
ICANN75 | AGM – GNSO: RrSG Membership Meeting (2 of 2)
Tuesday, September 20, 2022 – 15:00 to 16:00 KUL

ZOE BONYTHON:

Okay. This session will now begin. Please start the recording. Hello, and welcome to the RrSG Membership Meeting Session 2. So please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

During this session, questions or comments submitted in the chat will be read aloud if put in the proper form as noted in the chat. This session includes automated real-time transcription. Please note this transcript is not official or authoritative. To view the real-time transcription, click on the Closed Caption button in the Zoom toolbar.

To ensure transparency of participation in ICANN's multistakeholder model, we ask that you sign into Zoom sessions using your full name, for example, first name and a last name or surname. You may be removed from the session if you do not sign in using your full name. And with that, I will hand the floor over to Ashley Heineman.

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ASHLEY HEINEMAN: Hello, everyone. Welcome back to part two of our Registrar Stakeholder Group Membership meeting while here at ICANN75. Why don't we go to the next slide, please?

Okay. So this is our agenda for our second and final session of our meetings here at ICANN75, well, at least for the Registrar Stakeholder Group. So we're going to start with PDP IRT updates, then we're going to go to our RrSG CPH subgroup updates, and then we'll have an open question period and AOB. So we will go ahead and get started. If there's anything that you would like to add to the Any Other Business, please just let me know, put it in the chat, or otherwise, just raise your hand and we can get it out if time permits. So with that, starting with the PDP IRT updates, we have Volker who's going to give us an update on the Accuracy Scoping Team. So, Volker, please.

VOLKER GREIMANN: Thank you, the Accuracy Scoping Team. Last time we left our intrepid heroes, we were working on this Scoping Team. Maybe just a brief recap, the Scoping Team was tasked with reviewing the state of registration data accuracy. As such, current enforcement reporting measurement of accuracy and effectiveness of the current measures to ensure accuracy in the contracts and policies were subject of this Scoping Team. This was inaugurated by the GNSO Council during its meeting on July

22, '21. And since then, we've fought our way through the thickets of accuracy. We learned very quickly that we were missing essential parts that were necessary for our work.

We hit our first obstacle and that basically tore itself through the entire work time when we try to even agree on a definition of what accuracy even means. Does accuracy mean that a contract is contactable? Does it mean that the data is in and of itself mostly accurate and serves its purpose? Or does it mean 100% accuracy? Our proposal was to define accuracy as it's defined in the RAA. That wasn't sufficient for some others. So we ultimately agreed to disagree, and we had the fallback position of just referring to current requirements which suited us well.

We also failed to identify sufficient evidence demonstrating that there is a general issue with accuracy, simply because of the fact that the data is no longer publicly available. GDPR took care of that. While there were many anecdotal instances where complainants or group members were able to show that in a certain case accuracy has been a problem, no one was able to show that this was actually a problem that affected millions of domain names and therefore warranted policy work for the future.

Latest trends from the reviews of registration data, for example, in the ARS system showed when it was still available that the

accuracy was actually improving steadily. From report to report, the numbers were better, contactability increased, and incorrect data fields were getting fewer and fewer. So we, from the Registrar Stakeholder Group, took the assumption that this trend would have continued. Therefore, accuracy would actually, if looked at from the whole perspective, be in a very good position.

Finally, we lost our chair. We'll need a replacement for moving forward for that as well. Next slide, please.

So this leads us to the next steps. The Scoping Team is now asking the GNSO Council to request that ICANN conducts a registrar survey on the accuracy measures and enforcement of accuracy requirements, i.e., they should come to us with a questionnaire that we are supposed to answer on a voluntary basis. That basically would ask us to outline what we're doing to enforce accuracy against our registrants, and whether we think that these measures are sufficient to reach a sufficient level of accuracy in the registration database that we manage.

Further, it's asking to explore options with ICANN to conduct an audit on accuracy of registration data. So it might very well be that the next ICANN audit be made on that subject matter simply because ICANN has better ability to look into data upon request within an audit than has outside of such an audit.

Finally, it's recommended that the GNSO Council pauses the work until such time we're to sufficiently clear whether proposals that require access to registration data are a viable path to assess the current state of accuracy. This is a mouthful, so I'm trying to explain it better. Essentially, this work is supposed to be paused until the time that we know, have a better basis for evaluating the accuracy on a general scale for the registration data on a whole.

The final recommendations are that ICANN should conduct data protection impact assessment and conclude data processing agreements with the contracting parties that would also allow processing of personal information of registrants for the purposes of evaluating the accuracy in the database of all registrations, which is simply not possible currently lacking these tools.

This means that we have essentially touched upon the first two assignments of the Scoping Team, and what remains and has not been touched upon at all, it would be picked up. If the work recommends at some point in the future, it would be to review the effectiveness of the current requirements in our RAAs and the policies. And finally, to assess whether changes are needed to improve the accuracy levels and what means might be taken to achieve better accuracy levels, which would be Assignment 4.

But as we don't know what the accuracy levels actually are, we cannot start that work at this point.

So essentially, we're stalled and waiting for further information. If we are ever able to get that information is still unclear at this point. But that's the state of affairs how it is. It's a bit unsatisfactory, but it is what it is.

ASHLEY HEINEMAN: Thank you for all that great news, Volker. Yes, please.

VOLKER GREIMANN: In a way, it's not bad news for us because it means that the policy work is years off. But it doesn't mean that this is now terminated and it will never ever raise its head again. We have done some preliminary work that can be used as a basis for future policy work. It's just become very clear that we're just not there yet.

ASHLEY HEINEMAN: Thanks for that. I'm going to use my prerogative to ask the first question, so apologies, everyone. So works paused. What comes first, finding a new chair or unpausing the work?

VOLKER GREIMANN: Well, first, the work is not paused quite yet. We're just suggesting to the GNSO Council that they pause the work. The suggestion is that with Michael Palage stepping down as a chair because of a conflict of interest that he has developed in the meantime, any future work will require a new chair. So regardless of whether we pause or do not pause, we'll need a second chair to pick up afterwards.

ASHLEY HEINEMAN: Thank you. Okay, turning to the queue. Greg, please.

GREG DIBIASE: So, if we pause, this registrar survey, we're requesting it from ICANN? Am I correct in assuming ICANN would need to consult the group or the team? And if so, would they need a chair to guide that effort?

VOLKER GREIMANN: Yeah. That's a little bit unclear at the moment. We were all a bit surprised but not necessarily depressed by this turn of events. But there's already quite a substantial set of instructions of what this survey should and would contain and how the group has envisioned it included in the report. However, it's conceivable that the Council has further questions and that would be directed at the group. We have a vice chair so that we are still

functional. The question is just what does the Council decide based on the report that we're sending them now?

GREG DIBIASE: Sorry, real quick follow-up. But the Council would request that survey from ICANN, not the team like in a letter?

VOLKER GREIMANN: Yes. The team does not have the ability or authorization to ask anything of anyone. Essentially, ICANN would launch this questionnaire to the registrars. It would be entirely voluntary measure whether you wanted to participate or not. However, not participating would essentially take your status out of the equation. So you would not be part of the further review of the accuracy level. So if you have very good accuracy levels, then please respond.

GREG DIBIASE: Got it.

ASHLEY HEINEMAN: Crystal, please.

CRYSTAL ONDO: Thanks, Ashley. I actually listened to the report with the GNSO. They went through the questions they would ask registrars. This is maybe just me not paying close enough attention before. But what's the difference between validation and verification as they understand it? Because it seemed they asked every question but just changed that one word throughout the entire survey.

VOLKER GREIMANN: We continue to use those two words as they are in the Registrar Accreditation Agreement. Verification means actually checking that it's correct, whereas validation means applying some logic checks to it that the format is correct, that there's data present and the data makes sense in the basic proposal. So that verification, for example, as we have correctly today for e-mail, is checking that the e-mail address works and then we get a response. Validation is, are the other fields filled? Do we have the correct postal codes and stuff like that?

ASHLEY HEINEMAN: Thank you. James?

JAMES BLADEL: Hi. Thanks. First of all, thanks to Volker and everyone that's participating. I'm going to sound like I'm frustrated with the update, but I appreciate your work and I'm sure it doesn't match

your own frustration. But going back to your first point on your first slide, if we can't arrive at a shared definition for accuracy, then I don't know that all of this other follow-on work is going to have a lot of value.

I was a member of the first RT4 WHOIS Review Team back in 2009-2010, where we struggled with the definition of accuracy and we kind of landed on this definition involving contactability. I guess I'm confused as to why a group wouldn't just take that prior work, which was just as laborious and contentious and just go with that as opposed to kind of starting all over. Noting that proceeding with an idea that where we would consider accuracy to be like Fidelity, which is that we accurately take in, store, and in some cases publish the data that the registrant gives us, others see accuracy as truthfulness in the data is that they're not lying to us, that they're giving us data that's actually truthful. This is good stuff, this is good work, but until we close that gap on our expectations, I think we're just kind of setting the train up to go off the rails again. I would hope that we can maybe get back to that fundamental definition of what does everybody mean when they say the data is accurate.

VOLKER GREIMANN: Absolutely agreed. That was one of our main frustrations as well that we couldn't agree on that. Our position was very clear that

accuracy has to mean what the contracts and the policies say. Others were trying to push more into the drums that you were describing that the deck actually has to be truthfulness to the data, which obviously is a very much higher hurdle to jump over and simply because we could not agree at this time. But we still agreed that we would not want to terminate the work at that point. We put a pin in that and said, “This is something that will now need to be revisited at some point.” We have a working definition that we’re working off right now that’s very close to our original position. We just noted that not every group was happy with that, and that this would not be the final position simply because there was no agreement and consensus on that.

ASHLEY HEINEMAN: Thanks. Go ahead, James.

JAMES BLADEL: I think that you handled that correctly, and that’s probably the best you could do. But I then question the value of all the follow-on work. Because whatever you arrive at, whatever the results, if everyone’s kind of starting from a different expectation, there’s no hope of consensus on the outcomes. If there’s no consensus on the input, it doesn’t matter how well your work in the process because they’re not going to agree on the outcomes. No one will. Sorry.

VOLKER GREIMANN: No, absolutely agreed. Any recommendation that would come out of an eventual Scoping Team of how the PDP would have to be scoped will need to have that definition in place. Otherwise, the PDP will be setting sail for fail, and we wouldn't want to have that as a result of the Scoping Team. So if we cannot come to a definition ultimately that all parties agree upon, then there will not be a PDP.

ASHLEY HEINEMAN: Yes. That was going to be my point. It was a point in the original scoping. So if they can't do it, the work is not done, in my understanding. Okay. We're closing the queue at Roger. So next up, we have Michele.

MICHELE NEYLON: Good morning, Madam Chair, Mr. Volker. Well, first off, thanks for all your work on this, Volker, because I know that yourself and others who have been engaged in this have had to be very patient and put a lot of time and effort into all of this. Yes, I find this correct. I have not only changed rooms, I've changed location.

So the problem I see with a lot of this is that there are certain parties, mainly the PSWG and their friends, who wanted to use

WHOIS data as a proxy for identity for years. I remember being in meetings with various people from that side of the house, going back probably over 10 years. I don't think their position has changed, I can't see their position changing. So I think that's kind of expectation versus outcome type thing. It's always going to be a mismatch. I totally agree with a lot of what James was saying.

I am concerned about ICANN's complete inability to deal with DPAs. I just wish they would address these things properly. It seems to be something that they're just completely incapable of dealing with, whereas companies and organizations of all shapes and sizes have managed to deal with this. ICANN just seems to be incapable of doing so. Unless and until they do that, it's going to be very hard to move forward on a lot of things around data in general.

On this registrar survey, well, that's a nice idea and all that. I'm not sure how effective that's going to be because I suspect that while some of the larger registrars may have some data around this, a lot of the medium to small registrars won't. And depending on how the questions are framed and how complex it will be to actually answer them, the response rates are going to be reflected. I mean, where is the carrot for us to actually go to the trouble of filling out a survey? I don't see how that's going to work. Thanks.

VOLKER GREIMANN:

Yes. Those are all concerns that we also raised in the group that there would be minimal participation if the questions were too complicated to answer, if this required data that we weren't able or willing to give. However, we clearly realize the situation that we were in. We do not have any data reflecting the accuracy and we did not have any data on how registrars implemented their current requirements of the RAA and the policies.

So I was quite shocked to see that even veterans of ICANN had significant doubts whether registrars would even actually implement their requirements. So the verification tests, many asserted that these were not actually being conducted or the validation checks against the UPU standards were allegedly not being followed through. Therefore, we felt jointly that it would be helpful to have a survey where just questions would be asked to offer registrar that would permit them to state that "We implemented this policy and this is how we did this, so basically showcasing our compliance with the requirements." We felt that that was a legitimate ask. That would give us some data that would help the later work with regard to the question of whether the current measures are sufficient for ensuring accuracy or not, also as a defense against future asks of further measures that might be demanded by certain parts of the community. So there is a certain value in answering that questionnaire, but it's a

purely voluntary thing and it's also a purely anonymous thing. So if you answer, you will not be singled out as the registrar who answered X or something like that. This is also why we wanted this to go to ICANN and not to the group to analyze and pick apart. Thank you.

ASHLEY HEINEMAN: Okay. Thanks. We need to hurry things along. So, Roger, you're up next. Please be brief.

ROGER CARNEY: Thanks. Just to recognize that the Registrars actually put this registrar survey out there as a good faith kind of something looking for data. So it was the Registrars that pushed this in the Accuracy group.

To James's point and Volker mentioned about the PDP and said the contracted parties that are involved in the Accuracy Scoping Team, that was their expectation is that Council will kill this now. No definition. Even though the Accuracy Team, the contracted parties, tried several times to get to a definition beyond just what our requirements are. Then no one would come to the table on the other side to say, "Yes, that's acceptable."

The other part of this is Assignment 3 and 4 are dependent on the data from Assignment 2. As of today, there is no data in Assignment 2. The group never produced any data. So again, I think the expectation from the contracted parties or the Accuracy group was that Council will stop this and start anew somehow, and maybe actually focus on just one point and that is getting to a definition. Thanks.

ASHLEY HEINEMAN: Thank you, Roger. Thank you, Volker, and I appreciate all your efforts on this team. Okay. Let's keep it going. Registration Data IRT, I forget who's up for that because I don't see the agenda.

ERIC ROKOBAUER: It's me, Eric.

ASHLEY HEINEMAN: All right, Eric, please.

ERIC ROKOBAUER: Hi, everybody. I'll be super brief. I think I can be so because this shouldn't be too new for everybody. So the Registration Data Policy language is out for public comments. You can put public feedback in by October 31. You've heard from several members, including Sarah Wyld, has been our go-to champion for this.

We've taken the opportunity to speak during other meetings including the Policy subgroup meetings, going over some of the different recommendations as there will be some changes expected out of this language, a lot involving the collection, transfer, and publication of registration data.

So I just wanted to make call out. You've seen on the slide here that there will be most likely changes registrars will need to take into consideration. So again, this is involving changes from EPDP Phase 1, the proposed updates to 20 existing Consensus Policy procedures that came out of this IRT.

So you'll see me mention later on in the Communications Outreach update, there is work being done to try and get resources to Registrar members in relation to understanding the breakdown of what data should be redacted versus what should be transferred. So look forward to that.

Just to make a comment, again, once the comment period is finished, there'll be a review by the IRT. Of course, the tentative publication of the language would be around Q1 of 2023. And from there, contracted parties in the IRT have made a recommendation that parties would have 18 months for the implementation period to make the changes, which is about 540 days, which I think is what's in the policy language. Any questions? I can take those. Thank you.

ASHLEY HEINEMAN: Thank you, Roger.

ROGER CARNEY: Thanks. Now, just to add on, no questions. This is out for public comment. I think this is going to be a costly endeavor for Registrars to implement. So I highly recommend looking at this and providing comments, if necessary, but specifically we need to start looking at this because this will be a long process and a costly process to implement. Thanks.

ASHLEY HEINEMAN: Thanks for that reminder, Roger. Please, please read it. Next up, Transfer Review Policy PDP, and that one is going to be, I assume, Roger.

ROGER CARNEY: Thanks, Ashley. We can do this fairly quick as well. Just scheduling-wise, Phase 1A has completed its public comments. We did receive 34, I think, comments from individuals and from groups. So two specifically high bar marks we'll get to in a little bit here. But overall, the public comment was pretty good, the 22 recommendations, really good support for it. Then we'll probably spend the next six weeks or so, I know Barry is telling

me it's going to take a lot longer, but we'll try to get it done in about six weeks to review those comments.

We did start on Phase 1B beginning of August, and that is for the change of registrant. Today I think everybody knows that it's a fairly laborious process that's in the policy. I think that that change of registrant policy will probably still exist but it sounds like a lot of momentum behind removing the major stumbling blocks of opting in and opting out, material change, designate agent. There's a lot of push to get rid of all that stuff. So the policy looks like it's going to be, yes, pay attention and notify people when this happens. But we'll see. Again, that's just getting started. We're not planning to finish that until May of next year, I believe, for Phase 1B.

Then 1A and 1B will get initial reports on their own when they did, 1B will and then they'll be rolled together into a final report for Council next August. Then Phase 2 has not been scoped at all. Phase 2 is going to deal with all the dispute mechanisms, TEAC and TRP, those things, and a few other loose ends that we'll be doing. But we'll be starting that next summer should be. Again, that hasn't been scoped so we don't know how long that'll take.

Phase 2 impact. So the idea of why these two main phases were broken apart were that the thought coming out of the charter

process was that after the work on the inter transfer and the change of registrant was finalized, that can move into implementation. But it's looking like there's a lot of dependencies tying into to the dispute mechanisms, so I'm guessing implementation probably will be in parallel with some of Phase 2, but it'll probably come in a little bit later than what was hoped for. I think that Phase 2 will have to be quite a ways along before the implementation of Phase 1 can start just in case there's any conflict between the two.

Again, I think that Phase 1A and 1B is looking this way, but Phase 1 has a lot of impacts. So the policy is changing considerably. Right now, it's the losing and gaining FOAs are going away. Some time periods have changed, the locking on it has changed. So there's quite a few things there. Again, implementation is quite a ways off but it's definitely worth noting that there's a lot of changes there and it's going to be a lot of system changes for both registrars and the registries.

Looking for help. I know that Owen ran through the policy group put together a good comment back on Phase 1A. But there are two specific pieces in Phase 1A that got a lot of comments, and that was on the losing FOA disappearing, elimination of the explicit requirements of a losing FOA.

The other one was on the definition of fraud was expanded. Today's policy just says evidence of fraud and the recommendation from Phase 1A was to add on domain use and abuse policies. And there was a lot of questions on possibly rogue registrars taking advantage of that language. So I think what's important for this group is to take a look at those specific things and think about them again.

The explicit losing FOA was eliminated. It's not that it couldn't be in there. It's just an optional thing today or the recommendation showing it as an optional feature that registrars can use or don't have to use. Again, those two big things in the fraud with the expanded definition of domain use and abuse policies is going to be something to look at and we'll have to resolve in this group. So that's all for me. I'll take questions.

ASHLEY HEINEMAN: Thank you, Roger. Jothan, you're up in the queue.

JOTHAN FRAKES: Hi. Thank you. Jothan Frakes, Plisk Registrar. The Phase 2 piece, you've probably heard me say this many, many times, contemplated rollbacks are things that might be interdependent with some of the discussions in and around FOA or reducing the friction on registration transfers. So I'm hopeful to hear that we

would be able to have those discussions before we have to actually break ground on implementation of things in Phase 1 because of the interdependency. It's very difficult and we all understand this. Often we have a very helpful and collegial interaction with the next registrar when a domain transfers, but sometimes we don't. I say possession is nine-tenths of the law. While a domain is at your registrar, you have much more remedy that you can do for them or your customer in the event that the transfer maybe was unintentional or things like that. So I there's a lot of keen interest that I watch to see what we're going to do with Phase 2 with that so we can understand holistically how these changes to transfer that reduce frictions are going to help maintain protections and remedies for customers so we can maintain good relationships with our registrants. Thank you.

ASHLEY HEINEMAN: Thank you. Just to note, we are really short on time. So Michele, if you can make this as brief as possible, and the queue is closed.

MICHELE NEYLON: Thanks, Ashley. You know brevity, of course, is one of my skills. I suppose the only question I would have is I hope that these proposed changes are going to be given time at the summit in November. So I'm quite concerned about some of the technical implementation issues. Thanks.

ASHLEY HEINEMAN: Thank you very much, Michele, for being brief. I appreciate it and point noted. Okay. So let's move on in the agenda, please. IDNs EPDP, we have a great update here from Michael. So, please, I hand it over to you.

MICHAEL BAULAND: Thanks, Ashley. As I usually don't join the Registrar Stakeholder Membership meetings due to time conflict, I try to tell a bit more about what we've been doing in the IDN EPDP, especially what decisions we have taken so far.

So on Topic A, the consistent definition and technical utilization of the Root Zone LGR, we decided that the RZ-LGR is going to be authoritative for validating the label, for generating the variant labels, and deciding the disposition of a variant label, i.e., whether a variant is blocked or allocatable. We also decided that there won't be a restriction on the number of allowed variant labels for TLD. That's due to the fact that most scripts already have a kind of built-in max number of variant labels and only a very few scripts like Arabic don't have a restriction but it was not possible to really define one fixed number of maximum variants, so we said that we won't force this. It's very unlikely that a registry would really activate like 1000 or one million TLD variants even if theoretically possible. Then we also decided that

single character TLDs would be allowed for ideographic scripts, scripts which currently is only the Han script. Next slide, please.

On Topic B, the same entity, we decided that the TLD and all its allocated variants must have the same registry operator, the same backend registry service provider, and they have the same registry agreement. So it's a single agreement for all variants, which means the same restriction which comes up later. Next slide, please.

Topic C, the same entity at the second level. This is currently still in discussion and we haven't decided yet, but it's very likely that we will have similar restrictions there, namely that all variants need to be registered via the same registrar and will have to be assigned to the same registrant, which is most likely checked via the registrant contact but that's not yet decided or finally discussed. Next slide, please.

In topic D, adjustments in the registry agreement, blah, blah, blah. We decided, which I said before, that we will have one registry agreement for the TLD and all its variants. So this also means it will be a single application for the TLD and all its variants, but it will be possible if you apply for a TLD and maybe one variant in a round that during the next round, you will be able to apply for additional variants. That is not yet decided whether the addition of variant will only be possible during the

rounds or whether you will be able to add variants to an existing TLD also between the rounds. That's still in discussion. For transition, of course, you must include all variants if you want to change the backend operator. Otherwise, you won't be able to uphold the same entity restriction and you also need to have the same registry escrow provider for the TLD and all its variants. Next slide, please.

On Topic E, the adjustments to objection process, string similarity review, string contention resolution, reserve strings, and other policies and procedures. This is also a topic which we have been dealing with the last weeks or even month. That's a rather complex topic and I don't want to go into too much detail yet. But the problem is which labels you take into account when you do something like string similarity. Do you only look at the TLD and all its applied-for variants? Or do you also include all theoretically allocatable variants have not yet been applied for? Or do you even include all the blocked variants into this comparison? The current working model is a hybrid model between Level 2 and 3. So this means that you would compare the Level 1 and Level 2 labels of a TLD with Level 1, 2, 3 labels of another TLD. This may be easier to understand on the next slide where there's a graphic.

There you can see, it was a Chinese example. The arrows describe which label you compare with which label. Blue is TLD,

green is the allocatable variant, and red are the blocked variants. But this is also still up for discussion. There are some controversial opinions here, whether to include the blocked variants or not. I don't want to go into too much detail now.

That's basically what we have been working on and decided so far. And just very current news, so to say, is that we just decided during the ICANN meeting or I heard about that during the ICANN meeting is not yet decided, but it was proposed that we will split the EPDP in two parts. It seems to be a good thing with EPDPs to we have some Phase 1 and Phase 2 somehow. The reason is that we already have decided quite a few things, especially regarding the top level and topics that are required for the New gTLD Program. We haven't looked at things regarding the second level which will only be required post contracting. So we want to publish those parts that are essentially needed for the next round so to not hold up the next round and push everything that can be done after an application process into a second part that we would then publish a bit later. That's it. Questions?

ASHLEY HEINEMAN: Thank you very much, Michael. Zoe, you have your hand up.

ZOE BONYTHON: Hi. Thanks. So I'm actually reading a comment from Reg in chat which to say that she wanted to reiterate that she strongly agrees that second level variants should have the same entry level requirements as top-level variants. Thank you.

ASHLEY HEINEMAN: Actually, just a brief edit to that. It's that she strongly agrees that second level variant should have the same, same entity requirements as top-level variants. Please look at that in the chat, Michael. Any other questions? If not, I just want to thank you very much, Michael, for your participation in this group and being so good at providing us with updates. Hopefully, the members are looking at it. But this was an opportunity for you to have a little broader access to everyone. Thank you very much. I don't see any further hands. Okay. We'll go on to the Compliance update, which is back to Eric.

ERIC ROKOBAUER: Hey, everybody, again. Going into ICANN75, our Compliance subgroup co-chairs Reg and Essie did not plan to have an update. But breaking news, since there was a meeting earlier this week, we got some updates from Jamie and his team. I had asked if I could share that with all of you.

So there was a CPH ExCom and ICANN senior staff meeting earlier this week. They had shared an update letting us know

first that since the registry audit has been completed, they are now preparing their work on the upcoming registrar audit. So we have been given understanding that that was coming but no real timeline. But that was shared just now that they're targeting to hopefully start in November. But they want to still do what had been done before and work with our Compliance subgroup, which was appreciated.

As you know, previously, the last audit was narrow in scope, only focusing on Section 318 of the RAA in regards to handling abuse contacts. This audit will be a full audit of the RAA and they want to target registrars that have not been audited before. It wasn't clear immediately if they meant the registrars that received the full audit the last time we did the full audit, which may have been 2016 or 2017. I'm not sure. But what I can say is, again, the subgroup will take lead for us and work with ICANN Compliance, and they will be receiving the RFI, the Request for Information, that ICANN wants to put out. We'll review that and be able to provide suggestions on what those questions should be.

Just to add, if you're not a member of the Compliance team, I strongly recommend it. Again, it's a great opportunity to work with ICANN Compliance directly in relation to the different tickets we work and proposing the different questions that go into the audits. I'll stop there. Thank you. I'll take any questions.

ASHLEY HEINEMAN: Sorry, I keep hitting the Zoom mic button instead of this mic button. That's my bad. Michele, please.

MICHELE NEYLON: Thanks, Eric, for the update. I suppose the questions I have are primarily to do with things like will ICANN actually sort out some proper kind of DPA with registrars? Because they have an awful habit of asking for personal information during audits. And as there is no DPA in place, we can't give them the data. They also have an annoying habit of conducting some of these audits from Turkey and there's no way in hell that we're going to transfer personal data to Turkey. Thanks.

ASHLEY HEINEMAN: Thank you.

ERIC ROKOBAUER: Sorry.

ASHLEY HEINEMAN: It's all you, man. I'm sorry.

ERIC ROKOBAUER: No worries. Thanks, Michele. I know when we did the narrow audit, that was also brought up as a concern. And I think we'll want to do that again when we speak to ICANN for this audit.

ASHLEY HEINEMAN: Pam, please.

PAM LITTLE: Thanks, Ashley. We were in Registrar Outreach session to the Asia Pacific Region Registrars yesterday. I think this is one of the points I was trying to drive home, that if you become a member of the Registrar Stakeholder Group, you get to know what's going on in ICANN much faster or earlier than others or non-members. So this is the data point or information you wouldn't normally know at this point if you are a non-member of the Registrars. So for those who may be—I don't know, anyone listening who are non-members, we really encourage you to consider joining the Registrar Stakeholder Group. Thanks.

ASHLEY HEINEMAN: I like it, a pitch for the RrSG Membership at the same time. Any other questions? Sorry, Eric.

ERIC ROKOBAUER: It's okay. I just noticed something in the chat that I appreciate on calling it out for those that may not have seen it. One of the comments that Jamie did make was that they're looking to be about 60 registrars that will be audited. Again, it was a very high level quick, brief update. I think, again, Compliance Subgroup will confirm all this for us and we'll get a much more thorough update than what I provided for you all today. Look forward to it.

ASHLEY HEINEMAN: Okay. Thank you. We need to move along. We're going to skip around a little bit on the agenda. So if we could please go to the DPS update. Thank you. I'm going to turn it over, I believe, to Catherine and Serena.

CATHERINE MERDINGER: Thank you. As we teased at the CPH meeting yesterday, whenever that was, we're at a point where we as Registrars might have a decision to make on the DPS. So we've got some open issues still, but we think we may have, on the registrar side, come to a potential solution on limitation of liability and indemnification.

So in the Registry Agreement, there are the Registries indemnify ICANN, but ICANN doesn't indemnify the Registries. And the Registries don't want that to apply to the DPS. For Registrars, we

don't have language on indemnification either way of ICANN or ICANN of us. On limitation of liability, there are limitations of liabilities in the RAA. But as you can see on the slide, that would not be subject to the claims under the DPS. It's on the slide, you can read it. We don't have a lot of time.

The question is ICANN is proposing why don't we set these two issues aside, move forward with negotiating the remaining open issues that are common to Registries and Registrars, and potentially come to a form RAA DPS for Registrars? This would get Registrars a DPA, we can sign with ICANN. It's not mandatory, but if you feel you need it, you can sign it. We want to get folks' input on that. There are risks with doing that, of course. We eventually then leave Registries to fight that last issue on their own, potentially. Do we want to do that?

We also have been working mostly in a registry-focused document so we propose as your negotiating team to request a registrar version of that document to confirm that what we expect to see in there is what ICANN is proposing to put in there as relates to the RAA and confirm that we are aligned on these issues. Then we can work with our registry partners to negotiate the termination and audit rights that are still open issues. But then we could potentially be done.

Serena, please chime in here if I've missed anything or you have something to add. But I'd also like to give folks time if you have thoughts or feelings about how we proceed.

ASHLEY HEINEMAN: Any questions or need for clarification on what's being proposed?

CATHERINE MERDINGER: Cyrstal Ondo?

CRYSTAL ONDO: Thank you, Catherine. I think the only thing that jumps to mind or my concern if we do split this process is what Ashley brought up at the beginning of our last meeting, we're going into a contractual negotiation on DNS abuse with registries. If we leave them on their own here, is there a chance that they might leave us alone with DNS abuse? Which to me is very concerning, because then they push through their obligations to us through our RAAs. So that's just a conversation I think we should have with the Registries before we make a decision.

CATHERINE MERDINGER: Thank you. That's a really great point. Because I think one of my big concerns about amending the Registry Agreement is that

things just get pushed through to the Registrars. I would think that's other people's concern as well. I will say I don't know on the registry side. We've asked them for, "What do you guys want us to do?" Do you want us to say, "No, let's try and hammer out an issue or hammer through these two issues with you?" Their answer was "Registrars, tell us what you want to do." So that's not that helpful. But we may get more input from them as we have more time to think about it.

We're also planning to meet with the ICANN team, I believe. We're looking at October 7th. So it'd be great to have an answer by the time we have to go back to them then. I don't want to just eat up time with dead air. So maybe we can put something on the list to confirm. But I think unless we hear something compelling from Registries, we may go forth with negotiating this Registrar piece to get it done. Registrars can choose to sign or not. Thanks. Crystal?

CRYSTAL ONDO:

Sorry. Just a quick follow-up. With regards to indemnity, I see ICANN's point that they want to keep the indemnity protection they get from Registries. They're doing it purely as a save-their-butts kind of position and they're not moving on it. Whether or not we want to help Registries get over that hurdle might be something we consider. Because I personally think the ICANN

position is not a great one. From even a registrar point of view, when it comes to standing up to ICANN when they make legal demands of either contracted party, I think sometimes doing it together gives us more power.

CATHERINE MERDINGER: Thanks, Crystal. I'll turn it back over to you, Ashley.

ASHLEY HEINEMAN: Thanks for that. It looks like we need a little bit more time to discuss. But thank you for raising it here. Okay. Up next, I think I'm supposed to be turning it over to Owen.

OWEN SMIGELSKI: Thanks, Ashley. I appreciate the enthusiasm in handing it over to me. I'll be very quick here, because I think we're just minutes away from the end time of this meeting. If you notice that last bullet point there, there is a session coming up review of proposed RA/RAA Amendment session in about 33 minutes where we'll be going over all of this stuff here, Registrar Agreement as well as the Registry Agreement. It's up for public comment. Those are the major changes that are in there, which we've discussed. Donna did reach out about the possibility of doing a contracted parties' comment, which I think is probably a

good idea. So more on that. I'll bring it back to the group when I have more info. Thanks.

ASHLEY HEINEMAN: Thank you, Owen. So we have a Comms and Outreach update. I'll turn it over to Eric, but I think we're very, very short on time.

CATHERINE MERDINGER: Sorry, can I just ask a quick question? I know we only have two minutes. But for Owen, the one thing I wonder is do the Registrars have an opinion about the BRDA amendment that we want to talk about before we go to the joint session, or are we just good with it?

ASHLEY HEINEMAN: We had that fight a long time ago, didn't we?

CATHERINE MERDINGER: I'm just making sure.

ASHLEY HEINEMAN: Okay, yeah. That was long fought and we swallowed the pill. So there we go. Eric?

ERIC ROKOBAUER: All right. Hang on. Here we go. Communications Outreach, it's going really well. I'm speaking on behalf of Sarah Wyld, who's our chair of the group, and she just wanted to let you know that we're working on putting together that data collection display of handling the Reg Org field, again, where I alluded to the with Registration Data Policy IRT update. So we're building on resources. If you've got great ideas on how we can build more educational pieces for other registrars, then please join the group. We figured out a regularly scheduled meeting time. I think we meet on Fridays, maybe. Again, if you're interested, reach out to any of us, Zoe or Sarah, and be happy to get you involved. It's a fun, fun group. Thanks.

ASHLEY HEINEMAN: Wow. That was record breaking. Any questions for Eric? All right. Thank you all. I apologize for the rush at the end. You guys just had a lot to talk about.

As we wrap up, I just wanted to note that we're going to look to try and have this follow-up meeting on the DNS Abuse-related proposal at our next scheduled Membership meeting but we will confirm that. So that will be coming up rather quickly. But otherwise, I just want to thank you all for your patience and your careful consideration of what we talked about today. I look

forward to seeing you all over the course of next couple of days
or via Zoom. Thank you. We can end the recording.

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