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GNSO – RrSG Membership Meeting Session 1
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Graeme Bunton: Okay. Welcome, everybody, to the rest of stakeholder group day. My name is Graeme Bunton. I'm from Tucows. I'm the Chair of the Registrar Stakeholder Group. Can I get a show of hands if this is your first or second ICANN meeting? Holy moly. Amazing. Great. Okay. So we have a lot of new people in the room. There are still seats at the table. There is nothing special about the table. You should feel free to come and join us, especially if you are new.

We will endeavor, and it's very difficult, to reduce the acronyms that we use today. And so that's my Chair command to all of you speaking, because it's especially confusing for people who don't speak English as their native language and are new. So let's try and make sure we do that. If you have - if this is your first or second meeting and you're new, it can be intimidating to speak at the microphone. But we're a friendly bunch and many of us have been around for years and have expertise and knowledge to share, but we need your opinions. And so I'd really strongly encourage you to try and participate, say something, and it's not so scary. So please try and do that.

I'm a little bit hesitant to go around the room because there are quite some people for introductions, but maybe it is worthwhile to put some faces to names and you can - everyone can learn who everybody is, especially with so many new people. So I'm going to start with the elected officials and then we'll go around the room, I think.

So I'm Graeme. I'm the Chair. If we haven't met and you're new, please come see me at some point either today or the rest of the week. Let's get the rest of our elected people to say hello.

Tobias Sattler: Hi, I'm Tobias from United Domains and Vice-Chair of the Tech Ops.

Ben Anderson: Hi, I'm Ben Anderson. I'm from CSC and Ascio and I'm the Treasurer, or the Lunch Payer.

Kristian Ørmen: Hello, my name is Kristian Ørmen. I'm from Larsen Data and I'm the (SD) secretary.

Darcy Southwell: Hi, I'm Darcy Southwell. I'm with Endurance International and I'm one of the GNSO Council Representatives. There's three of us.

Michele Neylon: Good afternoon, Michele Neylon from Blacknight and I'm another one of the GNSO Councilors.

Sara Bockey: Sara Bockey with GoDaddy and I am the Registrar Vice Chair for Policy.

Caroline Greer: Hello, I'm Caroline Greer from Cloudflare Registrar and I'm the nominating committee representative for the registrar.

Pam Little: Hello, I'm Pam Little. I'm from Alibaba Registrar. I'm the third GNSO Councilor from our group.

Graeme Bunton: Thank you all of you.

Michele Neylon: (Unintelligible) as well.

Graeme Bunton: So the people who just introduced themselves are the executive committee and our GNSO Councilors. These are people who we elect. Currently, under

a new charter, these people can serve two, two-year terms. You should come up and especially if you're new say hello to some of these people.

We collectively get together all the time to discuss the issues at hand, figure out agendas for meetings, and move all of this forward. But we do that with input from you. And so we get 3, 3.5 at the GDD, opportunities to do that a year. And so -- face-to-face opportunities -- and so it's really good to have this interaction. So let's make sure we're doing that in a robust and friendly fashion today.

Let's maybe still do some introductions around the home, because again, so many new people. I think it's worthwhile seeing the breadth of this community. So maybe we'll start down here with Christian.

Christian Müller: Hi, I'm Christian Müller from Cronon and Strato in Berlin, Germany.

(Dirk Sheman): Hi, I'm (Dirk Sheman), also from Cronon and Strato. My first time here.

(Leanna Melenchek): (Leanna Melenchek) from (Aptutek).

(Ben Milam): (Ben Milam), (Aptutek), registrar.

(Sima Roya): (Sima Roya) Openprovider.

Luc Seufer: Luc Seufer, EuroDNS.

Frederic Guillemaut: Frederic Guillemaut, SafeBrands.

Kellie Peterson: Kellie Peterson with the Automattic , better known as wordpress.com.

Frank Michlick: Frank Michlick working with (unintelligible).

Tom Barrett: Tom Barrett from EnCirca.

Volker Greimann: Volker Greimann, KeySystems (unintelligible) member of the Central NIC Group.

Matt Serlin: Matt Serlin, Brandsight.

Janelle McAlister: Janelle McAlister from Uniregistrar.

Tom Keller: Tom Keller, 1&1 Internet.

Sherry Hildebrand: Sherry Hildebrand, Markmonitor.

Stu Homan: And Stu Homan, Markmonitor as well.

(Drake Topnot): (Drake Topnot) from ComLaude.

Graeme McGregor: Graeme McGregor from (unintelligible) ComLaude.

Vlad Dinculescu: Vlad Dinculescu, DNS Africa.

Eric Rokobauer: Eric Rokobauer, Endurance International.

Neal McPherson: Neal McPherson, 1&1 Internet.

Graeme Bunton: Thanks. Oh, there is definitely another person that we should introduce. If you have not met her, it is Zoe. She's at the back of the room waving her hand in the very long scarf. She keeps us organized and basically makes everything happen. I am just a figurehead and it's actually Zoe that does all the work. So thank you, Zoe.

Zoe Bonython: Absolutely not why I wanted your attention but nice to see you all. I'm doing a final call on lunches for those who are RSG members and that they actually completed the questionnaire to say that they were coming. Otherwise, I'm

going to open it up to others to be able to take a lunch because we don't want waste. And just in case you missed it, there are drinks everyone. There is a drink as well to go with your lunch.

So anyone left or I'm opening it up? Okay. Anyone that didn't get a lunch, you can now grab one, thanks. Oh, except for the one - there's one lunch that I'm going to leave on here. It's for someone who said that they were gluten free. So please leave that one. Thanks.

Graeme Bunton: Thank you, Zoe. Okay, so that's our welcome and introductions and perfectly to schedule. So we've got a pretty solid agenda here today. I'll try and manage the queue although I'll trade some of that responsibility with Sara Bockey as well. You're welcome, Sara.

And the first thing on our agenda here is GNSO Council update and issues. We've heard a little bit of this already with the registries this morning. So we might be able to move through this quickly. But with that, maybe let's toss it over to - did we put someone on the hook for this? Is that you, Darcy? Thank you, Darcy.

Darcy Southwell: Thanks. Darcy Southwell. So I think for those of you who were here this morning, we went through all of the current pending key issues that the Council is dealing with. We have a number of items up for a vote tomorrow, most of which are likely easy to vote through on the Council. They're not contentious. I think for those in the room who are now, just to give you a high-level overview if that's helpful, the GNSO Council is tasked with the policy development process with ICANN.

And that is our - we are the exclusive body responsible for that. So a lot of what we talked about earlier this morning and you'll hear us talk more about it throughout the day is anything dealing with that policy development. So there's a lot of PDPs that are in process. One of the motions, for example, tomorrow, has to do with actually terminating the PDP that deals with the

registration directory service, I think it's called. And often referred to as RDS and it was to be the replacement for WHOIS. And so we had that lovely EU law come down to change how we were looking at data collection and display.

So just a lot of what we talk about when we talk about GNSO Council updates and what we're working on is specific to policy development. There were two issues we talked a little bit about this morning. I don't know if anyone has any questions about those. One had to do with the policy development process related to curative rights, which is a rights protection mechanism for IGOs and INGOs.

And then the other thing we talked about, which we're going to talk about, is actually on the schedule here is the current policy development process, which this time has been calling it me PDP because it's expedited, meaning it has to be done by May of 2019. We're going to talk about that extensively too. So I don't know if anyone has questions they want to raise about what we talked about earlier but that might be the best way to do this.

No? Go for it.

Michele Neylon: Thanks, Darcy. Michele for the record. Just do add a little bit to that kind of introduction about what the GNSO Council does, I think it's also worth pointing out for those of you who are new who is on the GNSO Council. So apart from the three of us, so there's myself, Darcy, and Pam, the registries also have three representatives and then you have representatives from a lot of the other parts of the broader ICANN community.

Of the representatives, we all vote but there are a couple who are there more as kind of liaisons, as some kind of connection, as it were, with groups outside the GNSO. So they don't actually get to vote in some cases. The GNSO is also split into big blocks. We are - those of us who have contracts with ICANN are the contracted party house, often referred to as CPH. Sorry,

it's an acronym you can't really avoid. And then everybody who does not have a contract with ICANN, so they're the non-contracted party house.

So the contracted party house, we can kind of agree on things sometimes and then with the non-contracted party house, we might have disagreements. And then the non-contracted party house is broken into commercial and non-commercial interests. And it is an acronym soup and it's quite okay to be completely confused. Most people who have been here for a while have learned some of the acronyms. Some have learned more of the acronyms, but we all get confused with all of the acronyms and there's new ones all the time.

So if you've got a question, just ask somebody. Thanks.

Graeme Bunton: Working lunches. Thank you guys for that. It feels like we did cover that Council agenda pretty thorough this morning. And so this is I guess we're going to get through our agenda real quick. Nice. Last call for questions about what's happening at the GNSO? Did anybody miss anything, anybody have concerns about the policy activities at the GNSO? Please.

Pam Little: Thanks, Graeme. It's Pam Little speaking. I was just very curious as to how many of our members actually have been following this curative rights PDP working group and whether you are aware of the issues and whether you have any views about the five recommendations or in particular, the most controversial one.

So maybe by a show of hands, has anyone been following that working group, the PDP? Okay. So not many of us.

Graeme Bunton: So James I think had his hand up and that was almost exclusively it.

Pam Little: Can I just very briefly say, there are two recommendations in the final report that would have an impact on us as registrars, or our customers, registrants.

One of them is 3B, I believe, which basically ICANN can issue a policy guidance to tell the IGOs and INGOs if they have a problem with the rights infringement or names being infringing their right. They should actually contract the registrar in the first place to see how they can have redress or address the issues.

So I'm not sure how that will be implemented and (unintelligible) can actually eventually issues a guidance. Maybe just says registrar would have to be obliged to respond to such inquiry or questions from the IGOs. That's kind of less significant. The most controversial one is this. Basically, if an IGO is a complainant in an UDRP proceeding and succeeds in that proceeding then the losing registrant would then invoke its right to appeal the UDRP decision in the local court or proper court with the proper jurisdiction.

Then the IGO can asset its jurisdictional immunity to say, hey, I'm immune from being sued in your local court. And in such circumstances, what will happen, recommendation basically said if that assertion of immunity is recognized by the local court, then the local court would obviously - the IGO file a motion to dismiss the claim and then basically there would be no litigation. And what would happen then, the recommendation said then the UDRP decision should become now invalidated so the IGO has never gone through the UDRP process and that's kind of the core of the issue why the gaggle - the IGO feel that's penalizing them. It's now how the current UDRP process works.

So I hope that's helpful and maybe you can go and think about that would affect your customers as a registrant. Thank you.

Graeme Bunton: Is the floor mic working? Back of the room, can we make sure the floor mic…

James Bladel: There we go. Thanks. Hi. James Bladel speaking for the record if there is one. Thanks, Pam and I think there's also a lot of peculiarities about how we kind of arrived at this particular recommendation. I think we were all set with

a set of recommendations and then the working group was paused and then came back and did a complete 180 on this recommendation.

There's some lawyers in the room so maybe you can help me. I don't know of any process where appealing to a higher level and having it thrown out means you won the lower level case or it's reversed. That's just weird and I can see why the GAC is up in arms about this. If it were reversed on our customers, I think we would be up in arms about it.

So it's just a very weird set of circumstances and I think we've, as you heard earlier this morning when we were meeting with the registries, I think the agreed path is that we would ask our councilors to ask for a referral and see what the options are for perhaps either sending this back to the working group or carving out this particular recommendation. Because right now, it's acting like a poison pill. There's some good recommendations and then there's this one really bad one attached to them.

Graeme Bunton: Thanks, James. Thanks, Pam. Do you guys feel like you have - so there's clearly not a lot of people following this one or have snug opinions. But I think that was the sense of the room in both here and with the RySG. So I just wanted to make sure that you guys feel like you've got relatively clear direction on that.

Cool. Michele, Darcy.

Michele Neylon: Yes, thanks. So I think what we've been discussing is potentially withdrawing the motion, which will give us more time to explore options. Deferring the motion is not a good idea because all that does is punts it to the next meeting where we have to vote on it. So if the motion is withdrawn, then we can explore all the options, including everything that you and other people have said. Just so we're clear.

Graeme Bunton: Cool, thank you. This is Graeme again. Yes, I don't think we need to sort out the actual mechanism but it feels like you guys have direction and thank you, Pam, for raising that issue. Volker?

Volker Greimann: Volker Greimann speaking for the record. Just one question, Pam, with regard to the first recommendation. Is there any expectation what kind of redress a registrar is supposed to be able to provide if such an organization comes into contact with us? Or are they just saying, contact the registrar and if he can think of something, then he'll think of something, then if not you still have the option of the UDRP? What's the expectation there for contacting us?

Pam Little: Thanks, Volker. It's Pam Little speaking. I'm not quite sure. That was kind of something on my mind as well but I assume based on the latest email from Brian Beckham from WIPO, his statement to the Council, he's actually submitted something to the Council saying you shouldn't do this. And in the material or information he's provided basically saying this mechanism is already available for IGOs and INGOs.

I would treat it or my interpretation is, like, is that 3.18, A, you have to respond to any abuse reports (unintelligible) investigate. I would argue when it comes to implementation, if it does get to that stage, that's what we have to do. It's not additional obligations on registrars because it's not a consensus policy. It's not a contractor or provision so why do I have to do something positively as an additional obligation. That would be my take. Thanks.

Graeme Bunton: Okay. Graeme again. Another reminder, try and say your name before you speak. I think everybody has done a good job at that. I am uniformly terrible but it's important for people, especially following remotely, of which there are a few. Last call for anything around the GNSO. If anyone is confused, would like clarity, an update.

All right, great. Thank you, councilors and thank you for all the work that you guys do in there. That is not easy. Speaking of not easy, we're going to go right now into the expedited PDP, which is around GDPR. Does anybody in the room not know what this is? Show of hands. Please don't be embarrassed about this. Okay, good. Good, good, good.

So we're going to get an overview from Matt and James, but if you're a member of the EPDP or an alternate, could you throw up your hand for me? We've got Volker, and Matt, and James, Emily Taylor hiding at the back of the room. Lindsay Hamilton-Reid I don't see and (unintelligible) is not here either.

These people are doing a crazy amount of work for us and I try and express my appreciation frequently and with gusto because I think you're at a minimum of eight hours of meetings a week, sorry, of just the PDP meetings. And then at least another two or three of coordination meetings. This thing is - and then there's all the reading the emails, and discussion, and participation on top of that.

We knew coming in that this was going to be a heavy lift. It has been absolutely that craziest heavy lift that I know of in ICANN history. It is an unbelievable amount of effort. We owe these people our immense gratitude. If you see them at the bar, buy them a beer because they're doing so much work for us and they're doing an excellent job at it. So I just want to make sure everybody sees these people and appreciates these people for the work they do.

Right, and Michele and Sara are doing a good job of supporting them too. My only job in this is just to make sure they get that recognition. So guys, give us an update and then we can dig into some of the details in there.

Matt Serlin: This is Matt for the record and I will just point out that other than participating, we actually haven't done anything, right. And I think that's kind of the point.

Thanks Emily for joining us. We'll try to be as positive as we can be. But yes, it's been a slog for sure. So James and I are just going to give a brief overview and answer any questions that people have. We don't have any slides. This is very informal and high level. And just a show of hands, who has actually attended of the EPDP sessions so far during the week?

Okay. So a good number. Yes, we've been going at for two months-ish, three, something like that. August 1. What?

James Bladel: It was August 1 I think was the first.

Matt Serlin: And really, we're marching towards having an interim report published in the next few weeks. So as Graeme mentioned, we've mostly been doing teleconferences twice a week as a main team. So there's 31, 32 members of the group. We do two-hour calls a week with that group and then now, we've started breaking into subteams and we do one or two calls in that group a week as well. And really just going through. The goal is to take the temp spec as a baseline, I suppose, and then create a policy that will become - that will go to the GNSO Council, that will then go to the Board, that will then hopefully get passed by the Board and become an official ICANN policy to replace the temporary spec.

So that's at a big picture what we're marching towards. And to get us there, we've got a series of 52, 58 charter questions, some such number, that we're going through and answering that. And then after we do that, we'll get to everyone's favorite topic, which is the access question. And I think with that, maybe I'll let James, I know he's actually got to leave to go to a subteam meeting, so I'll let him give his overview and then maybe we can answer any questions you guys have. Thanks.

James Bladel: Thanks, Matt. James speaking and Graeme, you left out one person, which is Zoe. She's cracking the whip on the whole team, keeping all the cats

herded in the right direction. So thank you. In addition to our day job, which is running all of this.

So yes, thanks Matt, and Matt, and Emily and I are the members of this, and then we have Volker, Lindsay, and Theo as our alternates. And I would say the line between alternate and member here is very, very blurry. People are stepping in and out of those roles and so everybody is - a really great team effort.

So as Matt mentioned, this thing started off with two two-hour calls every week and now has grown from there to include coordination calls and now subteam calls. And so it's essentially an every day, all day type of proposition. We have spent a lot of time including all day Saturday here in Barcelona. We're making progress. I think we're moving things forward, but it's going very, very slowly and we're being very, very cautious. And I think we have to continuously remind everyone on the group that the access question or the other question of who gets access to nonpublic data, and how, and under what circumstances, and how does that all work, that question has to come later because we're never going to get through this if we start tackle that.

There are -- and I don't want to sound negative here -- but there so many different ways this could fail. I think the most obvious one is that we could just fail to reach consensus on some recommendations. I think I speak for all of the members, and we heard it today with the Board, is that we believe we're not on that path. We believe we can come up with the consensus recommendation and present them to the Council.

The second hurdle is that the Council, or more likely the Board, could receive some sort of external legal advice or some third-party that says this is either not legally sound or creates too much liability and they could vote it down. And then the third one is even if it survived all of that, some point in the

intervening time, the European authorities or some other data protection authority could just shoot down the whole idea.

So there's a lot of different ways we can arrive at failure and only one way for us to actually succeed. And so we're trying to find that path. The other things that we're putting out today and you saw hopefully some of the traffic on the mailing list, for those of you who are still following the email, is this idea that it's very likely that given ICANN's culture that they're going to come up with some just in the nick of time recommendations on 11:59 PM on May 24 and say, there you go, registries and registrars. We fixed everything. Now, go flip the switch that you have back in your control rooms and make all this real. And of course, we all know that this thing takes month if not a couple of quarters to get on roadmaps and to get it implemented and for it to become real.

And so we're starting to float the idea that there's going to have to be some sort of ramp up time whereby either the temporary spec is included as part of a grace period until the new recommendations, whatever they are, assuming they're different. We don't know yet. But I mean it's early days but we're trying to build that hole in the schedule now because I know we're going to have a lot of folks that are very upset when we get to the very end that we're going to be asking for implementation time. And they're going to say, why didn't you bring that up earlier. So now is earlier and now, we're going to bring it up.

I think that's everything. I mean we're really working hard on this. It feels like it's two steps forward one step back, but I think on balance we do have something to show for the last couple of months.

Matt Serlin: Less hair I guess is one. Sorry, it's Matt again for the record. Just to pick up on a point that James made that we were talking about the other night and it's kind of in the weeds but I think it's important. To the extent that you all are managing engineering resources and roadmaps, it would be a good idea to

put a placeholder into Q1/Q2 next year for any work that is going to be required, which there certainly will be some that comes out of this. So just a note of preparations as you look to 2019 planning. It's probably a good idea to do.

James Bladel: Yes, there won't be a lot of sympathy, let's say, for folks. And just one other point and then I see there's Tom and there's a queue probably. One other point is the group I'm going to meet with now, one of the small groups is addressing this idea of making the distinction between registrants who are natural persons and registrants who are legal entities or organizations.

And another group is talking about making the determination between geographical areas that are covered by a certain data protection. We're trying to avoid GDP - or specifically by privacy protection and those who aren't. And I think the position that I've been taking into these groups is yes, we understand. The law treats those types of things differently. But this function of classes of registrant doesn't really exist in the DNS currently. And maybe we could build that but it is going to take time. And simply putting an obligation onto registrars next May doesn't make it a reality.

So there's this idea that we're going to have to go forward. We're going to have to educate registrants what the difference is. We're going to have to change our systems to be able to tell the difference and we're going to have to have some mechanism to check that it's right. And then oh, by the way, we've got like hundreds of millions of legacy registrations that are going to have to be fixed at some point.

So this is a huge issue and I think that the folks who are saying, let's just fix this and go maybe aren't appreciating just the practical implications of this change. And I think it's fair to say that if that kind of requirement fell onto our laps that a lot of registrars might just say, I don't serve corporate registrants. I require you to give me the name of a natural person so that I can protect your privacy because I have to play it safe.

So that's one, geographical regions. Emily I think is on that small team. And then there's another small team on - what's small team three?

Emily Taylor: I think it might be about - sorry, it's Emily Taylor. I think it's about policy recommendations going forward. I'm not 100% sure though. I presented on it yesterday so I should remember but I forgot. I'm sorry.

James Bladel: Then we've got to think about that because right now, transfers are in a weird place where transfers are happening absent an FOA or any kind of handshaking between two gaining and losing registrars. That seems to be working okay and maybe we can make bake that in permanently. But that also leave us exposed for any kind of high profile hijacking in that there's absolutely no way to address those.

So there might be a follow-on effort on this to try and figure out what do we do in those situations. And for folks who maybe remember, there were some enterprise-level domain names that have been hijacked in the past. So it's not just folks who use their cat's birthday as their password. I mean it's like actual companies have had their domain names stolen and redirected. And so this is a problem that we will have to solve.

So all of this wrapped up is EPDP, in addition to the data that we collect, why we collect it, do we share it with the registries and what do we do with it in terms of escrow and other things. So that's my overview.

Graeme Bunton: I've got Tom in the queue but before we get there and then Neil, James, don't go too far. Oh, he's got to go to his thing. All right. So Matt, stay right there. We had a bit of a discussion in our planning session around the EPDP earlier this week that I think might be helpful for the members in the room, which is why do we need this to succeed and what happens if it fails. And let me preface that a little bit with failure of this is really bad and we are participating in this, and our members are participating in this with the best of faith. We

really want this thing to get done and Matt and/or James are going to elaborate on that if you could.

Matt Serlin: Matt for the transcript. I think we can both take a stab at it. I think the answer to what happens if it fails is we don't know, right. I mean let's keep in mind, first of all, this is the first time we've ever had an EPDP. So it's only existed for, James, how long, a couple years? It's only been a possibility for a few years and this is the first time we've ever tried to do it, and it's arguably the most contentious topic in the history of ICANN. So all the stars are aligning. It's great.

The temporary spec expires in May of 2019. That's clear. If there isn't a policy in place to replace it at that time, we've talked through some scenarios and Graeme, I don't know if you want us to talk through some of those scenarios, if you think that would be useful, or?

Graeme Bunton: I think it's useful - sorry, this is Graeme for the transcript. I think it's useful for people to understand the consequences I guess of this. But I don't want to go into the weeds because I'm conscious this is a political thing. We don't want to be - I don't want us to go down the road of saying we're planning for this and plotting for this because we're not. We're really trying to get this thing done but I think it's important the room understands the way if we don't.

James Bladel: I'll put the elephant in the room. If this thing fails, it could possibly just render big chunks of all of our contracts just unenforceable and then with nothing to replace them. Because the temporary spec right now is kind of sitting there as a Band-Aid. It goes away and there's nothing left. And if that happens, I mean, we have to see that as sort of an existential threat to our industry and the multi-stakeholder model.

And if we find ourselves in that situation, and again, can't emphasize this enough, we are trying to steer off away from this cliff, but if we find ourselves going over this cliff than I think our only option at that point is to get into direct

negotiations of the RAA and the RA with ICANN legal to try and come up with some sort of a stopgap to essentially stop the whole thing from falling apart. And I know that that gets people outside of this room very, very animated. But the - that's why it's important to invest so much time and energy in this EPDP. Because this is the community effort to fix it and if the community effort fails, then we've got to go and find some other way to fix it.

Matt Serlin: It's Matt for the transcript again. The only thing I'd pick up on that that we've talked about is if it gets to that point, and again, to be 110% clear that's why we're working our butts off is to try to ensure it doesn't. But if it does and we have to go to a contract negotiation, then our hope and desire, because again, James, and I, and Volker actually were there for the 2013 RAA is that if we have to go there than it is a very limited set of criteria in the contract that is up for negotiation. That we are not opening up the entire thing as we did in 2013 because the 2013 RAA started in 2011. It was a two-year long process. So that would be the only other point I'd make on that.

Graeme Bunton: Is that relatively clear to people?

James Bladel: Did we scare anybody enough?

Graeme Bunton: You should be a little bit scared. I think that is kind of why I wanted to go through that is that there's real consequences here. So I've got Tom and then Neil in the queue.

Tom Barrett: So the legal and policy issues aside, let's talk about the placeholder for reserving technical resources. Is it correct to assume that RDAP is going to be the technical platform that we use in many cases to enact what our WHOIS is going to look like, and how is that being merged in with UDRP?

James Bladel: So we're actually not even really addressing that right now. We're talking about the data and then the protocol and the system used to access that data will come as a follow-on.

Tom Barrett: Isn't ICANN supposed to be approving RDAP this month and we have, like, 90 days to implement it?

James Bladel: Yes. According to the temp spec.

Tom Barrett: That should be the mechanism that we also use to comply with ED, RD, PPP, right?

James Bladel: You would think so, Tom, but I can't give you a guarantee. But it sounds reasonable.

Graeme Bunton: Thank you.

James Bladel: I'm looking in the room for Jody (unintelligible) bail me out.

Neal McPherson: It's Neal. My question was along the same lines, what Matt said with regards to timing of keeping technical resources available, Q1, Q2 you mentioned?

Matt Serlin: This is Matt for the transcript. Yes, just based on the fact that when you look at the timelines of a final report going to the Council then going to the Board, then being voted on, and the expiration of the temp spec, Q1, Q2 would be when we would have a pretty good idea of what the changes would need to be and when they would need to be built.

James Bladel: Yes, I think the assumption is you should assume that it's going to be a fairly significant development effort and you should assume that it's going to come in Q1 and Q2. And you should also assume that we're not going to get a whole lot of leeway on those due dates. And so when we get to there, I think when a lot of times these folks - well, we want as much early visibility to those kinds of efforts as possible and that's what we're trying to provide.

Neal McPherson: I guess Neal again, my question is when will we have that kind of clarity (unintelligible)?

James Bladel: So as Matt said, the initial report is coming out in a couple of weeks. It was supposed to be November 5th. We're probably going to miss that date and probably look for the second week of November. And then assuming that goes out for public comment and it comes back, I would say right around the end of the year, we will know what we have to do. I think what we're saying now is you're going to have to do something and you should be planning for the something now. It's just what the something - what will actually go into that space that we're creating on our calendars is still TBD.

I mean obviously, I think we would try to like to keep it as small a delta from status quo as we can but that might not always be possible.

Emily Taylor: Hi, it's Emily Taylor here, a member of the EPDP team and just to really support what James and Matt are saying on this. It's very difficult. We're not trying to be mysterious on this. It's just actually incredibly difficult to predict because although we have been putting in a substantial amount of effort, progress is very slow. And so if you think about our 50 something charter questions, we're still very much still going through the first part of the first part of that. And we are nowhere near agreeing. It's quite difficult to predict what the interim report will be saying on all of the other issues that we're supposed to be covering.

I can't actually see us at the same - it's quite possible, you know, there are a lot of - I don't want to be too glass half-empty about it because I think we have started to gel as a team quite well. I think that yesterday's presentation was a sort of, personally speaking, a bit of a moment of reflection because although we feel very daunted by how much we've got ahead, we have actually done a lot of work already.

And so my hope is that we will be able to speed up our progress. And so it's just to really alert people to look out for updates. I hope that we'll be able to be a bit clearer soon but I think that - and it's really interesting how practical this conversation is compared to the conversations in the EPDP itself, which are very much more theoretical, and policy, and emotional. And so that's a really good learning for me going back into the EPDP as the sort of very - which of course James, and Matt, and all of the alternates have so much more experience of is keeping on what are the practical implications for us and the RrSG members. So that's very front of mind.

Graeme Bunton: Thank you both. I've got Michele and then Pam.

Neal McPherson: guess thinking about what you were mentioning before, James, about kind of the potential roads to failure, is that - if the report comes out and I guess one of the routes you mentioned is that the GNSO gets some kind of external legal advice to say this isn't going to work, or our (DPA) (unintelligible) says this isn't going to work? It's kind of risky to start building something that is not going to actually be accepted.

James Bladel: Absolutely agree. We are at the mercy, all of this work, all of this effort, and all of this heartburn and emotion that we're putting into this could just go away with one court ruling or something. Yes. It's a very real possibility.

Graeme Bunton: Michele and then Pam.

James Bladel: And then I need to jump after Michele.

Michele Neylon: Okay. Thanks. Michele again for the record. This is just for all of you in the room, all of you on the member mailing list. All of you who get the updates from Zoe on progress or the lack of progress within the EPDP. The EPDP members and alternates in the ExCom are trying to channel your views for you. We are all engaged in this on behalf of the stakeholder group. So if there is something that you feel is a position that you're not comfortable with,

that we shouldn't be taking, or a position that needs to be taken, you need to let them know. Because otherwise, you're going to end up with -- this is all the same thing -- you end up with a policy of those who actually have participated.

In this case, it's not just simply some kind of theoretical academic thing. GDPR has teeth. That has fines, et cetera, et cetera, et cetera. So for example, the issue that I think James or somebody mentioned about the natural person versus the legal discussion, which has been going around. Some people have very, very strong views on this. And if the position that's been taken is not the one that should be taken or you want to back that up, it would be helpful to know. Thanks.

Graeme Bunton: Thanks, Michele. I think Matt wanted to respond to that quickly and then we'll go to you, Pam.

Matt Serlin: Thanks, Graeme and thanks, Michele. This is the other thing I would say just to - on behalf of all of the members of the team I think is, you know, we really are trying really hard to represent the views of the stakeholder group. However, the view of the stakeholder group quite frankly are not always clear because we amongst registrars have very different business models. We have very different views on some of this stuff.

And so I'll give a shout back to the ExCom and their availability, and their ability to give us direction on areas that we as a group need direction on in terms of what the stakeholder group view is. So thanks.

Graeme Bunton: Thanks, Matt and this is Graeme again for the transcript. I'll editorialize slightly here. This is why one of the reasons we're in the room is to hear from everybody and get your perspectives on what's important so that we can feed those to our EPDP members and the ExCom. And if anybody thinks about running for an elected position, I would say that this is a fundamental challenge of having a position like this within our community is that we have a

diversity of business models and very rarely do we get specific, clear guidance from everyone. So always more input is welcome and it really helps us do our job.

So I would strongly encourage you guys. Even if a lot of people are plus oneing something on the list, you should feel free to do so too because it really strengthens the perspectives that members like this are trying to bring into the EPDP where they feel they have a really strong mandate, other than just that there was no disagreement for instance. Pam, please?

Pam Little: Thank you, Graeme. Pam Little. My question was a response to what Tom just raised earlier, but he's left the room, about RDAP and I have a similar question about RDAP. Goran Marby just mentioned in the board meeting about setting up a technical taskforce or something like that.

So I'm just wondering, is that something - I realize it's on the next item. So should I leave my question? I'm concerned the people from my neck of the woods, they're not involved in the RDAP pilot and not fully following the RDAP. And if we all of a sudden have 135 days' notice having to implement RDAP, it's going to be quite problematic.

Graeme Bunton: Thanks, Pam. Tom's not here and Theo is not here who are local RDAP experts. I don't have a crystal ball but I think if you're not playing with RDAP and figuring out how it works, and what it does, and doing that now, you will be in trouble. So I think it's reasonably certain that that's going to be, I think James was saying earlier, we don't know for sure. But I suspect that's the case and his technical implementation thing that he was - so let me back up for a brief moment.

We had some discussion on our mailing list about can we get ICANN to explore shifting some of our liability to, like, a hub and spoke model of registration data. I think we're all deeply suspicious of ICANN's ability to execute on that, whether it would be even possibly legal. But the exploration

of that legality is at least moderately interesting to us. If somehow the European Data Protection Board came back and said, yes, this is cool and that result ended up removing enough of our liabilities or exposure. I don't know what that looks like. Is that 85% of our risk or 98% of our risk, or something like that, around the storage and transfer of registrant data. Is that acceptable to us.

Well, maybe. I think we're all really concerned about risk. So then the next step is - so we wrote that letter. It went out by the way yesterday afternoon because I got an urgent back channel message saying, oh my god, we need it. the NCSG, by the way, tore a strip off a few of us yesterday for that letter. So head's up. They do not like it. But it really is not endorsement of a hub and spoke or some sort of centralized solution. It's just if the legality exists, we want to hear about it.

So the next step there that Goran has floated in the past 24 hours is to build this sort of - he's calling it like a technical team to build some details around what that hub and spoke might look like so that they have something of substance to take to the data protection authorities or the European Data Protection Board. I don't actually know how the process works because you can't just say, you know, you've got like a single PowerPoint slide with, like, some arrows. It needs to be a bit more substantive than that.

And I think it makes sense and what I've heard today is that they'll likely or possibly put that work upon the RDAP pilot group or the RDAP working group because those are the people who are likely to have the most expertise and that's the most likely technology that we will see this thing built on.

So all of that is to say that if you're engaged in the RDAP pilot and the RDAP working group stuff then that's great. You're ahead of the curve. If you haven't been following that, it's probably time to start taking a good look at what's going on in there and we might see that group tasked with trying to

architect a purely technical view of what that solution might look like. So that's a thing.

Right, sorry. Long-winded. Trying to make sure everybody has got the full picture of all the things that are going on. We have RDAP next on the agenda but Theo couldn't be here because he's got - Volker, do you feel dialed into RDAP and what's going on there? No. Okay. So we'll maybe punt that for later in the day. Hopefully Theo can come back and join us for a bit, unless anybody else in the room wants to put their hand up and talk about what's going on in RDAP because I have no idea. No? Okay.

So we've still got a few more topics on this list under the EPDP banner. But does anyone have any preliminary questions? Everybody's comfortable with where we're at right now? Great. Good. That's the strong affirmative set of nods. Greg, thank you. Please.

Gregory DiBiase: This is Greg DiBiase for the record. I don't think anyone will have a distinct opinion on this yet, but I just want to bring up an email that we got from ICANN staff recently on the privacy proxy IRT, which says they're basically pausing, spending work pending the results of the EPDP. So I guess I have two questions. Can the EPDP fundamentally change what is policy that's been accepted by the Board with regard to privacy proxy?

Do we expect, you know, we see a lot of people within the EPDP pushing the access model before it's time for the access model. Do we think that people are going to start pushing privacy proxy rules into this EPDP before the work is completed? So that's a pretty nebulous question but I'm just bringing it up to see if anyone has any thoughts on how that's going to impact this process?

Graeme Bunton: Thanks, Greg. Interesting question.

Matt Serlin: It's Matt. I'll start and then I think Emily will add some additional info. It's a good question. I think at a high level, it's come up a little bit, privacy proxy in the conversation. I wouldn't say it's been a main topic that we've talked about, but I will point out one of the exercises we have gone through is identifying other ICANN consensus policies that potentially could be impacted by the work of the EPDP.

So for example, the transfer policy is one of them that we've looked at in terms of the transfer policy mentions a registrant and an admin contact. Well, if there's no longer an admin contact, what happens to that policy? So I would think that we would look at the privacy proxy policy as one of the ones that potentially would be impacted by our work. But I don't have a thought or an idea as to what that might end up looking like. Emily?

Emily Taylor: This is my personal point of view. I think that the future of privacy proxy services will very much be connected to how much public data remains on what I'll call the WHOIS just for shorthand. So privacy proxy was of course a very attractive option for many reasons, including spam reduction if you have absolutely an all you can eat WHOIS output.

Once that is fully redacted as the current case then the motivation for the customer to go behind a privacy proxy service reduces, of course there's many, many legacy registrations in place. So the EPDP outcome I think will very much effect the flavor of future privacy proxy services and whether or not they have a real future as a service, in my personal opinion. But of course, it also depends - so that's - so one impact could be suppose that the EPDP comes out with either a fully redacted or partially redacted WHOIS service, which I think is pretty likely given the GDPR as it's interpreted in this community.

That's one outcome that could effect that service. Another outcome is the access model of course. Because if you have a fire hose access model where you are a certain sort of person and you get everything automatically

regardless of your purpose, personally I think that's legally problematic but we'll see what happens. Then that could lead to another resurgence in the interest in privacy proxy services. So those are two ways that I think that the EPDP could directly impact privacy proxy.

And although - I'm not having been on the receiving end of a pause from on high, shall I say, in an ICANN working group, I'm not really in favor. And it just does show how once you cross a line once you can cross it, it's much easier to cross it next time. I'm not usually in favor of pausing working groups. In this instance, I can understand how it does make sense to await the outcome of this one because there's so much uncertainty in this environment at the moment. It does make sense to at least have some of that uncertainty reduced before continuing, in my opinion.

Graeme Bunton: Thank you, Emily. Thank you, Greg. Let me provide maybe a little bit more context, especially for the new people in the room. There were no rules for how privacy and proxy services worked. Many of us run such services. Four years ago, three years we started a policy development process to build those rules. We took about two years to do that. I was co-chair of that. It was a nonstop party the whole time. It was super contentious but we got it done. We got the policy recommendations at the door. They then moved through the policy development process and into the implementation process and that implementation team has more or less been working for about 18 months.

I would say pretty slowly trying to turn some of that policy into actual the nuts and bolts of how privacy proxy services work. It became pretty clear I think to most of the members from our side of the world, registrars anyway, people who operate those services, as were looking at the GDPR and learning more about the GDPR 18 months ago, that there was going to be some relatively serious conflicts between or interactions between the GDPR and how these privacy and proxy policy rules are going to work.

And so I think we've been more or less asking the members, or the members of the IRT have been more or less asking ICANN to say, hey, maybe we should do some legal analysis here. Maybe we should stop and figure out what's going on. And there was sort of no traction on that until now, which is a little bit unfortunate because I think it used up a lot of people's time and resources. And I agree that the sort of pause is politically and sort of process distasteful but in this case there is I think a good reason to do that.

I think Emily raises some very good points about the value of those services going forward, especially the more information as she was saying that's redacted, the less value for most retail customers that privacy and proxy services are going to have. I don't need to tell you how to run your business, but I wouldn't be budgeting for monster increases in privacy service revenue over 2019 and 2020.

There are bits and pieces inside the policy from privacy and proxy that may end up being useful inside the EPDP. Because there was an annex to that policy around how intellectual property may gain access to data and there is - we got it through the process. And so it had reasonable checks and balances for access to data and that might inform some of that discussion. So I think we might see some of that pulled in there. But that again is if the access portion of the conversation, which we're nowhere near ready to have.

While we're still sort of talking about macro level EPDP stuff, I think it's worth noting that the cross-field validation, which is a contractual obligation of ours to work on this under the 2013 RAA, and ICANN has been very slowly pushing this along for years. I don't think - so we wrote a letter saying - so cross field validation, sorry, backing up again, is a contractual obligation that we have to figure out if it's financially and operationally feasible I think is language, something like that, in our contracts to validate across the field in registrant data. So does that address exist on that street? Does that street exist in that town? Does that town exist in that country, or province, or whatever and so forth.

And we wrote a letter to ICANN relatively recently saying, hey, there is probably some pretty big problems related to GDPR inside of cross field validation like can we get consent from a registrant to send their information to some third party that's going to validate it? For what purpose for that registrant? they gave it. They gave us their data. Inside of the GDPR there's an accuracy requirement and it's not whether that address is factually correct. It's whether the registrant of the data owner thinks that data is accurate.

And so if they give us something under the law, I'm not sure that we could actually then go and change it because some third party thinks that's incorrect. So we've sent that letter and I don't think we've actually heard anything formal back and that's probably a note for me to follow-up with ICANN staff to figure out what's going on with cross field validation. But all of this - so that's another long-winded and probably generally boring piece about how much of this whole world that GDPR and the EPDP is impacting.

With that, any sort of macro level other EPDP/GDPR? Michele.

Michele Neylon: Thanks. Michele for the record. Just another thing on the PPS, I get this acronym wrong, the privacy proxy thing. If it ever is sped up, because at the moment I think ICANN staff are talking about slowing it down rather than formally pausing it, but that could change. God only knows. If they do move it along, it will go - whatever comes out will go to public comment.

And let's say assuming that we're able to get them to fix the GDPR issues, there's still an overarching issue of ICANN trying to use privacy proxy as a new form of revenue. Several of us have been trying to get some kind of logical rationale from ICANN as to why they feel they need to charge us crazy amounts of money both to accredit us formerly for services we're already providing and then charging us an annual for ongoing accreditation. Just seems to us to be a divide between ICANN's financial office, which feels that

they need the money, and ICANN's compliance office, who has told us on the record that they have no intention of hiring any extra staff. So that's just another little thing to flag, just pure financial, what the hell.

Graeme Bunton: Thanks, Michele and we met this week, I'm sorry.

(Lucien Sider): (Lucien Sider) from (Netistar Registrar). Just a general macro point. This is my personal view and as a registrar I am married to an EPDP member. We don't meet anymore. There's not much of a marriage there anymore. Just picking on what you're saying about cross-field validation and how that's going to work maybe, and what Michele is saying about the potential costs that are being bandied about with privacy proxy.

I'm very worried about this thinking about ICANN taking on more work, the hub and spoke model. They're going to charge for this and so we just have to watch this. And if they can include this kind of work as part of RDAP and turn it into technical, it's going to be taken out of our hands and we're going to be told how it's going to work and then we're going to be charged for it. And I know that we all have our own business models and we're all competitors. But together, we have big competitors out there with the social media channels, and the mobile channels. And they don't have to publish this stuff, their kind of customer data in a central database.

And if you think about other centralized models that do this, companies housed in the U.K. for instance, they charge a fortune to curate that data centrally. So I see it as a big trap that we can all fall into, being too focused on the policy and not on the technical, and seeing that and Graeme kind of going, yes, let's kind of pull this over to RDAP. And we lose the ball.

Graeme Bunton: Thank you, Lucien. And that's an important point that we do need to consider that all of this isn't free. And sort of a related -- this is Graeme for the transcript -- a related point to that is if ICANN does figure out how to build this thing and it does mean that they are accepting some of our risk or our liability,

then are they indemnifying us in some way? And then how are they backstopping that sort of liability or indemnification? Because that's going to be hundreds of millions of dollars, or tens of millions of dollars of fines that they could potentially be sitting on.

So how are they - where is that money coming from? And we need to consider those implications. Okay, I feel like that's a pretty robust chatter on the sort of macro level EPDP stuff. And I think Jody just kindly showed up and can give us an update about RDAP and the EPDP, and the work that's going on in there. Are you ready to do that?

Jody Kolker: I will try. How does that sound?

Graeme Bunton: Thank you. Most kind.

Jody Kolker: Can I go off the record then? So the RDAP response profile and technical profiles were published I believe at the end of September and we have gotten back of responses. Actually, we got a response back almost immediately from ICANN, and then I think there have been several other responses. So the group has been going through ICANN's suggestions. There are 28 of them I believe. We have gone through 26 of them and we agree with some of them. They're very small. Others we completely disagree with. We've talked about them and decided not to implement them, and we will be sending something out for that.

We have two more to go through. One is very minor. But I think one is - touches everyone here as far as registrars and it's the reverse WHOIS search, which would be like tell me all the domains that start with A, were registered by John Smith, and have been registered within the last two hours. And I think that that's something that all registrars should be concerned with, just the scalability of that and how much strain that's going to put on your own servers and services. I know at GoDaddy, we have 100,000 IPs that hit us every day, hundreds of thousands of IPs, doing millions of queries. If

we're to support something like that, it's going to have to be very extensive and every registrar will have to implement the same thing.

We also don't have a standard yet for that searchability. It hasn't been through the IETF yet and that's something that would have to be worked out too. And I guess that's the big red flag I want to bring up. I think there's a couple others in there that I can't recall right now but that was the biggest sticking point that I saw. Also, I believe that we're supposed to have our comments out by November 15th and then I'm not sure where I moves from there. I think that's it.

Graeme Bunton: Thank you, Jody. Does anybody have any questions on that particular piece? Greg.

Gregory DiBiase: Greg DiBiase for the record. Sorry, Jody, you said those were suggestions in the comments that had been filed?

Jody Kolker: Yes, that's right. ICANN had 28…

Gregory DiBiase: So what happens after the comment period? Do we need to substantively - is that potentially going to push back the RDAP deadline if there's that big of substantive re-divisions that need to be, what, reconsidered by the RDAP working group?

Jody Kolker: Yes, there's one thing that I forgot to mention. We've only worked on the technical and the responsible file. We have not worked on the authentication for this yet. So the working group is going to continue and we have to figure out authentication yet for access. And I don't believe we'll be implementing any kind of RDAP until we figure out authenticated access also.

I'm not 100% sure of that and I'm not a great policy guy. So I would have to defer to someone else on how the rest of this goes in order - before we have to implement this. I believe it has to be ratified by us and then move to the

Board and the Board says we have to do it, something like that. I'm looking for Graeme or Sara.

Graeme Bunton: I'm sorry, this is Graeme. I can't help you. I haven't been following this one closely. Does anyone? No. Okay. We need to figure out that. Theo, Joyce.

Joyce Lin: This is Joyce Lin. Too short. Well, I think heard it about the assets, that the tiered access and the label access. And one of the issue is the anonymous access. I thought that whoever request the data that we should identify them and I don't know if this anonymous access requester is for legal entity or law enforcement entity. And if they do, what is the concern that they should be anonymous. That's just my question.

Jody Kolker: I'm not sure if I'm qualified to answer that but I think what you're asking is will law enforcement be able to have an anonymous access into this?

Joyce Lin: They did not really clearly specify the anonymous status will be granted to either the law enforcement agencies or to the IP community and that is actually, you know, I'm curious to know exactly who would be qualified to grant anonymous access.

Jody Kolker: I think that that's a question for ICANN yet on who is - I think what you're asking is who gets accredited to be able to have a full response profile, all contacts, is that right?

Joyce Lin: If I heard it correctly yesterday that, for example, from FBI Branch Office, it's been accredited for (unintelligible) the RDAP and he can then assign to some person or some division of his office to be the anonymous access given that it's open or something like that. The way I feel is that they are making this whole access method very, very complicated. They're talking about tier, how many tiers, are you going to get one tier for just getting the email of the registrant or something like that. And then the label of assets. And that sounds like a pretty, pretty complicated system for a registrar to build.

I understand your question and that really wasn't up to this group to work out. We were more concentrating on the technical profile and the response profile, but not on how much tiered access should be allowed or who would be accrediting that.

Graeme Bunton: So Joyce, I think you're deep into the access questions that everyone is very concerned about. But we still have that technical work to get done and then still the fundamental EPDP policy work to get done. Sarah Wyld over there in the green sweater knows a bit about tiered access. You could feel free to talk to her. She just looked terrified. You're welcome, Sarah. She's worked on the Tucows tiered access.

Sure. That might be relevant if you want to share a few minutes or a tidbit about that briefly.

Sarah Wyld: Yes, hi. This is Sarah Wyld from Tucows. So we've been working with our tiredaccess.com profile, which we like to call TACO, goes with the Calzone model. So we have three typical levels of user access and we can customize within each one to make sure the accredited authenticated user is able to get only all of the information that they should have.

So there can be law enforcement, which is typically the most access, could be all of the full registrant contact set. Then we have the intellectual property community and security researchers with decreasing levels of information to each one. And what I like about RDAP is the options within profiles to define exactly which fields and which elements are displayed.

So one thing that we're exploring is, for example, being able to provide a full name and maybe country but a redacted email address, which can be useful for security researchers when they're trying to gather information but don't really need everything. So the benefit of RDAP is this customization within the profiles.

Graeme Bunton: Thank you, Sarah. Sorry to put you on the spot like that but also, it was fun. All right, I think that's probably as far as we're going to get on RDAP. We have another sort of hour ten on this topic and three more things to get to, so I'll keep us rolling right along to Emily and Lindsay who are going to talk about the registrar role and processor and controller piece, please and thank you.

Emily Taylor: Thank you very much, Graeme. Yes, this might not be everybody's cup of tea but I'll try and make it as non-weird as possible. So part of what the EPDP team is doing is stepping through all of the possible reasons for processing data -- I'll come back to the word processing in a second -- and who is the responsible party in each case. In the language of the privacy regulation, the GDPR, these roles, the responsible parties for processing, as I'm sure many of you if not all of you know are controller and processor. The controller is really the entity that determines that data should be processed and how it should be processed and the processor, as it says on the tin really, is the entity that does that processing. They can be one in the same. They can be different. Those responsibilities can be shared or not.

As we all know, there's been a lot of changes to the WHOIS as a result of GDPR on a temporary basis because of the temporary specification. Now, when you step through the reason why we as registrars collect and process data from our customers, actually when it comes to just fulfilling the contract of registration, knowing who our customer is, being able to respond to queries, being able to know that they are the registrant of the domain name, no matter what they choose to call themselves, that we know that that person or that name is responsible for that domain name. That's really essential for us in doing our job.

But there are other aspects of the data collection that we currently do for the whole WHOIS writ large, which perhaps we would not choose to do if it were up to us, and that is actually the fundamental question about determining whether somebody is a data controller or a data processor. One example

which we're currently discussing a lot in the EPDP and on which opinions differ is whether a registrar is the responsible party, if I say that, a data controller when it comes to the publication of data on the WHOIS.

At the moment, there isn't much but let's just say in a future environment after the temporary specification there is more data published for some reason. Would we - are we the controller of that processing activity, which by the way is in my view the most risky legally, the most risky part of the process. Or are we just doing it because we are told to do it by ICANN or by others, which would make us a processor?

Why does it matter beyond making lawyers happy that they're arguing. It matters because of liability. The buck stops with the data controller. Now, it's also true to say that under the new data privacy regulation, the GDPR, processors also have more stringent responsibilities and liabilities. So it's not a question of, like, no liability or all liability. It's shades of grey.

So the areas where we're currently having the most contentious discussions, and we're not done yet, are on the who is the data controller or data controllers when it comes to the publication of data and when it comes to the sharing of data with law enforcement. This is a whole other argument and stop me if I'm losing you or just boring you to death. So there is a view, a legitimate view that actually there isn't really a purpose of sharing data with law enforcement and others. That's something that comes right at the end of the line under the law. You say, well, actually, you have a legal obligation to share that data in certain circumstances but it's not actually the reason why you collected it in the first place. That is quite a strong argument but it is not universally agreed with on the team.

So that's my version of an overview but Lindsay is sharing this presentation and I know that she and I, in the friendliest way possible, have different views on certain aspects of this. So please, Lindsay.

Lindsay Hamilton-Reid: Lindsay Hamilton-Reid. I'd say Emily, we are aligned in most cases. However, I think for the data we collect to register and administer a domain name, registrars are processors. We would not collect that data for that purpose unless we were to say buy the registries and ICANN. And as Emily said, we have been through this several times within the group. And I think we almost reached consensus that registrars in this instance were processors. However, as processors, as Emily said, we still have some liability and risk. We also as processors have the right to turn around to the controller and refuse to follow their instructions if they are illegal. This is obviously going to cause problems because ICANN are claiming that that's an interpretation of GDPR.

They're claiming that - what they would ask us to do is not illegal whereas, for example, take collecting (tech C) and (Admin C), we might say, actually, we don't want to do that because of the principle of data minimization. And ICANN were claiming that yes, actually, we need that. There's other parties that are claiming they need that as well. So within the group, there is a lot of differing opinion and I don't know what you guys think, if you've even thought about it, what position you feel registrars are in this type of scenario. Thanks.

Graeme Bunton: Questions, comments, strong feelings on the process or controller roles? Michele.

Michele Neylon: Thanks. Michele for the record. Thanks ladies. I think the other thing is that when talking about a lot of this stuff, a lot of ICANN doesn't seem to understand reality. They have this very weird view of how the world works and how we actually sell domain names. So they all assume that a registrant goes to a registrar and buys a domain name knowing what they're actually doing , and provides all this information, et cetera, et cetera. Whereas the reality is as most of us sit around this table, that's not really how people interact with us. Some of you do wholesale. Some of you are retail. Some of you are doing a mixture of both.

There are plenty of IT professionals, web agencies, web designers, et cetera, et cetera, et cetera who are the people who are actually paying us. I think even on one instance I heard somebody who should know a hell of a lot better talking about billing data as if that was somehow linked to WHOIS. So there's a lot of kind of weird concepts floating around and then trying to explain to them that if we are selling an end-user or whatever a bunch of different services, we might be collecting data for that. It just happens to be in the same transaction. I mean they're totally unconnected.

So it is a messy thing and I think both Emily and Lindsay did point out that the line between controller and processor in terms of responsibility under GDPR is much, much thinner than it used to be.

Graeme Bunton: Thanks, Michele. Is everybody still awake? This is a long stretch from lunch before the next coffee break, which is in, believe it or not, another hour. Do we need, like, a seventh inning stretch like it's a baseball game?

Man 1: Two hours is too long. We need 90 minutes.

Graeme Bunton: Are you channeling a particular GAC member?

Man 1: No, never would do that. No, no, no.

Graeme Bunton: All right, well, I think we've just got to knuckle down and keep busting through this because I think it's useful information for everybody to have and good context as you keep hearing updates and read updates on the list.

We can try and get through these next two sections and then maybe take a little bit of a break a bit quickly, although there won't be coffee ready and I don't think Neuman is here yet to cover SubPro. So we'll play it by ear, but if you need to stretch, go do some limbering up in the back of the room and I won't judge you. I might be back there myself doing it too.

So thank you both for that piece. Thick versus thin is going to be Lindsay and James but I assume James is still out of the room. James has left poor Lindsay to - I think Lindsay was out of the room when we were doing introductions. Lindsay is an alternate on the EPDP and again, that distinction is very thin. The members and alternates are doing each a huge amount of work. So if you wouldn't mind.

Lindsay Hamilton-Reid: Lindsay Hamilton-Reid again. I'm not sure whether I actually volunteered for this but I can't get out of it. So thick versus thin. So under GDPR, the transfer of data to a third party is highly discussed, whether or not, as well, whether it's within the EU or outside of the EU. The point about this is that you need a legal basis to transfer data. And you need a purpose. And again, this has caused a lot of discussion within the group about sending data to the registries.

There are some registries who want data. There are other registries who do not. We've had reasons of fraud checks, security, verification, validation. It's led to a lot of discussion between both registries and registrars. I think from my perspective, we have to ask the registries why they want the data and what legal basis we have to send it to them. I appreciate that's for gTLDs. For ccTLDs, that's an entirely different story and I know some gTLDs have come back and said, well, hang on, you sent it to ccTLDs, why can't we have it as well. So that's another thing to think about and frankly, ccTLDs is a can of worms I currently don't want to open.

So we haven't really come to any consensus. It has been touched on within the group but it is still under discussion. I think there's quite a lot of people who are happy to move to thick, but then there's also people who are happy to stay with thin. Again, my personal view is unless there is a valid reason to transfer that data, it should not be transferred. Any questions? Thank you.

Christian Müller: Christian Müller. What could be a valid reason because the reason to collect data to register a domain in the first place, you don't need to transfer the

data. The domains are already registered. So what could be a good argument to now after a domain has been registered, let's say, five years ago to send this data now to a thick registry model where the proof that you don't need to do that to achieve the goal of collecting the data is already there. The domain is registered.

Graeme Bunton: Thanks, Christian. I might jump in on that one quickly because it relates to some other activities happening. You raise a good point that especially for Com and Net, which is by far the largest registry is not thick. And if it seems to be working okay, we have a pretty substantial proof that thin is fine.

There are scenarios - so for the legacy stuff, the stuff that already exists, I think you raise a good point. There's an issue there that needs to be resolved. I can see how for some new gTLDs, like it's a doctor or something you need to have that verification that the person is a doctor and the registry does that. So you have a legitimate purpose for passing that data on and there are scenarios like that where thick works.

relatedly to your question, and this has been on the list a few times over the past 18 months or so, which is in order for VeriSign to go thick for Com and Net, they need a new RRA amendment. So they need to amend their RRA with all of us. They had submitted one just prior I think, or a bit prior to GDPR coming out, that was meant to allow them to go thick and to address issues with GDPR.

We had some issues with it and we didn't think it was necessarily GDPR compliant and a couple other pieces. And so we sort of went back and forth with them a little bit and that process essentially paused. In the interim, we've all learned a whole lot more about GDPR. The work of the EPDP has gotten underway but it recently came back up and the process has - for amending RRAs has the entire stakeholder group in the middle of it. So that new RRAs that ICANN deems to be materially different come through the SG

for review and you see these coming through pretty regularly through the RRA amendment group that we've got.

Com and Net is a little different because it's obviously so important to all of us because for most of us, it's a good chunk of our business. Maybe that's North American centric. Someone can shout at me if that's true.

So where it stands right now for that Com and Net amendment to go thick is they keep - VeriSign keeps asking for more time because they don't have an agreed upon amendment. They filed a new amendment, rather than they're old one from 18 months ago. Fair enough. They've learned a bunch more about GDPR in the meantime too. It exclusively states in it that ICANN is the sole data controller. And so ICANN sent that to us and then ICANN has its own review to do as well. We had some more less urgent issues with it, but we've sent some comments back to them on that.

And this has all hit the list at some point for other - and thank you for the people helping on that. I suspect that ICANN is taking its sweet time here and sort of letting us take a little bit of the heat for not pushing forward with moving to thick because I think ICANN has real issues I suspect. I don't think it takes a lawyer to figure out that ICANN has its own issues with the new Com and Net RRA registrar registry agreement. It's the agreement we all have with registries just in case that's not clear. That they'll take their own issues and they'll need to negotiate those with VeriSign.

Once they complete that and they get to a place that they're happy then that agreement comes back to us again if there are any changes. All of that needs to happen if Com and Net is going to go thick and all of that depends on whole bunch of output from the EPDP, which we may or may not see in the next, you know, few months. And if the EPDP fails then it becomes I think extremely difficult to move to thick because there's big problems inside of those contracts that are unresolvable.

So that's a whole hot mess that's going to be - and as another thing, like privacy and proxy, like cross field, Com and Net amendment and the move to thick for that is tied up in all of this as well. Sorry, another long-winded, boring. Yes, please.

Donna Austin: Thank you for the question, and yes, it's a question that many people are asking and wondering. You know, at a technical level, quite clearly, the largest TLDs in the world operate without that transfer of data. But there are other considerations potentially apart from the purely technical will it work. And one thing to just kind of add into our mix as we're all stumbling around trying to figure out how to cope with GDPR and the impact on the industry is actually, yes, you know, Lindsay mentioned the ccTLDs and that's an environment that I came from and have some experience of.

And of course, the European ccTLDs are equally subject to GDPR. And they don't have a compulsion from ICANN to provide a WHOIS service, but most if not all of them still do. And so they - most.

Man 2: Well, most. (DNIC) is the largest one and they don't.

Donna Austin: They have a WHOIS service. It might be redacted but it's still a WHOIS service.

Man 2: Yes, it is. Yes, okay. But well, let's not dwell into that. So I'm actually on the advisory board to the (DNIC) so I know quite well.

Donna Austin: I'm not contesting that in any way.

Graeme Bunton: Roger?

Roger Carney: One other thing on the contract piece and maybe someone else knows already but at the time that VeriSign first delayed it, they also that their government contract had to be updated as well. I don't know if they've

changed that view or if they've actually gotten it updated or not. I don't know if anybody's heard if that's happened. I just remember that being one of the points that they told ICANN had to happen before it moved forward.

Graeme Bunton: Thanks, Roger. Yes, there's a whole other piece that people should - we're not going to discuss in depth because it involves VeriSign contracts with the government and therefore pricing or our costs and we don't have yet a fully developed antitrust policy, which we need to do for the SG, by the way. That's a good action because I think we need some clarity on that. But if people aren't paying attention to what's going on with the VeriSign contract. There's an agreement with - they have a contract with ICANN and an agreement with the U.S. government that is - things are happening. Go pay attention to that if you care to.

Anything else on that thick versus thin piece?

Christian Müller: Sorry. Christian Müller again. I'm really not certain. Where is she? Did I scare her off? I didn't really get what she was all about. I mean the question had was obviously twofold. What can be the thin model give us some hints on how we deal with other domains. But basically, I was even asking more, like, four the thin-thick transition itself, how can that happen and the likes of GDPR if we take into consideration that it just worked like it is. And where is the reason to give that back.

So I was not asking mainly can that be a role model for other WHOIS and whatever, but just for the thin-thick transition, how can that happen? What can be the rationale behind sending data to somebody else for what reason?

Graeme Bunton: So I think Matt has a response there.

Matt Serlin: It's Matt for the transcript. So that's part of the work that we're undertaking in the EPDP and I would encourage you when the initial report comes out to read it and comment. If you don't agree with it, comment. Actually, it's a

good point that I should have raised earlier. So regardless of what is in - of the work that comes out of the EPDP group, just keep in mind that both an initial report and a final report have to go out for public comment. And it is very clear to us even in the work that we've been doing that there will be things that will be in that report that we contributed to that as a stakeholder group, we will object to. We will point out that we don't agree with, right.

And Graeme you can talk to the extent that the stakeholder group will issue comments, which I'm sure we will do. But I would also encourage individual registrars to submit comments that are from your viewpoint for anything in the report that you have a problem with. Thanks.

Graeme Bunton: Thanks, Matt. It is a good reminder that we need that input from the (SGN) and the individual level. Joyce?

Joyce Lin: Yes, I appreciate that you ask about the thin to thick Com and Net. I think that one of the reason when we were discussing of that transition is so that the registrars do not have to provide the WHOIS servers. So then, since all the thick registries, they provide all the WHOIS. So if all the registrars do not have to provide their WHOIS services than the RDAP will not be the registrar's responsibility to provide. But as currently stands right now, every registrar has to provide RDAP services. Maybe I'm wrong. So if anybody has a correct recollection about why the transition from thin to thick.

Graeme Bunton: You want to answer, Matt? Oh, you're right. So Michele and then Fred.

Michele Neylon: Just to kind of answer Joyce's question, I think it was a question, Michele for the record, the standard registry contract for all new TLDs mandates thick - that they're all thick registries. The only TLDs that are currently thin are Com and Net and Jobs, Names. Anyway, it doesn't matter. Com and Net are the two that everybody cares about. It just so happens that they're also the biggest.

So the policy process a few years back said that Com and Net would transfer from thin to thick and then you could probably all shut off your WHOIS servers. But the temporary specification now means that you have to run WHOIS servers for thick TLDs as well. So if you're not aware of that, you might want to read the temp spec.

Graeme Bunton: Thanks, Michele. Fred?

Frederic Guillemaut: Frederic for the record. Just to add on what Joyce said, we could maybe get rid of the WHOIS and also at some point get of data escrow because once the data is with the registries, maybe it's going to be easier to tell ICANN that we don't need escrow.

Graeme Bunton: Thanks, Frederic. Yes, there are advantages if every registry is totally thick that there are things like that that might make sense. I wouldn't hold my breath that we get there. I'm not super optimistic about that. Did Emily make it back into the room? No, Tom has got a question. Tom.

Tom Keller: Thanks. Tom Keller for the record. Even (unintelligible) we can make comments once the final initial report is out there, I think we as a regulator stakeholder group should be on the record stating very clearly that the transition should not happen before EPDP hasn't finished. We never did that up to my knowledge at least. And the only entity that's currently saying, well, we need to wait for certain things is VeriSign. Where this desirable outcome to have thick for all or not is a different thing than saying, okay, let's wait for EPDP to get to closure.

Graeme Bunton: Thanks, Tom. Tom was asking about (unintelligible). I'm in a submarine. I'm having flashbacks. That we haven't actually gone on record and said we can't move to thick until the EPDP is done. We have really danced around it without saying it explicitly, but you're probably right that it's not a bad thing or at least we should think about how to articulate that and what the right way to do that is.

I will say that we were supposed to have a meeting here about the Com-Net amendment with ICANN and VeriSign and it was very short notice. I think that the request came in, like, on Friday or something and I didn't feel like I had the right people in the right place spun up appropriately to really have that meeting. Because it's an important meeting and substantive. There's lots of people who care about that amendment and making sure that I have an appropriate number of people who care and that expertise. But a small enough group that we can still have some reasonable discussion.

So I felt it was too quick and we asked ICANN if we could push it back to Kobe, five months from now and they were like, yes, okay. And in side of like 15 minutes they responded. So I was like, oh, that was easy. So and it's possible it comes up again between now and then and I'll make sure everybody hears about it. But we have at least until Kobe and we're going to know by Kobe for sure if the EPDP has failed or succeeded.

Tom Keller: Tom again for the record. Yes, but if I get policy right, we need to ask for a pushback of all those implementation dates because as far as I know, we will need to start shipping data to VeriSign March 2019. So what's going - is that going away? Do we have to - I don't know the process but we would need to look into that. Even if VeriSign is saying we're not able to do it, there's still this obligation for us to do it.

Graeme Bunton: So Matt might have insight on that. My hunch is that if the EPDP doesn't finish, thick WHOIS is clearly in question as another piece of our contracts that we may not be able to do and I think would be totally for a thing that needs to be figured out. But you can't - probably ICANN could not force you to do that if the EPDP has failed and there's no temp spec anymore.

Tom Keller: I know but this is not part of the temp spec.

Graeme Bunton: So there's another piece too that - so VeriSign keeps asking to push back implementation dates because they don't have the new RRA that they need because we keep saying there's issues with it and EPDP. We wrote a letter at some point in the past year, I've written a lot of letters lately, they're getting a little blurred together, saying, hey, look, there's still a lot of uncertainty on this. We don't know when our stuff is going to get done. But the dates that were obligated to are in the policy and VeriSign's dates were not. But we asked ICANN to link our dates for implementation to VeriSign's and they agreed to do that. So every time ICANN grants VeriSign another six months or something like that, which I think they've done twice now, that pushes our implementation dates back as well.

And I double checked on that with ICANN staff this week because that's super important that they can't turn around and say, oh, you have to give all this thick data to VeriSign who is not even ready to take it just because, you know, their date got pushed back beyond ours. So they are linked and that will be clear that once their date gets set then we'll still have our implementation window.

Joyce Lin: Yes, in terms of the March 2019, I just don't see that's going to happen. First, the thick registry transition working group, they stopped meeting several months ago. We no longer meet anymore. And secondly, I have not heard anybody that VeriSign for some content uploading sometime several months ago and I don't have any data if they are still open to the registrars to upload the contacts or not. So I don't think that the implementation date will be enforced in March 2019.

Graeme Bunton: Thanks, Joyce. Okay. Emily is not back on the shifting liability piece although I think we discussed that a little bit earlier where I was talking about Goran and his technical implementation, and this hub and spoke, and the letter that we wrote. So I feel like we gently already covered that. And just to reiterate, if there is some possibility that there is a model where ICANN can absorb some of liability, I think we're interested in understanding what that

looks like. I don't think we're wildly optimistic that it is possible. I think if it was, right, okay, maybe. It really has to - we need to figure out just how much of that exposure it moves. You know, if it's 40% then probably we're not interested. If it's 98% then maybe we are. I don't think it could ever be 100%. I think we always still if we're collecting data and there's still some agreement here that we have to give it somewhere else then there is still always going to be some risk.

Lindsay?

Lindsay Hamilton-Reid: Lindsay Hamilton-Reid for the record. Graeme, you know how I feel about this. We'll never shift all liability to ICANN. Frankly, I'm not convinced that having ICANN responsible for having any of this is a good idea. So while we're looking into it, I must admit between the members of the group, we haven't all been in agreement on this one. We did agree to explore but the thought of ICANN being allowed to disclose data I find terrifying. Thanks.

Graeme Bunton: Thank you, Lindsay. I don't think you're alone in that feeling and let's be clear, it's not going to be ICANN itself that does it. They're going to hire Deloitte or someone to build a thing and it's going to take a long time. I see Volker and Michele in the queue but I don't think we need to belabor this one too long, guys.

Volker Greimann: Especially since ICANN has a stellar track record of gathering data that they have been able to keep secret from competitors and others. I mean they have - they're exemplary and trustworthy in that respect so I would never have any doubt that they have any problems with keeping their data safe. That was irony.

Thanks, Volker. Michele?

Michele Neylon: Thanks, Graeme. Michele for the record. I think there's two parts to this. I think it's important to give ICANN the cover that they're looking for in order for them to go look into this, to explore it further, to examine options. That I'm perfectly fine with. In common with my learned colleague further down the table, I have a lot of concerns with the actual mechanics of something like this.

I can see potentially a reality where ICANN says to us, yes, that company over there is who they say they are. They're certified as whatever the hell they're certified as but I cannot imagine a reality in which I would transfer data from my servers in Ireland to some god knows servers somewhere in the U.S. to then have it transferred back to somebody requesting data in Spain. That makes no sense to me. That's bat shit whatever. Stuff doesn't make sense.

But I think exploring it, we should be okay with that and we should be okay with that and we shouldn't be dissing it for now.

Graeme Bunton: Thanks, Michele. None of the conceptions I have seen have actually had a centralized WHOIS service. So the wholesale data is not all moving. I think it's federated so that the registrant data still lives with each of us and then ICANN becomes the place where the queries are centralized and distributed from. So there's a technical difference that is also a legal difference that none of understand yet because no one has any idea what it looks like in reality and no one has any idea if it's even possibly legal.

But we'll explore it and we'll do that carefully or we'll hope ICANN does it carefully and we'll watch them like a hawk. Thank you. Okay. I think that - I mean that is plenty of GDPR. If you guys feel brutalized by that, imagine what our EPDP members feel like doing this for, I kid you not, 20 hours a week, right. We all feel it. Okay. Anybody have anything else related to GDPR? If you just want to get up to the mic and sigh or scream for a minute because it's - the mental anguish. Michele, you can't help yourself.

Michele Neylon: Thanks, Graeme. Michele again for the record. This is more of a kind of meta GDPR in reality type issue. Most of us I assume at this stage have done our due diligence and have put together documentation and done it - and have got these processing agreements from vendors. ICANN is a vendor who has failed to provide any form of data processing agreement for any part of their interactions with us as corporations and with our staff, and for anything else.

They do now have a privacy officer. I believe it's (Jan Hollorand). Somebody can correct me. It is. All right, woohoo. But we haven't been given a data processing agreement by them for anything. Now, further down on the agenda, I'm sure we might get into that because of this letter and various other things. But at a higher level, there is requirements for those and they seem to be either ignoring them or incapable of engaging with them. And this kind of impacts a lot of our interactions with them and it's just - it gives me kind of tingling feelings.

Graeme Bunton: Thanks, Michele. Anybody else? Everybody is GDPRed to death and EPDPed into oblivion. Joyce?

Joyce Lin: Kind of just curious that James mentioned earlier that the EPDP fail than the good chunk of RAA go away. And would that become a Wild West of our RAA?

Graeme Bunton: I don't - yes, that's one of the questions that earlier when we sort of danced around this, I don't want to go too deep into the weeds on because I really hope we don't get there. But you can plate that scenario out in your head. Okay. Everybody. Neal, come on man. Please.

Neal McPherson: Unless you're saving for this any other business, but it kind of fits in here, maybe six weeks ago, Graeme, you sent around then kind of an overview of

all of the RAAs that have been - gone through that expedited RAA amendment update. It would be great if we could get that on a regular basis.

Graeme Bunton: Sure, that's an easy one. I think I just need to ask Carla from ICANN staff. She cooked that up for us previously and she can do that again. Zoe is adding that I'm sure to a list of things to do. Thanks, Zoe. Going once, going twice, EPDP and GDPR moving on. We'll never talk about it again I promise. Great. Okay.

So I have us at 2:30. We've got a break in half an hour. I suspect we can probably give people a little bit of extra time but it's still enough time between us and the coffee actually exists that I think we should throw another item or two that are hopefully pretty quick in before that. Jeff isn't I don't think in the room yet for SubPro. I saw Greg disappear too for compliance. We can do charter and incorporation and I think that's exactly what we're going to do.

Ben, Zoe, charter and incorporation, where are we at?

Zoe Boynton: Hi, it's Zoe. So just very quick update on the charter because you might have heard very much. So basically, we - it hasn't gone past an ICANN Org review. So this is not going to the OEC, which I always forget what that stands for. But it's the committee report.

Pam Little: Organizational Effectiveness Committee of the Board.

Zoe Boynton: Correct, which is the final step. So basically, ICANN Org does their review, which would include an ICANN legal review of it. And they did come back with some concerns, I will bracket that, with I think it's 2.2.3 of the charter, which basically allows for restrictions on non-voting members not only because they don't, for reasons other than voting in another stakeholder group in ICANN.

So we have put forward all our reasons for having those and we are expecting to hear back from ICANN Org in response to that. So this is why it hasn't moved forward. We're kind of stuck in this bit because when our charter goes forward to the OEC, it does go with comments officially from ICANN Org, which effectively means it's coming from their legal department. This is about legal and fiduciary concerns.

So that's where we're at. We're still confident at this end that there isn't a problem and that this will go through, but we're just having a bit of conversation with ICANN Org at the moment about it. So I don't know if you want to go me into any more detail.

Graeme Bunton:

Zoe Boynton: So that's the charter. Thanks.

Graeme Bunton: Graeme Bunton: I think we'll just push that ahead and get that up to the board, and we have the opportunity I think to essentially ignore ICANN Legal, and in this case I think it's probably a good idea to do is they're making mountains out of molehills is my impression of what they're up to.

And so hopefully we can get that done. We're still operating essentially under the new charter and with this as just sort of the last formal step and I think it's sort of fine for us to keep doing because we don't do anything particularly controversial particularly ever. So that's the charter. Any questions on that piece? A little bit of housekeeping. Cool. Ben, you want to tell us about incorporation?

Ben Anderson: Hi, everyone. Ben here. So there's been a bit of a change since our last update and we've learned four our registry colleagues that they've incurred a massive tax liability from forming themselves as an entity in the states and we were about follow that same path and we thought it was probably not a great idea to copy what they've done. So we've taken some advice from outside

counsel and our current thinking right now is to firm an association in Germany where we'll have no tax liability. We can employ Zoe professionally and with a contract, and pay tax for all those kinds of things as well.

And So Thomas Rickert is helping us with that and I'm hoping that we'll be able to send a full breakdown of how we're going to do that and then get support from the membership in due course.

Graeme Bunton: Thanks, Ben. For a little bit of macro level view on this is we currently have a bank account that's managed I think still by John Berryhill. We pay him a fee for that. It's a strange, like, lawyer trust account so we can't write - it's extremely difficult to, A, get money in or out of it. It means collecting your fees. It means paying for lunches. It means we don't have a credit card that we can use. So all of that infrastructure and overhead is just a total pain in the butt. And so we are trying to figure out the lightest weight way that we can employ someone, and collect fees, and pay bills in essentially a modern fashion where we're not, like, sending letters and stuff.

And this feels to me like a pretty happy solution and if people have strong feelings about the way they do this, then we would love to hear them but we will have it sounds like more details for you in the very near future. But if you have concerns about that. It does mean we will exist as some sort of formal legal entity, which we don't currently. It has some issues associated with it. No immediate red flags for anybody. People are looking for details and want to carry that forward. Going once, going twice. Great. Okay. So that's where that's at.

We are blasting through our agenda. Did Greg make it back into the room? No. Coffee. All right, do we want to - it gives us an extra - do the IRT. Yes, sure. Go ahead. Three minutes.

Darcy Southwell: So Darcy Southwell. I think we talked a little earlier about the privacy proxy services implementation review team, which we love to call PPSAI IRT just

for some confusion. And we were talking about it in relation to the EPDP. But I thought, excuse me, we should bring it up. There is meeting I think on Wednesday of the IRT Group. It's an open meeting so if you're on the IRT, you're welcome to sit in, but it will be ICANN staff that works on it and the IRT members.

I think Greg alluded to it earlier that it's been slowed, which we have asked ICANN staff exactly what that means, and I think they're still trying to figure that out. But I don't think it actually means a pause. My personal opinion. I think there is one other piece to the IRT that I wanted to mention because there was an issue that was referred to the IRT by the ICANN Board and has to do with the transfer policy and the change of registrant. And the fact that when you do a change of registrant, you know, you're supposed to send some sort of validation request to them to confirm that.

And the definition of a change of registrant is really whether there is a change in the WHOIS record. So we've got two issues now, right. We do have some WHOIS records that don't show registrants at the moment because of GDPR. We have other WHOIS records that do. In the case of privacy proxy, you turn that on and off. Well, first of all, the registrant can turn it on and off at their own will for most of us. And then in addition to that, you turn it off or the registrant turns it off in order to accomplish a registrar transfer.

That results in a change in the WHOIS record and therefore is technically under the policy considered a change of registrant even though I think most of us as providers would say that it's not because it is a service. There is no change in our system in the slightest. Anyway, so because of that discrepancy in the policy that issue was referred back to the IRT. And one of the questions that as Council liaisons that IRT in talking with staff, is whether or not we bump that discussion up and put the rest of the IRT on pause so to speak. So that's kind of the slowdown.

If anyone has any comments or questions, I just wanted to explain that. They'll talk about it more in the meeting tomorrow. There are definitely IRT members, probably no registrars, but other IRT members who are vehemently opposed to any slowdown. So that will be discussed tomorrow too I'm sure. If anyone has any questions. Michele?

Michele Neylon: Thanks. Michele for the record. I mentioned earlier, at the moment, ICANN is describing this as a slowdown, which I personally thought was an odd way of dealing with it because that means it's still moving but slower. I know I'm not trying to (unintelligible) plain English to you, but just how the hell does that work in reality should you end up where you have meetings once a week, once a month, once every six months. And why on earth are we having the meetings? I mean it just seems like a massive waste of our collective time and energy.

So I don't know if they're going to continue down the path of this slowdown or make it a more kind of definitive put on pause. Putting on pause makes more sense for a lot of us in light of our issues around GDPR and the EPDP.

Graeme Bunton: Thanks, Michele. Yes, the mechanism is kind of funny. I agree it's not ideal. My only issue is that I'm prioritizing the things we need to care about, caring about the actual mechanism they use for that is pretty far down the list. And I wouldn't want to distract ICANN staff too much with that at the moment. Although if the will of the room is that we do have an issue with that particular bit of process then we can follow-up.

Tom Keller: Thank you. (John) for the record. There's another beautiful thing. I'm not sure of the status between all the (unintelligible) the cross-field validation. Is there any news? I heard that Cyrus is now responsible for that. Is that - I heard it's not on pause but we don't even know what to cross-field check.

Graeme Bunton: Thanks, Tom. We did talk about this briefly earlier. Maybe you had stepped out of the room. How dare you. We wrote a letter saying, hey, there's all sorts of legal problems with this. There's all sorts of GDPR related things that we should be thinking about. Maybe you guys should go do some legal analysis about giving all this data to some third party to look at because I'm sure that's probably illegal and we haven't heard anything back yet as far as I know. So that's on our list of things to do is to follow-up with ICANN staff to figure out where they're thinking is on cross-field.

I suspect they're just slow playing it as they have probably other priorities. Okay. I now have us at 8:40, no, sorry, that's the time on my laptop, not my phone because I haven't updated my clock. 8:40 a.m. We have a whole day of this ahead of us. Welcome everyone. We've got EPDP on the menu for a bit. No. So let's take an extra-long break. Let's give everybody about half an hour. Stretch. Get some fresh air. Have like four coffees in a row. The rest of our afternoon is a little bit lighter and certainly less dense than EPDP. If you're new, introduce yourself to someone else or myself and say hello. And we'll be back here at 3:15 sharp to get going again. Thank you all.

Go get them, tiger. Microphone is still on.

                                        END