
ICANN Transcription
GNSO Temp Spec gTLD RD EPDP – Phase 2A
Thursday, 28 January 2021 at 14:00 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening. Welcome to the EPDP P2A Team call taking place on the 28th of January 2021 at 14:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the telephone, could you please identify yourself now? Hearing no one, we do have listed apologies from James Bladel (RrSG), Melina Stroungi (GAC), Becky Burr (Board Liaison). They have formally assigned Ryan Carroll, Leon Sanchez, and—I do believe there's a last-minute RrSG so I do believe it will be Matt Serlin taking the place for this call and any remaining days of absence.

All members and alternates will be promoted to panelist for today's call. Members and alternates replacing members, when using chat, please select All Panelists and Attendees in order for everyone to see chat. Attendees will not have chat access, only view to the chat access.

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Alternates not replacing a member are required to rename their lines by adding three Z's to the beginning of your name, and at the end in parenthesis your affiliation dash alternate which means you are automatically pushed to the end of the queue.

To rename in Zoom, hover over you name and click Rename. Alternates are not allowed to engage in chat apart from private chat or use any other Zoom room functionalities such as raising hands, agreeing, or disagreeing.

Please note, the Raise Hand option has been adjusted to the bottom toolbar.

As a reminder, the Alternate Assignment Form must be formalized by the way of the Google form. The link is available on all meeting invites.

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 do need assistance, 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 posted on the public wiki space shortly after the end of the call. As a reminder, those who take part in ICANN multistakeholder process are to comply with the Expected Standards of Behavior. With this, I'll turn it over to our chair, Keith Drazek. Please begin.

KEITH DRAZEK:

Thank you very much, Terri. Hello, everybody. I have a few updates to provide today, and then we'll do a review of the agenda. You'll note that on the agenda we do include under number four, "Feasibility of unique contacts" as an item, but that's if time allows. I expect that most of the call today will be dedicated to the topic of legal and natural. But if there's some time towards the end, we can circle back to the feasibility of unique contacts.

So my update for today is that we will have shortly a Council liaison appointed to our group from the GNSO Council. It will be formalized at the next GNSO Council meeting. But Philippe Fouquart, the GNSO chair has volunteered to be the liaison for this group. I think that will be very helpful to us in making sure that we have obviously a connection with the Council, if we have any questions or if there are any issues that need to be raised. And so we're very happy that Philippe has volunteered and that we now will have a Council liaison to the group. Again, it'll be formalized at the next GNSO Council meeting.

Then 2b, we have update on the vice chair role. You should have seen on the list last night the Expression of Interest from Brian Beckham, who is the only person who has volunteered or expressed interest for the role of vice chair. Just a reminder that Brian is—and I see Philippe is with us today and in chat. So thank you very much, Philippe. We really appreciate your service here in addition to your Council chair duties. Brian has submitted his Expression of Interest. Just to remind everybody that Brian is not a member of the group, so we will likely have to go back to the GNSO Council for sign off for bringing in an external vice chair, but that we have alerted the GNSO Council leadership of this and

they understand that that's something that will be before them if the group decides that we are comfortable with Brian as the vice chair. So I would ask everybody to make sure that you review Brian's Expression of Interest. And if there are any concerns or anything that anybody would like to raise or further questions for Brian, he's indicated his willingness and availability to respond to any questions. I'd like to get that wrapped up before or by the next meeting on our next plenary on Thursday, if possible, and certainly in time for the next Council meeting.

Then, finally, my update on the Legal Committee, we now have a fully formed Legal Committee with participants and members confirming that either that they are going to continue or are new to the group. The first meeting of the Legal Committee will be on 2 February at 14:00 UTC.

Okay. I see Terri has noted in chat that Owen Smigelski will replace James today for the Registrars. So thank you very much for that update.

Okay. Any questions about that? Anybody would like to weigh in on any of the chair updates? I'm seeing no hands.

Next item on the agenda is getting into the substance of legal versus natural. I think when we get to the discussion of the proposals that have been submitted, I think what we'll do is hand it off to each of the proposers, the individuals and groups who have submitted proposals. And the way that we'll approach this, I'm just giving you a heads up here that we're going to start with Brian and the proposal submitted that Brian has touched on. Then we'll move to Laureen, Alan, and Hadia, as their proposals are fairly

similar. And then on to the BC with Margie and Mark's reference to .DK, and then the SSAC's reference to RIPE NCC. Then we'll wrap up probably today in terms of timing with the proposal submitted by Milton and Melina. I know that Melina is not with us today so if we need to push her proposal until our next meeting, we can. But if anybody else from GAC would like to speak to the proposal submitted by Melina then that would be fine as well.

So I just wanted to sort of give everybody a heads up that that's sort of the order that we will take. As we get into that, I think our goal here is to recognize that we're talking about the proposals in the context of what registrars and registries could do on the topic of legal and natural on a voluntary basis. In other words, we're looking for input and suggestions, and we want to consider these proposals in a constructive manner. And if there is any feedback or input to the proposals from any party, I'd ask everybody to keep the responses constructive and the input constructive in the spirit of trying to find some common ground moving forward for those proposals where on a voluntary basis, if registrars want to differentiate between legal and natural, that these are proposals to help them do that. We'll defer the discussion of any sort of requirements until a later date, but this is really about trying to be constructive and providing feedback to those who have proposed these proposals. Margie, I see your hand.

MARGIE MILAM:

Hi, everyone. Good morning. I guess I have a question for the group as to why we are focusing on voluntary and not mandatory. This is a consensus policy discussion, so rather than going through this and then have to revisit it again when we talk about

whether we want a consensus policy that would impose requirements to make a legal/ natural person distinction, I think we should just take a look at these proposals from that lens, and then we have the discussion on the team as to what would be appropriate for our consensus policy. So I just want to challenge the notion that this is a voluntary discussion when I think the whole purpose of this group is to come up with a consensus policy.

KEITH DRAZEK:

Okay. Thanks, Margie. I see Alan and Laureen have put their hands up as well, and Brian is agreeing. I'm referring to the instructions that we received from the GNSO Council and also to look at best practices. The approach suggested or indicated was to focus on best practices, and once there's agreement on those, determine whether those should be required. So I am not in any way suggesting that we shouldn't eventually get to the discussion of moving from best practice to requirement, but I think the step right here, this first step, is to have the conversation about the proposals in terms of a best practice approach. And then if we can come to agreement on best practices, then determine whether those could become requirements under consensus policy. But let me go to Alan, Laureen, and then Volker. Thanks.

ALAN GREENBERG:

Thank you very much. At least one of the proposals that we'll be talking about today actually only makes some sense if we are allowed to mention the concept of mandatory. So I would certainly not want to see us forbidden from discussing it today. For some of

them, it may be more appropriate to defer it for others. It's a natural consequence of having the discussion altogether, so I would certainly not want to see it outlawed. Thank you.

KEITH DRAZEK:

Thank you, Alan. Yeah. I'm not suggesting that we're setting down a law or outlawing anything. I'm just encouraging folks to focus on this in the context of the instructions that we have received from the GNSO Council. Laureen and then Volker.

LAUREEN KAPIN:

Thanks, Keith. The status quo currently actually is to give the contracted parties the choice about whether or not to differentiate. I take your point about sequencing, but I do think that no one's hiding the ball here that, at least for certain stakeholders, the goal is to have a requirement that we can all agree is reasonable for contracted parties to differentiate between the two. So I don't want us to be inefficient in our discussions because the endgame, at least for certain stakeholder groups—and we've been very explicit about this—is that we think this information is not legally protected under the GDPR and we want to find a way to ensure that whatever policy is agreed on is consistent with the GDPR. But our whole point for this exercise is because we think that the current policy is inconsistent with the GDPR and protects information which isn't legally entitled to be protected. So I just want to make sure we're efficient in our deliberations because time is short, and I don't think, from our perspective, to engage in a policy effort that actually just really isn't much different from the status quo is going to be that productive.

KEITH DRAZEK: Okay. Thank you, Laureen. You certainly have my commitment that we will get to the question of requirements versus optional. But I want to make sure that we're following our instructions. I fear that we'll get either derailed or bogged down if we immediately move to discussions of requirement without doing some of the prep work first, and that prep work is what we're talking about here today is to try to identify where improvements can be made in a best practices sense. But I fully understand that there are parts of the community and groups within this EPDP team that are clearly wanting these to be requirements and I think everybody understands that. You have my commitment that we will not in any way set that aside or not get to that. Volker, you're next. I'm sorry. Go ahead, Laureen. Sure.

LAUREEN KAPIN: Sorry, sorry.

KEITH DRAZEK: No problem. Go ahead.

LAUREEN KAPIN: I appreciate that, absolutely. I will point out—I'm looking at what Berry very, very helpfully put in the chat—the first question is whether any updates are required to the EPDP Phase 1. I'll just tell you that when I looked at that, to me that dovetailed into the requirement mentality, shall we say. I take your point that we need to figure out what we all can agree on, and I'm certainly not averse

to that. In fact, I think that's the whole point of this exercise, but I just wanted to share with you my interpretation of the language.

KEITH DRAZEK: Thanks very much, Laureen. Volker, you're next.

VOLKER GREIMANN: Thank you. Here's me disagreeing with the previous speakers and agreeing with a plan to move forward. I think sometimes if you can't get what you want, it's better to want what you can get. I think the way, the road to mutual agreement with best practices is much easier and much faster walked than anything that has the word mandatory in it. That way, I see us making progress in this group. Moving ahead, I think this is the best way. And if we have time in the end then, by all means, let's see what we can make mandatory of those proposals. But let's come up with the proposals first.

KEITH DRAZEK: Thank you, Volker. I understand that there's concern among everybody about the limited time that we have in this group, but you have my commitment that the clock will not be run out on this question. And so I think that we need to focus on the proposals. People have done their homework and have put forward concrete proposals that we need to start talking about those today, and to have a constructive dialogue to try to figure out what can be done, what can actually make this situation better. And we will, before this group concludes, make sure that we have the discussion about what could possibly be a consensus policy requirement, an

update to the consensus policy. So you have my word on that. I see no more hands. If anybody would like to have any final comments on this, feel free. Otherwise, I think let's move back to the agenda.

Before we get into the actual proposals, I want to ask if there any observations from the group on the webinar with ICANN Org that we had on Tuesday. Any remaining questions or missing information on the topic, other comments? I know that we had some takeaways from the discussion there about some possible additional information related to other comparable experiences, whether it's ccTLDs, RIRs, or RIPE NCC, and so I think that there's some additional follow up there, and also the questions that are going to be referred to the Legal Committee. So I just want to open the floor to see if anybody had any feedback, any thoughts, any reaction to that, and really specifically focus on any possible next steps. As I noted, the Legal Committee will be meeting on Tuesday to follow on that work. Alan, go right ahead.

ALAN GREENBERG:

Thank you. I'm not sure if this was formerly a takeaway or not, so I'll mention it here. But if it is on the list, that's fine. One of the things that some of us found most interesting was the question to organizations that have done differentiation, that it was not as onerous as some of those who have not done it are predicting it will be, and I really think that needs to be investigated a lot more so we understand exactly why those who have done it found it easier than those who haven't yet done it. I think that's one of the keys to our being able to ultimately perhaps have a mandated solution to this. Thank you.

KEITH DRAZEK: Thank you very much, Alan. Volker?

VOLKER GREIMANN: I don't necessarily disagree with Alan there. I think there may be some value in asking that question, but the question must be quantified by whether there has been a change in the status quo for those organizations or if they have been doing it all along because that makes a world of a difference. If they have been differentiating between legal and natural from day one, from the start, they started collecting the data and have been enforcing that and had clear and fast rules of how to input that data, that is entirely different from our situation where we are suddenly changing the ballgames on our registrants and telling them that now what they put there is actually of meaning, where it was of no meaning before, at least in the context of the publication of the data. Thank you.

KEITH DRAZEK: Thanks, Volker, very much. And thanks for Alan for the suggestion as well. Brian, you're next.

BRIAN KING: Thanks, Keith. I appreciate that Org put together this study and thought that they covered a lot of good content there. I appreciate them taking the time to walk through it with us.

One observation is that I think they overstepped a bit what we asked them to do and getting into the kind of policy discussions or getting into the weighing of the factors of the cost-benefit analysis. I also don't think they got it right. I think they used the plus one/minus one, and kind of admitted that it was just to put something on paper. But those types of things have repercussions and kind of serve as an anchor for our discussions, and it was inappropriate I think for ICANN, the organization, to do that. I just leave my comment there. Thanks.

KEITH DRAZEK:

Thanks, Brian. I understand the sensitivity around what appeared to be some conclusions drawn, but I think towards the end of the call, Karen indicated that this output was not in any way meant to be determinative or definitive, that it was basically a framework to help establish the discussion. But I understand what you're saying and I think that was flagged during the Q & A session as well that there were some concerns about the direction that this went or how far it went. But I think the clarifying comment from Karen is that we shouldn't be looking at this as the final answer or anything that was definitive. It really is just a tool to help us move forward. But your comment is completely understood and noted.

Would anybody else like to get in queue, or shall we jump into the discussion of the proposals? While you're thinking if anybody else has anything to say at this point, we're going to go into order of IPC with Brian and his proposal, and then move to the proposal submitted by GAC and ALAC, and that's Laureen, Alan, and Hadia. We're sort of grouping those in terms of time because they're similar. And then to the BC for the discussion on .DK, and

SSAC on the RIPE NCC, and then we'll move to Milton. Then if Melina is available or not, or if somebody else from GAC would like to speak on the GAC proposal then we can do that as well. Any additional questions or comments before we jump in?

All right. Again, just a reminder, if I could ask everybody to please, in your feedback and reaction or input to these proposals, please try to be constructive. And again, we're trying to find common ground and a path forward on these issues and this is our opportunity to compare notes. So thank you very much for that in advance. So, Brian, let me hand it over to you for the first proposal, and we'll then have some dialogue. Thanks.

BRIAN KING:

Sure. Thanks, Keith. Actually, counter proposal to your proposal about the proposals, I thought Laureen did a really nice job with number five. And the risk of everybody thinking I'm a jerk and putting Laureen on the spot, I did ask Laureen if you wouldn't mind going first when we go through these. So if that's okay with you, Keith, I'd like to yield to Laureen to kick us off, please.

KEITH DRAZEK:

Thanks, Brian. That's perfectly fine. I didn't coordinate this in advance with anybody, so I'm happy to defer if you're prepared to defer on the proposal for the proposals. All right. So, Laureen, over to you.

LAUREEN KAPIN:

Okay. Brian knows I'm always happy to jump the line. For our proposal, first of all, I want to emphasize we are fully mindful of the fact that there's a real difference between the level of effort in dealing with this issue for new registrants as opposed to legacy registrants. Therefore, this first proposal focuses on new registrants only. Because our assumption—and I'd be very interested to hear from the contracted parties if this is accurate—is that, given the mechanisms that you have in place, your interface to deal with new restaurants is going to allow you to leverage existing mechanisms more effectively.

So here's our proposal, and none of this should sound new or surprising because my clear intention here was to track the legal advice, the very useful and pragmatic legal advice we got from the Bird & Bird memo. So it would be before registration to give registrants the notification and option to identify as either a natural person or a legal entity, and here we would want the contracted parties to use reasonable efforts to explain the difference in language that Joe or Jane Public can understand. I know that there are already registries and registrars that do this so there probably are existing models to learn from, but inconsistent with the legal advice, there could also be these focus groups to ensure that the language is clear and easy to understand, and the ICANN Organization could also help with this effort. And perhaps there could be an effort to come up with uniform language so that folks don't have to reinvent the wheel and we could be more efficient in our use of resources that way.

Second step would be to send confirmation e-mails to the registrant and technical and admin context because we know that

what we don't want is personal information being provided by a legal registrant, whether for themselves or for their contact. And this would verify that the information doesn't contain personal information and also let the registrant know the consequences. Here's what's going to happen if you identify as a legal entity, your information will be published. So they not only know what they're making an election about but they know the consequences.

And then there could also be a separate verification after that. I know some jurisdictions have corporate identification numbers, there could be some sort of screening mechanisms to make sure you are into receiving personal information, and there also could be the option of engaging a third party provider to verify that. I know in the legal memo one of—actually, not in the legal memo—but the European Data Protection Board and some of their correspondents also noted that there should be instructions, a directive given to legal registrants that they should not be providing personal information in their registration information. That should be an affirmative direction to them.

Then the fourth step is if they get it wrong, it should be easy to make it right. So I've listed all the sources there for these recommendations.

KEITH DRAZEK:

Okay. Thank you very much, Laureen. Very concise. I see Volker and Milton in the queue. Again, please, constructive feedback, folks. Volker then Milton.

VOLKER GREIMANN: I think I see a lot in there that is already practiced. I mean, if we look at the ccTLD world, a lot of ccTLDs do similar things by requiring from day one the differentiation between legal and natural, yet we, from time to time, still see issues with that. First of all, the ccTLDs don't really have that problem because they are usually focused on one jurisdiction only, whereas most of us are providing worldwide services. If you start looking at company registers in every country in the world, implementing that becomes a whole different ballgame, a whole different task, implementation issue that is going to require hundreds of man hours for research, for implementation, for verification, for making sure the systems keep on operational if some of the countries change their lookup services. It's a nightmare that's nearly unfeasible. Well, I said nearly, but it's unfeasible, actually, if we try to do this in a worldwide state on an individual level for registrars. So that's going to be a problem.

The second point, you said if you get it wrong, you can correct it easily. Well, if you get it wrong, the data has been harvested and is going to end up in spam lists, and DomainTools is going to sell it to their customers. Once the registration data is out there, it's out there. There's no putting the genie back in the bottle. So we have to be sure that we get it right from day one. There is no getting it wrong. Getting it wrong means fines, we don't want fines. And finally—I forgot finally. Move on. Let's move on.

KEITH DRAZEK: Thanks, Volker. Yeah, you certainly get back in queue if that last thought comes back. Milton and then Alan. Thank you.

MILTON MUELLER: I'm actually surprised at the extent to which we could be in agreement with IPC, BC, and GAC, which is normally not the case, but I just want to emphasize the degree to which Laureen's proposal introduces an unnecessary complication into this whole process. So the key issue here is, do you publish the WHOIS data/the registration data or not? That's the issue that we care about. If we have an option for them to say, "Yeah, go ahead and publish it," it doesn't matter who you are. It doesn't matter whether you're a legal person or a natural person. And dragging the registrant into understanding the distinction that is bound to be confusing and introducing another step—so you're not only asking them, "Do you want to publish it?" but you're saying, "Are you a legal person or a natural person? And if you do, all these things are going to happen," I think that is confusing unnecessary. All you have to do is ask them whether they want their data published. Why do you need to do anything else? Surely the legal/natural distinction is relevant legally in a very technical sense but if the user or the registrant consents to publish, that's what you're concerned about, right? So give them that option. If they accept it then done, you've gotten what you want. If they don't, they probably have a good reason for that. So I don't understand the need for this step. I think that what you want to do is just find out whether they'll let you publish it or not.

KEITH DRAZEK: Okay. Thank you, Milton. So just a follow-up question on that, I guess, and this really is a question, I don't know the answer. Under GDPR, is it possible, is it is it allowed for a legal person to

not disclose or to not have their data disclosed? We can take that just offline. If somebody has a response directly, that's great. Milton is saying, "Yes, it is." Okay. Thanks. That's just clarification for me.

Alan, Volker, and then Hadia.

ALAN GREENBERG: Thank you. Two comments First one is to Volker. I didn't hear Laureen mention anything about consulting corporate registrars in countries. All I heard was her saying it was self-declared. So most of Volker's comment was in relation to something which I don't believe was being proposed here.

My second comment is to Milton. GDPR is silent on to what extent one might have to keep information about or might voluntarily keep information about legal persons. It only is addressing information on natural person. So I'm not quite sure how he says GDPR allows it, and that GDPR allows lots of things that are completely irrelevant to the legislation. So GDPR allows you to eat steak for dinner, not because it has a rule about it. It just is silent. Thank you.

KEITH DRAZEK: Thank you, Alan. And I'll note that there's some chat activity related to all these points that we're discussing right now. I don't want to lose what's being introduced in chat. If folks would like to speak, please put your hand up. It's relevant. So I see Volker is back, and then Hadia, then Chris, then Margie.

VOLKER GREIMANN: Yes. Volker is back. Thank you very much. It finally came back to me. Actually, it was two finally. First of all is that I still have the issue with, Laureen covered that, and I appreciate that that. Actually, the distinction between legal and natural is a bit of a red herring and the question is not whether the entity owning the domain is legal and/or a natural person. The question is, does the data they provide contain personal information? And that's a question that really does not depend on what qualifier the registrant gives when he registers the domain name. It means that the registrant must declare that there is no personal information in there and having to declare that in the registration path is a bit of a nightmare.

The second point is that when you're asking this only for new registrations, not for old registrations, what you're really doing is complicating a lot of existing processes in a way that is almost code-breaking for many registrars and maybe also registries. Example here would be that customer A has a user handle with us that he uses for all registrations and continues to use for our registrations. But now using that same user handle suddenly carries a different meaning. We would have to explain that he cannot use this old user handle anymore that is basically used for all his domain names, and he wants to have it all very easy and secure in this. So you wouldn't want to do change handles or whatever.

So let's just say there's a lot of complication in there. We in our system have used O and P handle from the beginning. People have not been using them correctly. They are still using P handles

as an organization, or O handles because—whatever reason if they are using natural person. So even if you have a way to tell customers and tell them in your implementation that they are supposed to be using it in a certain way, they might not be doing it.

Finally, for consent, I like to consent. I think Milton's idea is very good. The problem is that the consent of the customer does not necessarily mean or equal the consent of the data subject. If you have someone registering a domain name for abuse then cases are rare that they use their own data. They use data that they cloned from a phone book anywhere, and they don't care about it. They just click the checkmark for consent. What do they care if the data of this other person is published or not? It's not their problem, right? So suddenly we have a case where somebody provided consent but the person providing content is not actually the person who is owning the domain name or listed as the owner of domain name. Consent is hard, especially if you are doing a purely online-based business with a couple of cents margin that you have to basically implement around. Thank you.

KEITH DRAZEK:

Thank you, Volker. I have quite a queue building. Laureen has typed in the chat that she'd like to respond to some of the concerns raised. And since Laureen was the presenter of this proposal, I'd like to give her an opportunity now if she'd like. Otherwise, we can get back to the queue. Laureen?

LAUREEN KAPIN:

Thanks, Keith. I appreciate it. I am very aware that this endeavor will take some hard thinking and resources. Volker, I think in some of your comments, you bring up the challenges for dealing with legacy registrations. I was very deliberate in trying to cabin that off because I do realize that that is a thornier proposition. So I'm going to put aside your comments regarding that issue.

I heard you talk about the genie being out of the bottle with information being disclosed and a fear of fines. We understand that liability is definitely a concern. I think the whole point of this exercise is to position contracted parties through a policy that will minimize the risk of liability. I think, as we've all recognized before, there's no zero liability world, unfortunately. There's no risk-free world, unfortunately. But based on legal advice and based on what we know about DPAs, we certainly can make a reasonable assumption that if reasonable steps are taken to give sensible guidance to registrants, and procedures are in place—then here I'll echo the comment that Alan Woods made in the chat, privacy by design—if there are procedures in place that essentially are giving proper guidance, we believe that will minimize the risk of liability. By the way, from what I've read about the fines that have actually been imposed, those are all very small nominal fines thus far. So I think we have to be realistic in terms of the true liability risks here, and the fact that it's in our power to come up with sensible policies.

I appreciate Milton's suggestion about focusing on consent. You've had me so helpful for just a few seconds there at the beginning of your comment, Milton. But I think just focusing on consent does not take us where we need to go. Because I think

from the starting point, for many stakeholder groups, the fact that the current policy allows information to be protected, that has no legal right for protection under the GDPR is the problem. So if you just give people the opportunity to consent, you still have information that's protected that really doesn't have a legal right to be protected.

Keith, you had asked the question, is it allowed under the GDPR for legal registrants not to be published? And I think Milton rightfully correctly answered, yes, it is allowed. But we look at it from a different perspective here. We think the policy should reflect what the law requires. The law requires certain information to be protected and we have a policy that goes above and beyond what the law requires. And we're trying to figure out a way to make sure that the information that doesn't have a legal basis to be hidden from the public is out there. Because it has very useful purposes for a variety of law enforcement cyber security, IP rights protection, consumer protection, all that panoply of issues that we've raised before. To ask whether it's allowed, to me is not the right question. The right question is to ask what policy can enhance the public interest by getting information out there that isn't private and making sure that the information that is personal information should be kept private is protected? That is, to me, the right question to be asking.

KEITH DRAZEK:

Thank you very much, Laureen. And thanks for the helpful reframing of the question that I was struggling with. I note that Chris has also typed into chat some input and feedback on that question as well. I want to make sure that we're not missing the

conversation in chat. But if anybody would like to speak, please get in queue. I have a queue—Hadia, Margie. Laureen, your hand is still up there, and then Mark. Thank you all for your patience and deferring to Laureen jumping the queue there with my support. Hadia?

HADIA ELMINIAWI:

Thank you, Laureen, for all your comments. Thank you, Keith. A couple of thoughts on Volker’s comments and statements. First, for new registrants, introducing new handles shouldn’t be a big problem. Maybe that’s why we started with addressing new registrant cases, because it’s simpler.

Second, in relation to the legal person’s information or data including natural person’s information, declaring definitely that there is no personal information put by the legal person is necessary. But also some of the safeguards suggested in the legal memos and in the study suggest using technical tools to make sure that e-mail addresses of legal persons do not contain personal information of natural persons.

Certainly, in all cases, contracted parties need to provide a process for registrants in order to correct their information. This is because Article 16 of the GDPR, right to rectification, and also Principle 5.1(d) requires that. Already, the registrants will need to have a process in place for that. And this could also be used for legal persons or if actually registrants want to correct their information.

Fourthly, getting it wrong does not necessarily mean fines. This depends on many factors, like the safeguards taken by the contracted parties, the effort made in that relation. So maybe this also could be a legal question.

Then finally, I have a suggestion here. Actually, the legal memos, as well as the study proposed safeguards and implementation guidelines in relation to each of the contracted parties' concern. Why not start mapping those, looking at those, and let's see if those implementation guidelines or safeguards suggested by the legal people or also mentioned in the study could actually be enough. And if not enough, how could we actually do more in order to limit the risks as much as possible. Then again, as Laureen said, there is no such thing as zero risk. Contracted parties are already collecting personal information, and that puts them at risk. I stop here. Thank you.

KEITH DRAZEK:

Thank you, Hadia. We'll capture that recommendation. Again, I'm very happy to take constructive recommendations or suggestions through this process, because as we reached the end of our discussion today on this particular proposal, I do want to identify any possible paths forward or next steps. So if people can be thinking about that, I would very much appreciate it. Okay. Next in queue, we have Margie, then Mark, Alan, Volker. Margie?

MARGIE MILAM:

Hi. Thank you. When I hear the conversation, I do feel that the conversation is one-sided in the sense that it focuses exclusively

on the privacy side without considering the obligations we're going to have under the NIS 2 Directive. As all of you know, that the NIS 2 Directive, as proposed, would require the publication of data for legal persons. So, knowing that that's coming down the pipe, I think that it's probably a good idea for us to develop a policy that can address those issues. So that's just something I want to flag because as we work through the implementation for the Phase 1 and Phase 2 recommendations, it does not make sense and I'm mindful of the costs that the contracted parties will have to write a system one way, and then turn around and have to update it shortly afterwards to comply with the new law. I do think we're a little bit of our head in the sand if we don't acknowledge the fact that the legal natural person distinction will be a requirement under the NIS 2 Directive.

Then the other thing we think with regard to feasibility, I just don't find it persuasive that it's unfeasible to make that distinction. Because we know from the study that ICANN published that there are registries that do in fact make the distinction. Yes, it may be a new process, but I don't think we should be afraid of asking for new processes in order to comply with the new policy. We already have examples in the registrar space where the registrars go back to the registrants. For example, the verification of the e-mail address after registration even. We can take note of those processes that have changed over the last few years. That one in particular came into play after the 2013 RAA was adopted. And maybe think about a process that does that after the actual registration happens. Then that way, it's perhaps consistent with a process that the registrant would already see because they're already being contacted to verify their e-mail address. So I'm just

encouraging us to think a little more creatively and not necessarily assume that it's infeasible to do any of this, because we're going to have to get to this point when NIS 2 is adopted.

KEITH DRAZEK: Thank you very much, Margie. Mark Svancarek, you're next.

MARK SVANCAREK: Thanks. I see in the chat that we're conflating privacy by default and privacy by design. Again, I just want to remind everybody privacy by design means you have a design. That is really what I think what this conversation should be focusing on. Volker has told us about use of handles, various other structures that he uses to run his business, and then I presume other people use to run their business. Talking about how proposals can be made concrete in light of those implementations or thinking about future implementations, I think that's what we're talking about when we say, "Let's look at the feasibility of this thing." That's where I'd like to keep this conversation focused. I don't think we can determine the feasibility of anything if we're not talking about implementations.

Volker has mentioned some concrete implementation details. But basically, that was used to just shut the conversation down. A design would be needed, and therefore, I can't do it. So I'd like to just take that further and say, "Here's how I am currently designed. If I were to do such a thing, here's what I would have to do." I think that'd be a more constructive way to move this forward. Thank you.

KEITH DRAZEK: Thanks, Mark. I should note, I think it's very helpful that in Laureen's proposal here that there's a recognition that this is a proposal for new registrants, new registrations, and that there's a distinction between a policy moving forward. And I think, as she noted in the comments introducing this, that there is a distinction between new registrations and trying to update existing registrations. I think that that's a helpful distinction noted in this proposal by Laureen. I think, Mark, to your point, we should be focusing on constructive suggestions for moving forward on this, while recognizing that there is that distinction and that challenge. I know there's been some additional discussion in the chat on that topic as well. Alan and then Volker.

ALAN WOODS: Thank you. I suppose I just wanted to start off and thank Laureen for the proposal. Again, this is more important for us to be able to look at these proposals and talk frankly about what is going on in there and where our issues align. So before I get into that, I just want to talk about what Margie just said there. Specifically, again, it always comes back to this concept that we've appeared to be having this conversation of whether we believe legal data should be protected or not. That's never been the question. We have to be absolutely certain. We all agree that legal data does not have the protection of the GDPR and that data can, in the perfect world, be published. There's no problem with that.

This leads into the NIS 2 as well, where we're talking about a different, more adjacent problem. The fact is we don't know how

we can achieve that in line with the law. That publication is not in question. We want to figure out, how can we publish that data whilst in line with the law? Yes, the NIS 2 Directive does say that legal data, or shall I say the proposal for it, that that legal person data should be published. However, it does always have that caveat that as long as it is in line with data protection, that does not change the conversations we are having today. We need to come up with a proposal, which we're looking at to ensure that we are in line with the law.

With that in mind, I just want to go to the privacy by default and privacy by design. I mentioned this earlier in the chat, I just wanted to clarify. Mark is absolutely correct, we're talking about design. But in order to have that design, it needs to be focused on privacy by default, i.e. the design must have privacy by default in it. And in the perfect world, what that means is that in the case of a breach, privacy was defaulted. That means that there was no impact, there was no breach of the data if we were to make a mistake in that design.

Again, when I'm looking at Lauren's—again, I understand and I appreciate it. Where we're having that safety valve of saying, "And if we find we have made a mistake, we will then be able to get them to change that and we will be able to make the difference." But the problem is that the breach has already occurred at that point, the liability has arisen and the issue arises for us. So we need to be very careful that if we're building in a safety valve like that, we must ask the question, "Is it by default? Are we protecting those persons' data which has been breached by default?" That's

something that we can work through. Absolutely, let's deal with those questions.

I just have to ask Hadia as well. She was talking about Article 16 and the rectification of data. That's a slightly separate concept, to be perfectly honest, because in that instance, it goes one step further, where you're asking the data subject themselves to tell us when we've defaulted or when we've not defaulted, when we are breached. And that will put us in a much more compromised position, so I'm not particularly sure about that.

Then finally—and I don't want to go on very much longer—is the concept of proportionality. Again, we were talking about the cost of implementation of these. When we look at the GDPR and we look at NIS 2 and where it will come from, one of the core concepts of course within European law is the concept of proportionality, the means by which to achieve something must be proportional to the outcome. And that does include the cost of implementation. We could probably come up with a perfect system, but that doesn't mean that that perfect system is feasible in the sense of cost.

So again, when we're looking at reviewing each registration one by one, when we're talking millions of registrations over a year period, we need to take into account that, "Are we asking for something that is actually proportional? Is it feasible? Or are we looking at something that is a perfect world type situation?" So all these are things that I think, when we're looking at these proposals, will be very, very helpful for us to consider. Thank you. I'm sorry, I went on a bit longer, but it was a lot to go through.

KEITH DRAZEK:

Thanks very much, Alan. I appreciate you bringing it to the call. I really encourage everybody to speak rather than chat, if possible. I know chat is an important function, but it's really helpful to have the verbal dialogue.

Volker, Milton, Laureen, Chris, Brian. Then we probably need to draw a line under this one. This isn't the last time we'll talk about this proposal but I do want to make sure that we speak to some of the others as well today before we get to the end of our call. So, Volker, go ahead.

VOLKER GREIMANN:

Thank you, Keith. Two points, really. One point, I didn't want to go into that but since it has been raised, I think I feel I have to. The NIS 2 Directive is not something that we should rely on, that we should use in any way for our arguments, because it's a legal nothing. It's a proposal. It's not out there yet. It's subject to a lot of lobbying, discussion in the parliament. Then because of it being a directive, not regulation, it needs to be transposed in its local law. That can take years as well. I expect in Germany, to be affected by this legal nothing, for it to become a legal something we have to respect in any form or shape, to take at least five years. It's too early to make anything out of that. It's just not something that we can base anything on. Anything that's in there is possibly still subject to change. It's not worth thinking about. It's not worth investing a second in at this point. Let's look at it again in five years. We have the mechanism for that.

Second point, the proposal suggests the e-mail verification. Just one snag with that is that I would like to ask how many e-mails do

you expect our customers to care about to receive from us? You send one for registration verification, you send one for e-mail verification, you send one for WDF, for the WHOIS data verification, for the annual reminder, you send one for every owner change, or if it's just a change of the e-mail address, the registrant might receive two. Then you get one for renewal reminder one, renewal reminder two, expiration reminder one. It has no end. And now we propose to add another couple of e-mails to that. At some point, registrants are just not going to care anymore about anything that we send them. It's going to cause chaos. Let's try to limit that as much as we can because it's already getting too much. And a lot of our customers are complaining about us spamming them, and I can't blame them. But we have to send those e-mails because they are required by policy.

KEITH DRAZEK: Thank you, Volker. Milton?

MILTON MUELLER: Since my last intervention, I have to confess, there's been a lot of talk but I haven't heard really a single reason why we need to ask them whether they're legal and natural, as opposed to asking them whether they consent to publication. I just haven't heard a single reason. We think the issue here is, again, the question of the scope of disclosure. The certain faction wants more disclosure and certain faction wants less. So we know that if we force people to say legal/natural, that, number one, we're going to confuse a lot of people who might provide, essentially, permission to disclose when they don't want to.

We also know that we're going to get disclosure from certain legal persons who might have personal data as their contact in some small proprietorship or association that it wouldn't potentially be harmful for them to be having a personal e-mail out there as the contact for what is normally a legal person. So what really do we lose? We lose this kind of a certain level of disclosure, but not all of it. I think many legal people, shall we say, will be perfectly fine with giving consent, and many natural persons will be perfectly fine with giving consent to full disclosure.

However, there's one point I'd like to make clear here, and that is—I think it was Jan made the point that certain laws require legal persons to disclose information. Again, we're overlooking something very important here, which is that it is an obligation of the registrant. It is not the registrar's job to decide who is a legal or natural person. It is a legal obligation imposed on the entity itself, the legal person. So if indeed somebody does not disclose, let's say they're in the European jurisdiction and they are subject to some kind of future NIS 2 that requires them to publish information about themselves, then the people who want that data published should be going after those registrants, not after the registrars to do this sorting process, which is risky for them and potentially inaccurate and risky for the registrants.

So I think you can't have it both ways. If there is an obligation for legal people to publish their data then they have to answer that question, "Yes, go ahead and publish my data." And that's their problem, their obligation, not the registrar's. And if there is not an obligation then I think we have to give them the chance to consent or not to that publication. Thanks.

KEITH DRAZEK: Thank you very much, Milton. I certainly would like to hear people’s thoughts and feedback and response to Milton, specifically, and I think that we’ll have an opportunity to discuss that further when we get to Milton’s proposal as well. But if there are others who want to speak to this, let’s get back to the queue. Laureen, you’re next, then Chris.

LAUREEN KAPIN: Thanks, Keith. I actually wanted to pick up on a point that Alan Woods was making about having a safety valve, because I appreciate that what you, at least in an ideal world—and I think Alan used in a perfect world—you would want to avoid mistakes. I think with some collaboration and discussion, we can try and figure out a process so that there is a safety valve before publication. I think my proposal, which is a high level proposal, it’s not a granular proposal, but the communications with the registrant requiring them to verify that they’re not providing personal information—and this is after some communication has taken place describing what a legal entity is and what’s going to happen if you identify as a legal entity—and guidance about not providing any personal information in your registration, I think the communications basically need, “Now here’s what you’ve said, this is the information we have. Based on what you said, it’s going to be published.” And then sort of, “Are you sure?” All of which would give the registrant the opportunity to take steps to decide not to have their information treated as a legal entity if in fact that’s not accurate. I think that is the safety valve. If that process should be refined or made better than what I proposed, I would welcome

discussion on that. But I do think that there can be a safety valve so that this data is not disclosed before the registrant is aware of what they're doing and the consequences of them doing so.

The other point that was raised regarding costs, I think costs and resources are an absolutely fair concern and we should think about ways that this can be resourced and managed. I think that that's a separate discussion. So I did want to make those points.

KEITH DRAZEK: Thank you, Laureen. Milton, I think that's an old hand so we'll go to Chris next, then Brian, then Jan.

CHRIS LEWIS-EVANS: Thanks, Keith. Laureen has pretty much said most of what was going to say. I think Alan Woods and Mark Sv pretty much are saying the same thing. I think it's that privacy by design is getting all of those aspects that Laureen has just mentioned into the design of this system. That's really reducing the risk of any personal data getting out there, and then having a rectification process around that. I think Laureen summed that up nicely. And I think just to your point around Milton's question, Alan Greenberg in the chat put a very good point, is this process, this is tied into the sort of first phase and the second phase, was to see how GDPR affects the publication of WHOIS or WHOIS system. Realistically, the GDPR does not apply to a legal person, and therefore, that's why we want to talk about this now. Thank you.

KEITH DRAZEK: Thank you, Chris. Brian, you're next.

BRIAN KING: Thanks, Keith. Just to clarify, where I would come from in making these proposals is that I think we're trying to consider a lot of things here that will help minimize the risk. I've heard feedback from some folks that say that this won't work in every case or won't be perfect or won't be a silver bullet. I frankly would rather that we focus on proposals to help. These are all things that we can do to help, and nothing that we're going to propose today will get contracted parties to zero risk or eliminate the risk that a legal registrant puts some personal data of a natural person in the WHOIS. We're not going to do that. That's not our goal here either. I just wanted to clarify that we're talking about things today that can be helpful.

And you asked us to address Milton's points, specifically. Keith, I think we're all clear that Milton would rather have a world where contact data is redacted unless someone opts in to publish it. That's the world that exists today. And we're here in this EPDP because there are many of us know that the GDPR doesn't apply to legal person data. I didn't say legal person registrants, I said legal person data, and that we would rather find a way constructively, collaboratively, to have a world where legal person data is not redacted by default, that we can get as close to zero risk as possible, and that's what we're here to work on today. Thanks.

KEITH DRAZEK: Thanks very much, Brian. That's very helpful. Jan, and then Alan.

JAN JANSSEN: I want to raise two points. The first one is characterization I heard by Volker on the NIS 2 Directive proposal where it's qualified as a legal nothing. I really take issue with comments like that because they are absolutely not constructive and they are ignoring to a vast extent the role that the EU Commission plays under EU law. Article 17 of the EU Treaty is very clear on what the role is, and it's not only proposing legislation but also it has a role to ensure that existing regulation is applied correctly. So when the Commission is putting out a proposal for new legislation, that proposal has been screened and it is a clear direction that the Commission wants to go to, and so that is a very clear sign that this proposal is a way that the GDPR should be interpreted.

Then the second point that I wanted to make is there's a lot of talk about the existence of risk and liability. But let's try to quantify that and not by saying that every data privacy authority is going to use a nuclear bomb of imposing fines. That is not how this is happening in the real world. If you build a system that is privacy by design and data breach happens, then there is a way to react to the privacy breach. And when you do so, then the Data Privacy Authority will look at the measures that you have taken, the measures that you have implemented, the policies that you're about to—it will take all these things into account. I think we really should look at this in a very constructive way and look at how we can build a system that is privacy by design but it takes into account other legitimate interests.

KEITH DRAZEK: Thank you very much, Jan. Alan, you're next, then Volker.

ALAN WOODS: Thank you. I just want to kind of set a ground level here very quickly and say when we're saying that there is no way of having zero legal risk here, that's not necessarily true. I think where we're currently at, we're talking about the publication of registration data, we can remove the risk, make that zero by not publishing or allowing the risk of publication. That is allowing people to not publish. I'm not saying that that's what we're aiming for or anything like that, but what I am saying is that that is a surefire way of making that risk zero, saying registries and registrars should not publish this data. That's where it currently is at the moment, where we're saying it is a voluntary option for registry or registrar to assess the legal risk as they see it to publish or not. What we're trying to do is create a path where we can lessen that risk right down to allow more people to take that option. Where it becomes very difficult is that concept that it is mandatory telling people that they are going to be doing this in line with the law. We need to be very careful about what we're telling registries and registrars they must do in a contract, which of course does not trump the law. So I just want to be clear that there is absolutely a way of having zero risk. That's not necessarily where our goal is, but we need to stop muddying the waters lot.

KEITH DRAZEK: Okay. Thank you, Alan. Volker, then Mark Sv.

VOLKER GREIMANN: Thank you very much. First of all, I need to agree with everything Alan just said, but I would like to come back to something that Jan said. I agree that this potential Directive has the potential of becoming something, and looking very close to what it is now. I think saying anything else, it would be disingenuous. But the problem is at this time, it's nothing. It's a proposal. It will take years and years and years to go to the European Parliament to be approved by the heads of state to be transcribed into a national law. It is going to take years. And at that time, once it becomes a valid law, then it's become something. Now it's a proposal. And a proposal, to me, legally, is not binding, is not a requirement, it's nothing.

KEITH DRAZEK: Thank you, Volker. Mark, you're next.

MARK SVANCAREK: Thanks. I was going to make one comment, but just in response to Volker, I'll make another comment. At Microsoft, we knew the GDPR was going to be a big deal, and so we started preparing for it early and it was a lot of work, but we were done in time. It could have changed along the way. We were pretty sure that we knew the outlines of it in advance and we worked towards that. So it's just a matter of prudence. I totally get what you're saying that Article 23 could be completely removed. Sure, it's certainly possible. I don't think anybody would bet \$100 on that. So it is good for us to be having this conversation with that in mind. I don't

think it's prudent for us to set it aside, even giving, as Volker says, it's not law yet.

The thing I really want to ask, though, is seeing the GDPR as a principles-based thing, proportionality can sometimes be a part of it, right? So when we're talking about privacy by default but then there's other obligations, like maybe this is something that is useful for other purposes or in the public interest and stuff like that, there may be other considerations, and certainly that plays into any sort of a balancing test. I don't know how, in this plenary, we can constructively have that conversation about the proportionality of these various things. So it's my opinion that if against all expectation and instruction, a corporation enters the personal data of their employee into the system, I just don't feel like that's going to be a legal risk to the registrar who did the thing, who informed them, gave them the right to change it, set clear expectations, etc. However, other people feel like, certainly we could never even consider such a possibility. And so we don't have an agreement really on the proportionality of that risk, which I perceive to be tiny and other people perceive to be a complete blocker. If anybody has any suggestions for how we have that constructive conversation on the proportionality of these things, I'm open to that suggestion. I'm just mentioning here that I see it as a blockage to moving the conversation forward. Thanks.

KEITH DRAZEK:

Thank you, Mark. I have two more folks in the queue at the moment. I'm going to come back with a question after that. And with 15 minutes left on the call, we're probably not going to get to

the next proposal so we'll have to save that for next week. But, Alan, you're next, and then Christian.

ALAN WOODS: Sorry. Old hand. Apologies.

KEITH DRAZEK: Okay. Christian, you're next.

CHRISTIAN DAWSON: Thanks so much. Mark, I want to respond with a broader example than simply the risk associated with a corporation publishing a individual's data after having been given the tools, etc. I've used this example in other PDPs at other times. I've got a friend who has an LLC, she cuts hair and she just rents a station at a salon. So all of her data associated with the LLC is her home. And she was having problems being stuck to her home by clients. I helped her figure out how she could use privacy and proxy in order to obscure that information. But it's that type of situation where there is real risk, there's a possibility of somebody found back at their home and killed, and that is a company. So I'm not making a broader point here. I'm just giving you, Mark, an example of a different situation where there is inherent risk.

KEITH DRAZEK: Thank you, Christian. The queue is now empty. I want to circle back to Laureen's proposal here. I see maybe a couple of hands going up. Christian, is that a new hand or an old hand?

CHRISTIAN DAWSON: Old hand. I'm sorry.

KEITH DRAZEK: Okay, no problem. Sorry. Volker, give me one second here, and I'll come back to you. Laureen's proposal is, again, talking about a proposal for new registrations and new registrants. I want us to focus on point number one, section number one. We understand, we've heard from the registrars that there's a challenge with sending confirmation e-mails and folks feeling like they're being spammed and, in large part, I think we heard from James last week, ignoring them, and the success rate or response rate is relatively low. But I want to set that aside for a moment and I want to focus on the first point, and that's the notification of registrants of the option to identify as either natural or legal and explaining the implications of the distinction. I'm just curious from the registrars, is that something that is done already? Or are registrars doing that in terms of an explanation upfront about the implications of the GDPR and the distinctions between natural and legal or the implications of their data being published in the RDS? So we don't have to have an answer to that right now but I'm really wondering if there's an opportunity here to focus on concrete step that we could have recommendations about language in this context. So let me stop there, if anybody would like to respond. Milton, go ahead.

MILTON MUELLER: The whole system of explaining things to people what their rights are by contract in the online economy is breaking down, and we should know this. I mean, how many of you really read the terms of service before you get to something? So the idea that you're going to find appropriate language that is acceptable to this group, the product will probably look like a bloody ICANN recommendation report, that is, it will be 87 pages long, it will contain numerous footnotes, and it will be a product of two years of haggling between the IPC and the contracted parties, and it's going to be very technical and obscure language, and it's just going to confuse people. I really appreciate what Volker said from a registrant's point of view, how much junk are you going to be sending registrants? And it all makes sense to you because you're lawyers, you're playing regulatory and legal games, it makes no sense to the registrant. They don't understand what's going on. Now, you can ask them meaningfully whether they want to publish their data or not and you can even include a warning about how it's used, which is very simple saying, "Anybody in the world can download this if you publish it." But explaining the difference between a legal and natural person, and explaining the different purposes of the GDPR and the different sections of a legitimate third party use, come on, this is absurd. Just make it simple and you will get appropriate results. And if indeed there is a legal responsibility to publish, then you enforce that on the user. You don't enforce it on contracted parties. Thank you.

KEITH DRAZEK: Thank you, Milton. Lauren, and then Volker.

LAUREEN KAPIN:

I agree with some of Milton’s points, and I think it would be fully and effective to have that the long terms of service that, as Milton correctly notes, people rarely read before they click Okay, that is not what I’m talking about. When I’m using the term “user-friendly,” I at least am envisioning something that has to be understandable, as I said, to Joe and Jane Public, which means it can’t be too long and it can be too jargon-y, and it certainly can’t be 33 pages of legal discussion with footnotes. So I just want to clarify if anyone was confused. That is not what I’m talking about.

I do take the point also that Volker and others have raised on James last week, and Milton echoing about some e-mails, I think this has to be done through the interface where people are registering for a domain, where it is an interactive process, where this user-friendly communications are an engagement between the registrant and the registrar so that they are doing this as part of the process for obtaining the domain name. So I just wanted to respond to those points.

Again, to make a point that I discussed earlier, this is currently being done. We don’t have to reinvent the wheel. We certainly can do some reconnaissance about how other EU GDPR-complying entities are doing this already.

KEITH DRAZEK:

Okay. Thank you, Laureen. Volker, you’re next.

VOLKER GREIMANN:

Yes. Thank you. I’m just thinking aloud here. Easy language, I think that is given that is a must, but a lot of us are serving a

global market. Our customers might not speak English as their first language or even as their second language or even at all, but still they manage to navigate our menus but they don't really understand everything that we tell them and ask them. Because they have certain language handicap, we certainly cannot translate our notices in all languages as well, so we have to rely on a certain number of languages that our registration agreement, for example, is in, but this is not something that can be hidden in the registration agreement. So we have to make sure that they really understand what we're telling them and asking them. And with privacy, this is I think more important than many other questions.

The second point is, if you place it on the website, if you place it in the registration path, for many registrars it's just going to be another checkbox. And how often have you bought something, registered something, done something on the Internet, and checked all the boxes because you didn't want to read what was in them? I have and I'm sure you have as well. What's the value of that checkmark then? Thank you.

KEITH DRAZEK:

Thank you, Volker. All right, the queue is empty at this point and we have five minutes left in the call. Does anybody have anything they'd like to add at this point on the topic of the proposal presented by Laureen? I'm not seeing any hands. So at this point, we will move to a wrap-up here, and then we'll come back next week with the continuation of the presentations in the order that we described earlier, and I'll follow up to the list with some additional details on that.

I want to thank everybody for the dialogue and the discussion here. Again, I'm hoping that coming out of these discussions that we'll identify any bits or pieces or constructive paths forward, I understand that's challenging, but I really do want us to try to look at these in a sense of doing some brainstorming, being creative, if we can, understanding certain limitations that may exist.

Anyway, to wrap up here, our next meeting will be the same time next Thursday, February 4 at 14:00 UTC. We will circulate action items and summary notes to the list, and then we need to confirm on the list if we have follow up questions for ICANN Org. I want to note that Thomas Rickert in chat earlier noted that he'd like to get some feedback from ICANN in terms of, I think, it's risk tolerance for ICANN Org itself about having to enforce or potentially enforce at some point. Again, we're talking about sort of best practices and improvement, the status quo at this point, but a recognition that at some point we may and we'll get to the discussion on whether certain proposals or best practices could become contractual requirements. So I want to make sure that we didn't miss that from Thomas in the chat earlier.

Also, just a reminder that we have the Legal Committee meeting on Tuesday at 14:00 UTC, and we need to make sure that we've got that group with the questions that it needs to consider.

So with that, let me pause and see if anybody has any other thoughts, any other input, feedback, general thoughts. I am not seeing any hands at this point, not hearing any voices, so I think we can wrap up a couple of minutes early here. I'm sorry that we didn't get to any of the other proposals, but I thought the conversation today and the dialogue was very informative, so

thank you. So with that, we can conclude the call. Have a good rest of your week.

TERRI AGNEW: Thanks all. Once again, the meeting has been adjourned. I will be disconnecting all remaining lines. Stay well.

[END OF TRANSCRIPTION]