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ICANN Transcription

IDNS EPDP

Thursday, 09 November 2023 at 12:00 UTC

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DEVAN REED: Good morning, good afternoon, and good evening. Welcome to the IDNs EPDP call taking place on Thursday, 9 November 2023 at 12:00 UTC.

We do have apologies from Nigel Hickson. All members and participants will be promoted to panelist. Observers will remain as an attendee and will have view access to chat only. Statements of Interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Justine?

JUSTINE CHEW: Thanks, Devan. I have two updates to my SOI. First one is as of the end of ICANN78, I'm back on the ALAC as the NomCom selected rep for Asia Pacific. And recently, I have been appointed ALAC co-vice chair. So that's it. Thanks.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

DEVAN REED: Thank you, Justine. If anyone needs any assistance updating Statements of Interest, please e-mail the GNSO secretariat. All documentation and information can be found on the IDNs EPDP wiki space. Recordings will be posted shortly after the call. Please remember to state your name before speaking for the transcript. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior. Thank you. Over to our chair, Donna Austin. Please begin.

DONNA AUSTIN: Thanks very much, Devan. I see Hadia's hand is up. I think it might be to do with an SOI. So I just want to check that. Hadia?

HADIA EL MINIAWI: Hi. Yes. Thank you, Donna. Yes, I also have an update to my Statement of Interest. As of end of ICANN78 meeting, I am now assuming a new role as AFRALO chair. Thank you.

DONNA AUSTIN: Thank you very much, Hadia, and congratulations on becoming AFRALO chair. Justine, congratulations on being—did you say co-chair of ALAC?

JUSTINE CHEW: Co-vice chair.

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DONNA AUSTIN: Co-vice chair. Okay. All right. So I guess as a result of ICANN's AGM, there were a number of changes happening in different parts of the community. I'm aware that Farell Folly was our GNSO Council liaison to this team. He has finished his term on the chair so he's stepped down. And I think we have Manju Chen that is replacing Farell as our GNSO Council liaison to the team. So welcome, Manju. I'm sure there's others but that's all I can think of at the moment. So we will push on.

All right. So great to see everybody in Hamburg. We reached a significant milestone while we were in Hamburg. And as a result of that milestone of agreeing our consensus recommendations, Ariel has today I think forwarded our Final Report for Phase 1 to the GNSO Council for their consideration. So, congratulations, everybody. We've got that over the line and we've got that done.

So moving on, we're now on the push to finish Phase 2 of our work. I'm pretty happy with the progress that we made in Hamburg during our three meetings on the Phase 2 charter questions. My hope is that we can complete our deliberations of the Phase 2 charter questions during our face-to-face meeting in Kuala Lumpur. So I think we only have this meeting and the meeting on the 16th of November that we will do as a call. And then because of U.S. Thanksgiving and other holidays, our next meeting will actually be in K.L.

So in relation to K.L., I'm not sure that we have a good understanding from the leadership team of who's actually going to be attending. Excuse me, I still have jetlag. I only got back from Europe on Sunday. So it would be really helpful if folks could just let us know on the list who's attending. Obviously, we have a

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number of ICANN supported travelers, so we're aware of those folks. But if there's any others that are attending under their own steam, that'd be really, really good to understand.

Maxim, we will have remote participation capability. We really appreciate that you have stayed the course with this EPDP even though all your participation has been remote. So we thank you very much for that.

All right. So I think that's all the chair updates I have, Ariel. So with that, I think I'll hand it over to you. So what we're going to do today is just review the Phase 2 text. Gosh, I don't even remember when we put the text out for folks to have a look at, but what we want to do is finalize that review of the text. I think that'll be it for today. Ariel has started to work on the text from the conversations we had in Hamburg, and we'll get that to the list as soon as we can so that we can start the review of that work as well. So with that, Ariel, is it okay if I hand it over to you?

ARIEL LIANG: Yes, absolutely. I'm happy to drive for the rest of this call, and hopefully it's not going to take a long time today. Because the remaining text that we need to review, they're rather limited.

So just as a reminder, we finished reviewing the Preliminary Recommendation 5 and its rationale. We also started talking about Preliminary Recommendation 6. I just want to quickly remind folks what this recommendation is about. So it talks about the same entity principle must be adhered to in all stages of the domain name lifecycle. This is the new redline applied here is the

activated variant domain names in the same variant domain set. So basically, as just said, adhere to same entity principle. And the grandfathered variant domain names pursuant to Preliminary Recommendation 3 are exempt from this requirement. So this recommendation stems from our extensive discussion about the domain name lifecycle, I think, back in ICANN77. So we have drafted rationale for this, and that's where we're going to start with, is the rationale portion of this recommendation. But I see Maxim has his hand up. So, Maxim, please go ahead.

MAXIM ALZOBA: I'm a bit confused. Maybe I missed it, but the domain lifecycle is only for registered domain and what happens after that point. So do we make it equivalent here? Because until the domain is registered, lifecycle is not applicable because it's not live. Thanks.

ARIEL LIANG: Thanks, Maxim. That's why the proposed new word "activated" is used here to replace "allocatable". So does that work for you? I think that's what we heard from the team last time we talked about it. Once the variant domain becomes an actual domain, then the lifecycle starts. So we replaced "allocatable" with "activated". Does that work?

MAXIM ALZOBA: If we make it equivalent of registered effectively, then why not? Thanks.

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ARIEL LIANG: All right. Thanks, Maxim. I know we also had pretty extensive discussion about the term registered and activated. In some cases, they're interchangeable, but in some cases they're not exactly. And I'm happy to be corrected by Dennis and Michael and others. Maxim, you have your hand up. Is that the old hand? Okay. Thank you.

But also, I just want to preface that this redline is a result of our previous second reading of this recommendation. So we haven't talked about this round of update with the group yet. We'll get to that when the leadership feels it's ready to talk about it. But I mainly just want to remind folks what this recommendation is about before we start looking at the redline for the rationale because we haven't looked at the rationale yet.

Michael has a comment. "Activated is what we call a variant that exists either via registration or via a domain update of the main domain. Yeah, that's exactly what I was alluding to. We talked about that in Hamburg, about how variant domain becomes activated. There are two models right now. So that's why I stick to activated because that's what the term that the group seems to agree on. But we can look at this later.

If I may, I'm going to scroll down to the Rationale portion. The rationale basically explains the deliberation at 77 in Washington, D.C. about the domain name lifecycle. Folks probably remember, we had one session just goes through the different stages of domain name lifecycle, what that means, exactly what happens, and the period for these different stages. So that's why we have this graphic here. That's from the presentation in 77. I trust folks have already read the part that there's no redlining, and that's

basically kind of a recap of this introduction about domain name lifecycle.

We saw some redline here. Basically, Dennis suggested we change "register" to "activate" to kind of explain about the registration phase. So a registrant may activate allocatable variant domain name from the same variant domain set at different times. That's exactly what I was alluding to, is use activate throughout when we refer to variant domains to be consistent. And then that begs the question whether registration should be replaced with activation. I wonder what the group thinks. But you don't have to speak up right now. We can talk about the other redline here.

And another part, transfer. These bullet points basically talk about in these different stages of a domain name lifecycle and actions, what happened to variant domains. And here for transfer, what we wrote is if one domain name is transferred to a different registrar, its active variant domain names must be simultaneously transferred to the same gaining registrar.

So Dennis has a comment here. I know what we're trying to say, but let's make sure this is not translated as the exact same time because that will be impossible, maybe requested at the same time. But even that, he is not sure how it is handled via registry/registrar.

Donna has some suggestion. "Must also be transferred to the gaining registrar and be silent on the timing and use must. It means it has to happen."

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Justine seems to agree with that suggestion. "Just say must be transferred, but don't say simultaneously. Or must also be there after transferred." There's some alternative phrasing.

Okay. Then Donna has another phrasing. "Must be transferred to the same gaining registrar in a timely manner."

So there are a few different suggestions here. I saw Michael has his hand up. Michael, please go ahead.

MICHAEL BAULAND: I'm not so sure about this. First of all, simultaneous is not possible. I don't think it's true, because at least our registry system does it simultaneously. It's one database transaction, where either all domains get transferred or none. So if at least one of them is not transferable, it failed, and none of them is transferred. I think we should keep with simultaneously because if we say in a timely manner or something like that, we might have a situation where even if just for a few seconds or maybe a few minutes, whatever timely means, we have a domain and one of its variants belonging to different registrants or belonging or being registered at different registrars. I think we don't want this even if it's just for a few seconds. Do we?

DONNA AUSTIN: Thanks, Michael. I think I saw Dennis on the call. Dennis, do you want to speak to your concern about the use of simultaneously? I think I understand your concern. I think I understand what Michael is saying. If we took simultaneous out and just had "must be transferred to the same gaining registrar and be silent on timing."

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Michael, I don't know whether we can leave out the timely bit or expeditiously. Dennis, can you just speak to your concern about simultaneously and with Michael's explanation you're okay with keeping it?

DENNIS TAN TANAKA: Thank you, Donna. The concerning thing is how this simultaneously is going to be translated into when implementation happens and what are the kinds of instructions are going to be given to registries and registrars. I understand what Michael's platform does, and that's a choice. But I'm not sure that would be the choice for every single registry operator as to how they solve for transferring a set of domain names that ought to be maintained together. Perhaps what we could do is to bring this to the Registry Stakeholder Group and Michael to the Registrars, whether they are comfortable with that qualifier. If not, we could come up with something different.

And just to finalize, the concern here is that there is no daily transaction happen on serial basis, right? There is no standard transaction in the protocol that can initiate two transactions at the same time. That's something that has to be customized by registries. We want to recognize that reality.

DONNA AUSTIN: Okay. Thanks, Dennis. Farell?

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FARELL FOLLY: Thanks, Donna, for that. So I think the problem here is the fact that simultaneously or the time constraint we are given, we cannot control it. And secondly, we are not really sure whether a variant can be also transferred. I think in the reality, I don't know if we can add a new topic or observation here that before any transfer, we need to check the feasibility. And then upon this feasibility, we can say that all domains must be transferred at the same time. But if one or more cannot be transferred, then an agreement should be fine and found between the two parties for the following set, because it's very difficult to make sure that we cover all cases here in reality. So I suggest that for transfer, a feasibility of risk assessment or any kind of assessment is done prior to that. Then this will recommend a way to proceed or forward. If there is no reason to prevent a variant to be transferred then all variants must be transferred at the same time. If there is one, then an agreement should be found and agreed upon between the two parties.

DONNA AUSTIN: Thanks, Farell. Your audio was reasonably faint. I think I understood. I think what I heard you say is that there should be some kind of feasibility undertaken as to when the domain should be transferred. Is that what I heard? Michael?

MICHAEL BAULAND: The more I think about it, the more I think we should leave this simultaneously in there. Because if it's not done simultaneously, it means that at first one of the domains is transferred, and then maybe a second later or whatever, another one is transferred. But

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whenever you do any operations with computers or whatever, there all possibilities for failures, for problems, network connections, whatever, database problems. And if this occurs between the main domain being transferred and one of the variants being transferred, we have a situation where the variant set is not with a single registrar. And depending on what the technical issue is or the problem, this may even last like minutes or hours or whatever. So I tend to think it should be an atomic transaction. We don't have to put the technical argument or technical means how to do this, but it should be either all of them are transferred or none is transferred. Thanks.

DONNA AUSTIN: Thanks, Michael. I'll come to Hadia and Maxim. Based on what you've just said, Michael, I think we'll go back to where Dennis started that he'll take this back to the Registries and see if "simultaneously" will work or whether there's another word that we can substitute there. So my understanding of Dennis's concern is that it can't be at the exact same time. It's likely to be within a very short period of time, but it can't be exact same time. So, simultaneously is probably, if we can find a word that is almost simultaneously, that might probably overcome the problem. But, Dennis, if we could I ask that you go back and check on that with the Registries. Hadia, and then Maxim.

HADIA EL MINIAWI: Thank you. I raised my hand because, if I understood Farell correctly, what he's saying could actually yield to one of two things, either locking the domain and its variant with one registrar

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or actually breaking the domain and the variant between two registrars. I think that both cases are not desirable. Thank you.

DONNA AUSTIN: Thanks, Hadia. So, maybe instead of simultaneously, we could have "at the same time". In my mind, that's a little bit different to simultaneously, and it's not the exact because it doesn't have to be the exact same time. We're just saying at the same time. When I when I think about this, the reason to get this language, why there's concern about this language, is because if this goes into the Registry Agreement or the Registrar Agreement, then it could be a compliance action if there's a timing issue with this. So the language here is important. So Maxim and then Dennis.

MAXIM ALZOBA: I think we need to add something saying that the structure of the set shouldn't change as a result of such transfer. I mean, the primary string should say primary and things like that. And also about the simultaneously, I think it greatly depends on the structure of the database. So if it's going to be the same time mark on all the records from the terms of database or it's going to be few time in units later. But effectively, what we need to do is to ensure that during this procedure, nothing else happens. I'm not sure how we express that, but since we transfer not the single item but few items and their respective structure, we need to ensure that all other possible, I'd say, changes to the set do not happen during this time. That's it. Thanks.

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DONNA AUSTIN: Okay. Thanks, Maxim. I don't think there's any disagreement that if a domain name is transferred to a different registrar, then the active variant domains must be transferred to the same gaining registrar. So I don't think we have any disagreement there. It's just a matter of timing and what can actually be achieved. Dennis?

DENNIS TAN TANAKA: Thank you, Donna. I apologize in advance for all of this back and forth. I should have read Recommendation 7, which is actually that's the language that is important when it comes to implementation. So Recommendation 7 specifically calls out the initiation. That has to happen at the same time, and that I agree. I think that's the only way that you can manage the transfer of all of the components of the variant set at the initiation part. What happens after initiation? That's going to be a transaction between registrant and registrars. Of course, the same entity principle has to be enforced. But I'm comfortable with Recommendation 7. So I understand what we were discussing before. It's part of the deliberations discussion, and I know the intent, but that's not actually a language in Recommendation 7. I think we can move on, at least on my end. Thank you.

DONNA AUSTIN: Sorry, Dennis. When you say move on, move on with maintaining the language as it is?

DENNIS TAN TANAKA: Yes.

DONNA AUSTIN: Okay. So simultaneously is okay.

DENNIS TAN TANAKA: Yes.

DONNA AUSTIN: All right. So are folks comfortable with that? I'm pretty sure Michael is. I think others are as well. Okay. So I think we're good to move on. All right. Let's keep going, Ariel. I see there's a number of hands up. Are any of those hands active? I'm assuming that they're old hands. But if they're active, let me know. Farell?

FARELL FOLLY: Sorry, it was an old hand.

DONNA AUSTIN: Okay. Thank you. Let's keep going, Ariel.

ARIEL LIANG: All right, sounds good. I will resolve this comment after the call. Thanks for teaching us how old it's written in Cyrillic, Maxim. Moving on.

Expiration, that's another bullet point, just explaining in that stage what happens to the active variant domains. The only suggestion here is to replace registration with activation. That's what we mentioned earlier. And also, when we go through all this text,

we're going to do a kind of a clean-up and make sure whenever we talk about variant domain, we use activations throughout, if that's okay with the group. But we'll look at everything case by case and make suggestions, and you'll see that down the road. I'll just pause for a moment.

DONNA AUSTIN: I think the important note there is that the glossary will become important in the way that we describe our meanings to it.

ARIEL LIANG: Yes, exactly. And just a quick heads up for the group that a staff has already been working on the glossary. We have been drafting the terms along the way. So hopefully this is something we can share with the group soon after leadership has the time to review that. Just a heads up on that.

Next is about redemption. That's another stage. So there's a comment here. Basically, when we talked about this stage, our understanding is that definitely happens, but it doesn't happen often in the, I guess, quantity perspective. The number of domains that entered that stage probably doesn't happen that often.

So Michael had a comment. It sounds as if domain never go into the redemption, but on registry scale, domains go into the stage all the time. I would suggest to delete this comment or change it into something like, which in practice almost only happens if a domain is actively deleted. So basically, there's some support to delete this. It's just a sort of editorial note but it may not be very accurate. So, rather just delete this to keep it clean.

I saw a comment from Satish supporting the suggestion to tone it down, perhaps just delete that if the group is okay with that. Now, we'll pause for a moment, see whether there's any further reaction or support.

DONNA AUSTIN: Satish, I see that you're a plus one to Michael's suggestion to tone it down, but would you also support deleting it, given that it is editorial in nature and doesn't really add anything? Okay. All right. I think we're good to delete, Ariel.

ARIEL LIANG: Okay. Thank you. That makes it very clean. Moving on to pending deletion. It's also kind of similar nature, this part regarding extreme rare occurrence. Again, this is not very accurate. Also, it's editorial. So in a similar vein, we can delete this. I saw support in the comment, I believe, and also Dennis and Justine supported Michael's suggestion, too.

DONNA AUSTIN: Ariel, when I was reading through this today, I just deleted it. I didn't realize—

ARIEL LIANG: Okay.

DONNA AUSTIN: I got a little excited.

ARIEL LIANG: Thank you for helping. I don't need to delete myself. Thanks, Donna. Yeah. "If the boss says so," yes, indeed, Michael. So there's one phrase here we sort of highlighted here. This is actually linked to our discussion in Hamburg. It's about the deletion of a source domain name, whether we need to say anything about that. And if folks remember, the agreement is not to issue a recommendation pertaining to that aspect.

I believe Michael had a suggestion. Maybe we can say something like source domain name is allowed as long as it doesn't change the disposition value of activated domain names. But based on what we discussed, this is something registry won't allow that to happen, because if that happens, it's a non-compliance issue with the IDN table implementation. So it's just something that can be dealt with in implementation, and we don't have to be explicit in issuing a recommendation on that regard. I saw Michael has his hand up. So, Michael, please go ahead.

MICHAEL BAULAND: Thanks. I just wanted to agree here that I put some argument or some explanation but we really don't need that. It just overcomplicates stuff, and we can just let them live with a way it is already defined, which takes care of the situation. So I agree.

ARIEL LIANG: Thank you, Michael. So here, it does come with a follow-up question. So the sentence we're writing here is similar to redemption scenario where a domain name enters the pending

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deletion stage, it should not have an impact on its active variant domain names. Do you believe this sentence is still valid or it may introduce complication? Dennis, please go ahead.

DENNIS TAN TANAKA: Thank you, Ariel. You mentioned complication, that that was my cue. I'm sure this is not relating to it, but it sounds like any variant domain name that is activated, if deleted there's an impact. But what if the domain that is being deleted the primary or the source domain name? You're excluding that when you're qualifying this as active variant domain names, you're disqualifying the source domain name in this sentence?

ARIEL LIANG: Sorry, Dennis. I'm just trying to understand your question. Are you asking whether we are not including source domain name in this explanation?

DENNIS TAN TANAKA: Yes. Sorry. Let me rephrase. The last part of this paragraph says "Furthermore, a domain can be deleted without impacting the other active variant domain names from the variant set." I think when the source domain name is the one that is being deleted, that's going to have an impact, implications to the other domain names, the variant, the allocation, the disposition values and whatnot. So I just want to make sure we are thinking about that. This last part only pertains to allocated or activated by the domain names, not the source. Because when the source is deleted then everything is deleted as well.

ARIEL LIANG: Thanks, Dennis. I think Maxim was having a similar comment. I saw Michael has his hand up. But I think when we talked about the second level, that's a little different from the top level. I don't believe we actually talk about the integrity of the sets. Principle strictly applies at the second level. But I can be mistaken. Michael, please go ahead.

MICHAEL BAULAND: Thanks. First of all, the set will remain the same independent of which variant of that set exists or is a primary. It's always the same variant set. Disposition values could change. And I think we agreed on that we don't want to make any policies here to force the registries to remove the whole set if the primary domain is deleted. I thought we wanted to leave it up to the registries to decide how they want to handle the set in case of primary is deleted. Some may want to delete the whole set and others may want to allow another domain, another existing variant become a primary. Thanks.

ARIEL LIANG: Thanks, Michael. Maxim, please go ahead.

MAXIM ALZOBA: We either need to ensure that in case where the source name is deleted on second level that it goes back to the reserved state or allocatable for this particular entity. Or we need to reelect the new source or create procedure for such process. Thanks.

ARIEL LIANG: Thanks, Maxim. Michael, please go.

MICHAEL BAULAND: I basically agree with Maxim. I just wonder whether we really want to make a policy about this. Because this was actually what I tried to write a few months ago, when I put the arguments where I said that if a primary is deleted, another one may become primary, but the registry will have to take care that the disposition values of the still existing variants will still be okay, so that if you change the primary, none of the already active variants suddenly become a blocked variant. But after I made that suggestion, I think Dennis or someone said that we don't need those rules because they are already basic rules the registry will anyway adhere to. I agree here. And for that reason, we just left out any specific reasons, arguments, or technicalities how to deal with such a situation. Thanks.

ARIEL LIANG: Thanks, Michael. I think I saw Jennifer next, and Maxim after Jennifer.

JENNIFER CHUNG: Thanks, Ariel. Okay. I see it's an old hand by Maxim. I'm seeing quite a lot of discussion in chat about it. My understanding also is that we are also agreed not to prescribe the treatment for the change in primary or source. I think that's what Justine mentioned. But when Michael was speaking just now, I wanted some

clarification. I do remember we had this conversation a little earlier when this language was introduced. But, Michael, when you said that … Okay, I'm trying to recall it specifically, I don't want to put words into your mouth. But when you said, "For the registry to handle if the primary is deleted, to ensure that the current active variants do not change in disposition value," is that what you meant? Or was that not what you meant and my understanding is incorrect?

MICHAEL BAULAND: Yeah. Basically, it's that. If we have, for example, three domains in a variant set, ABC, and A is the primary label, then of course, B and C must have a disposition value of allocatable if they are active. Otherwise, they wouldn't be able to become active. And if we now delete A and some way make B as a primary value, then C must still be of a disposition value. Allocatable, if it would become unblocked, then either C would have to be deleted too, or we would not allow this to happen in the first place. Thanks.

JENNIFER CHUNG: Thanks, Michael, that makes sense now. So I do tend to agree with what Maxim and also Dennis was saying earlier. I think we still need to look at the integrity of the set. But also, I note that the group as a whole has decided not to prescribe any policy, especially since it doesn't mention anything about source or primary or anything like that.

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DONNA AUSTIN: I guess, just to be clear here, so this is language that is in the rationale. It's not a recommendation. So in theory, it's not really the recommendation. And I think the recommendation that we have—thanks, Ariel—adopts the stance that it's the same entity principle that dominates, and that's the important piece here. It really is giving deference to the registry or the registrar to do whatever it has to do. So I'm not saying that the rationale here is in a position to create policy, but I guess what we need to ensure is that the rationale is consistent with what the intent of the recommendation is. So I don't necessarily see that this is problematic. There's no must or anything here. Justine?

JUSTINE CHEW: Sorry. I haven't thought out this through entirely, but since we're kind of hitting a brick wall or something, we keep going on circle. So I wonder if we can resolve this by taking out the bit that's highlighted in yellow, and maybe the rest of the paragraph, and just explaining the fact that that applies only if the domain name is the source domain. Because what we're concerned about here is the fact—the original question was when you say your domain name, what are we referring to exactly? Are we referring to a source domain name or a variant domain name? Or does it matter? What I'm hearing is it does matter. Because if it's the source domain name and it impacts when you change it, or when you delete it and something else becomes a new source, then it could change the disposition value of what would have been the active variant domain names. So something might need to happen to what is active variant domain names if the disposition changes.

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So I'm not sure whether that works or people are tracking the logic that I'm trying to put forth.

DONNA AUSTIN: Thanks, Justine. I have to admit that I'm struggling with what we're trying to achieve here. I do wonder that with the pending deletion, we could or we should take out similar to the redemption scenario, we should just start with when a domain name enters the pending deletion stage, and then blah, blah, blah, whatever we wanted to say. But I'm a little bit like you. I've certainly hit a brick wall as to what we should be doing here. Ariel, and then Hadia.

ARIEL LIANG: Thanks, everybody, for the input. This is just my current thinking how to revise this. Again, this is part of the rationale. So it's not as critical as the recommendation language, but we should be accurate and consistent with our recommendation language. So my thinking is maybe we can just spell out in the event that source domain name enters the pending deletion stage, what is the expectation, and we can incorporate, basically, the discussion in Hamburg about that. Basically, this is something up to the contracted parties to figure out the implementation, it should be allowed. But as long as it doesn't change the active variant domain's disposition value, then it should be allowed. I note that Dennis has some comments here, and we can try to use some of the language here. Then we can also spell out in the event that if it's just a variant domain enters the pending deletion stage, what should happen to the others, and so that we clarify these two scenarios in the revision. And maybe that could help make this as

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accurate as we can and not to contradict with the recommendation language. So that's just my current thinking.

DONNA AUSTIN: Thanks, Ariel. I think it sounds like a good suggestion. So we can take this away and work on it from a leadership perspective, and then it will come back as language that we'll put out for review. We'll see where we get to from there. Hadia?

HADIA EL MINIAWI: Okay. Thank you. I tend to agree with Ariel. I actually raised my hand because I was thinking what if the pending deletion actually has an impact on the active variant domain name, then what happens then?

Then I had also another question in relation to transfers in general. With regard to those domains that were not allocated or that were not activated, those might differ when the transfer happens, right, but we don't care much about this. Or do we? Thank you.

DONNA AUSTIN: Thanks, Hadia. Michael?

MICHAEL BAULAND: A question to Hadia. What do you mean with they might differ? I didn't understand that exactly. Could you please elaborate a bit more? Thanks.

HADIA EL MINIAWI: Thank you. So depending on the IDN tables, that would be the same, wouldn't it? Because it's developed by the registry anyway. Thank you.

MICHAEL BAULAND: Yes. Nothing would change, I think.

HADIA EL MINIAWI: Yes. Yes, I think so too. Thank you.

DONNA AUSTIN: Okay. Thanks, everyone. So I think we'll move forward with Ariel's suggestion, and we'll rethink this and ensure that whatever goes in here is consistent with the recommendation, but also reflects the conversations that we've had around this. So we'll take this away and come back with something else. So thanks, everybody. Okay, Ariel.

ARIEL LIANG: Okay. Thanks again, everybody, for the input. So moving on, the next one is actually what Dennis kind of previewed for us. It's specifically about transfer. Because we believe this is very critical to ensure this one is specifically spelled out because the same entity principle plays here an important role. So I'll just quickly read this recommendation in the event an inter-registrar transfer process is initiated, either voluntarily or involuntarily for a domain name. The process must encompass all of its—I guess Dennis

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also suggested—allocated variant domain names, if any. At the same time, the grandfathered variant domain names pursuant to Preliminary Recommendation 3 are exempt from this requirement.

So the first comment is from Dennis about the phrase "either voluntarily or involuntarily." So the involuntary/voluntary part refers to the registrant something along these lines, regardless of registrant's consent.

Then Donna was suggesting, "Maybe we can just delete this phrase." Because the circumstances that dictate the transfer is kind of irrelevant. We're more concerned about the outcome of the transfer.

Justine said, "This is from the charter question." Because the in the charter question we did specifically ask that, basically the two scenarios, and maybe we should shift emphasis to same entity principle. And also Justine asked, she's curious about the phrase "at the same time." Actually, she picked up on this in October 2.

I guess based on these comments, I'm wondering whether we can just delete this. Because I think in the rationale we have talked about the voluntary and involuntary scenarios to explain it. I see Satish has his plus one to Donna, and also Dennis as well.

I will just pause for a moment if there's any additional comment or support. If no issue with the group, we can delete this. Thanks, Michael. Yes, so I'll just redline this here. Keep it succinct. Thank you, Maxim. Okay. So we will delete this phrase from the recommendation.

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The second comment, "Allocated." Again, this terminology, consistency question I have is … I do understand. Dennis suggesting using "allocated" here, but at the same time, I wonder whether we should use "activated". I wonder what folks think, because we probably want to stick to one term instead of having both. Because in my mind, I feel allocated and activated are the same, if I'm not mistaken, but I can be wrong. Hadia put a plus one here.

I just wanted to pause for a second and see whether there's any other comment from the group. Justine has her hand up.

JUSTINE CHEW: Hi. Just playing devil's advocate here. Do we really need to specify allocated? Because the principle applies to blocked as well, it's just that it doesn't matter because being blocked can be activated. But if you're talking integrity of the set, then it's actually the whole set regardless of whether it's allocated or blocked.

ARIEL LIANG: Thanks, Justine. That's a good observation. And that's why the original recommendation language is just leave variant domain names in general, not to specify any subset of that. But I will see whether there's any comment from the group. Do you believe adding "activated" will be a necessity here? Actually, it wasn't my suggestion to add this. It was Dennis. So you're challenging Dennis. I will pause and see whether there's any more comment.

DONNA AUSTIN: Sorry, everyone, just a question for my own ignorance, I suppose. So when we reference for a domain name, that's just for any domain name. It's not an activated variant domain name. It's just any domain name that may have variant domains associated with it. Is that what we're saying? So we're not trying to call out that it's a variant domain name, it's just a domain name. But if they're allocated or activated variant domain names associated with that domain, then the transfer process has to be initiated at the same time. While everyone's thinking about that, Dennis, go ahead.

DENNIS TAN TANAKA: Thank you, Donna. Let me start saying I think you're right. It should have been activated if we're just lapsing. So yeah, we should stick with one single definition.

I just want to address also the other comments about—was it Justine and Donna—about when we talk about transfers, we are transferring registry objects, whether that's the variant as independent objects or variant as attributes, we are transferring registry objects. And the blocked or non-allocated or activated variant domain names, there is no dispute, they are members of the variant set as a calculation, but in terms of objects, they do not exist. They only become an object when they are activated or created by the registry. So I think in this instance, because we're talking about transfers, we're transferring objects from one registrar to another registrar, and that only pertains to the primary domain name and the activated variant domain name. I hope that makes clear, at least from my perspective. Thank you.

DONNA AUSTIN: Okay. So I think what I'm hearing from Dennis is that he wants to say activated. So replace allocated with activated. Michael's agreeing with that.

Justine has a question that in the event an inter-registrar transfer process is initiated for an activated domain name from the domain name set. So I guess that's kind of to my question, whether it's the first domain name that needs the activated in front of it or not. Justine?

JUSTINE CHEW: Sorry. I was just trying to point out some alternative language for people to think about. But I think you've picked it up. So let's hear what folks have to say.

DONNA AUSTIN: Okay. So Maxim is saying that it should be for the set, not the domain. Dennis?

DENNIS TAN TANAKA: That's interesting. The qualifier doesn't harm, but I think it's redundant in my opinion. Again, a registrar initiates a transfer of an object that exists. So, the transfer of a domain name implies activated registrar domain name. So I'm not sure why we need the additional qualifier.

DONNA AUSTIN: Thanks, Dennis. I guess from my perspective, and thinking about implementation of this recommendation, it may not be clear what

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domain name we're referring to. So I'm finding this language—it's not really as clear as maybe about what we're trying to say here. So I'm a little bit confused when I'm thinking about this from an implementation perspective. But that's just maybe me. Michael?

MICHAEL BAULAND: I agree with Dennis. You can initiate the transfer process with a domain, and activated is not really needed here. It might be even misleading because only variants are activated and the main domain is registered. So it might cause more confusion than it's trying to solve. So I will just leave it with initiate it for a domain name, and then the process must encompass all of its activated variant domain name.

DONNA AUSTIN: Okay. Justine, I appreciate your alternative language that you're putting in the chat but I think—okay. So Dennis's language, what his suggestion is in chat is that "In the event that an inter-registrar transfer process is initiated for a domain name, which is a member of a variant domain name set, the process must encompass all." So that makes it clearer to me. I don't know whether that works for others. Justine is okay with that. There's so much going on in the chat. I can't keep up.

Michael says it's okay but doesn't really add anything because it's not a member of a variant domain name set. The activated variants are just empty, non existing. But I see others. But he doesn't disagree if it makes it clearer. Okay. So I think what

Dennis has suggested language is acceptable to most. Justine, is that a new or old hand?

JUSTINE CHEW: New hand. I think, if I can just make a brief comment, I think was in reaction to what you said that this thing would only apply if the domain name is a member of a variant domain name set, because if it doesn't have variant domain names, then it doesn't matter. Thanks.

DONNA AUSTIN: Okay. Thanks, Justine. All right, so I think we've landed on something that's acceptable here, at least for now. Okay. I think it's okay to move on, Ariel.

ARIEL LIANG: Okay. Thanks everybody. I tried to apply the redline while we are talking. So hopefully, this is okay. But we will review with the leadership team later after the call.

The next redline is basically in the Rationale portion. Here, the first part is, I believe when we talked about this, we believe the transfer piece is probably the most important piece to spell out the same entity principle requirement. That's why we put this phrase, "Transfer is the most important step to consider."

Dennis had a comment, "It better read transfer is the second most important point of control. The most important point of control is at the time of creation or activation." Dennis is basically saying this is

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not the most but probably the second most. I just wonder maybe we could just say it's an important step instead of saying the most or giving a ranking or something, and to simplify it. It basically provides context to why we're specifically creating a recommendation regarding transfer. I saw some support from the chat. It's an important step. Thank you, everybody.

The next comment, it's regarding the word ownership. Dennis's suggestion is to change "ownership" to "sponsorship". I understand that's probably pertaining to registrar's role in sponsoring a domain name and its variant domain names. I wonder whether the group has any comments about this change ownership to sponsorship. Then a similar change was applied in the footnote here. It says sponsorship. Maxim has a comment, "Usually sponsorship for a TLD, but not strictly." I take that Maxim also agrees that sponsorship is the right word.

DONNA AUSTIN: I think, in theory, nobody owns domain names. You only license them for a period of time. So I don't know whether that's the concern that you're trying to address, Dennis. But sponsorship is probably better than ownership.

ARIEL LIANG: Dennis says, "Plus one to Donna." Maxim said, "Also it may allow to avoid the confusion. In many jurisdictions it is not an ownership, it's a sponsorship." What we can do is perhaps just chat through the document and when we write ownership or make sure it's intended as the correct way of saying that, but if it should be

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sponsorship or change that consistently. We'll review that after the call.

DONNA AUSTIN: Thanks, Ariel.

ARIEL LIANG: No problem. No more comments about these two. We'll scroll to the next page.

Here in the sentence, "To that end, the EPDP team recommends that in the event of inter-registrar transfer being initiated for a domain name, all of its active…" Basically, it's to be consistent with the recommendation language to include activated. Yes, it's the same. And maybe we can also include "which is a member of a variant domain set, if applies," or something like that to be extra consistent with the recommendation. So that's the suggestion from Michael to include this here, and we can cross check with the recommendation language to be consistent. If no question about this one, we'll take it as a group agrees with this approach. Moving on the last paragraph.

This scenario should be allowed under this recommendation. "A registrant may choose not to transfer all of its variant domain names from the set but to delete one or more domain names in the process." So that's what this scenario refers to. This scenario should be allowed under this recommendation, as long as the same entity principle is maintained and all of its remaining active variant domain names are transferred together.

There's a long comment here from Michael. "Maybe something along the line, it should be noted that domains in redemption or pending a deletion state are still considered to belong to a certain registrar and registrant, and this must be the same entity as for active domains. As a consequence, the deletion should either happen after the transfer of all allocated variants or the transfer will have to wait until the deleted variants are finally deleted." I understand what Michael's saying here. It's important to realize just deleting them may not suffice if the variants entered the redemption period. The registrar will have to wait with the transfer until the domains are really and fully gone.

Dennis is having a comment, "If we change the word from active to allocated, would it cover all cases? Included those domain names in redemption period, pending delete periods?"

I saw Alan has a comment, "Together might be a good term to replace simultaneously. At the same time, atomic transaction in earlier recommendation." So we're seeing whether together could be a better word to address the concern previously about simultaneously, that wording.

But just to go back to Michael's comment, I think maybe this paragraph about deleting some of the variant domains should be more nuanced. I wonder whether there is agreement from the group to spell out in what condition they can be deleted. As Michael suggested or as what Dennis suggested, change the word active to allocated, although I guess my question is whether if we use the word allocated, we definitely have to define it. Because if the agreement is to use active or activated for referring

to variant domains, then we're introducing a new terminology here. I saw Michael has his hand up.

MICHAEL BAULAND: Thanks. My problem with this statement is that it seems like we give a choice that if you want to transfer a set of variant domains, you can either transfer all of them—we have no problem with that—or you may transfer some of them and delete the others you don't want to transfer. But if you do that, then the domains you deleted, they may still exist for 30 days in a pending delete state, in a redemption state. And you will then have to transfer these domains also to the new registrar in this pending delete redemptions state, which is usually not a thing that happens at registry domain in this state transfer. So the better solution would be to transfer all of them and afterwards delete some, or if you wanted to delete some, you will have to wait with a transfer until all domains are really gone. Thanks.

DONNA AUSTIN: Thanks, Michael. Dennis?

DENNIS TAN TANAKA: Thank you. I think we just do away with the whole thing. I mean, we're trying to flesh out a solution for—we're saying here, edge case. Most likely, the registry will say, "Delete the domain names first and then transfer what remains." That's just the practical way to solve. It's independent actions that need to happen in a order. The registries or registrars won't accommodate, simultaneously delete and transfer the rest kind of thing.

I think I was just trying to figure out how this might work. I don't think it's productive for us. This will be solved by the registry or the registrar, however they want to implement. I see Michael agreeing. I think we don't have to worry about edge cases. There's going to be a solution for that and most likely the simple one. The registrant will have to do in order of operations in order to get what they want. They don't always going to get what they want in the way they want it. They just need to be subject to what is possible to do. Thank you.

DONNA AUSTIN: Dennis, any suggestion to this whole paragraph?

DENNIS TAN TANAKA: Yes, basically. Up to the point of you started with edge cases and trying to explain the solution which stops here in together.

DONNA AUSTIN: Okay. Does anyone have any objection or concerns about deleting those three sentences? No objection from Satish. Michael supports deleting it. Maxim's okay. Dennis is okay to delete. I think we'll put a line through this, Ariel. I agree and I think it really adds much and only could be cause for confusion or concern.

ARIEL LIANG: Okay. Michael has his hand up.

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MICHAEL BAULAND: The deletion, when talking about this, I was wondering did we put something somewhere—I guess we did. Just thinking out loud right now—that domains which are in the state redemption or pending delete, that they still count towards the variant set and they still require the same entity principle. Because if we just say that the same entity principle is with regards to activated variants, then this might be misleading because the domains in redemption and pending delete are not activated anymore. This might also be a corner case.

DONNA AUSTIN: Thanks, Michael. Are you looking for where you think we might have this covered, Ariel?

ARIEL LIANG: I believe in the draft recommendation language, we didn't really quantify or qualify what variant domain apply here for same entity would just say all stages of a domain name lifecycle.

MICHAEL BAULAND: That's fine for me. I forgot that phase. Yeah. That looks good if we have—

ARIEL LIANG: But you just touched the point that—here we did say activated variant domain names. That probably contradicts with when the domain enters the redemption period or pending deletion period. So I wonder how we resolve that. That's why before we just say

allocatable, because blocked ones don't really apply here, the only allocatable ones apply here. But then we had a discussion about only activated domain names, they have a domain name lifecycle. Michael, please go ahead.

MICHAEL BAULAND: I'm wondering if we put in the making difference between activated and allocated variant domain names, in the sense that activated variant domain names are those which are really active, which are in the zone file. And allocated variant domain names are those that are also in pending delete or in redemption phase. I don't know if this helps our case or makes it even more complicated, and people don't understand anymore what we are saying. Otherwise, we could just define that an activated domain name encompasses all lifecycles, even the pending delete and the redemption, and we just say this is also still an activated domain name as we see it.

ARIEL LIANG: Thanks, Michael. That's exactly my concern, is that these two words look similar but they are very nuanced difference. That was my concern, that maybe we should stick to one. But it will be good if we're just saying activated encompasses all stage, even include when they're in the redemption and pending deletion period, you're still activated. We actually don't have the definition or explanation of allocated in the glossary for Phase 2. We have allocatable, which is the disposition value. But allocated is not something we actually try to explain because that was not a term that was used throughout the language. I believe we tried to just

stick to activated for now. I guess leadership and staff can talk about this after the call and we can look at the explanation of activated and see how to boost that to encompass what we discussed.

Justine has a suggestion to explain activated in PR 6. I think we can take a look and see where the word activated is first introduced in all the draft text, and maybe that would be a good place to explain it. We can take this offline. Thanks, Michael.

Just go back to where we were. I want to make sure we also note what Alan suggested is to look at the word together. Maybe that's a better word compared to simultaneously and at the same time. So maybe that's something leadership and staff can take a look offline and see whether that's a better choice of wording. So we'll note that. I think this might be the last comment.

This is regarding involuntary transfer, UDRP related outcome. It's a part of that involuntary transfer. We wrote a sentence here, and I believe that's from the discussion, is that ICANN contracted party is bound to comply with local law. There may be circumstances where a court order could result in the integrity of the variant domain set being compromised.

I guess it's basically two caveats. What we are recommending is if the local law triumphs and breaks the same entity principle, then the contracted parties still have to comply with local law. That's what we're trying to say here.

Then Donna had a suggestion, "Maybe we can change the sentence into 'The EPDP team also recognize that there may be

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circumstances where the integrity of the variant domain set is compromised because of the action of a third party or, for example, when a court order requires the registry operator to take action on only one domain name in the set.' In such circumstances, add this sentence here."

I saw Michael has his hand up.

MICHAEL BAULAND: I'm not sure if the court requires the registry operator to take action on only one domain name. I don't think that this is a problem, because in that case, the registry will also have to transfer all existing variants. I think the problem occurs if the court says one domain must go to that entity and a second variant domain must go to another entity. Then we have a problem because we can't have the same entity principle. But if the court says one domain, I think the registry should still be required to uphold the same entity and also transfer the rest. Thanks.

ARIEL LIANG: Thank you, Michael.

DONNA AUSTIN: Dennis, go ahead.

DENNIS TAN TANAKA: Thank you. That's going to be a problem. As Michael said, I think that will be the extreme problem where the order really requires a mandate the registry to break in the sense of the certain domain

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names need to go to party and other domain names need to go to somewhere else. That will be the extreme case. I think this one just recognizes that those scenarios might happen and there are going to be cases where the action by the registry, the registry policy is going to be consistent with a court order, meaning the letter. And that is where an order might just include one domain name, but the registry because of the policies will move everything, as I said. The extreme case is where there's going to be pleaded sponsorship after the fact that that's—hopefully those cases never materialize, but it's just a recognition that there are going to be external party that might inflict some consequences into how the integrity of the set is carried out by the registries. That's it.

DONNA AUSTIN: Thanks, Dennis. I wonder whether we need some kind of recommendation that addresses that possibility. This probably is a very small possibility. But I just wonder if we're silent on it, whether that is going to cause potential complications for registry/registrar in the event that that happens. Something to think about. I'm not sure what the answer is. I'm just throwing it out there. Hadia?

HADIA EL MINIAWI: Thank you. I was wondering why do we need the first paragraph. In respect of involuntary transfer, the EPDP team noted that the court decision may order the transfer of one individual domain name. Why don't we just keep the highlighted sentence which starts with "Since an ICANN contracted party is bound to comply

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with local law" up until the full stop. The first paragraph specifies one case. That could actually still lead to the contracted party transferring the rest as well. There might be many other cases that we are not mentioning. Why do we need the first sentence? Maybe it's only the second sentence that we need to keep, the highlighted one. What's the purpose of the first sentence?

ARIEL LIANG: Probably I can chime in here. Basically, we talked about this scenario about involuntary transfer, and then this highlighted sentence came up. It's basically to provide context so that it doesn't seem like an out-of-the-blue statement. It's also part of this entire paragraph about edge cases, plausible but improbable edge case. So that's one of the edge cases, I believe. It just provides context this whole paragraph or this sentence.

HADIA EL MINIAWI: Maybe we can keep the highlighted sentence and explain more in the rationale what this highlighted sentence could mean. But do we need it as part—oh, this is already part of the—

JUSTINE CHEW: This is the rationale, I think.

HADIA EL MINIAWI: Yes, this is the rationale. Exactly. Okay. Thank you.

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DONNA AUSTIN: Thanks, Hadia. I think we'll take a look at it. Leadership will take a look at this in light of your suggestion. And also, we have taken out the first three sentences of this paragraph. So we need just to be sure that in doing that, that we haven't compromised what we intend to say in those last two sentences. So we'll take a look at that.

ARIEL LIANG: Okay. Sounds good. I also just want to note that this is an overarching theme about the local law triumphs ICANN policy. It applies to all the consensus policy, really. I believe we actually talked about this in Phase 1 to even develop some overarching statement about that. I think the end result is we'll just forego that overarching statement because it's already well-understood perhaps. We can take a look and see whether there's still a necessity to include all these texts here and introduce complication. Maybe the better choice is to delete it. We're putting a footnote somewhere else where it's not as visible. We'll discuss.

DONNA AUSTIN: Thanks, Ariel. I think we're just trying to reflect on some of the conversations that the team had, whether this is necessary for the rationale surrounding the recommendation, maybe not. We'll have another look at this through the lens of the conversations we've just had.

ARIEL LIANG: Okay. Sounds good. Just quickly scroll through. Don't worry about that. That's new text. But basically, the second reading

encompasses all these. D7, there's no comment for the draft response for the charter question. And C4a, that's the same, no comment. So our understanding is folks are okay with the text. Basically, that's it for the second reading. We do have some new text being developed, but we'll alert the group when it's ready for the review.

So that's it, Donna. We're 20 minutes to the top of the hour.

DONNA AUSTIN: Okay. All right. Thanks, folks. I think our next steps with this is leadership—we'll go back and review text that we've had discussion around, and we need to come back with suggested path forward or new language. So we'll work on that. In terms of what we're doing next week, Ariel, is the intent that we'll try to get new language out for consideration of the group? What's the plan for next week?

ARIEL LIANG: I think to be determined. I do think it may be good to just get everything down in terms of draft text before we meet in Kuala Lumpur. And in Kuala Lumpur we can talk about the new charter questions and the context. Because we will have two weeks break between we meet. And if we start talking about new charter questions but don't finish that, it's going to be a little struggle for folks to remember where we stopped and we have to do a refresher again. So it may be better to just finish everything we have discussed in terms of the deliberation and the draft text before we start on new thing. Maybe we can aim next week for

finishing the rest of the draft text then circulate the new language ASAP to the group so we'll have a chance to review it before we talk about it. I just saw Justine has a note to us.

DONNA AUSTIN: Okay. Thanks, Ariel. Justine has asked for a minute in AOB. Justine, go ahead.

JUSTINE CHEW: Thank you. At the top of the meeting, I announced updates to my SOI. At the bottom of this meeting, I have to express regret to inform everyone here that I need to step down from not just the vice chair of this EPDP but altogether from the EPDP. And I won't be able to make the face-to-face workshop in Kuala Lumpur. But I'm going to be around. I'll be focusing on my day job, by the way. But I'm hoping that we can still meet up.

I just want to express my sincere and deepest gratitude to the entire EPDP here. I'm hoping that folks who had to drop off early and folks who were in apology today would also get this message of my deepest gratitude. This is one of my most favorite EPDPs. I've had a lot of fun being part of this EPDP. It's very collegial. I appreciate the fact that we all talk things through like adults. We're not resorting to screaming at each other. Not that it happens often. Seriously, I've had a very wonderful time being part of this EPDP and it has been my privilege to serve as vice chair for the time. I wish you all the best and I'm rooting for you all to finish your work even before October 2024. Thank you. Special note of thanks to staff, particularly Ariel, Steve, Dan, Devan, Pitinan, Sarmad, and

of course, our chair, Donna. You've done a great job steering the group. So keep at it. Thank you.

DONNA AUSTIN: Thank you very much, Justine. You will see from the chat that I think everyone is sad to see you go. I've certainly appreciated having you as my sounding board. You've been certainly instrumental in helping the team get to where we are today. So we certainly will miss you, but we appreciate that can't be everywhere, which I think you were most of the time. We appreciate the guidance and support you've given this group and we certainly wish you all the best in the new roles that you're undertaking. I think you may see this stuff come back around if you're still involved in the SubPro implementation work. I suspect that's where our work will end up. We'll be thankful for the fact that you've been with us through Phase 1 and can certainly guide the implementation work when it starts. Thank you very much, Justine. We'll certainly miss you.

Okay. With that, I think we can end the recording. Thanks, Devan.

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