ICANN Transcription
GNSO Council with the ICANN Board
Tuesday, 05 June 2018 13:00 UTC

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GNSO Council

Adebiyi Oladipo	Michele Neylon
Arsene Tungali	Pam Little, RrSG
Carlos Raúl Gutierrez	Philippe Fouquart
Cheryl Langdon-Orr	Rafik Dammak
Darcy Southwell	Rubens Kuhl
Donna Austin, RySG	Stephanie Perrin
Heather Forrest	Susan Kawaguchi
Julf Helsingius	Syed Ismail Shah
Keith Drazek	Tatiana Tropina

ICANN Board

Cherine Chalaby	Manal Ismail
	Lousewies van der
Chris Disspain	Laan
Avri Doria	Lito Ibarra
Becky Burr	Akinori Maemura
Sarah Deutsch	Matthew Shears
	Ron da Silva

On Audio only:

Tony Harris	Leon Sanchez	Akram Atallah

Apologies:

Marie Patullo   Ayden Férdeline   Erika Mann

Staff:

Theresa Swinehart	Michelle Bright
Vinciane Koenigsfed	David Olive
Wendy Profit	John Jeffrey
Erika Randall	Jamie Hedlund
Marika Konings	Franco Carrasco
Sally Costerton	Berry Cobb
Emily Barabas	Eric Evrard
Julie Hedlund	Steve Chan
Caitlin Tubergen	Nathalie Peregrine
Ariel Liang	Terri Agnew

Coordinator: Recordings are started.

Nathalie Peregrine: Thank you very much, operator. And good morning, good afternoon and good evening everybody and welcome to the GNSO Council with the ICANN Board meeting to discuss next steps following the ICANN's Board adoption of the temporary specification on Tuesday, 5th of June, 2018 at 13 UTC.

As a reminder, attendance in the Adobe Connect room is for ICANN Board members, GNSO councilor and ICANN Org support staff only. An audiocast is being set up for listen-only purposes and details of which have been circulated on the Council list and posted here in the top right hand pod in the Adobe Connect room should you receive any additional participation requests.

Please do remember to state your full names before speaking for recording and transcription purposes. It will be posted to the GNSO master calendar and circulated to Board support staff upon receipt. With that I'd like to hand

the call over to Cherine Chalaby, Chair of the ICANN Board of Directors. Thank you, Cherine, and over to you.

Cherine Chalaby: Thank you very much and good afternoon, everyone. I just want to say a few words, then I'll pass over to Heather to say also a few words, and then we'll hand over to Chris Disspain who will facilitate this discussion.

I understand that we have now almost 50 minutes because the GNSO has I think another meeting in about 50 minutes from now so we'll try and move as much as possible during those 50 minutes.

Just to go back to the temporary specification that the Board has adopted, the Board in its resolution resoled to consult with the GNSO Council as soon as possible on the path forward to consider the development of a consensus policy on the issues within the temporary specification. And we said in our resolution that the Board will consult with the GNSO Council about the expected scope of the PDP, timing consideration and relevant procedural requirements. So the meeting of today is part of that consultation.

And in preparation for today's meeting, Heather and myself have been exchanging emails in terms of what kind of questions we will have for this meeting and the agenda for this meeting. And the question fell into three categories, one is the scope; second one is timing and the third one is participation of other stakeholders.

I just want to say something and then – now about the – where we are. I think it is fair to say that we are, all of us, in uncharted territory and that we might not be able on this call to answer all questions and therefore a degree of flexibility is required. The GNSO is the manager of the PDP process and the Board does not wish to micromanage that process at all. In fact, our role is to be supportive of the GNSO and to be available for collaborative and collegial discussions as we go forward. And I hope that is the tone with which we will conduct our discussion.

With that in mind, I'll hand over to Heather. Heather.

Heather Forrest: Thanks very much, Cherine. This is Heather Forrest. Thank you very much to everyone for joining the call today, thank you to our Board colleagues for joining us for this discussion. So this really is, if you like, the next step on next steps for the GNSO Council following our May GNSO meeting, which took place on the 24th of May. In that discussion the Council determined that it was an appropriate time to begin to capture questions that we had, that arose in that meeting and then subsequently we've had a collection last week of – or an open document, if you like, of questions that could be raised today.

As Cherine noted, I circulated those to the Council and immediately after to Cherine a few days ago following a chance to compile them with Donna, Rafik and Marika.

So what you see on the screen in front of you today – and apologies, I should have noted it more clearly with the heading, for example, under Scope, under each major heading, the three buckets that Cherine has described you'll see three questions. Those are three questions that have come from the Board. Following that you'll see the heading there, Questions from the GNSO Council. And so we've seen – we have these on the screen. What I propose that we do is unless anyone has any questions from an immediate starting point, what we thought might be most helpful is just to work through these questions one by one.

The Board has had a chance to see our questions in advance, albeit not a huge amount of time so I'm appreciative of the Board for its patience here as we worked to get these together but there has been some time to reflect and perhaps seek answers on some of these questions. So I think if I can, you know, start us off by saying I think the purpose of this call ought to be questions that can be answered today, that's brilliant. Let's record the answers to those questions. We've got staff in the notes and action items pod

taking some very high level notes. We will have this as a recording that we can go back to later if you want to focus on a particular answer or so on.

Let's identify the questions that are able to be answered today, let's then for any question that's not able to be answered today let's identify who it is that needs do follow up work to answer that question and try and set a you know, a timeline for when that could be answered.

So that gives us a bit of a start and idea of what we want to aim to do today. And with that I understand Chris, you are willing to take us through the questions from the Board side?

Chris Disspain: Yes, thanks very much, Heather. This is Chris Disspain. Yes, I've got some notes that I can refer to as well and to try and deal with answering some of the questions as we go along. And I've not doubt that if I misspeak or say something that is wrong, others such as John and – will leap in and correct me.

It seems to me that a number of these questions, although we've split them into, you know, questions from the Board and questions from the GNSO, a number of these questions overlap and are in fact asking pretty much the same thing perhaps using slightly different words. And a good example of that is if you go to Question 4, under Scope, which is the question from the GNSO, and that is pretty much encapsulating what is set out in Questions, you know, 1, 2 and 3 from the Board.

So, Heather, if it's all right with you, perhaps we could start with addressing that question, "What's the intent of the EPDP?" The reference to the temporary specification as-is and making changes to reach consensus. And I can address that briefly if that's okay with you?

Heather Forrest: Chris, I think that's very helpful. And indeed, you've made a very good point to start us here which is to say that there is a fair bit of overlap in the

questions from the Council and the questions from the Board and, you know, in working with the Council leadership, we decided to – not to try and merge them, let's say, because it shows if you like, that both side are thinking about the same thing so by all means, start with 4.

Chris Disspain: Okay. Good, okay. Well again, before I do just let me echo briefly what Cherine said. I think the key to this is flexibility and understanding that as Cherine said, you know, we're in uncharted territory here and we really do need to work – we really would like to work collegially and flexibly with you. And I think you know, except that in some cases, you know, things are not set in stone now and we're going to need to deal with issue and problems when they arise.

Now the sort of – the simple straight answer – well perhaps not simple, but straight answer to the question about the PDP is that there – I think in our view there is room for various outcomes and those outcomes include confirming the approach in the temporary specification, which I suppose in essence is the as-is outcome but also outcomes such as developing a different approach than what's established in the temporary specification subject obviously to approach reaching consensus.

And thirdly, addressing additional issues that are not specifically defined in the temporary specification but for example identifying the annex to the temporary specification. And as Cherine said, it's very much in the GNSO's bailiwick to manage it but we will stand by to help in any way that we can to work collaboratively together.

John or anyone from Legal, do you want to add anything to what I've said about that particular question before we go to ask anyone if they've got any comments or questions on it?

Erika Randall: Hey, Chris. This is Erika Randall.

Chris Disspain: Hi, Erika.

((Crosstalk))

Erika Randall: Hi. I think maybe we can – if there are any questions we can try to help respond as well, maybe just start the conversation here.

Chris Disspain: Sure. So, Michele, surprisingly, his hand is up. Michele.

Michele Neylon: Thanks, Chris. Michele for the record. I think you left out one key thing around any outcomes from this; you said consensus, I would say it has to be legal. It doesn't matter a damn whether there's consensus if it's not legal.

Chris Disspain: You are completely correct and absolutely, that is an overarching caveat on everything of course. You can reach consensus on painting it blue but if blue is not legal then you can't paint it blue.

Michele Neylon: Thanks, Chris.

Chris Disspain: Anybody else want to comment at this stage? Donna.

Donna Austin: Hey, Chris. Donna Austin. So the way that you cast this, you know, the outcome of the policy effort could be same as the temp spec, it could be a different approach and it could consider the additional issues defined in the annex. One of the…

Chris Disspain: Yes.

Donna Austin: …potential challenges I see with that is that we're working to a 12-month deadline and the clock is ticking. So I think the scoping of this is going to be really important. And we may need to understand whether some of those additional items that actually appear in the annex, whether that should stay within the scope of the PDP or discuss whether there's another way to do

that. So I'm just flagging that because of the timeframe that we're working to. We may have to slice and dice this a little bit differently than putting it all in the one effort.

Chris Disspain: I completely acknowledge and accept that. I think that's right. And in fact I'm not trying to move off Question 4 but it takes us relevantly to Question 6 which talks about what happens if we decide to modify the temporary specification etcetera, which is kind of what you're saying, right? And I think that, again, that goes back to the flexibility point. So I'll give you some examples and I want to stress that they really are just examples, right?

If we – if there's an amendment to the temporary specification, what needs to happen is going to be largely dependent on the facts and the circumstances at the time. Clearly, the timeframe is relevant; an amendment, in Month 1 may be – could be perhaps differently dealt with or treated from an amendment in Month 10 of a 12-month process.

Secondly, the type of amendment could also – could also be – govern how it's dealt with. So as an example, something that is new might trigger a second temporary specification which in turn would then trigger a bylaw-mandated process. Equally, something that is not new, that is an adjustment of something that's already in the temporary specification may be dealt with within that existing PDP.

What I think it would be great for us to be able to get to is to agree that we need to be flexible and none of this should be set in stone and that if those things arise, we will discuss with you what the best way of dealing with it is and recognize at the end of the day you're the manager of the process and you get the final say. Does that provide a little bit more color and depth and is that in any way helpful?

John Jeffrey: And this is John Jeffery; I just wanted to add one thing to that.

Chris Disspain: Go ahead, John.

John Jeffrey: I think it's also – I think that also is important to balance in that we do not want to use the temporary specification tool unless absolutely necessary.

Chris Disspain: Yes.

John Jeffrey: So although you're contemplating a possible amendment, we would only do that in the condition where there was something extraordinary that we needed to add based on the community and Board discussion.

Chris Disspain: Thanks, John. Donna, did you want to come back on what I've said?

Donna Austin: Yes, quickly Chris, just to respond. And I think Keith has picked this up in the chat. So I think the point I was making was that it's important to get the scoping right before we start and I think what you're talking about is the potential for modifications downstream. So I think…

Chris Disspain: Yes.

Donna Austin: …the point I was trying to make is that, you know, it's important that when we scope this we understand what is going to be discussed within the PDP itself but there may be other issues that are discussed that aren't within the PDP, there may be other ways that we can have those discussions. So that was the point I was making. So it's…

((Crosstalk))

Chris Disspain: And I agree with that.

Donna Austin: …on a similar path but slightly different.

Chris Disspain: Yes, I agree with that. Okay. Anyone else before we – I move down the list of questions? Okay. So Question 5, we – is one of the ones that we can't respond to today. It's something that needs to be discussed and I can't really add anything else to it other than that. John, or Erika, did you have anything you wanted to say about Question 5 before I move on?

Erika Randall: Nothing from me, Chris. Thank you.

Chris Disspain: Okay all right. But Heather, I think that's something that we can and will discuss and can get back on. Number 6 is the, you know, what happens if we modify – taking John's point completely which is not something that we would be doing unless we had to. So an example of why we might have to is, you know, clear guidance received from DPAs indicating that a change to the temporary specification is required.

                    Heather, I've see your note, I'll get back to it in a second. So I think really it is a case of being flexible about that and I'll happily open that up for any further discussion if anybody wants to talk about Question 6. Donna, is that your hand again?

Donna Austin: Yes it is. Sorry, Chris.

Chris Disspain: No, don't be – don't apologize, it's fine, I just wanted to make sure it wasn't an old hand.

Donna Austin: Yes, I think with regard to Number 6, while I understand the need for flexibility, I think we need to have some boundaries around it before we get started on this, otherwise we'll get into arguments at the time you know, that well, no, we don't agree that that's the way we should go forward or that's the way we should treat this. I think the more that we can agree up front before we kick off this effort the better it's going to be for everybody, so it gives a little bit of clarity particularly to the PDP working group itself about what would

need to happen in, you know, a circumstance where the, you know, the Board does replace the temporary specification with something new.

I think we need to understand that going in; I don't think it's something we want to have a, you know, a very long discussion about midcourse. So I think the more that we can reach agreement before we kick off this stuff the better it will be for the PDP working group itself.

Chris Disspain: Understood, but I assume you would appreciate that if you take John's limited overarching caveat that if there's a legal reason that there needs to be a change, it would be pretty hard to not deal with that, I would have thought.

Donna Austin: Yes, Chris, yes, I get that. What I'm saying is that before we kick off this effort we need to understand that if there is a change for a legal reason, what implication is that going to have on the PDP? So I'm not saying we would ignore it, or we wouldn't do it, or, you know, nothing would be done about it, I'm trying to you know, make the point that before we start any of this we understand what we're getting into. We understand that it may be possible that the Board for legal reasons, will change the temporary specification as it is so what's the ramification for the PDP?

We may not know what the substance is but I think from a procedural point of view we could, you know, provide some guidance before we kick this off.

Chris Disspain: Okay. I'm not sure how much detail you want to go into and I'm conscious of the time. But my response to that would be, yes, but doesn't – it does depend, does it not, to some extent, on the facts and circumstances at the time? So to take a specific example, if it's something that could lend itself to an amendment to the existing temporary specification, or could lend itself to being dealt with in the set temporary specification, bearing in mind all of the stuff that John has said about not wanting to overuse the temporary specification and only using it in circumstances where it really is warranted, the results of whichever way you choose to deal with it are different because

if you deal with as a change to the existing temporary specification, then the question arises to whether that extends the time or doesn't extend the time that a PDP runs.

And if you deal with it as a separate matter, then it's a separate PDP. And I note in the notes that you – that we've got, you know, you guys don't want to be running more than one PDP. So that's what I'm saying about, you know, dealing with it at the time. That doesn't mean that we can't agree with you what all of the possible alternatives are but they're still all going to be possible alternatives rather than having something set in stone.

Donna Austin: Right, correct.

Chris Disspain: Okay good.

((Crosstalk))

Chris Disspain: I think we're on the same page. Okay. Before I go to Stephanie, I've got – there was a couple of – Heather, did you have – your hand was up and then it went down again, did you want to say something?

Heather Forrest: No, Keith, thanks, I've put a comment in the chat to keep us moving, thank you.

Chris Disspain: Okay. Stephanie.

Stephanie Perrin: Apologies for the delay…

((Crosstalk))

Stephanie Perrin: …in unmuting. Can you hear me?

Chris Disspain: Yes we can.

Stephanie Perrin: Lovely. Stephanie Perrin for the record. I just wanted to clarify because this is exceedingly confusingly, our way forward. And it's nobody's fault, it's just parallel tracks and the incompleteness of the sets of issues in my view. So the way I see this, we have issues that are caught within the temporary spec that to which we may wish to add other issues as we encounter them in going through this. We have issues that were not included in the temporary spec but which are necessary in a Whois policy.

And then my question is, if they loom to sort of critical mass during this process, then the procedural issues that Donna just discussed arise, do we park them in another later PDP or do we try to work them into the temporary spec and what's the procedure for that? And then we have matters that are in the category of the picket fence, inside or outside, which are – which certain parties do not want to have either in the temporary spec or in a PDP policy.

So I see three sort of areas where we're going to have issues arising. And I guess a lot of us have a concern that if they become – reach a critical mass, let's put it that way, that they might just get tucked into the spec. So the question of having a parking lot as another PDP does arise.

Chris Disspain: I agree it does…

((Crosstalk))

Stephanie Perrin: …without a mechanism. Yes, without a mechanism to say, okay, that's going over to the other PDP and I share Michele's anxiety over starting another PDP, you know, I think we all feel this way. But I think if we just say in or out, well they're all going to get dragged in. And I cannot see us finishing under those circumstances. Thanks. Just wanted to raise that…

((Crosstalk))

Chris Disspain: No, I agree and I think it's – I agree and I think it's a very relevant to the
                    discussion that needs to be had if it arises. And Michele, I noticed a question
                    in the chat about the list of policies and contractual clauses. That is Question
                    9 on your scope sheet. And the answer to that is that we are – ICANN Org is
                    in the process of preparing a document and it's expected to be out pretty
                    soon that shows areas of the existing agreements and the consensus policy's
                    change as a result of GDPR. So that should answer your – I think that's what
                    you're referring to earlier on in a question in the chat and I think that answers
                    it. But your hand is up so away you go.

Michele Neylon: Thanks, Chris. It sort of does. I mean, there's two parts to this. One part is
                    with respect to the scoping of any policy development process around this.
                    We need to know which policies we're dealing with specifically because
                    otherwise you're going to end up in a situation where you have a ton of
                    policies written, sitting in different silos and then you have another
                    overarching policy that changes them but it's not clear that it does change
                    them, if that makes sense?

Chris Disspain: Yes.

Michele Neylon: Specifically within the contractual clauses, for those of us who've lived
                    through various parts of the post-2013 RAA, there were, how can I put this
                    diplomatically, issues around interpretation of certain clauses within those
                    contracts. So some of us ended up spending a inordinate amount of time
                    debating interpretation of certain clauses which wasn't a particularly fruitful
                    use of anybody's time.

                    So being able to say clearly, you know, clause, whatever clause, subsection
                    whatever, in the 2013 RAA or in the standard Registry contract, is modified
                    by this or suspended means that, you know, we're done; there's no further
                    conversation around that, it's clear and nobody ends up wasting time around
                    this because otherwise I can see a situation where third parties either come

to ourselves or to ICANN Org demanding certain rights that no longer exist because certain things have been suspended. Thanks.

Chris Disspain: Okay. Thank you. Does anyone, given that the document that I referred to is being prepared by Org, does anyone want to – in ICANN, John or Erika, want to refer to that and respond to what Michele has just said?

Erika Randall: Hi, Chris. This is Erika Randall. Michele, you're kind of making sense to me and I think that's the path that we're going down so I would ask that, you know, once we produce the document if you have questions or what have you then please let us know because our intent is to try to clarify and be helpful to address those kind of comments.

Chris Disspain: Yes, so, Erika, Heather is quite fairly asking in the chat, "Is there a timeline to produce that document?" Can we get some indication of when it's likely to be there? Because I think it's clear that as Keith is saying, it'll be extremely helpful for the Council in dealing with its scoping question so the sooner that they get it the better. Do we have a clue as to when they – we'll be able to get it out to them?

Erika Randall: Can we follow up after this call on that point to clarify that timing?

((Crosstalk))

Erika Randall: Okay.

Chris Disspain: Let's – yes we can but can we agree to follow up within a day?

Erika Randall: Yes, no problem.

Chris Disspain: Okay cool. Thank you. All right so unless there is a – so, Keith, I think that would – if we can at least tell you by, you know, this time tomorrow when the document is ready and if perhaps Org, Erika, you guys could bear in mind

that there is a Council meeting a week from today and that it really – you know, every day that goes past is incredibly important from the 12-month point of view. So it would be really useful to get that information out to them – to the GNSO as soon as possible. Okay? Good.

I'm going to move on to – Question 7 is effectively sort of the same as Question 6 in the sense of timelines, etcetera. So let's go then to 8. "The temporary specification covers a number of additional policies that go beyond the requirements of the RA and RAA as it relates to RDDS. How does the Board believe the GNSO Council should handle these areas of overlap?"

Well so my answer to that is, well, what do you currently – sorry, it's not an answer it's a question, what do you currently do when this happens? It must happen in existing PDPs. How do you normally deal with it? Does anybody want to have a go at tackling that question? Heather.

Heather Forrest: Thanks, Chris. Heather Forrest. Look, I think we're in – to use Cherine's words, we're in uncharted territory herein the sense that we're working off the temporary specification so this is a bit different than the situation where a PDP identifies issues that would fall outside the scope of the RA and RAA and can effectively park those. It's not really clear to me and maybe others, are we in a position to park things that are sitting in the temporary spec that, yes, because they're sitting in a temporary spec, are they able to park them? I'm sorry if that's a bit convoluted but that's my thinking.

Chris Disspain: Sorry, did you say – I'm not – I was struggling a bit to hear you. Did you say if they're in the temporary spec whether you can park them?

Heather Forrest: Yes, in a sense that when something comes up in a PDP, and you identify it as outside of scope, you can put it to one side and say, you know, that's for the parties involved to determine; that's for operational decision making. Here if something is sitting in the temporary spec and the scope of the EPDP is to

deal with what's in the temporary spec, I think that's where this question is originating from. And Michele has his hand up…

((Crosstalk))

Heather Forrest: …so he might be able to offer a particular contracted party perspective.

Chris Disspain: Excellent. Thank you, Heather. Yes, Michele, go ahead.

Michele Neylon: Thanks, Chris. Michele again for the record. So for example in the temporary spec there are, for example, references to SLAs around – I'm going to get the acronym wrong, but RDS services, all that kind of thing. There are a few other things within the temporary specification that if this was a standard GNSO PDP we would go, that's an implementation matter, not a policy matter.

Chris Disspain: Right, so in my simple mind then, there's something in the temporary specification which is not policy and therefore you just don't need to worry about it, it just gets dealt with an – sorry, an implementation. Is that what – that's what you're saying, yes?

Michele Neylon: Sort of. I mean, I'm not trying to get into a kind of religious argument about picket fences and all that because that's not really an area I'm particularly comfortable with. But in simple – there are certain areas within this which are very, very clearly, you know, this temporary specification overrides exiting policy.

Chris Disspain: Yes.

Michele Neylon: And I don't think anybody's disputing that. There are other areas of that which are very, very much operational and, you know, some of the things, for example, might operationally be problematic where if you're trying to follow the letter of what is actually written in this, which is why you would deal with

them in an implementation whereas in the policy you would say, you know, be a good person. I'm using a really simplistic example – simple and horrible example. In the implementation you would specify how you – what you consider good to be. You know, I know you understand what I'm getting at.

Chris Disspain: I do. I do. And it's a – it's an extremely good question which I think we've explored as far as we can and another one we need to add to the list to take offline and either discuss it some more or respond when we've had a chance to think about it. Can I just put that – can I park the parking question and…

((Crosstalk))

Michele Neylon: Yes, Chris, I think in some respects it again goes to this question that I've raised a few times now around the scope because in scoping it in terms of the policies and everything – and contract clauses that would possibly help to highlight these things that are kind of off to one side. They need to be addressed, we're not saying that they don't, but whether they need to be addressed here or not is the question.

Chris Disspain: Okay. Fair enough. And I acknowledge that that needs to be dealt with. Nine we've talked about. Ten, I mean, the straight answer to 10 is we would explore with you other ways forward. I mean, clearly absent another way forward, then there are things that automatically occur at the end of the 12-month period. The temporary spec doesn't become consensus policy; the registrar or registry operator is no longer required to comply with it and so on.

But if – I think our view is that if we look at periods of time throughout the process when we assess with you how we think it's going, how you think it's going, where you think you're headed, we would try to explore and find ways forward that would enable the, you know, if more time is required that would enable more time to be had.

I'm conscious that that is not a definitive answer but I'm afraid it just goes back to one of those things that we talked about before, which is about not necessarily, you know, dealing with the issue as and when it arises in a sort of collegial and flexible way. Anyone want to comment on that before – Keith, your hand is up.

Keith Drazek: Thank you, Chris. And thanks very much for that response. I guess my take away from that – maybe just to summarize briefly is that, you know, we have a 12-month period, you know, 90-day increments of a 12-month period to try to get as much work as we can get done. But the reference to flexibility I think is important because in my view this is our opportunity to get this right and that we need to be, you know, cognizant of that opportunity and not necessarily rush unnecessarily to do things in a haphazard way.

And I think that goes to the discussion around the chartering and the scoping of the group, however it's constructed, and to make sure that the group is focused in specific areas, narrowly scoped as possible and then we have a clear timeline and path forward. But I do think it's very helpful to understand that there's some potential flexibility in working between the Council as the managers of the policy process and the Board to identify any risks of time pressure. So thank you very much for that response.

Chris Disspain: Thank you. I want to just say something – speaking entirely personally now and I've got no clue whether others will agree with me or not. But the only thing – the only caveat or flag I would raise what you've just said is simply to say that the longer time that's involved, the more outside pressures exist, and the more likelihood there is of decisions being taken out of our hands; our hands meaning ICANN's hands.

And so I completely acknowledge what you've said and you were responding to what I said and yes, that's correct. But I do think we all need to be conscious that if we want to control this process and we want to control at least to some extent the outcomes, we do need to operate in a timely way

albeit that we may need more time than 12 months. Does that make sense to you, Keith?

Keith Drazek: Hi, Chris. Thank you very much. Yes it does. Thanks, very much. Completely agree with your point about the risks and the outside pressures so taken on board. Thanks.

Chris Disspain: Okay. I'm going to move on, conscious that we've got 10 minutes to go. Unless anybody has another comment or question? Okay, so where are we at, 10, 11, 12 – 11 and 12, I'm going to tie those two together. These are the legal action ones that we, you know, the legal action involving EPEG and so on.

I think the straight answer to that is that we all recognize that the ongoing discussions and pending court cases may have an impact on issues. But it's important to recognize that the PDP itself or the EPDP if that's what you decide to have, is not expected to deliberate on those issues other than to – unless they're reflected in any modifications that need to be made.

So I guess the interface with any legal action is limited to a finding that requires – a finding that requires us – I'm hearing a really bad echo right now. Thank you whoever just turned back onto mute. Finding in the legal cases that require us to make a modification to the temporary specification but otherwise there isn't really much of an interface between the legal action and the EPDP.

On timing, the key question you've asked on timing is Question 4. And I can just give you the straight simple answer is that the one-year period refers to the period of time for which the temporary policy is adopted and that in this case is the 25th of May and so therefore the one-year period for the consensus policy development process would end on the 24th of May, 2019.

And in answer to the Board's questions above that, in respect to timing, it's up to the GNSO Council to start the PDP whenever they choose to do so. There is nothing, I'm guessing, to prevent them from waiting until January of next year to start the PDP. The key timeline is the 24th of May, 2019 being the timing which the temporary spec is – expires. But there's no specific timing in respect to a policy development process. I think that's basically correct.

John and Erika, have I covered that properly?

Erika Randall: Yes.

Chris Disspain: Good. Thanks, Erika. And then we go to 5, which is the question about, again it's a question about modification. And I think we kind of covered that. I'm going to, you know, just to briefly repeat, it really does depend on particular set of facts and circumstances at the time. And perhaps I can take this opportunity to say that one of the things that – if it's not already obvious, you know, we really do want to continue to consult and we're happy to do that in whatever way you find easiest.

That may include appointing the liaison to the PDP working group, it may include having a small Board caucus liaising directly with you. It really is a matter – we really are keen to be involved and to help in any way that we can without seeking to impose views. So we're open and flexible to do this in way that you feel comfortable.

In respect to 6, which is the question on the process as the temporary policy is only valid for 90 days. Sorry, Heather, I've just seen your hand. Go ahead.

Heather Forrest: Thanks, Chris. A comment and a question. The comment is in relation to the ongoing involvement of the Board and you see that's a question that we've added to the Board's questions in relation to other participants in the next bucket.

Chris Disspain: Yes.

Heather Forrest: And I do think that it's a good idea that we – that we further some thinking there in a sense of a concern for me, and I'll say I've specifically added that question to the list.

Chris Disspain: Yes.

Heather Forrest: A concern for me is that the Council goes down a path and without that sort of instant consultation, particularly in an environment where we're thinking about changes to the temporary spec along the way, the sooner – the clearer those lines of communication are, the, you know, the quicker that sort of feeding information back and forth can be, I think that's going to be helpful. But that leads me to my question, Chris, you know, in relation to 5, you said of course it goes without saying that you'd like Council, you know, you want to consult. What does that mean?

What it comes to the decision of whether or not to, let's say, restart the clock or have a new, you know, how this is designated, what do you have in mind when you say of course you'd like the Council to consult? Does that mean the Council, weighs in to some sort of decision making process like mechanically how do you see that happening? Thanks.

Chris Disspain: Thank you. You are actually coming at it from the other side the way I was. I was talking about us helping, you know, consulting with you and providing input to you if you needed it from us in respect to the PDP. What I think you're asking me is how we would expect to consult with you if we had to take some decisions. And I think the answer to that is pretty much the same which is that, you know, we would liaise, we would talk, we would speak to the various parties and we would take all of that into account before we made a decision.

If you feel that it would be helpful for us to do that in a particular way or you feel that some sort of structure would be useful for that, then that's fine. We can – we'll certainly, you know, be as flexible as we can and provide that you know, if you think that's the best way forward.

In respect to what you talk – in respect to your comments about other parties, I think really the same thing really applies. You've mentioned the participation of the GAC, etcetera, and how will they participate? Again, I would encourage us all to sit down and talk it through. I know Manal is on the call and is, you know, happy to facilitate discussions with the GAC and take steps again that are flexible and haven't been done before.

So for example, you know, maybe actually getting some interested and well briefed GAC members to liaise directly with the PDP in the same way that they did way back when we did the IDN fast track. There's all sorts of possibilities and I'm – we can't answer them on this call but I think what's important is that we agree to open up the channels of discussion and acknowledging that you're in charge, it's your PDP, you know, have everyone else stand ready to step in and help in any way that they can.

Back to you, Heather, if you want to comment on that.

Heather Forrest: No thanks, Chris. Old hand. Thanks.

Chris Disspain: Okay. We're coming to the end. I'm conscious you guys have got another call so just on the – to go back to 6, the way that we will deal with it is to – we'll hold meetings at 90-day intervals or obviously slightly before 90-day intervals and review prior to each meeting whether there's any new guidance, which may mean that we need to make changes but as we've acknowledged that's not going to be very common. And then we will – we will renew the temporary specification for a further 90 days.

So we're putting in place a necessary logistic step – logistical steps to make sure that we don't miss deadlines and that we get stuff done when we need to. And obviously changes may need to happen outside of that cycle so it's not impossible that you could find a situation where there has to be a change to the temporary specification outside of the 90-day cycle if there is urgent – an urgent change is required. Again, very unlikely but just flagging it for you so that you know it's there's a possibility.

And Question 7 under this one is the same as the previous question about what do we do if we're out of time as the one year and we've already discussed that and that was the subject of some exchange between me and Keith. Then that takes us down to participation, which I think we really have already covered. So I'm tempted at this point, given that we've only got a few minutes left to stop and hand it back to Heather and Cherine to close up, other than to say just in finishing that, I think obviously if we need to have further discussion, if more discussion would be helpful, either the full Council and the full Board or groups thereof, very happy to facilitate that if necessary.

Cherine, Heather, back to you.

Cherine Chalaby: Heather, first. Heather you say summary points and then I'll say something in closing.

Heather Forrest: Thanks very much, Cherine, and thank you very much, Chris, for your able handling of, you know, a long list of questions in a short amount of time. What I suggest that we do, we've got some notes from the meeting today, tried to record specifically going back to the point at the beginning of the call, where questions need to be followed up and by whom. And I will continue, I'm sorry, to push the point about timeline for follow up as well so I think let's go over our respective notes for this call, work together a bit of a task list and that may well include from either side – and I wouldn't say that, you know, it's one or the other, from either side a request for further calls.

So let's be mindful of the fact that Council is holding an extraordinary meeting next Thursday, that extraordinary meeting is being called purely for the purposes of discussing the things that we're talking about now. And then our next Council meeting after that will be in Panama so that's our timetable. Thanks very much. Cherine, over to you.

Cherine Chalaby: Well thank you – thank you, Chris, for facilitating this call. And thank everybody for attending. I think the tone and the spirit of the call was very collegial and I really appreciate that. I acknowledge there are challenges ahead, this is not going to be easy. And as Keith and Donna and others mentioned, some flexibility is required. And we really (found the point that we see the GNSO as the manager of the PDP. Our job as the Board is to stand ready to support the GNSO and looking forward to opening a line of communication so that we're available to answer any questions in a spontaneous and responsive manner.

With that, thank you everybody. The meeting is closed. Thank you.

Nathalie Peregrine: Thank you very much, everybody. This concludes today's meeting. Operator, you may now stop the recordings and disconnect your lines. Have an excellent rest of your day.

END