
ICANN Transcription
GNSO Temp Spec gTLD RD EPDP – Phase 2
Thursday, 10 October 2019 at 14:00 UTC

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TERRI AGNEW: Good morning, good afternoon, good evening, and welcome to the EPDP phase two team meeting taking place on the 10th of October 2019 at 14:00 UTC.

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

Hearing no names, we have listed apologies from Alex Deacon, IPC, Brian King, IPC, and Georgios Tselentis, GAC. They formally assigned Jen Gore and Olga Cavalli as their alternate for this call and any remaining days of absence.

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

To rename in Zoom, hover over your name and click "rename."
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chats or use any other Zoom room functionality such as raising hand, agreeing or disagreeing.

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

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

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

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

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

JANIS KARKLINS:

Thank you, Terri. Good morning, good afternoon, good evening to all team members on the call. Welcome to 24th meeting of the team, and we have circulated agenda for the call and I would like to see whether team is in agreement with the proposed agenda for today's call.

I see no opposition, so thank you very much, we will follow this agenda. Before we proceed, I would like to say that today, we

received very sad news that our good friend and colleague as ICANN Senior Advisor to President and Senior Vice President, Tarek Kamel has passed away this morning. I would like to propose that we honor his memory with a minute of silence.

Thank you. So let us move to the first item on housekeeping issues, letter to ICANN board. We had a conversation on Tuesday and the one remaining issue is formulation of the last sentence of the letter. We agreed that we would attach annex to this letter as post scriptum those five questions that we formulated for ICANN Org because they're not contradictory, they're complementary, and they complement each other.

But the question is about the last sentence, and I would like to see if James, whom has to try to formulate, could tell where we are now. James, please.

JAMES BLADEL:

Thank you, Janis. Good morning. Could I ask staff to put the latest text up on the screen, if that would help? While they're digging for that, I just wanted to note that there was, as you mentioned during our last call, concern about the tone or the approach, the wording of the last sentence. I posted some updated language last night in U.S. time, and I think that the objective was to not unnecessarily or adversarially position a question like that to the board.

I just want to point out that this language was not pulled from thin air, that this was, as I was asked, developed in conjunction with our two board liaisons, Becky Burr and Chris Disspain, and they

were – I don't want to put them on the spot, but they both kind of agreed that this was the language that they could get behind.

So my question is, for those folks who still have concerns, is the concern over the new language, or is the nature of the concern the sending of the letter itself? Because I think that the point of the letter is to ask a fairly direct question of the board and to receive an actionable response, and I think if the fear is that by doing so, that we might get a response, it would cause us to significantly alter our approach or change course, I just want to point out that's my fear as well. I'm very concerned that that is the path that we are on, but I want to emphasize how much more valuable it would be to know that now versus four or six months down the road.

So I just would like to get some updates from folks on their concerns, if you could specifically articulate the concerns over that last sentence, what is the outcome that we're trying to seek? What is the outcome we're trying to avoid?

From my own personal position, I believe that if we are not going to ask a direct question, then the value and purpose of sending this letter is significantly diminished, and I question whether or not we need to send it at all.

So that's my update, that's I think where things stand now. I know Brian King is not on the call, so I was hoping that perhaps he has perhaps significantly briefed some of the alternates on what the IPC and NTIA I think was the other group, the GAC and the NTIA have – what the nature of their objections are to this last sentence.

So with that, I will stand down and hopefully take that on board.
Thanks.

JANIS KARKLINS: Thank you, James. I think no one objects idea of sending letter. I think that here we are united in that sense. I think the objection was about tonality of the letter. But let me take Milton's comments. Please go ahead.

MILTON MUELLER: Yes. hello, everybody. Sorry I missed Tuesday's call. Just wanted to say that I agree with James that we need to send a very forthright and clear signal that we need an answer and the answer can really alter the course of our deliberations.

The only thing I don't like about this final sentence is that it's not clear to me that we need to abandon the centralized model completely if the board doesn't give us a response. To my mind, the centralized model is primarily a way of collecting queries, and the issue of who makes the ultimate disclosure decision is still up in the air. And if ICANN can't answer that, then I think we should say something more along the lines of we will assume that you don't want to do this and we will make the policy accordingly. But I don't think we need to say we're going to abandon a centralized model completely. So that's my issue with it. Thank you.

JANIS KARKLINS: Thank you, Milton. Alan Greenberg.

ALAN GREENBERG: Milton said pretty much what I was going to say. The fact that this is an entirely centralized model with nothing at the periphery is something we need to decide, but it's clear there's lots of merit in having the centralized collection point and logging and things like that if nothing else. So I don't think we should use the term "abandoned," the centralized model, but clearly, depending on whether we get a definitive answer or not, that SSAD may have very different characteristics. Thank you.

JANIS KARKLINS: Okay. Thank you, Alan. Ashley?

ASHLEY HEINEMAN: Hi. Thanks. Just to clarify, the GAC has not objected to this letter or that sentence in particular that we're talking about, but in consideration of this conversation and some of the concerns that have been raised. I'm speaking for myself at this point because we have not spoken as the GAC on this.

I can see the desire to want to have strong language in here to express the urgency of the situation and the need to get a response back from ICANN. That being said, I think it's important that we very specifically ask for a written response from ICANN to ensure that we get something back.

I also think that there's a middle ground here that we can find on this text. If the concern is that by saying that we'll be forced to essentially abandon a centralized model, perhaps we can maybe

tone the language down a bit to – without a response, we'll be forced to ... Something else shy of making it sound like it's a zero-sum proposition.

That being said, there is no g ac objection to this language, just to make that abundantly clear. Thank you.

JANIS KARKLINS: Okay. Thank you. Greg.

GREG AARON: Hi. I agree with what Milton and Alan have said, and Ashley too. In the second paragraph, the last sentence might need an update. I think it's probably true that in the centralized models, ICANN might assume some sort of an operational role. It might run the mechanism that sits in the middle, or might pay for it or outsource it.

And then I think there should be a period. But that's separate from whether ICANN's accepting some responsibility or liability for decisions to disclose data. The operational bit, and then ICANN's decision-making role can be separated. We don't want to give the board the idea that they're intertwined inextricably.

So I think we should say all the proposed models presume that ICANN will assume some sort of an operational role, period. Some models – and in some models, ICANN would assume some degree of responsibility and liability. Does that make sense? Thanks.

JANIS KARKLINS: Thank you, Greg. Marc Anderson.

MARC ANDERSON: Listening to the conversations and the discussions in e-mail, which I think have been great, it doesn't sound like we're far off. There's strong support for sending the letter, there's just a little bit of concern over [nuances of the] wording, which is a good sign.

I'll note that the original text read, "Absent that input, we may be forced to focus our efforts ..." The original text was less definitive, and the proposed rewrite from James, in consultation with the board liaisons, made it stronger. So I think the "May" language in the original text – maybe people could take a look at that again and see if that would be acceptable.

If it's still not, another compromise would be to change the language to say "Absent that input, some working group members fear ..." So that would be a way to say not everybody shares that, but some are worried about that, which I think would be a fair compromise and representative of working group members' feelings on this.

JANIS KARKLINS: Okay. Thank you, Marc. James, now your turn.

JAMES BLADEL: Yes, thanks, and thanks everyone. Just to be clear, I am perfectly happy with and very enthusiastically supportive of changing the last sentence to suit everyone's concerns.

My objection was to the last proposal, or at least it was the proposal that was on the list when I went to bed last night, so it's possible that some things changed overnight. But the proposal from Brian, who was unfortunately not here today, to remove the last sentence entirely. That is my concern, and to my point, removing the last sentence invalidates the point of sending the letter.

So if we want to continue to iterate on the language of this last sentence to get everyone on board, I am perfectly happy to take this back with anyone who wants to help with that and come away with a rev 3. Glad to do all of that. But my objection was to removing the last sentence entirely. Thanks.

JANIS KARKLINS: Okay. Thank you. Mark SV.

MARK SVANCAREK: Thanks. James, thanks again for this, for writing the letter and working with us. I agree that the letter is great. We do need to continue to tease that last sentence, I think, but I also want to say time is always thin. So let's not spend too much time iterating on this. Let's just try to put this through and get this letter to the board. Thanks.

JANIS KARKLINS: Okay. Thank you for all that input. So takeaways. We're sending a letter. Now we need only to get over the last sentence. And actually, as Milton suggested and Alan, that there might be not only centralized or decentralized, but the hybrid of both where queries come through the central gateway, and then the disclosure determination is made in a decentralized way.

So that should somehow be what is now on the screen [inaudible] there's only either centralized or completely decentralized where also queries come in decentralized way.

So with that – and I also fully agree that time is ticking and it would be good to get this letter out today, if that is possible. So, would you be willing, James, to give a last try? But then we would put [for] let's say two hours after the call for [inaudible] procedure, and then we're out, because indeed, we're very close to the solution. So maybe [inaudible] we can say "May need to reconsider" or something like that, or whatever you feel as a penholder would be the most appropriate. And then we will send this letter off. James, are you in agreement?

JAMES BLADEL: Yes. Thank you, and I just noted for folks to send that text to me off list, and I will consolidate. Please do not assume that text edits that have been sent to the group Zoom chat are being collected, because I'm not collecting those. Thanks.

JANIS KARKLINS: Okay. Thanks. So let us now then go to the next sub-item, which is the status of building blocks. Marika.

MARIKA KONINGS:

Yes. Thank you, Janis. Happy to report – and although I think Janis probably would like to see some brighter green than we're able to show on the Wiki page is that I think we have reached closure on the building block A. We had the 24-hour review period after we made the updates following the last call. So we've marked that now closed for inclusion in the initial report.

Again, I think everyone needs to be aware as well that of course, we're aiming for an initial report here and I think we also need to recognize that depending of course where some of the other building blocks come out, we of course need to do an overall check on all the building blocks to ensure consistency and coherence between them.

just to note as well that updates have been made to building block E. That went out earlier for final review but there were some comments and suggestions that came back on that, so staff has made those updates, and it was suggested there to have another 24-hour review period so that we have until tomorrow to flag if there's still any remaining issues there. I think all the other building blocks are basically in development. There are a couple of action items that came out of the last meeting, and I know several of you are already working on those. So as soon as updates to the building blocks are done, we'll of course flag that to the group so you can start your review.

JANIS KARKLINS: Thank you, Marika. Indeed, I like much more colorful charts than this one. But hopefully one day we'll have a lot of color there, and predominantly green. So, any comments, questions on this? No? Then let us move to agenda item four, accreditation, building block F and J.

So where we are now, we received the consolidated text that was put together based on every input received, starting with Alex and then Milton's contribution, but equally, other groups who send in contribution on their vision for accreditation.

And on Tuesday, I asked to flag if somebody has conceptual difficulty with the proposed way forward. And to my knowledge – and I would like to get confirmation from Marika – no conceptual objections have been voiced, so as a result, we can go paragraph by paragraph and see how far we can get today. Marika, can you confirm that no objections have been received, conceptual?

MARIKA KONINGS: Thanks, Janis. Yes, I can confirm, at least I haven't see any. I just wanted to flag that Brian has made some specific comments in the document I saw, and I think Hadia also provided input on one of the questions that we flagged as a potential open issue in relation to the charter questions.

And if I may just add a little bit more, I know I gave everyone a little bit of background on how this document came into being, but I just wanted to kind of emphasize because I saw Brian making a couple of comments saying we didn't agree to this. I just want to make clear that I don't think anything in this has been agreed yet.

This is really staff's attempt in bringing different pieces together, and that was for you to have a look at this and see indeed if this aligns with your collective view of how this could or should work, as well as any areas where you may disagree.

I also note that in certain areas, there may need to be further clarity on who is responsible for what, and that is something else we've explicitly left open at this stage because it's really for you to determine. And lastly, I wanted to flag that we did include at the end of the document the definitions that I think Alex developed as part of his document, but we haven't cross checked that with what we currently have in the language here. So I think at some point, probably once the group has kind of agreed on the overall concept, we may need to cross reference and make sure that those definitions still align with what the group is describing and/or whether any updates or additions need to be made. So I just wanted to add that to the input we provided during Tuesday's call.

JANIS KARKLINS:

Thank you, Marika. Let us then go paragraph by paragraph and Milton is asking to share the Google doc link if staff could do it. It would be appreciated. Thank you.

EPDP team recommends that the framework for accreditation of SSAD users is established. Such accreditation framework should adhere to the below principles.

Principle 1, A, accredited entities must be legal persons, not individuals. Are we in agreement? Marc Anderson.

MARC ANDERSON: Thanks, Janis. Just noting Brian's comments on the Google docs on why accredited entities must be legal persons not individuals. I guess I share Brian's concern. I'm not sure why we're saying individuals can't be accredited. If we have a good reason why individuals can't be accredited, then I'd like to hear that. otherwise, I don't see a reason for saying accredited entities must be legal persons.

JANIS KARKLINS: Okay. Thank you. Margie followed by James.

MARGIE MILAM: I agree with what Marc just said, it doesn't make any sense to me that we would limit this to just legal persons. Thank you.

JANIS KARKLINS: Okay. Thank you. James?

JAMES BLADEL: Yeah, agreeing with the previous speakers. There might be a good reason. If so, someone could please illuminate me, because I don't get it. Thanks.

JANIS KARKLINS: Okay. Marika's hand is up.

MARIKA KONINGS: Thanks, Janis. Just to give the rationale for why staff included it, and I think it came from either some of the comments or the input that was provided, but my understanding was that some argued that in an organization, you're able to kind of verify the entity and what they do, what they're responsible for. With an individual that may be much more difficult. I think that was one of the reasons why I think someone suggested that maybe this should be limited to organizations. And I think we kind of translated that to legal persons to give that a more specific term. But of course, if there's agreement here that that is not appropriate, we'll go ahead and probably basically remove the sentence or make clear that it's both for legal persons as well as individuals.

JANIS KARKLINS: Okay. Let me ask the question, is there anyone who wants to argue in favor of proposed A as seen on the screen? Just to make a case, why individuals cannot be accredited. Alan Greenberg.

ALAN GREENBERG: I'm not supporting that statement as such, but I do believe that we probably need additional rules for legal persons, because ultimately, if we accredit the legal person, we need a secondary method within that organization to understand who the accredited people are and make sure that the correct checks and balances are applied so that we don't allow anyone in that organization.

So I think there's another nested set of rules that will go along with legal persons, but I wouldn't support limiting it to legal persons. Thank you.

JANIS KARKLINS: Probably there will be some kind of rules of engagement which will determine the principles of behavior of individuals within those legal persons who are accredited. And that probably is an implementation issue rather than policy issue in my view. James, followed by Greg.

JAMES BLADEL: Thanks, Janis. Actually, your last statement was my point exactly, that that is probably an implementation issue where there are different roles contained under a particular accreditation or different named individuals that can use an accreditation. But my thought was something a little different. And again, I'm not arguing for making this a blanket prohibition, but could it be possible that only individuals or only legal entities would have access to certain types of justifications for requests.

For example, a law enforcement officer for example might not be making a request in their personal capacity but on behalf of a law enforcement agency and so forth. I'm just wondering if certain types of legal bases would only be open exclusively to individuals or only open exclusively to legal persons.

I think I'm arguing for making the distinction but not a prohibition. Thanks.

JANIS KARKLINS: Thank you. Finally, Greg.

GREG AARON: Thanks. I think the first principle to remember is if somebody is going to be using the SSAD, they must be accredited. And then we figure out what rules we need for accreditation and that would include some sort of access controls like we've just been discussing. So in the organization, you have some rules you need to follow.

With the law enforcement person for example, I don't see them applying as individuals anyway. They would always want to apply and would probably always be required to apply under the aegis of their organization.

Individual's fine, but it's going to matter what the bars are to get accredited. Thanks.

JANIS KARKLINS: Thank you. Can we accept the proposal of Greg that the first principle would be that users of SSAD should be accredited as an overarching principle?

GREG AARON: Yeah, in fact the word would be "must."

JANIS KARKLINS: Must. And then the second would be that accredited entities can be both legal persons and individuals, and then in the B subpoint that we will discuss after this one, we may want also to make distinction that the uniform baseline for legal persons may differ

from baseline application procedure for individuals. So these three elements. Can we agree with that? Amr?

AMR ELSADR:

Thanks, Janis. I have a question for you, not wanting to make statements. I'm a little confused on what the purpose would be to accredit individuals and why accreditation would be required in order to submit disclosure requests to the SSAD. To me, accreditation is merely a verification of identity, really. If you have like a firm for example that holds trademarks or you have a law enforcement agency and so on, you want to know that when they're telling the disclosing entity who they are, that we can somehow verify that, yes, this is the actual legal entity that is talking to us.

But I'm not sure why that would be necessary in terms of individuals. And I don't see why, again, in that sort of sense, I don't see why individuals who are not accredited would not be allowed or permitted to submit disclosure requests.

I'm sorry if I missed this, but if someone could explain it, I would be grateful. Thank you.

JANIS KARKLINS:

Thank you. I think we had the conversation in Los Angeles about this, and we discussed also whether accreditation would mean more than the confirmation of identity. There were different opinions voiced, and then we went for sort of requested draft ideal accreditation model. So then we came more or less to conclusion that accreditation most likely will be verification of identity. And

with the accreditation, we also facilitate process of automation, because if you are not accredited, then automated response in principle is impossible, because that would require additional verification of identity of requestor and that would go different track, probably unaccredited individual can file the request but it will not be treated within the system of SSAD. It may be treated according to standard of SSAD, but not within the system of SSAD. So that probably is rationale of proposals. Marc Anderson.

MARC ANDERSON:

Janis, hi. I raised my hand over your proposed edit that users of the SSAD system must be accredited. I have a little hesitation over that proposal. I would get over that hesitation if accreditation was available to everybody. If the option to be accredited was open to everybody and it wasn't limited to just specific groups or types of users, then that would be acceptable to me, but if we're in some way limiting SSAD to certain types of users, then that's concerning to me. Thank you.

JANIS KARKLINS:

What is now proposed, there is no limitation, especially if we withdraw proposed limitation for individuals. Then it is both legal entities and individuals. Everyone can apply for accreditation.

Hadia.

HADIA ELMINIAWI: Thank you, Janis. I raised my hand to say what Marc just said. Unless this system allows for anyone to be accredited, I do not support limiting the use of the system to accredited users only.

So unaccredited individuals in my opinion can make requests, although these requests will be looked into by a human and then maybe the disclosure also is done through the system or through the RDAP.

Again, if we have an accreditation system that allows for anyone to file a request and be accepted, then I think it serves the same purpose. Thank you.

JANIS KARKLINS: Marc Anderson. Or that's old hand, Marc?

MARC ANDERSON: Old hand.

JANIS KARKLINS: Mark SV.

MARK SVANCAREK: Hi. I don't think we want to prevent individuals from being accredited, but if we really think there was benefit, I could point out that almost all individuals are going to be associated with business, like even if you're a single operator attorney or cybersecurity person, you're probably incorporated or some sort of a business and you could use that. I don't really see the benefit of

it, but if there is a benefit of it, I suppose we could keep that in mind. And I think we've already beaten to death the idea that unaccredited individuals should have some access to the system even though it's slow lane access to the system. So thanks.

JANIS KARKLINS: Thanks. Alan Greenberg.

ALAN GREENBERG: Thank you very much. I guess I disagree saying only accredited individuals or entities can use it. I would think that if you're not accredited, we'll surely pass back all the way down to the contracted parties to make the decision on whether to release, but when we're talking about the letter, we said there's really strong benefits to having a centralized entrance into the process even if it's not automated, even if the [petition] process is not automated.

So I don't see any reason for excluding that and having to build a completely separate system and logging and tracking when you can handle it that way. So entrance through the SSAD does not imply that we're going to use whatever automated assisted technology to actually address the query, but I think it's really important to have a single point of entrance and not have multiple systems built in parallel with each other. Thank you.

JANIS KARKLINS: Okay. Thanks. Allan Woods.

ALLAN WOODS: Sorry, Janis. I'll be very quick. Apologies, this is probably just because my brain is probably not back in the game after a few weeks out of this, but how are we equating identity verification with automation? Maybe I just, I don't know, killed brain cells with overconsumption of alcohol on holiday, but I'm missing that. So perhaps somebody could, even offline, remind me how we got there.

JANIS KARKLINS: We can think of SSAD in two ways. One is as a system which is automated as far as possible, but equally, we can see it as a standard, and if person or entity or individual is accredited, then they go through the system because the first step of identification and verification of identity has been done elsewhere and credentials have been issued and valid credentials would be accepted by automated system and the request would go in for further consideration.

Individual who has not gone through accreditation may submit to the system which would be treated according to SSAD standard, but most likely will not go through automated system because the first thing is to verify identity of requestor which may require actions or steps that cannot be automated, at least in full.

So therefore, shall we then agree that accredited entities – legal persons and individuals – maybe staff can propose more eloquent formulation. And then let us move to B with the mind that it was suggested that maybe the baseline application or accreditation procedure for entities may be slightly different for individuals, but

both legal and natural persons should have uniform baseline application procedure. So Milton.

MILTON MUELLER:

I think you have settled that issue, Janis, and I'm getting impatient with it, so I'm going to change the subject. I want to talk about the C section – no pun intended – in which we have literally a self-contradictory sentence. It says accreditation must not result in automatic access/disclosure. But [is it] expected to facilitate or automate the review of requests where applicable?

So facilitate works there, but automate doesn't, in the facilitate or automate. You cannot say accreditation must not result in automatic access but it is expected to automate the review of requests where applicable. That's self-contradictory.

How can you automate the review of requests without automating access? I just don't get that, and I think it's wrong on policy grounds and contradictory on logical grounds. So I think we just have to delete "or automate" there. That would be my suggestion.

JANIS KARKLINS:

Thank you. But it is now time to think about it. Please Marc and Hadia put your hands down, because we will take subsection B first, and then we will come back to C. But thank you, Milton, for flagging that in C. We have time to think about it while we're talking about B.

Any issues with B? Accreditation authority must have uniform baseline application procedure and [complementing] requirements

for those requesting accreditation, noting however there may be instances where applicant may be requested to provide additional documentation, for example intellectual property owner may be requested to provide documentation of a valid trademark.

And also, I've suggested that we add one additional sentence that the baseline application procedure may differ for individuals.
Alan Greenberg.

ALAN GREENBERG: I agree with what you're saying, but I don't think the parenthetical is appropriate. We're accrediting an individual or organization for general use, point out that they have a valid trademark I don't think is particularly relevant. But saying that we may have to – even though there's uniform application process, they may be asked or additional information I think is quite appropriate. Thank you.

JANIS KARKLINS: Okay, we're deleting "for example" in your opinion.

ALAN GREENBERG: That's what I would suggest, or come up with a better example.

JANIS KARKLINS: Matt Serlin.

MATT SERLIN: Thanks, Janis. I was actually going to raise the point that Alan just raised. I think we should take out that “for example.” I don’t think it makes any sense why an intellectual property owner would need to provide evidence of a trademark for the accreditation bit. So I’d vote to get rid of that entire parentheses. Thanks.

JANIS KARKLINS: Okay. So any objections of adding this idea that the baseline application procedure for legal entities may be slightly different for individuals? [inaudible]? No. Kind of logical. Thank you. So then staff, please take note and add that to this bullet for the next iteration.

C. Accreditation framework should be focused on confirming the identity of the requestor and related aspects such as facilitate the automation of an SSAD request, for example [a relevant trademark request from a] [inaudible].

So accreditation must not result of automatic access. I think that this part of the sentence says that accreditation does not automatically provide the disclosure of information, and we discussed that extensively and I think that we established that understanding already almost at the beginning of the process for our conversation. [inaudible] facilitate or automate review of the request where applicable.

I think that there is simply a formulation that needs to be reworded slightly to fine tune our previous understanding. Mark, Hadia, and Margie, in that order.

MARK SVANCAREK: Thanks. I had two points on this one. I think we should adopt Brian K's suggestion, so where it says accreditation must not, it should be accreditation alone must not, and regarding Milton's intervention, I think he's right. I think this is really confusing.

I know we have a principle that we automate what we can and streamline what we can't automate, but this is confusing. So as long as we understand that facilitate means automate what we can and streamline what we can't, it seems like we could strike the "or automate" and not lose any fidelity. Thanks.

JANIS KARKLINS: Yeah, I think we agree that we automate as much as we can and standardize the rest. I think that this is what we used.

MARK SVANCAREK: Yeah, you're right, and standardize what we can. Okay. Thank you for correction.

JANIS KARKLINS: Yeah. Hadia, please.

HADIA ELMINIAWI: First off, I don't see those parts contradicting. There is a different between automating access/disclosure and automating the review of requests.

And remember we had actually received a legal advice that says that the whole process from start to finish cannot be entirely

automated. Having said so, it's okay to say accreditation must not result in automatic access/disclosure, but it is true whether we say it or not that it could facilitate automation of the review of the requests and that does not mean automating the disclosure. Thank you.

JANIS KARKLINS: Thank you. I think we simply need to think of rewording this sentence because there's no conceptual contradiction of our understanding what was meant by this. But the formulation may bring some confusion. Alan, please. Alan Greenberg.

ALAN GREENBERG: I don't think accreditation is purely for identification of identity. We may well have people who agree to a code of conduct, we may have people agree to some auditing procedures or things like that. So accreditation may well be a wider verification than just knowing who the person is.

So when we talked about accreditation, we said there are other merits other than identification. So this seems to reverse that decision. Thank you.

JANIS KARKLINS: Actually, you're right. Thank you for reminding. It is indeed, by accreditation, probably we also oblige accredited entities, individuals follow certain rules of engagement. That's true. Thank you. Chris Lewis-Evans.

CHRIS LEWIS-EVANS: Thanks, Janis. Just a very quick point of order maybe on this one. I think we've gone over a little bit of ground here, and I think some of the reasons – because the definition of accreditation, maybe in some of these building blocks, is it worth starting out with a definition of the term? Because I think that would help frame this, where we're coming from. I think a lot of this discussion that we're having at the moment is getting crossed over because we're lumping in accreditation with authentication and 15 other A-words.

So I just wonder whether at the start of this building block we could put the definition that we've agreed on, whether that's the working definition or whether we have to agree on one. Maybe that just might help frame some of the rest of these. Thank you.

JANIS KARKLINS: Okay. Thank you. We will get to the terms. The definitions are suggested at the end of the document. If you have individual documents in front of you, you can see that accreditation [inaudible] because which a designated authority declares that information system is approved to operate in a particular security configuration with a prescribed set of safeguards, and so on. We will get there.

Chris' proposal is to move definitions – to start with definitions. That makes some logical sense, but again, the most important thing is to agree on the principles and then we can move around paragraphs to our pleasure.

So we will ask staff to reword slightly the second sentence of subpoint C based on this conversation just to make sure that we understand that accreditation does not result in automatic positive reply to every request, but that facilitates automation of the process as such.

Okay, let us move to subpoint D, the accreditation authority must provide for mechanism for deaccreditation in case of system abuse. Any problem with that? Marc Anderson.

MARC ANDERSON: I think as a principle, this makes sense. So I agree with that. I think it's pretty vague though what we mean by this. I'm not sure operationally how to interpret this. So while I agree with this in principle, I think maybe a little more detail about what we intend from an operational perspective would be worthwhile.

JANIS KARKLINS: Thank you. Noted. Amr.

AMR ELSADR: Thanks, Janis. I'm wondering if system abuse should be referred to here more as an example of why deaccreditation may occur. I'm thinking about what's under subsection A at the top. Here it's not just about – the example provided in subsection A isn't just about verifying an identity but also for example where a trademark holder is actually holding a valid trademark. So if my understanding is correct, just as an example, there may be situations where a trademark holder may lose the trademark for

one reason or another. So in that sense, if demonstrating that you're holding a valid trademark is a prerequisite to accreditation, then losing the trademark in that sense might be something that might cause deaccreditation.

That's just one example off the top of my head, and I don't think I can come up with every possible scenario where deaccreditation might be necessary, but I'm just thinking it might be wiser to just maybe [inaudible] abuse as an example of why deaccreditation may occur instead of making it such a definitive statement. Thank you.

JANIS KARKLINS: Thank you. Alan Greenberg.

ALAN GREENBERG: Thank you very much. I think we already discarded the existence of a trademark as one of the accreditation criteria, but that notwithstanding, I agree that using abuse should not be the only reason. Certainly, it's an example, and it talks about system abuse whereas I'm not sure that simply violating the code of conduct would be classed as system abuse, but certainly would be a reason for deaccreditation.

So I think we may want some examples, but I don't think we want to limit them based on this statement. Thank you.

JANIS KARKLINS: Thank you. Maybe we can simply leave “the accreditation authority must provide for a mechanism for deaccreditation” and then move all the examples to the implementation part or implementation guidelines that we also will be working on for this building block. Margie.

MARGIE MILAM: Yes. To address Amr’s concern, in the proposal that we put together for the BC, we talked about a renewal process for the accreditation, whether it’s annual or whatever. The time period isn’t really relevant as to what time period, but as a notion that whatever you did to get accredited, whether it’s trademark or some sort of certificate, whatever qualified you for the accreditation, by having some sort of renewal process, you’re basically confirming that those things still exists. So I don’t know if that’s something we want to build into the policy.

JANIS KARKLINS: Thank you, Margie. I think that this proposal speaks about a renewal of accreditation somewhere further down the text if I recall from my reading. But can we agree that we limit subpoint D to we put full stop, mechanism for deaccreditation, and then we add some examples of deaccreditation in implementation guidelines? No objection. Okay, we’ll do that. Thank you.

E, accreditation [inaudible] preferably has one ICANN-approved accreditation authority responsible for accreditation, but the ICANN-approved accreditation authority may work with other entities that could serve as a clearinghouse and/or verify

information that's provided by those requesting accreditation. Any issue with this? Marika.

MARIKA KONINGS: Yeah, thanks. Just to note that Brian has suggested a small edit here to change the clearinghouse to clearinghouses. Just wanted to flag that. I'm assuming that's a minor change that staff can go ahead and make.

JANIS KARKLINS: Okay. Thank you, Marika. So now we're in agreement with this subpoint. Let us move to F. SSAD must accommodate requests for access, disclosure from nonaccredited organizations or individuals irrespective of the ultimate accreditation framework. In light of our previous conversations earlier for point A, I think that that is confirmed in point F. No requests for the floor.

So probably this irrespective of ultimate accreditation framework may disappear when we will know what is accreditation framework. Amr, what do you think?

AMR ELSADR: Thanks, Janis. I was actually just going to ask you to clarify your last statement on how F ties in with A.

JANIS KARKLINS: That nonaccredited organizations or individuals should be able to place their request in – this is what it says.

AMR ELSADR: Right. Thank you.

JANIS KARKLINS: Okay. Let's go to G. The accrediting authority must be audited by an independent author on a regular basis. Should the accreditation authority be found in breach of accreditation policy and requirements, it will be given opportunity to address the breach, but in case of repeated failure, the new accreditation authority must be identified and created.

Alan Greenberg.

ALAN GREENBERG: Thank you. I'm not sure that makes sense when we say that the ... We're saying that the start of this pyramid is ICANN. Now, we're presuming perhaps that ICANN will not do the work itself but will authorize someone else to do the work, but it's not clear to me that that other entity is the accreditation authority as opposed to being a subcontractor doing the work.

If you presume that's a possibility, then this means ICANN must deaccredit itself and find a replacement for itself, and I'm not sure that makes sense. Thank you.

JANIS KARKLINS: Thank you, Alan, for raising your concern. Marc Anderson.

MARC ANDERSON: Thanks, Janis. I had the same concern as Alan when I first read that sentence, so I think that's something maybe we need to consider a little bit more. The reason I raised my hand though was similar to my previous intervention, I agree with this in principle, but how to operationalize this principle is, I think, subject to – open to an awful lot of interpretation. Here, I think we need to provide a lot more clarity. If we're requiring an audit, what information is subject to an audit, what information is not subject to an audit, what information must the accrediting authority collect and store for purposes of the audit?

I think there's additional detail we have to provide, and if we want to keep this as sort of a building block and expand on it in implementation advice, I'd be fine with that, but I think we can't leave this as open ended as it is here. I think this language could be interpreted very different ways, and that's, I think, not helpful to anybody when it comes to operationalizing this requirement.

JANIS KARKLINS: Thank you. Marika has explanation. Marika.

MARIKA KONINGS: Yeah. Thanks, Janis. Just to note on auditing, I think we agreed on the last call to have a separate building block on auditing because I think everyone agreed that those details or further guidance would need to be provided there. So of course, if people have specific suggestions, I think the question is whether to already include that here and then move it over at some point in the other building block or in the new building block kind of carve

out different parts of SSAD that would need to be audited and described for those, what that would look like, but I think also the question that I think Brian raised here as well, who would be doing the auditing?

I think that's one of the overall questions, and the other point I wanted to make as well on what the group at some point will – I think we're now talking more about kind of the different responsibilities. The group will also need to assign at some point who will be responsible for those requirements. That goes to the point I wanted to make in relation to Alan's comment, and I scrolled slightly back up because at least the way staff had envisioned it or based on the input –

JANIS KARKLINS: Did I miss something, Marika, or are you asking something?

BERRY COBB: I think she may have been disconnected.

JANIS KARKLINS: Okay. I think that here, we need to have a little bit of conceptual clarification. So if we assume that that would be ICANN who would be this accrediting authority, as Alan suggested, most likely ICANN will not create accreditation unit but rather will look outside, and there may be already existing or there may be something that would be created elsewhere, and so the auditing would apply to auditing the whole system, probably including how ICANN decides whom to assign accreditation function and

certainly those who do accreditation, how they follow agreed guidelines and principles. So that would be my understanding. Margie.

MARGIE MILAM: Sure. I see it as ICANN accrediting the accreditors. It's not a subcontract kind of thing as Alan Greenberg suggested. Is that the concept we're talking about?

JANIS KARKLINS: I think so. We can call it subcontracting, we can call it accredit accreditors, but in principle, yes.

MARGIE MILAM: Okay. Perfect. Thank you.

JANIS KARKLINS: I understand then that there is no further conceptual difficulty with this. What needs to be done further is, as requested by Marc Anderson, that maybe outline of auditing what will be audited and how that should be part of the audit building block that we agreed to create, and then put every auditing element in that building block as a separate building block.

So can we move forward with that understanding? And staff of course will fine tune the language as we agreed. H, the same with this, accredited entities must be audited for compliance with accreditation policy and requirements on a regular basis.

So probably G and H could be somehow merged on understanding what we discussed here. So I propose to merge together and reword it slightly.

Let's move to I, accreditation must be paid for service, accredited users must be offered lower fees for submission of SSAD requests as the evidence of burden of authenticating SSAD requests will likely be significantly reduced. I think that part of the sentence should go. That's not really policy recommendation style comment.

I see a few hands up. Margie, Chris, and Marc Anderson.

MARGIE MILAM:

Sure. I think we haven't really talked about the financial side yet of this, and I don't believe that it's appropriate to put here fees related to SSAD requests since we haven't agreed that there would be fees for SSAD requests. So I do think that there should be a fee associated with accreditation, but that's separate from a fee per lookup, and that other part seems to suggest that there would be a fee for that. So I suggest we delete that and address that issue when we get to the financial considerations for the system.

JANIS KARKLINS:

Okay. Thank you. So basically, you suggest that we leave only the first sentence in.

MARGIE MILAM: Yes.

JANIS KARKLINS: Thank you. Chris?

CHRIS LEWIS-EVANS: I agree with everything Margie just said apart from the last – yes. I would like to suggest that we replace this completely with the accreditation service may be part of a cost recovery system.

As Margie says, I don't think we've got there yet in our discussions about how it's going to be done. If someone wanted to offer an accreditation system that was for free and would do it on their own cost, I don't think we should stop that. So I think just make it part of a cost recovery system, fits with the discussion we had in LA. Thanks.

JANIS KARKLINS: Chris, I heard [inaudible] which suggested that only cheese in the mouse trap is for free. The rest has a price. But yeah, your formulation is noted. Marc Anderson.

MARC ANDERSON: Thanks, Janis. I think Margie made some fair points there. I raised my hand because I didn't like having in the second sentence a "must" coupled with a "likely." That's a difficult logic for me to wrap my head around, but if we just drop the second sentence, with the understanding that there's some additional conversations about

the financial model that we're going to have to get to later. I think that's fine.

JANIS KARKLINS:

So just a question, probably to the team in general, are we really going to discuss a price structure? Is it our task to do it, or that is more task of implementation part of it? If we agree that accreditation should be run on cost recovery principle, that's a policy principle that we put forward, but do we really want to get into how much it will cost and who will pay what in the time allocated to us with the resources? This is kind administrative decisions in my view.

But let me take Milton and Chris after.

MILTON MUELLER:

Yes. Hello, everybody. I can agree with Margie that even though we're probably going to disagree pretty strongly on the nature of the charting structure, I agree that we would put the second sentence debate over that into – I think it's building block N, a [little child's] block with an N on it.

Let me just address the issue of fee structure and policy that Janis raised. It's absolutely a critical part of policy in this to have principles related to cost causation, cost recovery and the assignment of cost to specific parties, but of course, we should not be determining specific rates at this stage.

For example, the idea that queries are free is a very powerful policy statement. It says that you essentially have a right to ask for

anything you like and impose costs on the system, and that's part of the problem with the old WHOIS, was that it was essentially subsidizing indiscriminate access to user data and so we want to set up policy principles regarding charging that do not repeat those mistakes.

I also want to address what Chris said. I think he raised a valid point that when we say it must be a paid for service, I think what we really mean is that the people who get accredited and the people who provide accreditation must be self-sustaining, and if indeed somebody wants to offer accreditation and no charge, I guess that's not necessarily – at no charge to the accredited parties. Somebody's going to be paying for that process and somebody's going to be paying for the recordkeeping and the authentication processes.

So I think we could reformulate that first statement in a way that made room for that possibility. That's all. Thanks.

JANIS KARKLINS:

Okay. Thank you. And this is exactly what I tried to say, that we would need to determine policy elements of the cost recovery as suggested also by Stephanie and yourself, Milton, but not the fees.

So with that understanding, we could probably agree to reformulate, as Chris suggested, the accreditation service may be part of cost recovery – or should be probably – system, and then we would talk further about and then staff, please note that, that

the elements of cost associated with accreditation in the building block N, we were talking about financial aspects of SSAD.

So, can we move forward then with that understanding? Okay. J, accreditation framework must be focused on organizations that are expected to submit regular SSAD requests. Hadia's hand is up.

HADIA ELMINIAWI: Thank you, Janis. I don't actually see the benefit of this bullet. What kind of output do we expect out of this? The accrediting entity will, in all cases, accredit whoever passes the accreditation requirements. I don't see the benefit of this bullet. Thank you. Also, I can't see the expected outcome.

JANIS KARKLINS: Let me take Marika first for clarification of this point.

MARIKA KONINGS: Yeah, thanks, Janis. I just wanted to indeed flag, I think this was suggested by some of the input that we received to not necessarily say that that should be the only focus, but the setting up of the accreditation framework should have organizations and individuals in mind that submit regular SSAD requests. This shouldn't be someone who only submits one request, this shouldn't be the go-to place as we've said. Those users can go directly to either SSAD or directly to whoever holds the data for their one-off request. But it really should be intended to accommodate those that have a regular use of SSAD.

I think that's what this principle [inaudible] was trying to convey based on the input received, but if people of course believe that that is not necessary to spell that out here, it can easily be removed.

JANIS KARKLINS: Thank you, Marika. Alan Greenberg, followed by Marc Anderson.

ALAN GREENBERG: Thank you very much. And as Marika noted, it should be organizations and individuals or simply entities, instead of organizations, because of the change we already made above.

I have to disagree with my colleague, Hadia. I think it does have merit because what I think it's saying – and Marika sort of implied that – is we really want to make sure that the vast majority of users of this, or heavy users anyway, of this, regular users, are accredited so we minimize the work that the system has to do and the individual controllers perhaps have to do to make a decision on any given request.

So if we know there is some group, whether they're intellectual property attorneys or security researchers, we really want to try to get as many of them accredited as possible. So this says there really should be a focus on trying to make sure that the majority of users – and certainly regular users – are accredited so we streamline the process. Thank you.

JANIS KARKLINS: Thank you, Alan. Marc Anderson.

MARC ANDERSON: Thanks, Janis. I'm trying to absorb what Alan just said. I don't disagree with what he just said, which is always a statement that's followed by a "but." So, but, looking at this sentence, again, thinking about this from an implementation standpoint, what do we expect as the outcome of this statement? What gets implemented here?

If we expect there to be something implemented, what exactly is the policy recommendation from this statement? I don't see it. Maybe this is what Alan described is a principle we should be keeping in mind, but how to implement this, I'm not sure how you implement it. So my suggestion, I guess I agree with Hadia, is to drop it altogether.

JANIS KARKLINS: Thank you, Marc. Listening to date and thinking through, I think yes, also in light of the discussions we had at the beginning of this call, this seems maybe not the strongest proposal, and I would suggest that we drop it completely. Is there any opposition to that? Let me take Hadia and then see whether we can drop it.

HADIA ELMINIAWI: Thank you, Janis. I just wanted to note quickly that I agree with every word Alan said, it's just I cannot see the outcome of this statement. Thank you. [How it would] reflect as an output. Thank you.

JANIS KARKLINS: Yeah. So would everyone oppose if we would suggest deletion of this point J? And we would maybe ask staff to think if there is any formulation possible capturing Alan's idea that regular users of the system should strive to be accredited. No, that's also stupid. Sorry. I'm just thinking loud. But no. Shall we delete this? Any opposition? Okay, delete it.

K. SSAD must provide the ability for accreditation authority to confirm accredited requestors in SSAD. Any comments? Common understanding? Amr.

AMR ELSADR: Thanks, Janis. I'm not sure I understand this point very well. Oh, wait a minute. SSAD must provide the ability ... Yeah, okay. Never mind. Sorry, I'll put my hand down.

JANIS KARKLINS: Okay. Volker?

VOLKER GREIMANN: Sorry, yes. I think it means that basically as there may be two different kinds of requestors, accredited and non-accredited coming through the SSAD, then these accredited users must be identified as such, so that's the disclosing entity can recognize that, yes, this is an accredited entity, therefore treat them accordingly. I think that's what this means. If not, then color me confused.

JANIS KARKLINS: I think that the accreditation authority will issue kind of a password or something that will allow an accredited entity to log in, and by logging in, that would be sending requests in the system. Amr?

AMR ELSADR: Thanks, Janis. I'm still trying to think about this point and I'm just wondering – and this might be something that, again, I've missed – why does the accreditation authority need to confirm who the accredited requestors are in SSAD? Accreditation authority will accredit certain users that applied for accreditations through them. Whether they are the only accreditation authority or whether there are multiple ones.

But I'm not entirely sure on why they would need access to information on accreditation via SSAD.

JANIS KARKLINS: The idea is that – so after accreditation, the SSAD needs to be informed that that particular entity is accredited, or individual. So that's the meaning of this, that it cannot be a situation that after accreditation, SSAD does not recognize accredited entity because accreditation authority is not informing system that that entity has been accredited.

AMR ELSADR: Yeah, that makes sense. I think it just needs to be reworded.

JANIS KARKLINS: Okay. If we can ask staff to reword. So there is already some traffic in the chat room. Mark SV, Marc Anderson, Alan Greenberg.

MARK SVANCAREK: I think you just need to replace the word “confirm.” I think you just need to replace the word “confirm.” I think it’s the word “confirm” that’s confusing everybody, and we’ve already discussed what’s really intended by this, so I don’t need to go into that right now. Staff’s going to work on some language.

But I think if you just simply replace the word “confirm” with a different word or clause, it’ll make this clear. Thanks.

JANIS KARKLINS: Thank you. Marc Anderson.

MARC ANDERSON: And not to beat the dead horse, yeah, I think we understand what we’re going for here, but the current language is not [clear.] So I’ll just point it out and wait for a proposed rewrite.

JANIS KARKLINS: Okay. As said, it’ll be reworded. Alan Greenberg.

ALAN GREENBERG: Thank you. Yeah, certainly, it has to be reworded. I’m not sure if it’s talking here about the authentication process and whether the

accreditation authority will be involved in the authentication or authentication credentials will be given to the SSAD.

I'm not sure which way we would end up going. So I guess I'll hold off until we reword, and then comment. Thank you.

JANIS KARKLINS:

Okay. Thanks. Again, in my view, that is mechanics. There might be that accreditation authority issue a password or whatever other way that allows logging in, and then system is informed that the password has been issued and accepts the contact. So for me, it's more implementation issue rather than policy principle.

But let me see. L, SSAD must provide a mechanism to report abuse by the accredited user, which is related to accreditation authority for handling. Okay, maybe slightly clumsy, but are we in principle agreeing with the concept? Okay. We're in agreement with the concept. And maybe we can ask staff [to slightly tighten] or think about slight rewording of the point L that it reads better.

Okay. So we have done the first part, and that is the accreditation principles. The question is, is something missing in your opinion? Marc Anderson.

MARC ANDERSON:

Thanks, Janis. I'm trying to refer back to something Margie had said earlier on the call. She had raised a suggestion about there being a mechanism to renew accreditation once you've received it, so I think she had some suggestions along those lines. I thought that was a good suggestion, so I think there should be

something in here on when does your accreditation expire, how do you renew your accreditation, what's the process for that?

So maybe she can provide more details. It sounds like she's given it some thought already, but I thought that was a good suggestion and something that should be included here.

JANIS KARKLINS: Yeah, you're right. Thank you for reminding us. So, can we agree on ... Marika is commenting, accreditation organizations must renew their accreditation annually. So do we want to be that prescriptive? And, say, annually, maybe periodically, and then frequency of renewal should be somehow discussed or agreed in implementation phase. Just a question. Marika.

MARIKA KONINGS: Thanks, Janis. Just note indeed that consent was covered under implementation guidance section. And I think one thing the group may need to do as well is look at those two parts and decide what part we must be in the policy principles, and there's this concept of accreditation organizations must renew their accreditation periodically. Maybe a good policy principle, and then consider an implementation guidance whether you want to provide further guidance, whether that needs to be annually or indeed indicate there that that will be further considered during implementation, what is a reasonable time frame, and maybe even considering whether it is different depending on whether you're dealing with legal entities or individuals, or what other kinds of criteria might be in [inaudible].

So I just want to flag that now that there are two separate sections, but the group will also need to have a close look whether certain aspects that maybe now in the policy principles move to the implementation guidance or vice versa, and I think we picked up already on some of the examples, for example that appeared under the policy principles that will be moved down.

JANIS KARKLINS:

Okay. Thank you, Marika. I would suggest that we take “The accreditation should be renewed periodically” as additional policy point. If everyone would agree. And then we could think of implementation guidance thinking about the period [inaudible] whether that is a year or two years. So maybe we can think about it and come back to it at one point. Any objections? Good.

What we will do now with these accreditation principles, staff will reword what we asked to reword, and then will publish in a Google doc for our review, and I would hope that we could agree on accreditation principles online, unless there will be fundamental disagreements on the reworded section.

Now let me move a little bit up to questions in yellow at the very top of the list what staff is asking, and let me take it from the second point first in relation to law enforcement.

Again, that is the result of our conversations in Los Angeles, that there may be slightly different way of accreditation of the law enforcement agencies than anyone else.

The rough idea that we developed in consultations in Los Angeles with the GAC colleagues was that maybe as a policy, we would

recommend that for law enforcement, each country through the GAC representative would identify a national focal point that would be defined as a gateway for any requests coming from law enforcement of that particular country to SSAD and the replies would be returned to that focal point ,and then distributed further.

Basically, if we could use term “accreditation,” we would identify and accredit the national law enforcement focal point, and then that would be up to the national focal point to organize system functionalities behind the national level. That was idea that we developed in conversation with the GAC, and I'm talking under control of GAC colleagues Chris, Ashley, and Georgios who were present in that conversation.

Any thoughts, any comments, objections to that type of thinking? Okay, no immediate reaction, so then maybe staff will think to formulate that type of approach. Now I see Chris Lewis-Evans.

CHRIS LEWIS-EVANS:

Thanks, Janis. Just to say that looking at how we’re going through these building blocks for accreditation, really, the policy framework still fits law enforcement accreditation, however, the implementation of that might be slightly different. So we’re hopefully going to be getting something out, and certainly by Montréal, but hopefully sooner around accreditation principles. So I just wonder if we can hold off on that until that work has been done. I think we’re fairly comfortable that the framework as set out here would still fit LEA purposes.

JANIS KARKLINS: Okay, so we'll wait for your input, but in principle, that is the direction where you're thinking and working. That's my understanding. Okay, now another one, also need to address charter question, how can RDAP – that is technically capable – allow registries and registrars to accept accreditation tokens and purpose for the query. Once accreditation models are developed by the appropriate accreditors and approved by relevant legal authorities, how can we ensure that RDAP is technically capable and is ready to accept, log and respond to requestors' tokens? [EPDP to] consider reviewing section 5 and 6 of STG 01, which discusses technical requirements for credentials in RDAP.

Was it Hadia who provided some input on the mailing list already?

HADIA ELMINIAWI: Yes, it was me.

JANIS KARKLINS: Thank you, Hadia, for that. And in view of the time, maybe we can see whether there is any comments on Hadia's input that you want to provide online that we can revisit it during the next call. If you wouldn't mind, Hadia, I would see Marc's comments to see what he has to say. Marc.

MARC ANDERSON: I'll be happy to look at what Hadia submitted to the e-mail list and respond to that. I was going to point out though that I think that this really overlaps with K as it's currently written, "Must provide the ability for accreditation authority to confirm accredited

requestors in SSAD.” I think that that’s really what this charter question’s trying to get to, there has to be some technical interface, some way of doing a handoff between the accreditation, a centralized system and the disclosure of this data if approved. So I think that really gets to the heart of what this charter question is asking. So that was just something I wanted to add to the discussion.

JANIS KARKLINS: Okay. Then you say that in your view, point K already responds to charter question, and the mechanics, how to do it, is something that we may want to put in implementation guidelines? Marc.

MARC ANDERSON: Sort of. I would say K tries to answer that. I think K, as we already discussed, doesn’t quite get there, but by my read, what K is trying to do is address that charter question. So I think if we give K a little bit more work, we can get there.

JANIS KARKLINS: Okay. May I ask Marika, when staff is rewording the subpoint K that was requested, that you think – you look Hadia’s input and what just Marc said, and try to factor in the link, the idea of link of existing technical means and the new system that we’re developing?

Okay. So staff will make its work redrafting – rewording, rather – the policy recommendations building block F. And then we will see whether we can agree with the proposed rewording online and if

so, then we would come back only to the reading of implementation guidelines but not anymore the policy principles.

And now I would like to move to the next agenda item and see whether we can nail down a receipt of acknowledgement, building block K. If I may ask to put K on the screen.

So the EPDP team recommends that consistent with EPD phase one recommendation, response time for acknowledgement of receipt of the SSAD]request should be without any delay but no more than two business days for receipt unless ... and then small A, [inaudible] circumstances does not make this possible, and small II, the SSAD implementation using technologies which allow instantaneous response to disclosure requests in which case the acknowledgment of receipt must be instantaneous.

So, can we agree with this reworded principle, description? I see no objections, so the response would also include information about the subsequent steps as well as timeline consistent with the recommendations outlined above. [Probably.]

So can I consider that we're in agreement with the building block K? I see no objection, so then we will take that into account. We have one additional green. Good, thank you. So let me now take next agenda item, and that is six, response requirements, expectations, including timeline building block G. Can we get G on the screen?

So I think that the first consistent with the phase one recommendations, EPDP recommends that – that is something redundant. I don't see really logic of that, unless there is

something that I do not understand there, I don't know. Marika, your hand is up.

MARIKA KONINGS:

Yeah, thanks, Janis. I think the TBC here is that indeed those details may need to be further be completed because actually, in phase one of its work, the group went into quite a bit of detail, and I think it was largely focused as well kind of implementation guidance on what a response should include, what the expectations around that were, I think some questions as well around the timeline and possible SLAs. So I think we flagged it here as a TBC to maybe check back with the phase one recommendations and how those are being implemented to see if those same requirements should apply to SSAD or whether that at least would be a starting point for the conversations here so that there's actually currently detail missing from the specific building block that the group will need to fill out. So I think the question is, does the group believe it's helpful to check back to the phase one recommendations in this regard, and kind of put them here as a starting point, also factoring in the work that may have already been done on that specific recommendation as part of implementation, or is this a kind of clean slate approach that's going to be taken here where we're specifically looking at what kind of requirements are related to a response that it provided by the SSAD, what kind of timelines should be put in place and what kind of SLAs should be tied to that if it's appropriate to define that here, or whether that's also something that the implementation phase would need to determine.

JANIS KARKLINS: Thank you, Marika. Sorry for my ignorance. What is SLA?

MARIKA KONINGS: Service-level agreement.

JANIS KARKLINS: Okay. Thank you. Alan Greenberg, please.

ALAN GREENBERG: Thank you. Not on this subject, I just wanted to point out James sent his modifications to the letter around, and maybe we could get to them and actually send the letter out today.

JANIS KARKLINS: Okay. If staff could be prepared to put that text on the screen in next five minutes. So I still want to get the first feeling about this building block, how team members feel about it. Hadia.

HADIA ELMINIAWI: I was wondering if we also need to add here something about technical failures, like if the contracted party can actually fulfill the request, but for some technical reasons, it's unable to. So should we say for example that in case the contracted party RDAP is not able to fulfill a request that it is capable of fulfilling, it must return an error code with a description RDAP error payload? And I took that from actually the Technical Study Group model.

I was just wondering if we should also include technical failure responses here as well. Thank you.

JANIS KARKLINS: Okay. Thank you for your suggestion, Hadia. Any reaction? Amr?

AMR ELSADR: Thanks, Janis. This isn't a reaction to what Hadia said, just a general observation that to me, this building block – and I'm sure there are others as well – is kind of one of those things that we're working on that's up in the air until we hear back from the ICANN board on some of the questions we need answered. So I just wanted to flag that so that we keep that in mind and then not consider this a topic closed off in any way until we do get some sort of direction [from the ICANN board.] T y.

JANIS KARKLINS: Thank you. Any other general comments? Marc Anderson.

MARC ANDERSON: Thanks, Janis. I think Amr makes some good points. Certainly, what we hear back from the board may impact this building block. So good to keep in mind. Getting to Hadia's point, I'm not sure within a building block we would want to get to the level of specificity that she's suggesting. That's probably more detail than is necessary here.

Looking at what's here now, it covers two scenarios where the request is denied, which I think are both good at a high level. This

building block covers response requirements, expectations for the disclosing entity, as I read it. And what this doesn't cover is what are the expectations to the disclosing entity when the request is approved.

So I think that's something that from my quick read seems to be missing from this one. But I think the two scenarios outlined here for when the request is denied makes sense. Thanks.

JANIS KARKLINS:

Okay, thank you. I my question is whether it would be different if we will know whether that is centralized model or decentralized model. If there is, as suggested, the requestor is not considered as passing the test, then there is return of no, and it will be done either if the disclosure is done by centralized entity or disclosure is done by registries, registrars in decentralized way following the standardized approach.

So that's why I think we can still consider this building block, and then if need be, we may adjust the recommendations, but it should be fairly similar to either model we will pursue at the end. So Marc suggested that maybe Marc's suggestion could be considered by staff, and additional element could be added to the building block for the second reading.

With this, let me see if staff could put the last sentence on the screen for the letter – oh, what a nice car.

MARIKA KONINGS:

Janis, if I may make one comment before we go to the [inaudible] on the previous item, because I had a bit of a side conversation in the chat with Amr about this. It may be helpful as well for people to review the SSAD worksheet information that is kind of below the building block that specifically talks about which questions this building block is intended to address, because I think this building block is not expected to address who will be doing the answering of the disclosure requests, but it more specifically asks about what should a response include, what is a timeline by which a substantive response needs to be provided. Should there be SLA commitments that need to be associated with that?

So if that is something that could be dealt with separate from the question of who's going to be that entity that is providing that response, it may be worth looking at this and at least starting the conversation. Maybe some of the phase one work can help kickstart that conversation.

So I just want to make clear that this building block is not talking about who will be providing the response, but it's more about what a response needs to look like and what are some of the requirements related to such a response. So I just wanted to make that clear.

JANIS KARKLINS:

Okay. Thank you, Marika, for this clarification, and with that in mind, may I ask team to provide input if they wish so online for the second reading, in light of what Marika just said? We will schedule the second reading of this building block as according to schedule

that this provided with the necessary amendments based on our slight backlog.

So now James, your proposal.

JAMES BLADEL:

Hi Janis. I have a hard stop here in a couple minutes, as do many folks, so I will be quick. I have posted to the list two proposed edits to the board letter. The first edit is proposed by Greg and it proposes some modifications to this last sentence of the second paragraph. Please take a look at this language on the screen and on the list.

And then the second edit was a consolidation of a number of bits of feedback, mostly from folks during the call, but the last bit of language was submitted by Becky, and so I think we can assume that our board liaisons are okay with us submitting this to their colleagues on the board. Please flag that if that assumption is incorrect on my part. I've been doing that a lot lately.

So these are the two proposed edits if we can get folks to take a quick moment to review them here, and also to review them on the list. We can get this letter posted here today.

JANIS KARKLINS:

Yeah, that is our objective. And I would say let's give about two hours for any return. The only element that we also maybe forgot to mention taking into account that Thomas is not on the call, he was insisting on indicating a timeline when we would expect the reply. Can we think of Montréal meeting? Or immediately after

Montréal meeting, because as far as I know, board will be meeting extensively in Montréal, not only with community but also in camera. And then they can review this and provide answer as a result of Montréal board meeting.

JAMES BLADEL: I think sooner the better. Montréal is probably a good target, however, I would note that it would be fairly unsurprising if the response was dependent upon some of the work that is involving the Strawberry team that is a little more open ended. But I'm fine if we want to say "as soon as possible but no later than the meeting in Montréal." Something to that effect.

JANIS KARKLINS: Okay. Are we in agreement with that? As soon as possible but not later than Montréal? Marc Anderson.

MARC ANDERSON: I understand the sentiment. I think the board understands the urgency though, and they will answer it as soon as they can regardless of what we put in the letter. I don't like putting an artificial timeline on the board who will answer when the board is good and ready to answer. So I don't think we need to say anything at all. The board understands the urgency.

JANIS KARKLINS: Okay. Alan Greenberg.

ALAN GREENBERG: I don't disagree what Marc said, but I'd like a confirmation at least from our board liaisons that they understand that if we can get an answer before we actually meet or by the time we start meeting – and the board will have met before the start of the ICANN meeting – if we can get any sort of answer before we actually start our deliberations in Montréal, that will be – perhaps infinitely beneficial is a bit of an exaggeration, but not a lot. Thank you.

JANIS KARKLINS: Thank you. Chris I think left. Becky, are you still on the call? So we do not have board liaisons any longer on the call because we are almost past the hour.

I would suggest that we mention as soon as possible, and also refer to Montréal meeting. I think that that gives also some indication to the board as we wouldn't be blunt and straightforward.

With this, let me put two hours [silent] procedure for proposed edits, and so then hopefully we will be able to send the letter to the board today, after this [expiration of silent procedure.]

Thank you very much, and with this, I would like to thank all of you for very active participation and constructive participation, and we will meet next Thursday. This meeting stands adjourned.

[END OF TRANSCRIPTION]