve to speak to this is that Steve is the one that drafted this revised language for recommendation 14 and implementation guidance 15, and I thought it made sense based on the conversation we'd had previously.

What I'd like to do is just leave this language out there for another week. And what I want folks to come back with is possible alternatives to the language. Because I feel like every time we discuss this, something new comes up. And then we go off and we try to fix that new problem, but then we forget about what the original problem was. So I think what I want folks to do is have a look at this language and on email if you can suggest alternatives to it that would help, then we could discuss that. So we've heard from Satish and Nigel, but if others are okay with what Steve's drafted, then can I hear from those people so I can get a sense of whether we're on the right track here or whether it is still problematic. So Satish?

SATISH BABU: Yeah, thanks, Donna. I didn't want to push you into a spot. But we are happy to take this back to ALAC and look at the language and provide some alternatives if that's possible. But I was wondering if there is a legal problem, then we are not lawyers here. Can we not ask for a legal opinion on this? So that it is perfectly clear and we're not kind of half lawyers trying to kind of giving an opinion, because then that would be the end of it. There's no further kind of, nothing else we can do. If the lawyers ICANN Legal says we cannot reveal the variant set, that's the

DONNA AUSTIN: Thanks, Satish. So, I guess we need to understand what's the problem we're trying to solve here. And I think Steve did go to ICANN Legal. And Steve, I think you offered to share that information and Saewon has just put that information in the chat. But I guess, Satish, my question for you is, it doesn't sound like you're interested in that information about who's registered a TLD. You just want to know what contains the variant set.

SATISH BABU: We don't want any kind of personal identifiable information at all. We just want to see the variant set in its entirety.

DONNA AUSTIN: There must be a simple way to do this. I just don't know what it is right now. Okay, so we'll leave this language out there for another week and see if folks can come up with some suggestions. I actually think it's in a reasonable place now, but we'll leave it out there for another week. And the other thing I need to give some thought to, and I'd ask all of you to give some thought to, is what's the problem we're trying to solve here? Because I don't seem to know anymore. Okay, Hadia, and then I think we'll just move on after this. I don't think we're going to get much further. Hadia?

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HADIA ELMINIAWI: Okay, thank you. So I guess what we are trying to achieve here is to ensure that end users could have the ability to discover variant sets. But as we see [inaudible] wrote in the chat that the feedback we got from ICANN Legal, that there could be legal or privacy issues related to disclosure of the entire variant set. And so again, we're not sure here. And again, that means that it needs to be left to the disclosing entity to determine whether this disclosure can happen or not. So I don't know if there's much room for us here to change or suggest, but we'll think about it. Thank you.

DONNA AUSTIN: Thanks very much, Hadia. Okay, let's take some time to think about this and we'll probably come back to it next week. I really would like some discussion on the email list about this, about I know we haven't heard from the registries or registrars on this, so it'd be really helpful to know that.

SAEWON LEE: As I just left in the chat, if you can all, I mean, as I mentioned, the email only was sent out one or two days ago, and I know each group and I know that even registries haven't been able to take this back to the group yet and will need some time. So please do provide your feedback or an additional or a new language that you see fit to the email threads, if possible. And again, we are still waiting for GTS's response as well. So again, we might have a bit more context once we do hear back from them. But as we mentioned, the legal's feedback is completed, as shared in the chat, which was one of our reference in shaping the

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language in 14 and 15. So again, we will get back to this next week and to move on.

For agenda item number six, we've already seen the glossary because we only had one comment. And again, after this call, we'll send out another email for additional review. But as of now, we only did have that one comment in the glossary related to grandfathered, which we won't see again. But if you do have any other comments, please do add it into the glossary. And if not, we'll understand it as no objections.

And then to move on, we will go into reviewing the comments for section four. And again, we didn't really receive many comments. The main one was in recommendation five and recommendation six, which we already covered. So I think this will actually finish quite early than expected. But again, I do want to put this out into the mailing list for another review for the team, as well as them to take this back to the group. But to start with the first comment, and this was actually from Donna, and I just want to reconfirm this with the team, even though we did reconfirm this before. So the additional language to specify the same entity principle to apply to the second level only. Donna has added, should this be at the second level of gTLDs? If you can add maybe into the chat or if you agree to this, we will just change accordingly. If not, please do provide input now. So the language being changed to the same entity principle applies to the allocation of future variant domain names at the second level of gTLDs. Any objections or support? I heard from another lawyer in a different session that usually when it is apparent that what we are talking about is what we're talking about, we don't have to really specify things. But again, I think the technical community is, again, different. Maybe sometimes you do have

to point it out. So it's up to the team, I guess. I think most people are saying they're okay, if Michael is okay with this. And sorry, Michael, I don't mean to keep on pointing your name out, but you do have good suggestions. So then I think that this is what we'll go with.

Again, we checked all the comments in Recommendation 6, so we won't go back to that. So this is more of a question from staff, as in we updated the rationale, as well as the public comment review process in the working document related to the team's discussions on leaving Recommendation 18 as is, other than making sure that we have ICANN Board as the supervising body, and also leaving Recommendation 20 as is, contrary to the requests by the Registries Stakeholder Group.

In the update of the language for the public comment review process, currently, because we haven't had the consensus call, it's just under the majority of the EPDP team agrees to leave the recommendation as is. And I just wanted to check this with the Registries Stakeholder Group, because Registries Stakeholder Group at the time of discussion was the only requester, as well as the opposing group to these two recommendations being left as is and I just wanted to check if we can update this to the EPDP team as a whole if you agree to 18 being left as is with ccNSO remaining and 20 being left as is as it is the approval step of the implementation guidance and if so then we will adjust accordingly. And obviously if you need more time to discuss this with the group, I just want to flag this out for you.

Yes, so recommendations 18 to 20 as Jen mentioned in the chat was related to how the IDN implementation guidelines should be updated and what should be the proper vehicle and 18 to 20 was referring to

that question where 18 was guiding the process and 20 was guiding the approval step of ICANN board. That is the supervising body. Registries Stakeholder Group's comments was related to removing the substructure of ICANN board as well as removing ccNSO and 20 recommendation not being necessary if 18 is revised accordingly. But at the time of discussions, the suggestions were that ccNSO is left because this recommendation itself is not dictating ccNSO actions. It's more about the process and 20 is about, 20 should also be left because it's about the approval step of the guidelines. Yes, Jen, so the approval by the ccNSO is still left in 18 and ccNSO is, the recommendation 20 is still left within the working document contrary to the Registries Stakeholder Group asking for this to be deleted. And yes, Donna has provided additional information. Again, this is something for the Registries Stakeholder Group to go back and discuss with the group, I just want to flag this to the team that under the discussions that were not concluded or the leadership decided to move forward with even without full consensus under the review process updates in the working document, we've left it as the majority of the PDP team rather than the PDP team.

DONNA AUSTIN: Go ahead,

MAXIM ALZOBA: The issue with guidelines is that it's obligatory for registries to follow via reference in the registry agreement usually. So given that it's going to directly affect our contracts via the reference, we cannot say that it's

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not important about the ccNSO Council. We understand that the GNSO Council and ICANN Board, yes, it's the right parties. Those are right parties to affect our contracts, but the ccNSO Council definitely is not. All we need to add here is that in case of such approval, registries don't have to follow these guidelines. Thanks.

DONNA AUSTIN: So thanks, Maxim. So can I just ask the registries, are you okay with recommendation 18, which includes the ccNSO Council to approve the process? So, you know, going back to the conversation that we had around this a long time ago, Sarmad and others helped us understand what the existing process is for developing and updating the IDN implementation guidelines. We understand that this is not documented in any way. We believe it's important that it is documented for transparency and other good reasons. And what we're saying with recommendation 18 is that the documented process must be approved by the GNSO Council, the ccNSO Council and the ICANN Board. And just a reminder that we also liaised, I think Ariel might have done it, but there was a discussion between Ariel and I think Bart, who was doing the ccPDP on IDNs on this particular topic. And I think they were in agreement. So can I just ask the registries, are you on board with recommendation 18 that the ccNSO Council is part of the process to approve the process? Maxim, I understand what you're saying, but can we just focus on recommendation 18 at the moment and see if there's any objection to including the ccNSO Council? Maxim?

MAXIM ALZOBA: The thing is that the process and the outcome, they're quite tight. So I'm not sure we need ccNSO Council in creating process for which we will have to follow. Thanks.

DONNA AUSTIN: So Maxim, our understanding of the current process is that the current development of IDN implementation guidelines, it's an open call for people to be involved in whatever the discussion happens to be around. And it's likely that ccTLDs are involved in that. I think that we're only talking about documenting the process by which the IDN implementation guidelines can be developed and updated. And I think it makes perfect sense. I completely understand about ccs don't have to follow policy and all the rest of it. But I do think it's important to have the TLDs that are potentially involved in the development of the guidelines, I think it's good to have the ccNSO Council and the ICANN Board all on board about what the actual process is and getting that document documented. Jen?

JENNIFER CHUNG: I think the registries have the biggest problem with the word approved, even though obviously even here in recommendation 18, we are talking about the process. I appreciate and understand the history of how the IDN implementation guidelines have come to be. It was never really memorialized and it was more of a this is how it's been working so far. And I understand why it is so. But once we're formalizing and memorializing this for the future, there is that consideration here that the ccNSO Council has, as what Maxim has mentioned, approval is

something quite formal. Approval is something that they could vote down. How this gets implemented is important as well. And in addition, I think I know the whole group appreciates when we discuss this, even though the name is implementation guidelines, it has effectively become policy, consensus policy, or it's not really consensus policy. It has become something that the gTLDs actually do have to work on and apply and abide by in our contract. So understand the sensitivities and the reason why the registries are pushing back here quite hard with the mention of the ccNSO Council. Thank you.

DONNA AUSTIN: So this is this is the problem I have, is that it seems that the registries are the only group that doesn't support the current language, which provides a little bit of a challenge here. So I wonder if, Jen, based on what you just said, and the use of the word approved, if we had the document, a process must be supported by, would that make a difference? Or is that still going to have the same knee jerk reaction from registries? Maxim?

MAXIM ALZOBA: I think it should be replaced with something softer that like, and the consultation with ccNSO council should be held or something like that. So they can have voice, but they don't participate in the decision. Because the whole structure of GNSO processes is that relevant stakeholders, they influence the process. And in this point, ccNSO is not relevant. Also, in some situations, ccNSO, particular members of ccNSO might not be the best friends of particular registries or registrars. So we

prefer to keep it separated. If it's not that important, then replace it with the consultations should be held or some mutual language, like the notes should be requested from ccNSO council or something like that, but definitely not approval or allowance, because approved means that it can be approved or not. Imagine a situation where they say, no, we don't approve until you implement this and that. And given that some ccTLDs, they even use emojis, despite it's quite dangerous from the technical point of view, it doesn't mean that we can't do the same. And those two worlds are separated. We should keep it separated. Thanks.

DONNA AUSTIN: At the risk of sounding like a smart aleck, I would note that the GNSO council is not primarily made up of registry operators either. So, you know, it's quite possible that the registries and the contracted parties might be on board with approving the document of process and the rest of the council votes it down. What if we have the document of process must be approved by the ICANN board in consultation with the GNSO council and ccNSO Council? Would that work for everybody? So that works for Satish. I don't know what you're saying, Maxim. So what I'm suggesting here is that we change the language to the document or process must be approved by the ICANN board in consultation with the GNSO council and the ccNSO council. That's to your suggestion that we make this softer, Maxim, and we make a consultation. Maxim?

MAXIM ALZOBA: I think we need to ask ourselves why we are trying to make the language nicer for ccNSO because it's a working language. It's not like...

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DONNA AUSTIN: Sorry. I'm really sorry to interrupt, but I have gone back through the conversations that we had around this, which were quite considerable at the time. We do have a requirement, or the board, when they initiated or requested the start of these PDPs, that there'd be consultation with our PDP and the CCs' PDP. So I understand the sensitivities, but I don't know that we're creating unfair obligations here. So I'm trying to be reasonable and provide language that is not hard and fast, and we're only talking about the process here. We're not talking about the recommendation 20, which I can understand that that is the guidelines development, and it's a little bit more nuanced. So I am trying to find a path here, Maxim, and I have heard what's being said. But we need to recognize that everybody, that the rest of the group is on board. I'm trying to find a path forward that's acceptable for everybody. Edmon.

EDMON CHUNG: So I think, Donna, you captured the gist of this. The point is that it's not for the Gs or the CCs to trump each other. The point is that we want to have a policy that straddles both sides and be able to have a consistency across CCs and Gs. I think what you mentioned in the idea of having it there is really what we want to achieve as a balance. It's not that CCs or Gs have a trump card over the other, but that there are places exactly this strikes a balance to try to have these policies to have a balance such that there's a consistency across CCs and Gs.

DONNA AUSTIN: Thanks, Edmon. Thanks. So, look, I've just put suggested language in chat that I hope is okay with everybody. I don't think what we're suggesting is unreasonable. I understand very well about CCs and not required to follow policy. I get all that. What we're talking about is a documented process here, full stop. So, we're at time. So, we will have to come back to this later. Okay. Thanks, everybody. I guess we'll talk to you next week. Thank you.

[END OF TRANSCRIPTION]