
ICANN74 | Policy Forum – GNSO: CPH Membership Meeting (2 of 2)
Wednesday, June 15, 2022 – 09:00 to 10:00 AMS

ZOE BONYTHON: Hello, and welcome to the CPH Membership Meeting. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

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And with that, I will hand the floor over to Sam.

SAM DEMETRIOU: Hello, everyone. As Zoe said, we're here for the CPA Membership Meeting, the second half. For folks who are here in person, welcome to this hilariously cavernous room. And for the folks who

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are joining remotely, welcome to you guys as well. Thank you for being here.

I think we have gone through all of the regular announcements, so we've covered everything. But I just want to encourage that even though this setup is not ideal, if folks who are not seated at the table want to ask questions, give feedback, we do have the standing mics. And then folks who are dialed in remotely, we have great sound quality here in the room to hear you guys if you would like to chime in.

We have a couple of different topics that we are going to go through, some overviews of different policy works and initiatives that the contracted parties are working on and involved in. I think we don't need to waste too much more time. We can just get right to it.

I'll pass over to Ashley to tee up the first topic.

ASHLEY HEINEMAN:

Good morning, everybody. So, yeah, day two. We're going to be covering mostly some of our policy-related activities today, and we're going to first go, I believe ... I don't see the agenda, but I'm guessing it's the Transfer Policy PDP update. So I will turn it over to Roger who is our fearless leader in that group.

ROGER CARNEY:

Thanks, Ashley. I'm a little disappointed we weren't able to fill the balcony here, but okay. Let's jump into some of the, I guess, impactful changes to the Transfer Policy that are being recommended. The initial report should be out within the next couple of weeks. I think I heard staff say the 21st. The initial report will be out with ... I think there's 22 recommendations in it. It sounds like a lot of recommendations, but they're pretty precise and pretty small. So I wouldn't be too worried about it.

But there are several, I guess, contracted party changes that we should make sure everybody's aware of. And again, I pulled out the ones that are impactful to both parties, mostly. There will be other ones that are maybe just Registry-impactful or just Registrar. But I just listed the ones that are going to be impactful to both. Let's jump into it.

The famous Auth-Info/Auth-Code password has been renamed to Transfer Authorization Code. So it's the TAC now. We wanted to be a little more precise on what that meant and try to get away from the multi-named field that everybody used. But this TAC is going through some changes where the current Auth-Info today resides.

Most of the time the Auth-Info is created or set at domain create, but the TAC is going to be only set during a transfer. So when a request is made until the transfer is complete. It'll be a fairly big

difference there. Again, not a huge impact on the contracted parties. But on use, it is.

But we are going to be changing it, as well. Today every registry provides their own syntax for the new TAC. So going forward, it will be standard across registries. So it'll be one syntactical Auth-Code or TAC now. So that will be a pretty big change for some, I guess, registries and registrars to get used to.

Additional. The security of the TAC is being changed as well, and it'll be a standard based RFC security model. I don't know, Jim or Rick could probably tell us what RFC it is, but it's going to be based on the current technical standards versus, today in the wild, we've seen somebody [being able to] use ["password1"] as their code for a transfer. And that's going to go away here.

Probably the other big change, I think, is on the info command for those that are in the details there. The info command will no longer be able to return the Auth-Info, or now TAC, because it will be hashed and stored securely. So it won't be able to be returned visually.

The next big thing is locks. Locks have been probably a bigger problem for registrants than anybody else, but today it's optional. For domain creates or transfers, you can have a lock there. What the changes are is going to be forcing a 30-day mandatory lock-on domain create and transfer. So everybody will be doing the same thing, not the optional features of today.

NACKing. So this is when a transfer actually gets to the registry, and the registry notifies the sponsoring registrar that a transfer is in progress. This is actually disappearing now. In today's world there's a five-day window that registrars have to provide the code to registrants. And then at the end of that process when the Gaining Registrar actually provides it to the registry, there's another five-day window that the Losing Registrar can agree to this transfer or deny the transfer. And that's this NACKing.

And the recommendation is that the second five-day window is going to disappear to hopefully streamline the process.

Poll messages. For those, again, technical people, this will be changing. Again, there won't be a transfer notification. It will be a Transfer Complete. So there'll be several poll messages changing. And there are some discussions about providing some more details in those messages So that'll be actually a comment out. The working group didn't agree completely on if it was necessary or not, so that's going to be out for public comment. So hopefully we'll get some responses on that.

So the new TACs will have a time to live on them. And that means that a TAC is going to only be valid for a certain number of days. And the recommendation is 14 days. And then once the TAC is used, it actually is no longer valid. So the time to live is an up-to value of up to 14 days.

Let's see. Another change. So when the transfer's complete, the registries are actually going to be setting the TAC, or the Auth-Info, to null. Today an Auth-Info lives forever until it's changed by the registrar. But on a Transfer Complete, the Registries are going to actually cancel that out, again for the security reasons of having the TAC only be valid once.

We've touched on the IANA ID. And again, it's just a recommendation or a question, actually, out to the community if that's needed on the Transfer Complete. It would be useful for, I guess, the Losing Registrar or the original sponsoring registrar here to have that information and be able to provide it back to the registrant so that they have a circle of completion there.

And I think I ran through those fairly quick. Those are the probably the big things impacting both Registries and Registrars, but I think the big topic right now is the time to live. The whole group completely agreed on a 14-day time-to-live window. But the enforcement part was in debate. Where is that enforced at? Is that a registrar-enforced value or is that a registry-enforced? The original recommendation listed that as a registry-enforced item, but the Registries have voiced concern about that—if that's really in their purview to do.

So I think that's probably a big one to think about, especially for the Registries. I think the Registrars obviously are for the Registries doing it, but I think the Registries should take a look at

that. And I know Jim and Rick and everyone else that's on the working group have.

So I think that's about it for me.

ASHLEY HEINEMAN:

Thank you, Roger. I encourage folks to use this opportunity to ask questions. My understanding is that this work is wrapping up. We would hate to have any last-minute uh-oh moments, so if you have any questions/concerns, this is time.

And I see Jim has his hand up. Come on down.

JIM GALVIN:

Come on down. You'd think this was the game show. Jim Galvin, Donuts. I didn't really come down with a question. But I think, as Roger said, I just wanted to speak out and call out explicitly, for the record, the current registry preference with respect to enforcing the TTL. This really is an issue that we very much need more comments from the community, explicitly, both registries and registers to speak out on.

From our point of view at the moment, it just doesn't feel like something that belongs at the registry. I'm just putting that statement out there at large. I certainly do appreciate the simplicity from the registrar point of view of just having registries do that and enforce the TTL time. So the registrar would set the

TAC. Registries would then have to keep track and, of course, then null it out and disable it so it could not be used going forward.

But that feels like it crosses a boundary, and crossing the boundary of the relationship that registrars have with the registrant. You're putting the registry in a place of having to make a decision and do something and take an action that influences a registrant directly in an ordinary business transaction way.

And that just seems to cross that boundary between our relationship with the registrant versus the registrar's relationship with the registrant. And that's the primary concern that stands out at the moment. I mean, setting aside some of the technical alternatives in doing this, it's just not a place that we would like to be.

So I wanted to call that out, make that statement, and encourage folks to think about that and see who else has an opinion about it. As this goes out for public comment, I would very much like to get comments from many folks about how they feel about that issue. Thanks.

ROGER CARNEY:

Thanks, Jim. Yeah. And just to add onto that, going out for public comment, it does say that the registries will be enforcing it. So, again, I think that it's important, especially for the registries to voice their opinion that in the public comment period. Thank you.

SAM DEMETRIOU: Thanks, folks. And apologies for jumping the queue, but I put my hand up to respond to this specifically. I just want to let, Roger, you know that this is something that is in front of the Registries Stakeholder Group to pull together a consolidated stakeholder group comment on this issue. Jim and Rick Wilhelm have been really helpful in teeing it up for our group and explaining the issue.

I also just want to remind Registries Stakeholder Group members—if you can hear the sound of my voice—to please take a look at that. And if you have questions or input, now's the time to be sending those along over the mailing list. We'll be following up on this in our next couple of meetings.

ASHLEY HEINEMAN: Thank you, Sam. We have Michele.

MICHELE NEYLON: Good morning. A couple of things, kind of going backwards. With respect to Jim's comments, I'd have to disagree. I don't understand why registries are suddenly now deciding that they can't do something. Registries have and always have had the ability to do things that impact our clients.

And personally, I would prefer to see if there's going to be a uniform policy about something like this, that it is enforced at the registry level because while many of us would be more than happy to implement it at the registrar level, the only way that I will know for sure that it's been done across the entire ecosystem is if the smaller number of companies that run registries are the ones doing it.

On a few of the other things. The changing of the terminology. I can understand the rationale. Already, people get confused about these things, so I hope that people have thought a bit about how we're going to handle education around that, both for registries, registrars, and the broader community.

With the time to live, again, it makes perfect sense to me. But I remember from previous Transfer Policy PDPs, that any kind of changes to how those codes operated was met with a crazy amount of pushback from the aftermarket domain investors segment.

So I suppose the question is just, to Roger, have they been involved in this process? Are they okay with that? Because I'd hate to see something which has the potential of being a positive change get completely blown up when it goes out to public comment. Thanks.

ROGER CARNEY: Thanks, Michele. And actually, Zak has done a good job of supporting the aftermarket group. And Zak was supportive of that TTL.

ASHLEY HEINEMAN: Sue, we have you in the queue.

SUE SCHULER: Yes. We have a question that came in chat from Calvin Browne. “Are there any implementation time frames yet?”

ROGER CARNEY: Thanks for the question. No, not at all. The initial report’s going out for public comment. And something that Michele actually touched on is kind of important. One of the things you don't think about ...

And we all like to think technology and everything, but the messaging here is going to be important as well because we are changing terminology. So it's not going to be just contracted parties having to deal with it, but registrants. So registrars will have to communicate with registrants in this process as well because it's being updated.

But no timeline set today. Thanks.

ASHLEY HEINEMAN: Mr. Palage.

MICHAEL PALAGE: A statement and then a question. The statement is, I have found the comments of both Jim and Michele helpful and informative. And I will be taking this back to Craig Schwartz and the rest of the fTLD team and contributing to the Registries.

My question to you, Roger, is in light of this, if you will, ecosystem, has there been any analysis under Section 18 of NIS 2 which talks about supply chain security since this clearly is impacting, if you will, the supply chain of registry, registrar, and registrant as well as reseller? Has there been any analysis of that? I know most people in the community have tended to focus on Article 23, but I think Article 18 is probably equally if not more important given the statutory damages.

ROGER CARNEY: Thanks, Michael. There was nothing specific geared toward that. The security aspects were looked at holistically, and nothing specific to Article 18.

ASHLEY HEINEMAN: Any other questions? We have a few more minutes left on this topic. Maybe time for one more question. If not, I believe I'm turning it back over to Sam. Thank you very much, Roger.

ROGER CARNEY: And I'll just say, coming out in two weeks. Please read it. Comment as much as you can. Thank you.

SAM DEMETRIOU: All right. Thanks again, Ashley and Roger. Next, we are going to hear from Dennis Tan. He is going to give an overview of the work being done on in the EPDP, the Expedited Policy Development Process, on Internationalized Domain Names (IDNs) and some of the areas where Registries and Registrars need to have some input.

DENNIS TAN: Thank you, Sam. Dennis Tan here, Verisign. I'm here on behalf of the Registries Stakeholder Group members of the IDN EPDP to talk about/tee up this conversation of the IDN EPDP and the implications to existing implementations in the future, as well as we want to share this information with the TechOps Group. So I understand that ...

Well, I've talked to my colleagues and the co-chairs [inaudible] here, and also Marc Anderson. I'm not sure you're in the room as well. But it's important because there are a few items here that the group needs to consider, both Registry and Registrar. So just let me dive into these talking points.

So first, it's about variant IDN names. And when we talk about adding IDN variant domain names, there are basically two types at the high level. Right? Many second-level domain names attached to a TLD ... And let me just use “attach” as a relationship. But many second-level domain name variants are under one TLD.

And the other one is one string, one string of the second level under many TLDs that are variants of each other. So in both of those two groups are what I’m talking about sets of domain names that are deemed the same or deemed to be managed, [as said], a bundle or whatever you want to call it.

And so what does that mean in terms of managing the life cycle? And that gets into the talking about the same entity principle. So the same entity principle basically means if we are talking about domain names deemed the same, then from a secure/expectation standpoint, they need to be managed by the same entity. At the top level, that would be the registry operator. At the second level or the domain name, it should be a registrant. That’s the ongoing principle.

Now that gets into talking about what happens today. So as many of you know, registry operators that offer IDNs and variants at the second level, our contracts state that variants of domain names that may be activated need to be allocated and requested by the same registrar.

So in a way, we are dealing with the same entity principle today. But it goes as far as the same registrar. The SubPro did work on this, and you can find those recommendations in Sections 25.6 through 25.8, and the corresponding rationale that the same entity now would need to go all the way to the registrant.

Now moving on to the third talking point, what is the registrant here? There is no definition, neither SubPro and IDN EPDP will look at that and discuss that. So if you are interested in knowing more, you can follow the EPDP Working Group sessions. In fact, the session next to this one at 10:30 AM local time. The IDN EPDP Working Group will have their second session, and they will start discussing deliberating this exact same issue.

And so, going back to the definition of the same registrant, what is the same registrant? So we can start with ... The IDN EPDP full working group will start talking about this item here. What's the definition? One of the proposals or recommendations out there comes from a report from ICANN staff, which is one of the body of knowledge that the IDN EPDP is using. Or it's informed their deliberations.

The recommendation is to use theROID, the contact ID, as the glue, if you will, for the same registrant. But from a practical standpoint, we know registrars, not everybody, reuse contact ID for the same registrant. Right? And so that would be a hard ask to just start doing that.

Then the question is, if theROID cannot be used, is it a set of registration data or a subset of the registration data that can be used as a proxy to define the same registrant. That's also going to be on the table in order to discuss.

And then we go into what happens or what are the implications on the life cycle from create all the way to the delete, and passing through updates of the registration data or information of domain name transfers, whether explicit or implicit.

Think of UDRP proceedings where a domain name needs to be transferred. What happens if that domain name is part of a variant set? What happens to those domain names? Court orders as well. What are the implications when, potentially, a court-ordered request demands to transfer a domain name but does not [inaudible] the variants? What has happened there?

So, we're going to be talking about all of these implications that need to be understood, and really think through. And therefore, the implications of [this new series of products] that will soon be in the market.

There's a link there for the IDN EPDP Wiki where you can find the recordings of our sessions. The materials [being out] there. Again, our whole working group is meeting at 10:30 today. We're going to be starting to deliberate this issue. It's not going to be resolved in one session. There's going to be many more, and we look forward to starting the conversation with the TechOps Working

Group because it's going to be important that registries and registrars really think through this from an operational/legal standpoint.

And we can use that—by “we” I mean the representatives in the working group—to channel those concerns, raise those flags, if any, recommendations/observations, what have you, to the full working group. So I really look forward to having those conversations. Happy to take any questions. Thank you.

ASHLEY HEINEMAN:

We have a hand from Jothan. Welcome up to the mic.

JOTHAN FRAKES:

Hi there. Dennis, thank you for the hard work on this. This is one of the probably least attractive but most important topics that we have in our industry. I commented in the chat, but I wanted to say it just on the record.

We spent quite a bit of time, in the group that Roger was just presenting in the transfer group, talking about and defining something called a Registered Name Holder. And that may provide some helpful definitions to untangle the challenge we're having with the common ownership of the bundling.

I think—just a comment—that the thing about bundling these names is that there would be common ownership, common

behaviors and other things that are going to be important. In a lot of languages other than English, you may see other spellings or other, even, characters used. And this is going to increase a lot of the functionality of IDN in ways that are going to be practical for the world.

So it's really hard work, and thank you for your efforts. Really appreciate it. Thank you.

SAM DEMETRIOU: Thanks for the kind words there, Jothan. We have Maxim in the queue next.

MAXIM ALZOBA: I hope you hear me.

SAM DEMETRIOU: We do, loud and clear.

MAXIM ALZOBA: Also, this EPDP has quite a huge potential to lead to the changes to EPP because, for example, there is a set of TLDs which are regarded to be variants of each other. And simultaneous registration, simultaneous deletion, something to do with transfer, something to do with [check].

Also, with the idea of one entity, legal body or person, to have the right to register the variants will lead to situations where, at some moment of time, there will be a need to know which particular entity has the right to do so. And it might overlap with GDPR, so it's a bit, I'd say interesting EPDP. Thanks.

DENNIS TAN: That's a good point, Maxim. So I'm taking notes here in order to elaborate a little bit more on that one.

SAM DEMETRIOU: All right. Thanks, Dennis. And sorry for putting you on the spot there. We also have a hand from Jeff.

JEFF NEUMAN: Well, I see a hand from Jothan. Is that an older hand there? Oh, okay. Thanks, Jothan.

I also want to thank Dennis for the work on this group. You know, what sounded initially like a task that seemed like ... I won't say it seemed easy, but from the outside it seemed like it could be done pretty quickly. But the complexity involved, of all of these issues, is just incredible. And when you magnify that with the number of variants, things that ...

I'll give you an example. And we really haven't gotten to this part yet. But something like, let's say, a UDRP. Right? So if a trademark

owner owns intellectual property rights in one string—and let's say that's not even the primary string but one of the variants—files a UDRP, they may have rights to the variant but no rights at all in the primary or other variants.

And so what happens if there's a UDRP decision that's in favor of the complainant for the one variant but not the primary? Do you just transfer over everything, regardless of the IP rights? I mean, that's just kind of like a small ...

It's a big issue, but it's one of the complexities of things that we just don't think about that really have huge impacts. And it's one of the reasons why I think we're taking a little bit longer but really, thoroughly going through the exponential issues.

And so while Dennis has listed things here in the life cycle about just an ordinary transfer, there are transfers as a result of dispute proceedings, there are potentially law enforcement orders on potentially one of a number of the variants.

And then an issue that I really want to understand more about and talk more about is the concept of changing ... So if it goes from one registrant to another, and let's say the new registrant wants to use one of the variants as opposed to the primary, do we have the functionality? Are we able to have the functionality, where a registrant or a Registered Name Holder can switch between variants and make one of the original secondary variants the actual primary?

Again, just to thank Dennis. We're thinking through all of these really complicated issues, and hopefully working our quickest to figure these out by the time that we get to implementing the next round.

SAM DEMETRIOU:

Thanks, Jeff. We have Maxim and then Jothan in the queue. And I think with that, we will draw a line under this topic so we have time for our remaining two items. Seb snuck in right under the deadline, so we'll go to Seb, too.

Maxim first. Over to you.

MAXIM ALZOBA:

Yes. Also, they will be an issue of inherited domains because of situations were potentially two entities, I'd say companies, have trademarks—one in one variant of the same set, another in another variant of the set—for the [inaudible] which, actually, variants [inaudible] which are variants of each other. And before this policy [inaudible].

At this time, who registered the first is the registrant. And after some point of time, there should be only one. And how to decide who has more rights? So it will create different classes of registrants, potentially, like old ones and new ones. And also, I said it a few times in the past, and I think it was supported by Registry constituency at some degree that these particular PDPs

shouldn't be the gating item for the next round if we ever want to see a new one. Thanks.

SAM DEMETRIOU: Jothan, go ahead.

JOTHAN FRAKES: Thank you. So this is a really complicated thing, obviously, and the work is very important to get this done. A lot of this starts to stray outside of ICANN stuff into the realm of browsers and software interoperability as well. There is, as I point out frequently, no developer constituency here that bring those people to the party to have conversations about how this works. So it would be great to give documents and once there is some output from this, to give somebody some North Star guiding lights and standards to work against to start to do development.

So it may be a little while before we might see these in the wild, just in general use. But there is an appetite in the world, I do notice, not just for this IDN variant bundling, but also for domain names to behave in a similar manner and to be joined like this with respect to cookies, certificate issuance, and other things that go beyond just the IDN so the work that you're doing will have a broader benefit to the community. Thank you.

SAM DEMETRIOU: Thanks, Jothan. And Seb, you have the last word on this one.

SEBASTIEN DUCOS: Thanks, Sam. And thanks for giving me the last hand because I was slightly off topic here. I just wanted to flag, there was a survey that was sent to ROs that have Chinese and Arabic IDNs very recently. And I fully appreciate that the PDP needs some feedback from the community. I just think that the way this was done may just bring back a lot of negative feedback and a lot of negative answers which may or may not be what you're looking for.

When you asked ROs via ICANN staff to provide information, they have to feel that it's official and do some way [a committal]. They don't understand the problem. They don't understand the consequences of problem, and I don't think that we do either in terms of ... This survey is basically saying, “You have a TLD. If we were to release variants, would you be interested in your in [inaudible] variant of your TLD?” In some cases I have clients that have, like, 10 variants through the same TLD.

And without understanding any of the financial implications on ICANN's side, on the back end side on any of it, I'm just afraid that you'll get a lot of negative answers. People that will say, “Thank you for your survey, but no. I can't answer. I don't want it because I don't know what is implied by it.” And I just wanted to flag that. Thanks.

SAM DEMETRIOU: All right. Thanks for that, Seb. And yeah, good thing to flag. Good feedback on that. All right, so I think that's it. We've reached the end of the queue on that. Dennis, anything you want to say to wrap up?

DENNIS TAN: I just want to quickly react to Sebastian and Jothan's comment. Sebastien, noted. We will relay the message to the chair of the IDN EPDP and staff so that they are aware. I think maybe some of you are here.

And to Jothan's observations, then, about behavior. Right? This is beyond the DNS ecosystem. Variants is a policy concept. There is no technical solution. There is no one uniform standard technical solution for two or more domain names to behave consistently. That's at the implementational level. Whether two websites behave the same or different, that's up to whoever is setting up that service. Same for e-mail addresses and, you name it, any service.

So we need to be careful as to what is required from registries and registrars and potentially [flow down] to registrants as to what's the expected behavior or variants because, again, there is no technical solution for that. There is no protocol that defines how

these things need to work. It's going to be ... It's a complex ecosystem. Let's just stop there and [continue]. Thank you.

SAM DEMETRIOU:

All right, thanks so much. And just a reminder, as Dennis kind of led off with. These topics are going to be taken up within the TechOps group that has participants from both Registries and Registrars. So if you are interested in this or if you have folks within your organization who you know might be interested in contributing to those discussions, get in touch with Jothan. Get in touch with Marc Anderson, Dennis. We can get you guys involved in that group.

Over to you, Ashley.

ASHLEY HEINEMAN:

Can we go to the agenda, please? Okay. All right, Registration Data IRT. This has been going on for a while, as well. And I believe we have speaking today, Ms. Beth Bacon. And I believe Sarah Wyld will be joining you remotely.

BETH BACON:

So, we relieved Sarah of this because it is 3 AM Toronto and that's just not nice.

ASHLEY HEINEMAN: Oh, what a slacker. Okay, fine.

BETH BACON: So I am going to be doing my very best, Sarah. We all know that I'm just the poor man's Sarah right now, so I'll do my best. Hopefully, she'll approve.

So we wanted to talk a little bit about the IRT. And then there's been some discussion also and questions about how the recommendations for a data processing agreement or specification—and hence the DPS—ties into or is related to that work.

But first, I will do—this is all Sarah, I'm just channeling her—a little update on the sticking points and relevant issues with regards to the actual IRT. And we'll start with ... As you said, it's been going on for a while. I think we started it when I was in my 30s, and I'm not now.

The Org field is one of the sticking points, and it's the question of how the Org field is handled. The recommendation was kind of complex, and there was some discussion within the group for quite some time. There's some concern about the part of the recommendation that allowed the registrar to delete field contents.

And the concern there is that, obviously, then you might not know who owns the domain or has registered the domain. The

concern was mitigated by the group by leaning into the requirement that before the field contents are deleted, the registrar must ensure that the Name field is populated.

And for the rest of the recommendation, the requirements have been split into different areas of the new policy so that they have context and exist where it makes sense for them to exist, as opposed to appearing in the beginning, just in the Org field, and then you have to go ...

You're four pages later and you're going, "What is this?" So we did rearrange them. We didn't get rid of some of the requirements. They're just in different places.

Then there's also a question of data transfer, which has been lingering. It is reflective of the policy, but it's a little bit intense when you look at it. We tried to arrange it into logical sections, so it is split up and they're broken out to cover slightly different processing circumstances. So you'll see that there's a "must be transferred if a legal basis exists." And a data processing agreement is in place, which is in line with the recommendations. And then you'll see another section where data is the same, but it's optional for the registrar to provide so the registrar may not have it.

So there are circumstances for transferring the data that is required, transferring the data under certain legal circumstances, and then transferring data if you have it or if you don't. So just

read it slowly with a highlighter, and then come ask us questions. It does make sense in the end.

And that brings us to the question of the DPS. We have in the recommendation, “If a data processing agreement exists ...” And does one exist? Not quite yet. Out of Recommendations 19 and 20 in the EPDP Phase 1 Report, there were some requirements for ICANN as well as contract parties to enter into negotiations and discuss and draft a data processing agreement to handle any and all transfers or processing of personal data between the organizations ICANN and a contracted party.

The question that has been raised in relation to the IRT is, is the DPS required to be completed before we go to bring the IRT to public comment, which is planned to happen in August? The contracted parties have noted from the beginning that we don't think so.

A DPA is simply the legal mechanism with which we enable you to transfer data—personal data, pardon me—between parties. And it will not impact/change/alter the recommendations. We don't have the power to do that. It's just us checking that legal box. And that's the goal. That was always the goal.

So we do think that it could go to public comment, but there have been concerns and questions in the IRT. Folks would like to see that text before it goes out to public comment before it's finalized. And we don't think that is unreasonable, as it is part of

that process. But we don't think that it necessarily needs to hold up that public comment, especially considering we have been working on this for quite some time.

So, I'm happy to take questions on the IRT, the process, the DPS, the DPA, whatever you would like. And Sarah has kindly offered, also, to jump in with me and we can do a deep dive on the IRT document itself, if folks would like, at a later date. Thanks.

Am I calling on you, Ashley? Is that my job?

ASHLEY HEINEMAN:

Call on me ... Yeah, I'm going to ask a really dumb question. I know that it's been asked 100 times, but perhaps just continuing to have it on the record is helpful to a certain degree. And that is, is a DPS required to implement this? Just making sure that we understand the necessity of the DPS and to make sure that I understand it, anyway.

BETH BACON:

So, you're going to ask me an easy question. Just softballing it to me. So, in the context of the IRT there are two recommendations that say "you will do these things." "It is now in the document that you will do these things." There is one suggestion for an added section—I think it's Section 5, which means nothing to anyone—that will then reiterate "as appropriate, you should enter into a DPA."

The contracted parties have argued that we don't need that in there. We don't need it in the consensus policy because it's a contractual thing. It's going to happen. It's in the recommendations. But the recommendation is to do it, and so we shall. It doesn't really need to be reflected. It's kind of an operational thing. It's been added very recently to the text, so that's still under discussion.

I think your question is more to, like, practically do we need it. And I think, yes, we do need it. And again, as appropriate. It's really a contracted party's evaluation to make. But also, I struggle to figure out how we square the issue of ... This is now and a GNSO-approved/ICANN Board-approved two recommendations, so how do we not do it? Or something to the equivalent. And Recommendation 20 is fairly specific with regards to some of the information.

So that is something we are discussing in the negotiation group, but we are trying to get something. And I don't think ... It shouldn't be too hard. It's a legal document. It's to transfer data. So we are continuing to work on that. And if folks have questions about those negotiations, we can share some, if not the details of all, and give you the gist. We can also do that at a later date.

ASHLEY HEINEMAN: Thank you. So I went straight to questions, but I had to ask my question. But thank you for the presentation. Thanks for the offer to go into some of the policy details.

Roger, you have your hand up.

ROGER CARNEY: Thanks. And I just want to add on to what Beth was saying and to Ashley's question, really. This policy doesn't require a DPS/DPA, whatever it is. I mean, many items of this policy are going to go into effect. Moving the admin name, whatever. All of those things that are in the policy. There's only specific items in the policy that require the DPS, and that's transferring the data between people. But the other items of the policy really don't require a DPS to make the policy policy. It's just a few items in it.

ASHLEY HEINEMAN: Thanks for that. Do we have any other questions? Any desire to hear some work the policies specifics?

SAM DEMETRIOU: We've got to move on.

ASHLEY HEINEMAN: Never mind. We've got to move on. I will turn it back to Sam, but thank you very much, Beth. And thank you, Sarah, for being awake.

SAM DEMETRIOU: Sorry, Ashley. I have to be the timekeeper. We do have one final topic before we adjourn, and we have about 10 minutes left. So I'm going to intro straight to Donna and Jeff to give an update on the amendment to the Registry agreement and Registrar Accreditation Agreement to incorporate RDAP SLAs.

DONNA AUSTIN: Thanks, Sam. So Jeff and I haven't coordinated on this, so, Jeff, do you want me to just kick off and we'll see where we get to?

JEFF NEUMAN: Yeah, go ahead.

DONNA AUSTIN: All righty, so we'll make this relatively quick because I think most in the stakeholder groups will have some idea where this heading. But just a reminder for those that aren't as familiar with it.

So on the 19th of October 2019, Göran wrote to the chairs of the Registry and Registrar Stakeholder Groups to start a contract

amendment process that was related to RDAP SLAs and also sunsetting WHOIS, primarily.

And just to put that into context, somebody called Graeme Bunton was the chair of the Registrar Stakeholder Group at that time and worked for Tucows. And I was the chair of the Registries Stakeholder Group and worked for Neustar at the time. So we've moved on a little bit.

So this is something that the Registries and Registrars have been doing as a joint negotiation, which is a little bit unusual. We haven't done this before. But it's gone seamlessly, really. And our engagement with ICANN has been together all the way through on this. We've had probably 10 members along the way that have been constant in the discussions that we've had with ICANN.

So the main agreement from the process that we have so far is that we have agreed on SLAs for RDAP. And the one that we spend the most time on was the one in the middle, round-trip time, which is agreed to 4,000 milliseconds at the moment. But ICANN did put us on notice that depending on what comes out of the public comment process, that may not be set in stone just yet. But we are hopeful that 4,000 milliseconds will hold through to the end of the process. Next slide, please.

So the RDAP ramp-up period is 180 days from the effective date of the amendment, and the RDAP emergency threshold becomes effective upon expiration of the RDAP ramp-up period. So once it

gets through that 180 days, that's when ICANN Compliance will be monitoring and could take action if you're in breach of those SLAs.

For the WHOIS services sunset date, it will be 360 days after the expiration of the RDAP ramp-up period. So that's the period of time that you have to continue to have WHOIS services available. And the WHOIS services emergency threshold requirements remain in place until the expiration of the RDAP ramp-up period.

The SLAs for WHOIS will remain in place until the sunset date, but they won't trigger an EBERO event. That probably makes sense to some, but not to all. But it's really just highlighting that there's a ramp-up period and then the SLAs become what ICANN Compliance are going to measure your performance against. And with WHOIS, you still need to maintain that for a period so you'll be operating the two services at the one time. But only one of the two will be the primary that Compliance will be measuring you against, and they could take action if you are not meeting those SLAs.

We have two outstanding items, and one is around the cooperation with transition studies. And that's something that the negotiation team is ... We need to provide some text back to ICANN. This is about, you know, ICANN is ... I'll put the history aside.

There is an item within both agreements for cooperation with transition studies which, I think in principle, we have no objection to. But we do want them to be of a voluntary nature, and we don't want there to be unnecessary burden on registries and registrars to collect data or information that they don't already do as part of their normal business.

So we're just still talking with ICANN about how we can come up with language that is agreeable to both of us. So we agree in principle with ICANN on the transition studies, but we've just a little bit of discussion to go about the language.

ICANN reserve the right to specify alternative format and protocols. So this was a requirement in the agreements that was specifically included for RDAP. So the thinking was understood that WHOIS was going to transfer to another format or protocol. That would be RDAP. So it was included in the agreement. So from a stakeholder perspective, our view was that this could come out, that we didn't need this requirement anymore.

But ICANN would like to keep it in just in the event that something in the future would perhaps take the place of RDAP, which we think is a little bit of a long stretch. So we're in the process of ... When I say "we," the Negotiating Team is in the process of developing some language to go back to ICANN to see if we can resolve that issue.

There will be a public comment process. So once we get this all wrapped up, ICANN will provide us with a redline. Once we're comfortable with the redline ... And notwithstanding that it won't be the Negotiating Team that makes that decision, we'll come back through the respective stakeholder groups. Once we're comfortable with the redline language, then it will go out for public comment process.

And as we know, that could become really interesting. But we need to have some conversations with ICANN Org about what that public comment process is going to look like and how we will consider comments are coming. So that's a conversation we haven't had yet, but we understand that we need to have it. If we can go to the next slide, please. I'm not sure which one this is going to be. Okay.

This is kind of an idea of the timeline. So even though the negotiations where we've only got two outstanding items and we should be wrapping this up pretty quickly, not really the case. So there are a few more steps that we need to go through.

And the vote on the amendments, we expect, will take place sometime between January and February. And there's going to be a fair amount of communication around that. And then after that, the Board still has to approve the amendments. And then there's an amendment effective date. So there's still, potentially,

April/May of next year when this becomes effective if everything goes according to plan as to what we have now.

So that's what I have, Sam. Jeff, I don't know if there's anything you wanted to add.

JEFF NEUMAN:

I think you covered almost all of it. The only thing I would add is that the Registries have been through this once with the global amendment. The Registrars have not yet been through this, and it's going to require a lot of coordination because, unlike ...

I think most of the registries are in some way involved with the Registries Stakeholder Group. There are a number of registrars that are not in the stakeholder group. But they still need to be included in the voting process. So there is time for us to figure that out, but it's going to be a little bit more complicated when we have that vote. But it's something we're preparing for. And, you know, this has taken a long time, but hopefully we're getting towards the end.

SAM DEMETRIOU:

All right. Thank you very much, Donna and Jeff. And Donna, especially, thanks for joining us at an inconvenient time, inconvenient time zone for you. So thank you for being here.

I'm really sorry to report, folks, that we are at the absolute end of our allotted time. I know that there was a hand raised, and I see that there was a question that was raised in chat. So I'm just going to let you guys know we will follow up with those outside of the session. Alex, specifically, you dropped a question. We'll get back to you. And just to follow up on the last point Jeff raised, Ashley and I will coordinate and we will make sure that everyone who has not been involved in these negotiations is well briefed and understands what's going into this amendment, especially now as we get close to the public comment period. And then that brings us even closer to the time when the vote has to take place.

So for CPH members, your action item following this is to keep your eyes out for those invitations. Make sure that you're getting up to speed as much as you need to on this important topic because it's going to require a vote from not just stakeholder group members, but all registries and registrars. So it's time to start paying attention.

All right. I think with that, we can close it out. Thank you all again for being here. Thank you to everyone who spoke and presented today. Great job going through those topics. There's a lot of really interesting work going on. And members, thank you for your questions and your comments and participation. And I'm just so glad to be with you guys in person.

Ashley, do you want to close out?

ASHLEY HEINEMAN: Yeah. What she said. But basically, so great to see all of you. I know we still have time and chance to see each other, but if I don't see any of you, it was really great seeing you all in person and I look forward to our next meeting.

ZOE BONYTHON: This session is now concluded. Please stop the recording.

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