ICANN Transcription
GNSO Temp Spec gTLD RD EPDP – Phase 2
Thursday, 21 November 2019 at 14:00 UTC
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TERRI AGNEW: Good morning, good afternoon, and good evening and welcome to the GNSO EPDP Phase 2 team meeting taking place on the 21st of November 2019 at 14:00 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you're only on the telephone, could you please identify yourself now?

Hearing no one, we have listed apologies from Amr Elsadr (NCSG), Brian King (IPC), James Bladel (RrSG) who by the way is on but he's listed as an alternate, Greg Aaron of SSAC. They have formally assigned Stefan Filipovic, Jennifer Gore, Sarah Wyld, and Rod Rasmussen as their alternate for this call and the remaining days of absence.

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

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

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

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing or hearing no one, if you do need assistance, please email the GNSO secretariat. All documentation and information can be found on the EPDP Wiki space. Please remember to state your name before speaking. And as a reminder, to mute when not speaking. Recordings will be circulated on the mailing list and posted on the public Wiki space shortly after the end of the call.

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

JANIS KARKLINS: Thank you, Terri. Good morning, good afternoon, and good evening, team members. Welcome to the [30th] call of the team. Agenda of today—proposed agenda of today—is on the screen. It was amended as suggested by Marc, adding element or agenda Item 4 to the agenda. So my question is are we in a position to agree that this is the plan for this call of two hours?

Seeing no objections, we will follow the suggested agenda.

So last Tuesday, there was a meeting of legal committee, and if I may ask Becky to brief us where we are with the work in legal committee. Becky?

BECKY BURR:

Yes, thank you. Good morning, everyone, from Washington. We had a call on Tuesday of the legal committee. We have worked our way through most of the tier one questions. We have a couple of small points that we are going back. We gave ourselves from homework with respect to reviewing the updated jurisdictional guidance that was issued by the European Data Protection Board and we have started in on the tier two questions working our way through those.

We also have … We are closing in on finishing up the summaries of the answers to the legal questions received so far. Our hope is to finish that up—the summaries up—over email so we can circulate these to the full group and then also, with respect to the questions that we're finishing up, those would come to the full working group for consideration. It would just be a recommendation from the legal team that those questions that we're closing in on be asked.

JANIS KARKLINS:

Could you tell when that might be? After your next call or before that?

BECKY BURR: I think that we would need one more call, just to reach closure on it, but my hope is that we will get most of the work done on the email list prior to the call. We'll take the call to just confirm everything and then hopefully the recommendations and the summaries would come over at that point to the full EPDP.

JANIS KARKLINS: Okay. So that means in two weeks' time from now.

BECKY BURR: Yeah.

JANIS KARKLINS: So thank you. Any questions to Becky or members of legal team, legal committee? I see none. So then let's go to the next sub-item, status of building blocks.

So as you see, we still have a few blocks to consider. I'm still hopeful that by mid-December we will be able to see this table in much greener light than now. Of course, that depends on us, how flexible and how diligent we will do our homework in order to proceed with our discussion. So thank you for displaying this table.

And if we can go to the next. And that would be agenda Item 4 on communications that the team as received both from ICANN Org on my email containing questions that team had put together but did not agree to submit them as a team, edited on my own behalf.

Then also a response from the Board came to our team's letter which dated on October 10. Marc was specifically requesting to put that on the agenda to have a conversation about these inputs. It was also suggested that maybe staff liaison could briefly talk about response from ICANN Org and one of the Board liaisons could speak briefly about the letter from the Board. So let me see who from the staff liaisons would be willing to speak. I see Lisa. Please. Lisa, you have the floor.

[LISA]:   Hi, Janis. Thank you. And hi, everyone. Sure. I'm happy to speak to this response a bit. I'm sure you've all read it, but I'll just give some of the high-level points.

So, as noted, we received your questions, and given that it was so close to when the so-called Strawberry paper would be published, decided to share our answers with you after that to kind of emphasize some of the connections between your questions and the answers that we thought were reflected in the Strawberry paper.

So, obviously, the paper goes into much greater detail on some of the questions and the answers that we've provided in this response. But I just wanted to highlight a few things from it.

As we've mentioned, as [Elena] discussed with you in Montreal, the model and the paper is focused on two goals. One is to centralize the decision-making power over an access request and also to promote a more consistent and predictable user experience. So the goal behind a unified model is to have one set

of standards that's applied relatively equally in making the decision requests.

Obviously, we recognize that this is just a hypothesis. It's something that we put together so that we can formulate questions that would go to the European Data Protection Board. Ultimately, any model of policy recommendations will of course have to come from this team.

Then I could highlight a few points from some of the questions. I don't want to take up too much of your time because I know you only have 20 minutes allocated for all of this.

But in terms of the replies for the questions, on the first one, we talk about … The question asks about fielding requests for non-public data. So we described the central gateway role from the Strawberry paper and how that would be delegating the function to other parties and how the system would break down into different pieces of authorization, identity providers, and so forth which hopefully you'll see some parallels with the recommendations that this team is making.

The other area I wanted to highlight for you had to do with Question 4 where it talks about the responsibility for this decision. One thing we wanted to highlight in our responses to you are the various decision points that we talk about in the Strawberry paper. So the identify provider's decision, the authorization provider's decision, gateway operator's decision, and then of course the contracted parties' decision as well.

So the gateway is a conduit among all of these different actors and their different decision points along the way. What we're trying to determine is where the responsibility for access lies, where that decision might be made.

I think that's probably enough of an overview. You can obviously read the whole thing. I'm happy to answer any questions.

JANIS KARKLINS: Okay, thank you very much. On the Board response, who will be commenting or that or introducing [that]? Becky?

BECKY BURR: I'm happy to do that.

JANIS KARKLINS: Yes, please. Please go ahead.

[VICTORIA SHECKLER]: And Chris, please jump in. The Board was happy to respond to those questions. Our questions were focused and organized around the Strawberry Team's UAM model which, from the Board's perspective, is a critical piece we've heard from law enforcement, from the GAC, from many, many others inside and outside of the ICANN community that having a predictable and reliable experience in terms of both requesting and receiving responses for registrant information for those with legitimate interest is critical and we think this is a major issue to us.

That really means that decision-making with respect to responding to requests, and in this case it would be decision-making arrived at by applying community developed policy, needs to be centralized so when we talk about a centralized model, we're not just talking about a system but centralizing decision-making to the maximum extent possible and relieving and ensuring what follows with that would be that responsibility for the decision-making would lie with the centralized decision-making body, thereby minimizing to the maximum extent possible, if not entirely possible, exposure of contracted parties with respect to the decision to release registrant data in response to a request.

The Board obviously has not reached any final conclusions on this. I don't think that an indemnification system is reasonably on the table. Having said that—and of course subject to the input that we get from the European Data Protection Board—the Board is not adverse to having ICANN play the role of making the centralized decisions, or if possible, arranging for somebody else to be in that role if that's possible. Just personally speaking, that seems unlikely, but we can't rule anything out until we know the final model.

So I think the bottom line here is that the Board wants the community and the EPDP to understand that our preference is for a model that centralizes decision-making in a way that inoculates contracted parties from liability to the maximum extent possible, and if it's appropriate, for ICANN to be in the role of the centralized decision maker, obviously subject to seeing the final model. That is something that the Board is prepared to do. Chris, do you want to add anything?

CHRIS DISSPAIN: I think that pretty much covers it. Thank you. If there are any questions, obviously we can [answer those].

JANIS KARKLINS: Thank you, Becky. So there was, on the chat, a request that we talk initially about the ICANN Org response and then about the Board response. So let me suggest that we do as requested. I see a number of hands up. Sarah first. Alex, then Alan Greenberg afterwards. Sarah, please go ahead.

SARAH WYLD: Good morning. Thank you. This is Sarah Wyld. I'm with the Registrar Group. Yeah. I want to go back to this letter from ICANN Org to Janis. We've heard with both of these responses here about the disclosure decision being made by applying community developed policy.

I think it's really important to recognize that we are missing key fundamental aspects of how to arrive at that decision. I've seen comments from several of our colleagues in meetings and in various buildings blocks pointing out that we don't know who will make the disclosure decision.

We've been very focused on aspects of responsibility or liability which is of course crucial but also, if we can scroll up a little bit to the last paragraph of question three, and here where it says the entity would be responsible for evaluating a given query and the identity of the requestor against the community-developed policy-

governing access, what part of the work that we have done actually determines what information is given to different people in different circumstances? That's not one of our building blocks. We talked about it in use cases but we consistently had caveats that it depends on the request, it depends on the requestor, on the circumstance, the legal basis.

All of these aspects of the decision have to come together and be made as one holistic review. And I'm just not sure that the work that we have done as a team yet gets us to the point where that decision can be appropriately made. So I think we all need to just recognize that and there might be further work that we need to do to allow any kind of standalone system to be able to perform that function. Thank you.

JANIS KARKLINS: Okay. Thank you, Sarah, for your comments, though I think we had a conversation on the building block on the purposes that we need to still finalize. It might be one where these things could be answered, and certainly the only—at least in my understanding— the only base for disclosure is provisions in GDPR, ultimately. Let me take further requests. Alex Deacon followed by Alan Greenberg.

ALEX DEACON: Hi. Good morning. I just wanted to make a comment about both letters. I think all of this is very interesting but I'm not too sure it's going to help us move the ball forward because I think we still find ourselves in a chicken-and-egg situation. Both letters require input

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or depend on input we will soon receive, hopefully, from the European Data Protection Board.

So while we could have these discussions about centralization and who the deciders are—and I agree with Sarah. These are fundamental questions that we must answer. It sounds like both of these letters aren't really committing to a decision until we hear back or get some input from the European Data Protection Board. So I'm not too sure how we could get past this issue until we get some type of feedback from the European Data Protection Board.

I guess that really kind of suggests two options around the table. Either we wait and hope we get the answers that we—hopefully get some answers from the European Data Protection Board that will set us on the right path or we as a group decide and agree to a model based on the information that we have today which may be flawed. I'm not feeling that we're really in a great position even after these letters from both the Board and Göran. So I'm not too sure how we move forward there. So that's my main concern. Thanks.

TERRI AGNEW: Janis, if you're speaking, you're muted.

JANIS KARKLINS: Yes, thank you very much, indeed. I muted myself, not to make a unnecessary noise. Alex, let me ask you a question. On these two letters suggest that if a European Data Protection Board will validate the hypothesis upon UAM is based, then ICANN Org is ready to take responsibility of central gateway and decision maker

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on disclosure? Or my reading is different from yours. So I don't know. Alex, do you want to react immediately or you will let…?

ALEX DEACON: Yeah. In the letter from Göran, it says should the EPDP recommend such a model and it is permissible under the GDPR, ICANN Org is open to performing the role of the central gateway.

JANIS KARKLINS: That is clear.

ALEX DEACON: Yeah, well, that's right. But is it permissible under the GDPR? What is our plan? Are we going to assume that's the case? And then similarly in the Board letter it says the main assumption of this model is that it would be legally compliant under GDPR. So again, if we're happy to take the leap of faith and say, yes, it is, then we can move forward, but it sounds like we're not. Maybe I'm wrong. I'd be happy to be proven wrong. [That would be great.]

JANIS KARKLINS: No, no. At least we will know whether it is permissible according to GDPR or not, and then we will factor in in our own conversation. Or if it is not, then we know that this is not an option and then we will discuss it further accordingly with that knowledge.

But let me take Alan, Milton, and Marc Anderson, in that order. Alan Greenberg, please go ahead.

ALAN GREENBERG: Thank you. I guess I'm on the same general area, but I look at it from a different point of view. If you look at the model that was proposed and the one referenced in the document to the Data Protection Board, they talk about authorization providers as the entity or entities that make the decision.

Now if the Data Protection Board comes back and says, no. No one can make the decision except the contracted party or something akin to that, then the contracted parties are de facto the authorization providers. We still are building the centralized system, but clearly the authorization will be done by the contracted parties since they've already said no one else can take over.

If they say someone else can take over, then we have a situation where for some class perhaps, just as it says in the authorization block that we're going to be working on today, that if there are some classes of request that can be fully automated, then ICANN as the entity running or subcontracting or contracting for the SSAD will make that decision and take the responsibility for it.

So really the question comes down to, is there going to be an opportunity for ICANN to be the authorization provider for some cases? In that case, yes, exactly. We have to make the kind of decisions and policy choices that Sarah's talking about. To what extent we want to make those policy choices when the contracted parties are the provider, that's something we probably don't have full control because if they have responsibility, they're going to

have to decide to some extent anyway how they make those decisions.

So that comes down to my real question. In Question 5, ICANN ducks the answer and says the authorization provider will make the decision and the authorization provider has the responsibility. The question is we didn't ask the question worded in the right way. It is implied that if ICANN is able to be the authorization provider in some cases, are they willing to take the responsibility. And the other answers imply the answer to that is yes but doesn't quite say it. And I think that would be useful to make sure that ICANN is willing to be the authorization provider if we can provide policy guidance in this PDP as to in what cases it should do so. Thank you.

JANIS KARKLINS: Thank you, Alan. Milton, please?

MILTON MUELLER: Good morning, everybody. First of all, I want to thank Becky and the Board for finally, finally, finally giving us a relatively clear statement on their willingness to take responsibility for making the disclosure decision. This does, in fact, help us to move forward.

I'm still, however, disturbed at the extent to which the UAM model is being used as a touchstone for all of these decisions. Many of us objected to the formation of the technical study group and it's UAM model on the grounds that it would preempt policy decisions that were supposed to be made by this group, and we keep seeing that happening.

So the I think embedded assumption in the request for advice you sent to the EDPB and the embedded assumption of this discussion is that we have a choice only between having ICANN be the centralized decider or not having a standardized system of access and disclosure at all. And as you probably are aware, I have been challenging that assumption from day one.

I think we need to be reminded again and again that we can centralize access and the requesting process without centralizing decision-making. I really think that's a policy decision. That's the fundamental decision that we need to be making, and I would caution us against any kind of jumping to a conclusion because ICANN is indeed willing more or less to take responsibility for being a centralized decider that that means we are going to make you that. Because some of us are very much opposed to that and think it's not a good idea.

In that regard, I'd like to address the advice that we are asking for from the European Data Protection Board. It just strikes me that it's like asking a court for a decision before you have a case before it. I don't think that we're going to get the kind of advice that you think you're going to get. And I think again that we have to decide fundamentally which approach is acceptable and that the European Data Protection Board is not really the right place to be looking for a decisive guidance in that regard.

If indeed they tell us that whatever you do with this centralized access system whatever you do the contracted parties are still responsible, then that indeed would pretty much settle the question. But again that does not prevent us from setting up a centralized system of requesting access, and that would still be

very much in the interests of people with legitimate interests who need access to that data.

So I really am again reminding you that the parallel process which has developed this UAM and pushed it forward as the proposed model to the European Data Protection Board is something that is an irritant to this group's work and should not be allowed to continue to divert it. We can move on and make the decision about how this system works and who makes the decision, and we do not need to be held up by the advice of the European Data Protection Board in that regard. Thank you.

JANIS KARKLINS: Thank you, Milton. I think it was very explicit from our conversation with Göran that he considers the reply from the Data Protection Board as an input to our policy development process. And I think we ourselves have narrowed down the options that we have and that in reality that we have a centralized gateway for putting in requests.

And then two other options are a centralized reply or decentralized reply. On centralized reply, there may be two variations where the information is sent from contracted parties to a central gateway and through a central gateway to a requestor or it is sent directly from contracted parties to the requestor.

So these are very logical options. And if we know that a wholly centralized model is permissible, then it's up to us to see whether we follow that or even that is permissible we may consider that this is not in the best interest of neither ICANN nor data subjects.

So all that is ahead of us, but it would be good to know what Data Protection Board thinks about UAM and that would only inform our decision-making process and policy development process. Marc Anderson, please?

MARC ANDERSON: Thanks, Janis. Can you hear me okay?

JANIS KARKLINS: Yes.

MARC ANDERSON: Great, thank you. First, listening to my colleagues speak I agree with a lot of what was said before me which is comforting because it makes me think I'm not completely off track here.

But first, I think I would like to ask you to respond to both the ICANN board and Göran thanking them for their input for these letters. I think these are both input that we've been asking for and eagerly anticipating and so it wouldn't be out of line to thank them for their input on both of these.

On substance though, I'd like to echo what Sarah and Alex said earlier. As I read through these, I think one of my takeaways from both the Board and Göran's letter was that we seem to be missing a building block and for the authorization provider. I went back through and looked at the building blocks, and that just didn't seem to be an area that we focused on.

So that really suggests that we need to create a new building block for that and figure out how to answer fundamentally the questions who gets access to what data under what circumstances. I think that's the policy question that in both those letters just needs to be answered in order for the centralized system to work.

So I think this is good feedback to be receiving now at this point in our work because we can easily pivot and address this. But that was certainly one of my takeaways that this was something we've missed so far.

And the other thing I wanted to say is I really agree with what Alex said. Both letters, both the one from Göran and the ICANN Board, really depend on confirmation that liability can be shifted off of contracted parties in order for ICANN to be willing to perform the role in this centralized SSAD system. And that's certainly very reasonable. I think they've communicated very clearly upfront that that was their goal to understand that question and if that could be accomplished under GDPR.

But to date, we have not received that confirmation from DPAs. While that confirmation could be coming, what we do have in the form of legal advice from Bird & Bird and other sources suggests that that is not the case. So I think certainly we're at a crossroads. I don't know if we will receive anything from the DPAs. Hopefully, we will, but that's not guaranteed.

So I think we need to take a hard look at what the means for our work and maybe consider two paths. What would our approach be if that liability can be shifted? And what would our path be if we

find out that liability cannot be shifted? Because it really seems like we're at a fork in the road on this point.

So I think those were my main interventions. Thank you, Janis.

JANIS KARKLINS: Thank you, Marc. Laureen, please? You're next

LAUREEN KAPIN: Hi. Just perhaps to suggest a little bit refining the language in terms of liability. My understanding has been that this is not so much a matter of shifting liability which to me implies a no liability scenario but more on the matter of recognizing that ICANN has liability as a likely controller and that it may be able to assume additional liability. Or maybe that's not even the way to phrase it. ICANN already has liability and through acting in the role that it proposes the liability to the contracted parties may be reduced.

So maybe this is a quibble, but I do think it's important to recognize that in terms of realistic expectations my sense is that it would be very unlikely that we'll ever be in a scenario where contracted parties have zero liability, but there may be things that ICANN can do through its proposal to reduce the liability. I just think that's an important point to highlight.

JANIS KARKLINS: Okay, thank you, Laureen. I think that this is what Göran is trying to say or is saying all along that the UAM—and I'm referring to UAM because that is his project and his proposal—is attempting

to diminish liability of contracted parties but not taking away liability completely. In certain circumstances contracted parties would be liable on handling private data of their customers.

May I ask Marc and Sarah, on this suggestion that we're missing a building block on authorization provider, can we get some kind of very rough outline or can we organize a call with the interested members of the team and staff simply to talk through your ideas? What are missing elements in current building blocks, including building block on purposes. That we could then try to draft, or staff try to draft, a new building block that would then take away your concerns. Would that be something feasible? Sarah, please?

SARAH WYLD: Yes, thank you. As mentioned in the chat, I am happy to work on a team with this as is Marc. And I see Alex also signing up.

JANIS KARKLINS: Yeah, Margie as well. So we have already a sub-team. Marc, please?

MARC ANDERSON: Nothing to add. Sarah covered it.

JANIS KARKLINS: Okay. So then we will constitute a very small team just to do the first discussion and write up of a new building block on authorization provider. And as I see now, that would be Marc, Sarah, Alex, and Margie in that group and staff. And then we

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would present that initial write up for consideration of the team. So that would be an action point on this discussion.

So we now move to Item 5, financial sustainability. Here we have two elements. One is the list of questions that we may want to ask to ICANN Org in relation to cost estimate of SSAD. And Marc kindly put together this initial letter. It was published on the mailing list and so far no comments have been received. So I can take it that this is something that everyone can accept. If we could [write it off] and let me try to ask a question whether that's the case.

But before asking that question if I may ask Marc just to walk through and give us the gist of the proposed questionnaire. Marc, please go ahead.

MARC ANDERSON: Thanks, Janis. Yes, happy to go through it. I guess the idea of this letter really came out of the financial sustainability building block itself. Where in the language of that building block it suggests that ICANN Org undertake a financial sustainability study for the centralized SSAD model.

My initial concern—I think this was echoed by James as well—is that if in our recommendations we're recommending that ICANN Org undertake this financial sustainability study, then at that point it's really too late. We're talking about recommendations after we've made our final policy decisions at which point it's really too late to inform or really help any of the recommendations we're working on.

So that was really the impetus for the suggestion to pull this out and get a letter to ICANN Org as quickly as possible. I think it's critically important that we understand what the financial model for this system will look like. How much it will cost to build it. What kind of fees would need to be charged and able to sustain it. I'm quite sure these are questions we can't ask or determine without ICANN Org's help.

So I think it's critical that we get this to ICANN Org as quickly as possible to get their help understanding what the financial model will look like and having that information to help inform our recommendations.

As suggested when we talked about this in Montreal and also in the letter, I think we recognize that without having the model fully worked out for the SSAD system this is a challenging task but that there may be some parallels that can be drawn with existing systems, such as Trademark Clearinghouse and CZDS. So there may be some learnings and some parallels that can be drawn to those systems. And ICANN Org may well have some lessons learned and advice they could give us based on their experience implementing those systems.

So really this letter is a request for ICANN Org to help us with the financial sustainability model, understanding what the costs might be, and helping us to create our recommendations.

JANIS KARKLINS: Thank you, Marc. I think you outlined one of the major difficulties, that it is difficult to cost a model that you do not know the exact

shape. But certainly, approach asking assessment against existing systems also is very feasible and I am, in principle, very supportive to send this letter as written out. Because this is not really critical whether one sentence is shaped in one way or another but in principle the question is very clear.

So let me see whether there is any objection to send out these financial sustainability questions to ICANN Org. Margie?

MARGIE MILAM: Hi. Can you hear me?

JANIS KARKLINS: Yeah, we hear you.

MARGIE MILAM: Sure. I do think there are assumptions here that we haven't agreed to as a group. In particular, who bears the responsibility for the financial—building the system. So the assumption that there is nothing to be transferred to the registrants hasn't been decided.

Obviously, we've been talking about beneficiaries will have some role, and I'm not suggesting that users of the system won't have a role in the financial sustainability. But we have not agreed that the entire burden falls on them. And so that's the problem I have with the letter. That it's making assumptions that haven't been agreed to on this team.

JANIS KARKLINS: Okay, thank you. Look, I think I recall this conversation we had prior drafting of this letter is to know whether we're building a Rolls Royce or Opel. Based on that knowledge, we can identify who would be payers.

For [once], I share your concerns, Margie, because there is [a lot of] [inaudible] conversation and discussion about privacy in general. And the Internet users are expecting having complete privacy without paying for services, and that's a bit of a philosophical question. And here as well we're talking about options and see whether some burden of a system that protects privacy should be borne by users themselves as well. But again, it needs to be seen.

One option that [inaudible] also thought is to ask ICANN whether they have costed or have done financials of UAM. That would also give us a certain idea how much building and running UAM would cost. And that model at least in ICANN Org is fully developed conceptually.

So how will we proceed? Milton, please?

MILTON MUELLER: Yes, I'm not sure whether we are on the right track here when we talk about data subjects or the people whose registration data is being revealed as being beneficiaries of this system. I think that's almost the inverse of the truth.

It's clear that the beneficiaries of this system are the people who want to disclose data. And none of the privacy advocates on this panel begrudge people with legitimate interest that ability, but I

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think we've had many discussions about how distortive it is to make a request free. No matter how small the charge is, we can agree on the principle that if people who make requests will have to contribute to the cost of responding to that request, we're going to be relatively satisfied and we will not be satisfied with any system that says that data subjects have to pay for their own surveillance.

I think this is an important discussion to have. And I'm very glad that this letter was written and that this issue was pushed forward by Marc or whoever did this. Again, I don't think this is something we need to fall into the normal factions about. I think it's just unrealistic to say that people can gain access to this thing for free. Since the users are the ones creating the cost of fulfilling requests, they will have to pay something. I hope we can agree on that principle.

JANIS KARKLINS: Okay, thank you. Mark Sv?

MARK SVANCAREK: Thanks. Yeah, I did want to clarify what Margie said and address Milton's concern. I do think we've moved past the point where people think that things will be free. I do expect that everyone will be contributing to the operation of the system. I know that Microsoft will be a user of this system, and I expect that whatever collection of data plans you offer that we will opt for one of the bigger data plans.

I just want to always mention though that I don't think that the people who request disclosure are 100% the only beneficiaries of the system. I think we all benefit when a system has accountability, and I think transparency is a part of that accountability. I noticed that the registrars have published a framework statement at the last meeting, and I think that's great. I think we all agree that is great.

But I think we also have to recognize that some of the costs of implementing that framework are going to drop to their bottom line. So most likely some of that cost is passed along. But we believe that's beneficial because we all benefit from having a transparent and accountable DNS. So, yes, I believe everyone is going to contribute. Yes, I think the contribution will be appropriate. I just don't want us to continue making a talking point that only one collection of parties here at the EPDP benefit and that others completely do not benefit at all. Thanks.

JANIS KARKLINS: Thank you, Mark. So, look, we will be talking after this conversation about the building block on funding, financial sustainability. So all these things are there. But now I would like to see whether we can send off this letter. And I understand that there was an objection that your letter provides some assumptions.

Let me make a proposal and see whether that would be acceptable. If we would strike from the letter the sentences or paragraphs which are currently numbered as 1 and 2 and refer to that we propose that such system must operate under these

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principles, so if we would take this part out but we would keep the rest, can we then send this letter? Also, the sentence we propose that such system must operate on the principle would go. So if we take this out, can we send this letter to ICANN Org for launching the reflection? Alan Greenberg?

ALAN GREENBERG: Thank you very much. I guess I would like to understand more from Milton and friends and/or the contracted parties if we cannot build an SSAD and the requests go directly to contracted parties, would they envision full cost recovery at that point? That is, charge every requestor based on whatever their costs are to fully cost recover all of their costs associated with disclosure. I just want to make sure that we're applying uniform sets of rules here and not a new set because we're trying to provide some level of centralization and automation but a completely different set of rules if we were to have to revert to what is currently happening today. Thank you. And my understanding is no contracted parties today are charging people for their requests. Thank you.

JANIS KARKLINS: Thank you, Alan. Alex?

ALEX DEACON: Thanks, Janis. I was going to ask if—it sounds like, Janis, you want to come to an agreement on this today, and I appreciate that. But I think just personally to me I wasn't able to fully review and appreciate this based on the ICANN meeting and other things going on.

So I was going to ask if we could have some more time just to read and digest and respond with some concrete updates and suggestions with the goal ultimately of sending this as soon as possible. So just a request. If that would be possible, I think it would be helpful for me personally at least.

JANIS KARKLINS: Thank you. Sarah?

SARAH WYLD: Thank you. No, I cannot at this time support removing both of those questions from the letter. I think it takes away a lot of the fundamental aspects of what we're looking for here. And I want to specifically support that first point that no party should operate this service as a for-profit service. We have to be very careful that we don't come anywhere close to exchanging money for data. That is wildly inappropriate, and I'm sure nobody here has suggested it. But I think we should just all keep it in mind that we always, of course, will require that appropriate lawful basis. Thank you.

JANIS KARKLINS: Thank you, Sarah. I think that there is maybe a slight misunderstanding. I'm not questioning principles that we hopefully will agree after reading or during the reading of financial building block. The essence of the question is to seek assessment of ICANN Org how much SSAD would cost based on a comparison with existing systems that are already in place.

And we do not need to specify what principles we are contemplating until they are agreed. We are just asking based on previous experience could you tell us could you tell us how much that would cost. And then we would see how this money could be recovered and who should pay for what at least at the principle level.

But again, if we are not prepared to ask that question and push the can down the road, we're kind of contradicting ourselves. At least at the beginning I thought that we need to be as effective and quick as we can.

I have at least three further requests for the floor. Alan Woods, Volker Greimann, and Milton Mueller, please.

ALAN WOODS: Thank you. Okay, so number one, I do not support the removal of these two points. I think we could possibly make a change to just the line saying we propose that such a system and say that proposals for such a system include operating on these principles just so that we're not saying we're locked into this. We're still open for discussion but these are the principles that we believe that have been raised within us. So I don't know if my team [inaudible] this one.

But what I wanted to also say was—and again I hate to have to be the person to say this—but in response to what Alan just said there again it worries me that he's comparing this. Again, what we're looking at here is the protection of the registrant. That is ultimately what we're looking at. And for him to bring up the fact

that we're doing this right now is actually pointing it out absolutely truly.

We are doing it right now. It is accessible right now. Tucows has an entire system already in place. They have their mini SSAD in place already. I do it on a day-to-day basis. Yeah, of course that costs. What we are being asked to do right here is to create a system for the benefit of others to make it easier so they don't have to potentially go to every single individual registry or registrar.

We are here in good faith because we are here to try and make that system. We're at the table to try and help people to come to that. And this additional system that we're being asked to create is additional cost. It is far in excess of what we have already. It's in excess of the resources that we are plowing into this already.

So what you're talking about, Alan, is you're talking about legislative risk and the costs that go into adapting to new legislation. That's not why we're at this table. We're at this table because we're trying to create a new system to help other people deal with that risk as well. So I find it very, very unfair for you to actually bring those two things as a comparator. They are not. And I really, really would implore that the team just disregard that trail of thought going forward because it helps nobody and I think we need to move forward.

JANIS KARKLINS: Okay, thank you, Alan. Volker, please?

VOLKER GREIMANN:	Yeah, I'm going to take my hand down and save you some time because Alan just said everything that I wanted to say but better.
JANIS KARKLINS:	Okay, thanks. Milton?
MILTON MUELLER:	Yes, I just proposed something that I see [Barry] has worked into the suggestions and the comments in terms of talking about costs. Distinguish between the startup and fixed costs and the ongoing costs of usage.

I guess my other question is how much do we think ICANN will be able to tell us about the cost of this system and what experience or basis would they be able to do this and how would they know more than, say, a registry or a registrar regarding the fundamental technical elements of building such a system. Is it possible for the contracted parties to give us some of their own estimates in this process? Do we need to rely on ICANN for this information?

I wanted to say before I conclude I understand now better why you proposed to delete those principles, Janis. I think if indeed our main object is to find out what it costs or what it would cost or to get estimates of that because we're not going to know what it really costs, then we indeed may not need to have cost principles. But again, I think that a very important to include those principles is at least being discussed and proposed.

So we could modify the language rather than saying we propose that such a system must operate on those principles—although I

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certainly believe that it must—we could say that people on the working group have proposed and we are taking a lot of the answers to resolving those principles might depend on how much money we're talking about so that justifies in some way our request for an estimate of how much the system might cost. Make sense? I've got to go.

JANIS KARKLINS: Yeah, so would the EPDP team consider that such system may be based on such principles as and then 1 and 2? Again, I'm not suggesting that we should avoid spelling out principles. We have not full agreement on those principles. That awaits us in the financial building block that we will be addressing after this letter.

The point that Mark made was to get this question out because if we will not ask, we will never know whether ICANN is in a position to give us estimate or not. So one of my teachers at one point said if you will ask, maybe you will get. If you won't ask, you won't get for sure.

Alex and then Laureen.

ALEX DEACON: Thanks. I think again to Mark Sv's point, I think the issue for us is how Number 2 is phrased. Again, I appreciate what's being said there, but I'm just concerned that these "musts" are too restrictive. Must be borne by the direct beneficiaries—underline and bolded and italicized—and must not be transferred to the data subjects. Again, I appreciate why that's important. I'm just not too sure that we could ever ensure that that's the case.

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So if there is alternate wording that could address some of those concerns for 2, I'd like to see that. And as I mentioned, if we had time to noodle on this a bit, I'd be happy to suggest something there so we could move forward. So that's the first point.

The second point is this fourth bullet in the bulleted list here, fully distributed model, basically this is from what I understand the bullet that says we're not going to do anything. We're not going to create an SSAD. We're just going to stick with the Rec 18 from Phase 1 and call it a day. So in terms of financial sustainability for an SSAD, I think this is kind of irrelevant. We should remove that because either we're going to build something or we're not. And so including this bullet point doesn't make a lot of sense to me. Thanks.

JANIS KARKLINS: Thank you, Alex. Laureen?

LAUREEN KAPIN: Building on Alex's first point, I'm very uncomfortable with including Principle 2 especially because there isn't consensus on that. And if we're going to start listing principles, then I would feel inclined to start listing other principles, for example, regarding that recognition should be taken that public authorities charged with protecting the public interest are in a very different position perhaps than businesses investigating other matters. And all of those [two] entities are in a different position than just a single member of the public seeking to determine who it is going to provide sensitive financial or health information to.

And the greater understanding that I have regarding this ask is for ICANN to give us a sense of how costs might be measured and distributed here. But in that regard, it seems to me it's not necessary to start listing all these specifics because we 1) haven't agreed on them and 2) at this point we haven't even contemplated the full universe. So I would be in favor of deleting 2 at this point in time.

JANIS KARKLINS: Yeah, thank you, Laureen. I think we're here a little bit in the weeds. The purpose of this exercise was to ask ICANN to make a financial estimate how much it would cost to run a system that still needs to be finalized conceptually. Mark wrote this first draft. We may want to follow it; we may not. It seems that there is some discomfort with that and most likely to agree on this letter on behalf of the team will take some time out of our already rather heavy schedule.

So I would see two options here, and my preferred option would be the first that I would outline. That is that I would take full responsibility by sending my own request to ICANN Org to make a cost estimate. And I would share the response as soon as it would be received from the team. Of course, I would use Mark's draft as a basis for my own request. This is what I did also on [inaudible] questions addressed to ICANN Org.

Or alternative is to create, again, a smaller group to work out the differences of this particular letter and then present it for consideration of the team and then send it out. So I would say that would take probably in the best case a few hours of work, and we

would not be able to send out this request prior maybe end of next week.

So my question to the team is would anyone object that I would take responsibility in sending out the question to ICANN Org on financial sustainability on my own and share response with the team as soon as it is received? Any objections? So what I will send, Volker, I will send out what I think needs to be asked, and I will share the response. It will not be questions of the team.

So I see no objections that I would take initiative and would send out questions on my own behalf. And I would suggest now that I will do it latest tomorrow. And I suggest that we now go to the financial building block.

Financial building block, now we see it on the screen. It has been already worked on. We will now do a reading paragraph-by-paragraph. Let me start with the first one.

EPDP recommends that considering the cost and financial sustainability of SSAD one needs to distinguish between development and operationalization of system and subsequent running of the system. Any difficulty with this paragraph? I see none. The second probably here I will read out the whole paragraph, but then we will probably take sentence-by-sentence.

EPDP team expects that the costs of developing and operationalization of system similar to implementation of other [inaudible] recommendations to be initially borne by ICANN Org and contracted parties. This complex financial [inaudible] cost benefit must be taken into account in that any costs to be borne by

contracted parties must ultimately result in at least equal savings of each contracted party. In other words, development costs must be balanced out by cost reductions for the parties expected to bear the cost of development and implementation and implementation costs must be reasonable for contracted parties of all sizes and business models.

This is the current proposal. Let's talk about it in general and then sentence-by-sentence. Margie, please?

MARGIE MILAM: Hi. I don't understand the equal savings concept here. We're building a system that is going to incur costs, and savings is not part of the [feature] of the system. So I object to including that language in as part of the financial consideration. I mean, obviously we want to be mindful. I agree with the cost-benefit analysis and try to come up with a system that's appropriate. But introducing the concept that there needs to be cost savings doesn't seem to make sense to me.

JANIS KARKLINS: Okay, thank you. I think that this proposal came from Volker. Volker, could you talk on your suggested language? Volker? Okay, I have Alex in line.

ALEX DEACON: Yeah, thanks. I think my concern with this in line with Margie's is it's basically saying cost must result in at least equal savings for each contracted party. My concern there is it continues in the last

sentence implementation costs must be reasonable for contracted parties of all sizes and business models.

So it seems to indicate—I'm just concerned about the implications of this. As a contracted party, we're going to set policy that will prescribe that certain things are done and policies are adhered to. But this seems to indicate that depending on the size the policy compliance may be different. It just doesn't make a lot of sense to me unless I'm not truly understanding what this is intended to do. Thanks.

JANIS KARKLINS: Okay, thank you. Mark Sv, please?

MARK SVANCAREK: Yeah, I have, I don't know, I think it's a similar concern because I don't think that it's knowable all the different sizes and business models of all the different contracted parties. It seems to me that even doing mundane things like putting up a website to host a WHOIS.server.com sort of a thing costs a greater fraction for a tiny contracted party than it would for somebody like GoDaddy. Even though these are low costs, it's a greater percentage of the small party. So I don't see how we can just take this language as is and turn it into something that is practical or knowable or enforceable. Thanks.

JANIS KARKLINS: Thank you. Milton?

MILTON MUELLER: Yes, I think the basic idea behind this language is correct and right but the wording is bad and that's causing some problems here. And the equality assumption I think is indeed probably unrealistic in the sense that there will never be in talking about comparing Verisign and some tiny registrar cost of compliance as a proportion or cost of participation as a proportion are not going to be equal in any reasonable world.

But I think this could be reworded. I think the key concept here is simply about the cost-benefit ratio. That development costs must be balanced out by cost reductions to the parties expected to bear. So by the cost reductions I think are meant that the manual response to requests for disclosure would be more expensive than responding through the system. Again, I don't have a specific rewording to make here, but I think that we want to maintain that commitment to a reasonable cost-benefit ratio.

Now I think we would want to change that to an aggregate improvement in cost-benefit, and we might want to throw in a protective clause to the effect that any system that imposes unreasonable burdens on smaller operators would be avoided or something like that. So I think this needs to be reworded, but I hope we can retain the basic concept.

JANIS KARKLINS: Okay, thank you. Thomas?

THOMAS RICKERT: Thanks very much, Janis. I think that this goes back to the question of proportionality that we discussed a little bit earlier. I think that Alan Woods was on the right track by highlighting that this is an additional service that is being offered.

So I think that while I don't have a complete language to suggest, the idea that I would support is that we do a projection for an expected number of requests and then compare an SSAD type response mechanism to one where the contracted parties have to respond to those requests themselves. And if there are cost benefits to that, then I think we can answer the question of proportionality in the affirmative. But the cost for the central gateway if you wish and all the component parts thereof should not be part of the comparison for contracted parties.

JANIS KARKLINS: Okay, thank you, Thomas. You see if you look at the next paragraph, it addresses the issue of running costs. And the currently discussed paragraph speaks about development and operationalization of the system.

Based on this conversation, staff will propose a new version of the language keeping the concept that the development of the system should be funded by ICANN Org and contracted parties. But then the proportionality and the cost-benefit analysis should be taken into account. All that the staff will try to reflect in the next version.

And with your permission, I would suggest that we discuss the next paragraph on subsequent running costs.

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The subsequent running costs of the system is expected to happen on a cost allocation or recovery basis whereby the division of responsibilities may be considered. For example, if SSAD includes [inaudible] framework under which users of SSAD could become accredited, the costs associated with becoming credited would be borne by those seeking accreditation. Similarly, the cost of running SSAD must be offset by charging fees of the users of SSAD.

So in other words, [under] the cost neutrality principle. Milton, please?

MILTON MUELLER: Yeah, so sorry to be the pedantic political economist here, but what we've done, somebody has proposed to replace language that makes sense with language that is economically incoherent. I know what it means to cost recovery basis whereby historic costs may be considered. I have no idea what it means to say a cost allocation basis whereby the division of responsibilities may be considered. That is not something that people would understand.

Furthermore, cost allocation is by definition arbitrary, and I don't think we want to say that. In economics you don't allocate costs unless you have no other method for determining how shared costs are to be distributed.

And I think what this was originally saying was we had to spend, let's say, $800,000 to build this system and our usage costs are going to capture some kind of increment in order to recover that initial historic cost. That makes sense. What the proposed

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modifications there—I don't know where they came from and I don't know what they mean. So that's point one. Thanks.

JANIS KARKLINS: Thank you. Yes, somehow on this particular text it seems that [I was told] that team members have worked on the text rather than providing just comments that staff could then do a rewording.

Okay, any other comments on this paragraph? The subsequent running costs of the system? I think principles are clear that both accreditation system and then running of SSAD should recover costs incurred by these two operations. So I see no requests for the floor. I take that Milton's comments would be acceptable and we would revert to the initial text before the amendments. Okay, I see no requests for the floor. Let's then move to the next item. Next paragraph.

The EPDP team recognizes that the fees associated with using SSAD may differ for users. For example, a fee of an infrequent user may be greater as a result of additional processing that may be involved.

Any comments? Alex?

ALEX DEACON: Yeah, hi. I guess I'm wondering what value this adds. Especially the for example. For example, the fee for an infrequent user could be less than that of a frequent user. I mean, I don't know. Again, it depends on the system itself. So I think I'm leaning toward that perhaps this paragraph is unnecessary and should be deleted as

I'm not too sure what it adds policy wise. But I'd be curious to hear other people's thoughts.

JANIS KARKLINS: Okay, thank you, Alex. Laureen?

LAUREEN KAPIN: Policy wise I'm going to be consistent with what I've said before. I want to make sure that we are not providing an obstacle or a hurdle for public authorities particularly to do their work. And indeed, we know that there are thousands of public authorities who may be infrequent users but we don't want to artificially create obstacles for them to get the information they need to protect the public.

JANIS KARKLINS: I think, Laureen, the public authorities are used to pay for different services. And it would maybe be even unfair if what you try to say is that public authorities should not be part of the cost recovery to those who participate in cost recovery.

LAUREEN KAPIN: No, I'm not saying that, Janis. And I'm glad you gave me the opportunity to clarify. What I'm saying is that whatever cost structure is imposed needs to take into account that public authorities have limited resources. So not that they should not pay at all but that their role and their resources need to be taken into account.

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JANIS KARKLINS: That [actually I] agree as a matter of principle. Milton, please?

MILTON MUELLER: This is another really badly formulated statement. It's somewhere in between a principle and a very specific form of pricing structure. Maybe what we're trying to say—I mean as a principle it's okay to say that fees associated with using the SSAD may differ for users, but the example really muddies the water here.

So we might want to say something more general, such as based on the costs that they generate. And infrequent users may or may not generate higher costs. It's not clear to me that's the case at all, particularly if they are getting accredited at their own expense. So I'm kind of agreeing with Laureen there that a police department in a small town that suddenly needs to use it for the first time, it's not clear that they're imposing huge costs on the system, particularly if they're again getting themselves accredited.

So I think we had a discussion when we thought that the system would not accredit all users. We were talking about people who were not accredited causing more costs and that they would pay higher fees. I think this is some kind of a distorted remnant of that thought. But as it currently stands, it's not very clear. So let's either make it completely general and just say fees associated may differ based on cost causation, or let's delete the second part after the semicolon altogether.

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JANIS KARKLINS: Okay, thank you. I think this is what everyone is suggesting, that we would delete the second sentence. When it comes to the first sentence, we may see if some slight rephrasing is needed of this recognition that the costs associated with use of the system may differ from user to user.

Okay, so then let's move to the next one. That's the [long] one.

As a part of its consideration of these recommendations ICANN Board must request ICANN Org to carry out cost analysis of all expected costs associated with both development and operation of the system as well as subsequent running system. This analysis should also set out a proposed fee structure that should consider how other areas or other industries have dealt with comparable systems. This analysis should further contain feasibility review taking into account the cost-benefit balance of all parties expected to bear the cost involved with development and implementing the system, including development costs and opportunity costs for all contracted parties. This analysis also should consider if and how accreditation and related fees are part of the system of cost recovery, how much the volume of requests will have an impact on fees, and where fees should be different based on user groups. This analysis to [show] as a basis for future deliberations and [ensure] financial sustainability.

I think that this is far too long and far too prescriptive and is certainly not something we want as a principle but rather as implementation guidance. But let me take a few hands that are up now. Marc Anderson and Stephanie Perrin. Marc, please go ahead.

MARC ANDERSON: I think this paragraph here, it's really my hope that this is overcome by [events] with the letter we're intending to send or I guess you've proposed sending to ICANN Org asking for their input on the financial sustainability of the model. This was intended to be direction to ICANN Org to carry out a cost analysis, and then at the end it says that analysis will inform the model.

I think we're trying to jumpstart this work and get that analysis done ahead of time. So I would suggest maybe just deleting this paragraph at this point and putting in a placeholder for further consideration once ICANN responds based on the letter you're sending on financial sustainability.

JANIS KARKLINS: Thank you, Marc. Stephanie?

STEPHANIE PERRIN: I'm a little troubled by the detail also that we are trying to put in this thing. And it seems to me that the most important thing we need is to provide for some kind of oversight appeal mechanism based on fundamental fairness. I worry about whether a legitimate single requestor, the municipality as mentioned in the previous example that all of a sudden needs to investigate a—I'm always using the Humane Society example—a kennel that's selling illegal puppies or something that they don't get hit with massive fees, whereas regular users that are making money get sweet deals.

I'm not comfortable with that, and I think that the economic analysis has to be based on the realities of whether you're reselling the data or whether this is an infrequent request. And I don't see that yet here. So my gut tells me to strip away the data and insert language about fundamental fairness here.

I'd also like to see some sort of line that says under no circumstances will the registrants be expected to bear the costs of access to their data. Thanks.

JANIS KARKLINS: Thank you, Stephanie. So your suggestions are noted, and I will ask staff to consider putting something about the fairness provision in the next version of the [inaudible].

So my suggestion would be to take this out from this part and maybe temporarily create kind of implementation guidance, though even in implementation guidance that may be already behind us when we will put forward the final report. Anyway, at least it should be deleted from here.

So let me take the next paragraph.

Data subjects cannot be expected to foot the bill for having their data disclosed to the third parties. Beneficiaries and users of SSAD should bear the costs of maintaining the system.

Any problem with this statement? At least not for the moment? So then the next paragraph.

Suggest that SSAD should not be considered as a business opportunity or profit-generating platform. Neither should the operating costs be shifted onto ICANN which then flows to contracted parties and thus to registrants or directly to registrants or contracted parties. It is crucial to ensure that any payments of SSAD are related to operational costs and are not simply an exchange of money for nonpublic registration data.

Stephanie?

STEPHANIE PERRIN: Sorry, I'm back at the previous sentence. I really like my language of under no circumstances shall registrants be expected to pay. The rest I guess can last if it loses the square brackets. Thanks.

JANIS KARKLINS: Okay, so could we type in under no circumstances data subjects can be expected to? Okay, thank you. So we will keep for the moment this paragraph as is. And we are now looking to the next one. In my view, this is too much descriptive, but any thoughts? No thoughts? Okay, I will then ask to staff in absence of any comments, I will ask staff to tighten up the language and take [literature] out of it for the next version of the paragraph.

Okay, let's look at the next paragraph in relation to accreditation framework.

The accreditation applicant may be charged a to be determined nonrefundable fee proportional to the cost of validating an application. A rejected applicant may reapply, but the new

application will be subject to the application fee. Fees are to be established by accreditation authority, and accredited users and organizations must renew their accreditation periodically. The fee structure as well as renewal period to be determined in the implementation phase.

Alex?

ALEX DEACON: Yes, thanks, Janis. I don't have a problem with any of this, but I just wanted to comment on a comment from [Caitlin] that says the registrars would support a user subscription model rather than a per transaction model, I suppose. I think that's an interesting thought. I'm not too sure who proposed that, but I like the idea of subscription models.

And whether that's policy or goes into implementation guidance I guess we can discuss. But having the option to pay for a single request versus a subscription of a certain amount per month or even an all-you-can-eat model similar to the mobile space I think is an interesting thought that we should consider here.

Because it would allow flexibility in terms of costs and system access based on the user whether they're a single individual user that's concerned about a puppy mill or they're a large corporation defending their trademark. It seems to be a flexible way to do things. Thanks.

JANIS KARKLINS: Thank you, Alex. Marc Anderson?

MARC ANDERSON: Looking at this one, I'm a little concerned about Sub-bullet C versus the last point. They seem to be in conflict, at least to me, saying that fees are to be established by the accreditation authority and then later saying fee structure as well as renewal period is to be determined in the implementation phase. It seems to be in conflict, at least in my read. So I think that's something that needs to be addressed.

I'm not sure that I agree with having the fee structure determined in implementation phase simply because it seems logical that the fee structure may have to change over time as financial realities are borne out. And once the system is operational, we'll have a better idea of what the actual costs are rather than projected costs. And of course, changes over time may impact that. So I'm a little leery of just having a blanket statement saying that the fee structure will be determined in the implementation phase. And I think there needs to be some flexibility ultimately in what the fees are for the system.

JANIS KARKLINS: Can we add something along the lines that they should be periodically reviewed? Would that alleviate your concern? Because most likely we will not be able at any point in time to develop as a policy a fee structure itself. We may develop a set of principles, but then there should be financial experts who would say that based on those principles this would be a fee structure. But as a matter of principle or policy we can say that this fee

structure and fees themselves should be reviewed and adjusted as [inaudible] of the system evolves.

MARC ANDERSON: Thanks, Janis. Yeah, something along those lines certainly makes sense. I think it's certainly dangerous to have policy determine what the actual fees are because that means you would need new policy to change the fees, and I think that's a little too rigid. So I think, yeah, something along what you're suggesting makes sense. Thank you.

JANIS KARKLINS: And then Milton says that the fees should adhere to the principles or should follow the principles of policy. That's logical also. So we will add that thing at the end of the sentence or in addition to the sentence. Chris Lewis-Evans, please?

CHRIS LEWIS-EVANS: Yeah, thanks, Janis. Just really agreeing with Marc here. This last sentence, is that still in relation to just the accreditation framework? Because if that's so, I think the fee structure can just be removed because we've already said that the fee should be based on the cost of accreditation.

So that really can't be determined during the implementation phase. That's really based on the costs of how accreditation works and obviously how each accrediting authority actually deploys that. So I think just removing fee structure from this if it is just directly related to accreditation framework would make more

sense, and I think that then falls into line with what Marc was just saying. Thanks.

JANIS KARKLINS: Thank you, Chris. Okay with the staff we will reword this paragraph as well and we'll present it to one of the next meetings that we will have.

I think we cannot conclude consideration of this building block. It would be premature. As a result, I would like to suggest that we put this aside and we will reword it based on this conversation. And move on to next thing.

And then I'm looking. We have about 15 minutes remaining and most likely we will not be able to do any meaningful reading of next building block of response requirements. But I would maybe suggest the following.

Let us talk a little bit about our work until Christmas and agree how we will proceed. The initial proposal that leadership team put forward was to have meetings next week, Tuesday and Thursday. In other words 26 and 28 November. The 28th coincides with Thanksgiving, and some team members were requesting that this meeting would be cancelled.

Taking into account the volume of our work that needs to be done either by releasing initial reports in early December or even releasing initial report after our face-to-face meeting, I think we still need to keep a rather intensive pace of our meetings. Because as you see, discussions are rather complex and are not easy to get on one page.

So as a result, my proposal was not to meet on 28th as requested by some team members but instead to move the meeting of the 28th exceptionally to a meeting on next Wednesday, December 4. I simply don't have a calendar in front of me. Let me pull it up. And that would be a one-off meeting. So, yeah, it would be December 4, but we would also meet December 5.

And then we would still then have meetings in December, the week staring with the 9th. And probably we would have the last meeting of the team before Christmas break on December 19. And then we would resume again either on January 9 or January 16. And then we have a face-to-face meeting 27, 28, 29 which means that we would have a meeting on January 24 as well.

So we have plenty of work to do, and so my suggestion is then not to meet on the 28th but instead exceptional we meet on Wednesday, December 4. Legal committee would meet on December 3, and team would meet on December 4 and December 5. Would that be acceptable? I see not objections, so then we will proceed in that way.

Thank you very much. We will meet then next time on November 26. [inaudible], could you tell us, is there any development with hiring a room in Berlin? Because a number of team members will be in Berlin for IGF.

UNIDENTIFIED MALE: Thank you, Janis. I just noted in the chat that we're still working on that room. And as soon as I get a confirmation, I'll communicate it out to those that will be attending in person.

JANIS KARKLINS: Okay, thank you very much. So then thank you all for active participation and your contribution to conversation. So we're meeting next time on Tuesday the 26th at 2:00 PM UTC. So thank you very much. This meeting stands adjourned.

[END OF TRANSCRIPTION]