

ICANN Transcription

GNSO Temp Spec gTLD RD EPDP – Phase 2A

Thursday, 17 December 2020 at 14:00 UTC

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TERRI AGNEW: Good morning, good afternoon, and good evening. Welcome to the EPDP Phase 2A team call taking place on the 17th of December, 2020, 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 yourselves now?

Hearing no one, we have no listed apologies for today's meeting. All members and alternates will be promoted to panelists for today's call. Members and alternates replacing members, when using chat, please select "all panelists and attendees" in order for everyone to see your chat. Attendees will not have access, only view access to the chat.

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Alternates not replacing a member are required to rename their lines by adding three Z's to the beginning of their names and, at the end in parentheses, your affiliation, dash, "alternate," which means you are automatically pushed to the end of the queue. To rename 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 functionalities, such as raising hands, agreeing, or disagreeing. As a reminder, the alternate assignment form must be formalized by the way of the Google Doc. The doc link is listed in all meeting invites.

Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing or hearing no one, if you do need assistance with your statement of interest, please e-mail the GNSO Secretariat.

All documentation and information can be found on the EPDP Wiki space. Please remember to state your name before speaking. Recordings will be posted on the public Wiki space shortly after the end of the call. As a reminder, those who take part in ICANN multistakeholder process are to comply with the expected standards of behavior. Thank you. With this, I'll turn it back over to our chair, Keith Drazek. Please begin.

KEITH DRAZEK: Thank you very much, Terri. Hello, everybody. Good morning, good afternoon, and good evening. My name is Keith Drazek. I am the newly

appointed chair of the EPDP Phase 2A Team Working Group. Happy to be here.

I look forward to working with you all over the next three months, at a minimum, to deliver on the expectations set out by the GNSO Council in its instructions to us related to the issues before us in Phase 2A. And so, we'll talk a little bit more about that.

I just wanted to take a moment to introduce myself. Because we have some new members of the EPDP team for this effort, we thought that it would be a good idea for a brief introduction around the room, just to make sure that everybody knows who everybody else is, also for those who are observing to understand who is currently on the EPDP team.

So, with that, I am Keith Drazek. I work for Verisign. I've been with Verisign for just over ten years, now. I recently concluded two years as the chair of the GNSO Council and I very much look forward to helping this group manage its processes and to consider the work of the EPDP Phase 2A over the coming three months.

With that, I do look forward to making sure that this group is able to consider the work before us, the new inputs that we have since the conclusion of EPDP Phase 1 and EPDP Phase 2, and very much looking forward to supporting you as the team.

So, with that, let's go ahead and go around the room. I guess the question is, how best should we do that? I'm going to go to the participants' list and I will call on people. We're going to go in alphabetical order, here. So, if I could start with Alan Greenberg, please? Okay. Alan, if you are ...

ALAN GREENBERG: That assumes I can unmute quickly. My screen went into full-screen mode and I can't unmute in that mode for some reason. All right. I'm Alan Greenberg. I'm one of the ALAC members of the EPDP. I've been involved in ICANN since 2006, all of the time associated with At-Large. I am a former At-Large Chair and I was chairing the RDS WHOIS Review Team a couple of years ago, so I've got a fair background in this area.

KEITH DRAZEK: Thank you very much, Alan. Much appreciated. Okay. Alan Woods?

ALAN WOODS: Thank you. Alan Woods. I work with the Donuts registry. I'm the senior compliance and policy manager for Donuts registry. My own background is I am a lawyer from Ireland. I'm a barrister. I have a particular interest, for the love of it, in data protection. I've tried to lend my expertise as best as possible to EPDP Phase 1, Phase 2, RDS before this, and I've been involved in ICANN since about 2014.

KEITH DRAZEK: Thank you very much, Alan. I should have noted that video has been enabled, so if anybody would like to toggle on your video, you're more than welcome to do that, either for introductions or for the calls in general—totally optional but it is available to you if you'd like to do that. So next, I'm going to also include our ICANN Org liaisons and board liaisons, as well. So Amy, over to you.

AMY BIVINS: Sure. I'm Amy Bivins. I'm counsel for ICANN Org. We have two new ICANN Org liaisons on this time, so it will be great to work with you guys. I have been with ICANN for about seven years and have been counsel for ICANN for almost two years, now. I work mostly on data protection issues.

KEITH DRAZEK: Great. Thanks very much, Amy. I should not that, of course, there are a lot of folks who have been part of EPDP Phase 1 and Phase 2 in this group but we do have some new members, myself included, so I feel like a new kid on the block, or the new kid in class, here. Another reason why it's important for everybody to introduce themselves. Becky, over to you.

BECKY BURR: Hi. Becky Burr, here. I'm one of the board liaisons to EPDP. I was on EPDP Phase 2 as a board liaison with Chris. You guys all know me. ICANN's my [inaudible].

KEITH DRAZEK: Thanks, Becky. Okay. Ben Butler, over to you.

BEN BUTLER: Thanks. Ben Butler, representing SSAC. I've been part of the EPDP through all the phases so far and have been with SSAC for, I think, about eight years.

KEITH DRAZEK: Great. Thanks very much. Okay. Brian, over to you. Brian Gutterman.

BRIAN GUTTERMAN: Hi, everyone. Brian Gutterman here. I am stepping in as the liaison from ICANN Org for Elisa. I report to Elisa for the Org. I'm on her team. We are GDS Strategic Initiatives. It's nice to see a few familiar faces in this group. I've been with ICANN almost four years and looking forward to these meetings. Thank you.

KEITH DRAZEK: Great. Thanks very much, Brian. Okay. Brian King?

BRIAN KING: Hey, good morning, Keith. This is Brian King. I represent the IP, Intellectual Property, constituency here, along with a colleague, Jan, who will introduce himself shortly. A brief history: about 12 years' experience in the domain name industry. I'm an attorney, licensed CIPP/E, privacy professional. I've been involved with the EPDP since I was an alternate in Phase 1. Looking forward to working with everyone. Thanks.

KEITH DRAZEK: Thanks very much, Brian. Caitlin, over to you.

CAITLIN TUBERGEN: Hi, everyone. This is Caitlin Tubergen. Similar to Phase 1 and Phase 2, I'll be working with the policy development support team to support this group's efforts. Thank you.

KEITH DRAZEK: Thank you very much, Caitlin. Much appreciated. Your audio was a little bit low but we got it, so thanks. okay. Chris Lewis-Evans?

CHRIS LEWIS-EVANS: Thanks, Keith. Hi, everyone. It's Chris Lewis-Evans, here, a representative for the GAC. I work for the National Crime Agency within the UK. I was alternate for the first part and a full member for the second part. Continuing that aspect again for this third part of the EPDP. Thank you very much.

KEITH DRAZEK: Excellent. Thanks very much, Chris. Christian Dawson is next. Christian may have a conflict for part of this. I think I saw a note that he may not be on the line at the moment. We can come back to Christian if he joins in a moment. So we'll go next to Hadia.

HADIA ELMINIAMI: Hi, all. This is Hadia Elminiawi. I am one of the two ALAC EPDP members. My first ICANN meeting was the one held in Cairo in 2001, where I worked back then at .EG, Egypt's top-level domain. I worked for them for 14-years-plus. I came back to the ICANN community in March of 2016 as the lead of DNS-Entrepreneurship Center founded to foster the domain name industry in Africa and the Middle East.

So, I have knowledge and experience with the domain name industry. I have participated in both Phase 1 and Phase 2. I would like to note here that it was a pleasure working with all of the EPDP team members and with the GNSO staff. Looking forward to working together to solve each other's concerns to the benefit of the entire community. Thank you.

KEITH DRAZEK: Thank you very much, Hadia. Okay. James Bladel?

JAMES BLADEL: Hey. Thanks, Keith. Good morning, everyone. James Bladel, member of the EPDP Phase 1, and Phase 2, and now Phase 2A because I just, apparently, have a thing for this type of work and I just could not stay away from this group. Yeah. I've been with my employer, now, for approximately 14 years. Looking forward to, hopefully, a more abbreviated timeline than what we have experienced in Phase 1 and Phase 2, and I know this group can get there. Thanks.

KEITH DRAZEK: Great. Thanks very much, James. Jan Janssen?

JAN JANSSEN: Hello, Keith. Hello, everybody. I'm Jan. I'm a Brussels-based lawyer with a boutique firm, Petillion. I have a keen interest and I have received my education in EU law from the current president of the European Court of Justice. I have a keen interest in IP law/IT law, so that brought me as a candidate for this group. It is my first phase, this Phase 2A, and I am very much looking forward to working with every one of you.

KEITH DRAZEK: Thank you very much, Jan. Welcome. Okay. Next up is Manju Chen.

MANJU CHEN:

Hello, everyone. This is Manju. I'm with NCSG and I started my journey in ICANN in 2018. So, I'm not only one of the new kids on the block for this EPDP Phase 2A, but also for ICANN. But as soon as I started following ICANN stuff, I started following EPDP, so I follow both Phase 1 and Phase 2, and now I'm honored to be one of the working group members. Hopefully, I can bring a pair of fresh eyes without being too ignorant. I look forward to working with you. Thank you.

KEITH DRAZEK:

Thank you very much, Manju, and welcome. Okay. Next up, Laureen Kapin.

LAUREEN KAPIN:

Hi, folks. I'm Laureen Kapin. I'm an attorney focusing on consumer protection matters with the Federal Trade Commission. Along with Chris, I co-chair the Public Safety Working Group of the GAC and I have been involved in the EPD issues from the beginning. I'm very much looking forward to working on these important issues with you.

KEITH DRAZEK:

Thank you so much, Laureen. Okay. Next up, Marc Anderson.

MARC ANDERSON: Hey, all. Marc Anderson with the Registries Stakeholder Group, employed by Verisign, where I've been for about 15 years, now. For all the new faces, welcome. For all the people back from Phase 1 and Phase 2, good seeing you again. I look forward to working with everybody for Phase 2A.

KEITH DRAZEK: Great. Thanks very much, Marc. Okay. Margie Milam?

MARGIE MILAM: Hi, everyone, it's Margie Milam. I'm with Facebook and I represent the Business Constituency. I've been involved in the EPDP since the beginning, have been working at Facebook as the IP enforcement and DNS policy lead. I've been there for about four years. Before that, I was with ICANN, and before that, I was general counsel at MarkMonitor, and before that, I was a partner at a law firm. So, I've been in the space for a while, at ICANN meetings and things, since 2001, to be honest, and have a very long background in these issues. Looking forward to working with you all on this call and on this team.

KEITH DRAZEK: Thanks very much, Margie. Okay. Mark Svancarek?

MARK SVANCAREK: Hi. Mark Svancarek from Microsoft, also known as Mark SV. I've been in Microsoft since 1993 in a variety of roles. I've been working with the ICANN community since the inception of the Universal Acceptance Steering Group, of which I'm on the leadership team, and I was in EPDP Phase 1 and Phase 2. Thank you.

KEITH DRAZEK: Thanks very much, Mark. Okay. Matthew Crossman?

MATTHEW CROSSMAN: Hi. Good morning, everyone. This is Matthew Crossman with the Registries Stakeholder Group. I am corporate counsel for Amazon Registry, handling privacy and compliance, among other things. I was an alternate for Phase 1 and a member for Phase 2. Looking forward to working together again. Thanks.

KEITH DRAZEK: Thank you, Matthew. Okay. Matthew Shears?

MATTHEW SHEARS: Thanks, Keith. Matthew Shears, here. I'm the second board liaison, also GNSO-appointed, like Becky. I'm in my second term and I have been involved in ICANN since 2014 and the IANA transition. Thanks. Happy to be here.

KEITH DRAZEK: Thanks very much, Matthew. Okay. Next up is Melina Stroungi.

MELINA STROUNGI: Yes. Hello, everyone. I'm a newly appointed GAC representative. I'm working for the European Commission. Many of you may already have known my colleague, Georgios Tselentis, who now moved to another unit in the Commission. I'm looking forward to meeting, virtually, all of you and working together. I'm a privacy lawyer as a background.

KEITH DRAZEK: Okay. Thank you very much, Melina. Welcome. Okay. Milton Mueller.

MILTON MUELLER: Hello, everybody. My name is Milton Mueller. I'm here for the NonCommercial Stakeholders Group and I'm a professor at Georgia Tech. I've been involved in WHOIS for 20 years, Keith. This is, what? Phase infinity, I think. Anyway, I can't say that I'm looking forward to working with you all but I am looking forward to getting this done. I hope that things go smoothly.

KEITH DRAZEK: Thanks, Milton. Okay. Next up, Sarah Wyld.

SARAH WYLD: Hi. Good morning. I'm Sarah Wyld. I'm with the Registrar Stakeholder Group. I live in Toronto and I'm the policy and privacy manager at Tucows, so my work focuses on data governance and ICANN policy development. I've been participating in the ICANN community for over ten years and I was an observer for the EPDP Phase 1 and an alternate for Phase 2. So, we have to wrap this up now or else I think I'd have to chair the next phase. I'm looking forward to working through this with you all. Thank you.

KEITH DRAZEK: Great. Thank you very much, Sarah. Okay. Next up, Stefan Filipovic.

STEFAN FILIPOVIC: Thanks, Keith. Hi, everyone. Stefan Filipovic for the record. I'm here for the NCSG and I've been active in the ICANN community since 2018. I follow the EPDP deliberations, firstly as an observer and then as a full-time member from mid-2019. I'm a lawyer by background and I currently work as a privacy counsel. Thank you.

KEITH DRAZEK: Excellent. Thank you very much, Stefan. Next up, Stephanie Perrin.

STEPHANIE PERRIN: Thanks very much. I've been volunteering at ICANN since 2013, when I was drafted to be a privacy expert on the Expert's Working Group looking at RDS. At that point, I retired from my 35-year career in the Canadian Federal Government, where I worked on privacy policy for many years.

I actually showed up at an ICANN privacy workshop in 2005, at which point I was working as the director of policy for the Canadian Federal Privacy Commissioner and seemed to be the only one in the office that knew what WHOIS was. So, I got drafted to speak at that. So, I have a lengthy familiarity with the issues. I also worked most recently, prior to retirement, on ethics, data quality, and risk management. Thanks.

KEITH DRAZEK: Thank you very much, Stephanie. Okay. Next up, Tara Whalen.

TARA WHALEN: Hello. I work at Cloudflare as a privacy research lead. I'm a representative from SSAC. I've been part of ICANN for about five years now and I have been working in this EPDP since the start in one capacity or another. I'm looking forward to making progress on these issues with all of you. Thanks.

KEITH DRAZEK: Thank you very much, Tara. Okay. Thomas Rickert, you're next.

THOMAS RICKERT: Thanks, Keith. Thomas Rickert, ISPCP. I've been working in the domain industry as a lawyer for more than 20 years and I have attended ICANN meetings since 2008. The ones I missed, I missed because my kids were born. I served two terms on the GNSO Council and I was a co-chair of the CCWG Accountability, amongst other things.

I have been on the EPDP both in Phase 1 and Phase 2 at eco Internet Industry Association, where I am Director of Names and Numbers. We have written a book, which is the "GDPR Domain Industry Playbook." Some of the ideas of that, I'm proud to say, went into the EPDP recommendations. I'm looking forward to working

with you all on this Phase 2A. Let me also use this opportunity to thank Keith for accepting the sacrifice and chairing this exercise, which is not a very thankful task. Thanks so much to you.

KEITH DRAZEK:

Thank you very much, Thomas. Thanks for the kind words. We'll evaluate my performance in three months' time, right? Thank you. Next up, Volker Greimann.

VOLKER GREIMANN:

Yes, hi. Pleased to meet you all. Again, for some. I am general counsel at CentralNIC, formerly Key-Systems, and I do the registrar division policies, risk management, contractals; everything that is legal, basically, lands on my desk. I am a veteran of the first two phases, the first one as an observer, the second one as a full member, and I am kind of looking forward to finishing this thing up and bringing it to a good conclusion. So, looking forward to working with you—seeing you all, maybe.

KEITH DRAZEK:

Thank you very much, Volker. I understand that David Cake has joined. David, would you like to introduce yourself, please?

DAVID CAKE:

Yes. I am David Cake. I'm representing the NCSG. I've been around. I'm not one of the real long-termers, but nor am I one of the newbies. I'm somewhere in the middle, having gotten involved in ICANN starting in 2009. I've only been an alternate for Phase 1 and Phase 2 but stepping forward to a full member for this last stretch. Before that, I was heavily involved in an earlier phase of the same debate as one of the vice-chairs of the Registration Directory Services Working Group. Looking forward to working with you all and finally finishing off this process. And again, thank you, Keith, for taking on the chair.

KEITH DRAZEK:

Thank you very much, David.

DAVID CAKE:

And you.

KEITH DRAZEK:

Thank you. We do have some alternates on the call today, so we'll go through and have them introduce themselves, as well, briefly, and then we'll get down to business. So, Steve DelBianco? Actually, I should ask staff. Are the alternates able to speak on today's call?

TERRI AGNEW:

For the introduction part, they do have rights, yes. They sure do.

KEITH DRAZEK:

Okay. Sounds good. So Steve, if you're there, go right ahead.

STEVE DELBIANCO:

Thanks, Keith. It's Steve Delbianco. I'm president of NetChoice, a trade association, and I'm the policy chair for the ICANN Business Constituency. I serve only as the alternate here for Mark and Margie from the BC. Glad to be back with you all. Thank you.

KEITH DRAZEK:

Thanks very much, Steve. Okay. Amr Elsadr?

AMR ELSADR:

Hi. This is Amr from Cairo, Egypt. I'm an alternate for the Registries Stakeholder Group. Excuse me. I was involved in Phases 1 and 2 of the EPDP as a representative of the Non-Commercial Stakeholders Group. But since September of this year, I've been employed as a policy consultant by Uni Naming & Registry, which is an ICANN contracted party.

I've been drafted to participate alongside the rest of the Registries Stakeholder Group representatives on this team. My first ICANN meeting was in 2009 but I became engaged in WHOIS and registration data services/policies as of 2012. I think WHOIS was my first ICANN or GNSO PDP. I'm kind of stuck with WHOIS policy development since then, so happy to be working with you all. Thank you.

KEITH DRAZEK:

Thanks very much, Amr. Okay. Beth Bacon?

BETH BACON:

Hi. Good morning and good afternoon, everybody. Keith, welcome to the party. Happy to have you. I'm Beth Bacon. I've worked in ICANN for quite some time. I am currently the Senior Director of Policy and Privacy for Public Interest Registry. I've been there for four-and-a-half years-ish.

Prior to that, I worked in the U.S. Government at NTIA and on the Hill in the Senate. For all of those years, I worked on both privacy and Internet issues. So, I'm just going to keep that train rolling here on the EPDP. I've been the alternate for the past two phases and look forward to kind of closing this out on a high note with you guys. Thanks very much.

KEITH DRAZEK:

Thank you, Beth. Okay. León Sánchez?

LEÓN SÁNCHEZ:

Thank you, Keith. My name is León Sánchez. I am currently the vice-chair of the ICANN Board and I am serving as an alternate to my colleagues, Becky and Matthew. I was also a member of EPDP Phase 1, then observer on EPDP Phase 2, and, of course, now an alternate to my colleagues on EPDP Phase 2A. And I was also cochair of the CCWG, along with Thomas. So, it's good to be back. Thank you.

KEITH DRAZEK:

Thank you very much, León. Okay. Owen Smigelski?

OWEN SMIGELSKI: Hi, everyone. This is Owen Smigelski. I am with the registrar Namecheap. I'm also vice-chair of policy for the Registrar Stakeholder Group. I've been here in this position for two years. Prior to that, I was with ICANN Org for seven years. My first ICANN meeting was 2007 and I've been working on WHOIS issues since 2009. I was an alternate, also, for Phase 2. Thanks.

KEITH DRAZEK: Thank you very much, Owen. Finally, Bruna Santos.

BRUNA SANTOS: Hello, everyone. Good morning or good afternoon. My name is Bruna and I am currently the advocacy coordinator at a Brazilian NGO called Data Privacy Brasil Research. I've been around ICANN since 2016/2017. I am the current chair of the Non-Commercial Stakeholders Group and also the only alternate for the NCSG team on the EPDP. Really nice to be here, thank you.

KEITH DRAZEK: And thank you very much, Bruna. So thanks, everybody, for taking the time to introduce yourselves. I know most of you know each other well over the course of the last several years on EPDP Phase 1 and Phase 2 but, as noted, we do have some new members of the group and I very much appreciate you all taking the time. I appreciate your patience, here.

So, I just want to make a couple of remarks before we move into some administrative business about the need to potentially identify a vice-chair. But I'd just like to tee things up here and acknowledge the significant amount of work

that has been done over the course of EPDP Phase 1 and Phase 2.

But also to call out that, during the discussions at the GNSO Council level during Phase 1, and Phase 2, and the evaluation of the final reports, the GNSO Council acknowledged the importance of the issues before this group today: legal versus natural and the feasibility of unique identifiers, as well as the topic of data accuracy, which will be handled separately from this group.

But I did just want to reaffirm that the GNSO Council, as I was the chair, recognize that these issues were very important to a broad range of the community, both inside and outside the GNSO, and that it was very important that we consider the new information received from both ICANN, in terms of their study, as well as some additional legal guidance from Bird & Bird, on these topics.

During the discussions that we had between the GNSO Council, and various parts of the community, and the EPDP team itself, we recognized that the issues before us today and over the next three months were not on the critical path for the development of policy related to the SSAD, and I'm speaking specifically to Phase 2 right now.

But the GNSO Council committed to ensuring that this work was not ignored, was not discarded, was not set aside, that it was something actually something that needed to be addressed, and that is why we are here today and over the next three months, at a minimum, focusing on Phase 2A.

So, I just wanted to reaffirm my commitment, both from my time as GNSO Chair and through this process, to make sure that we

consider the new inputs and that we as a group make sure that we are coming to this with an open mind.

I understand completely that these topics have been discussed previously, they have been considered previously, and I just want to try to encourage everybody to come to this next discussion with an open mind, considering the new inputs, and try to identify if there are improvements or changes that need to be made based on those new inputs and new information.

So, I just wanted to put that out there and give you a sense as to my commitment to this, where I'm coming from in terms of my history on the council, and now wanting to see this through, and that this is something that ... I hope we can work collaboratively. I know we will. But to try to, within a very finite period of time, determine whether there is an opportunity to reach consensus on adjustments, amendments, or new structures that might be considered.

So, thanks for that. With that, let's move to agenda item number three, which is the vice-chair selection. In the charter from the GNSO Council, the charter foresees that the EPDP team, once formed, will select one or two vice-chairs to assist the chair. Should, at any point, a vice-chair become chair, the same expectations with regard to fulfilling the role as chair as outlined in the charter will apply.

So, we as a group need to decide, A, do we feel like we need a vice-chair at this point? B, if so, what the process should be for nominating a vice-chair from the group. Or I guess the third option that was put before us was the possibility of having the GNSO Council liaison to the group step in a vice-chair, as Rafik did during

Phase 1 and Phase 2. The challenge with that latter or last option is that we currently don't have a liaison appointed from the GNSO. So, that's an open issue.

So, I just want to open it up to the floor, now, to see if anybody has thoughts about the process of, A, do we feel like we need a vicechair, B, if so, how we should go about nominating somebody. So, let me just open it up to see if anyone has any comments, questions, or thoughts that they'd like to share. Okay. James, go right ahead.

Thank you.

JAMES BLADEL: Hey. Thanks, Keith. Yeah, I thought it worked out fairly well last time having Rafik as the vice-chair. And so, if the council liaison is willing and able to step into that role again, I think that's the cleanest and fastest solution to ... For me, a vice-chair is really just someone to help us out in case you're conflicted or can't attend, and that comes up quite a bit. Well, hopefully, not so much with 2A. But in Phase 1 and Phase 2, that was always a danger because those calls were so long and so frequent. I'll just endorse that proposal. Again, not speaking for our liaison, but if they're willing. Thanks.

KEITH DRAZEK: Okay. Thanks very much, James. And so, again, I guess the question will be, once that liaison is appointed by the council, we could take that up. I will say I don't foresee any reason, or I don't have anything that I think would force me not to be able to make a call over the next three months. So, there's nothing that I'm aware of or that ... But things could come up, so I think it's important to have somebody available and ready to step in as needed. So, does anybody disagree with the idea of having the council liaison act as the vice-chair when needed? Laureen, I see your hand, please.

LAUREEN KAPIN: So, I don't pretend to be an expert on the procedural restraints but I'm wondering, for something new, would it be possible, perhaps, to draw a vice-chair from outside the GNSO Council? You have several advisory committees here participating, as well, and that might balance things out, so to speak.

KEITH DRAZEK: Thanks, Laureen. I don't think there is anything procedurally that would prevent that. I guess the question is, is there anybody who is interested in volunteering or nominating someone? With the understanding that, if you had to step into a vice-chair role, you would basically take on the duties of the chair and would have to remain neutral and engage in a very neutral, even-handed way in terms of managing the process during that time. I would just add that caveat but I don't think there is anything procedural that would prevent any member of the group from becoming a vice-chair.

LAUREEN KAPIN: Right. And of course, I would expect that from anyone in a leadership position, that neutrality. So, perhaps, might we consider this, rather than deciding at the spur of the moment? Could we have until the next meeting to mull it over?

KEITH DRAZEK: Absolutely, yeah. Thanks, Laureen. This is Keith Drazek again, I apologize. I'm terrible about saying my name for the transcript. So yeah, I think, absolutely, we don't have to make a decision on this today. Like I said, there is no GNSO Council liaison yet so, even if that were an option, we don't have a name.

So, let's defer this until our January meeting in terms of any sort of decision, but we can have further conversation on the list or, if anybody else has thoughts that they would like to raise right now, by all means, please do. I should also note that, typically, I think, at least in Phase 1 and Phase 2, the vice-chair was part of the leadership team that met separately with staff in terms of the planning, in terms of the preparation for the EPDP Phase 1 and Phase 2 team meetings.

So, just so everybody understands that the vice-chair would step into the role of chair as needed but, as part of the leadership team, there could be some additional bandwidth required and a time commitment to be able to participate in those planning sessions. So, in the event that the vice-chair had to step into the chair role, they were up to speed and fully engaged with staff in terms of those management responsibilities. Laureen, go ahead.

LAUREEN KAPIN: This is Laureen, I'm also terrible at identifying myself for the transcript, so thank you for identifying me. Just for clarity, would the vice-chair be able to participate actively in the discussions from their stakeholder vantage point when they were not acting as vice-chair? I think that's important for anyone considering this position to know in advance.

KEITH DRAZEK: Yeah. Thanks, Laureen. If anybody else has different views, feel free to jump in, but I would expect that, while not performing the chair duties, that vice-chair would be able to participate and contribute on behalf of the group they represent. Volker, I see your hand. Go ahead.

VOLKER GREIMANN: Yes, thank you. Maybe just a counterpoint. Depending on how effective or intense you are with conveying your position for your group, it might come to a point where the opposing side—and it might be from either side—loses trust in the vice-chair if they are too vocal in expressing their opinion to be able to pose a neutral party to chair the meetings when they have to step in. So, it might come to a conflict if we allow that, the advocacy role as part of the role as vice-chair. So, I just want to have that considered, as well.

KEITH DRAZEK: Yeah. Thanks, Volker. I think that, obviously, there is a balance that would need to be struck there and I think it's fair to flag that as a possible concern or a possible point of conflict that we would all hope to avoid. So yeah, let's take that on board as we consider it. Melina next.

MELINA STROUNGI:

Yes. Thank you, Keith. I actually agree with Volker that my expectation, and I think everybody's expectation, would be that the role of the vice-chair would be as neutral as possible, and it's very difficult to achieve if there is even the tiniest link or conflict with existing involvement in the process. So, I'm also in favor of having someone neutral. Thank you.

KEITH DRAZEK:

Okay. Thanks, Melina. Any other thoughts? Any other input? Right. So, I'm going to take an action item here to circle back with Philippe Fouquart, the chair of the GNSO, just to touch base on timing and expectations for when we might see a council liaison—I think that will help inform the discussions moving forward—and that we should continue to think about this.

Let's talk amongst ourselves in terms of who a good candidate might be that would be able to perform the role, be available in terms of time and bandwidth, and also be someone who could continue to be viewed in a neutral fashion when performing those duties. So, let's draw a line under this one in the interest of time.

Thank you all for the discussion and for the input.

With that, again, the action item here for us is to try to solve this at our next meeting in January. Okay. Let's move onto agenda item number four, which is a review of the GNSO Council instructions to the EPDP team. With this, I am going to hand it off to Caitlin Tubergen.

CAITLIN TUBERGEN: Thank you, Keith. I hope you can hear me better now.

KEITH DRAZEK: Caitlin, your audio is still a little bit faint, for me at least. I'll turn up my volume. But if you can speak a little closer to the mic, that might be helpful. Thanks.

CAITLIN TUBERGEN: Is this better?

KEITH DRAZEK: Yes, much better. Thank you.

CAITLIN TUBERGEN: Okay. Thank you. Sorry about that. Thanks, Berry. If we could go to the next slide? Great. So, as we know, this group is being asked to look at two topics that were held over from Phase 2 and Phase 1. Starting with legal versus natural, the council is asking the EPDP team to review the study undertaken by ICANN Org.

As you might remember, Recommendation 17 from Phase 1 provided that contracted parties are permitted to differentiate between legal and natural persons but are not required to, and, at the same time, Recommendation 17 asked ICANN Org to undertake a study about the feasibility of differentiating between legal and natural persons. That study was delivered to the EPDP team in July of 2020, so there wasn't adequate time for the team to review that study.

So, the council is asking this team, Phase 2A, to review that study in detail. Additionally, there was previous guidance from both Phase 1 and Phase 2 on the topic of legal versus natural. Bird & Bird provided legal guidance in two memos.

The Phase 1 memo is about the liability, or potential liability, of contracted parties if a registrant were to inaccurately self-identify as a legal person and the risks associated with that, and the memo from Phase 2 also discussed issues of legal versus natural, and provided some options and attendant compliance considerations for those options, and it also had Bird & Bird review some of the current practices of RIPE NCC and ARIN.

So, the council is asking that EPDP team members review both of those legal memos and, again, the study undertaken by ICANN Org, as well as the input that was provided in response to the ... That the groups provided to this topic. And in short, you're being asked to review if any updates are required to that Phase 1 recommendation.

And as I noted, currently, contracted parties are permitted to differentiate but they're not required to do so. So, the group is being asked to determine, should this become a requirement? Also, what guidance, if any, can be provided to contracted parties who do differentiate between legal and natural persons? Next slide.

On the topic of the feasibility of unique contacts, as a reminder, the feasibility of unique contacts and anonymized data is a topic that was in the annex to the Temporary Specification and the EPDP team was chartered to review this topic. In Phase 2, the Legal Committee prepared some questions for Bird & Bird to address and Bird & Bird came forward with a memo addressing those questions.

However, if memory serves me correctly, the Legal Committee did provide a summary of what that legal guidance provided but the plenary team didn't think it had enough time to review that guidance and ask for the team to discuss this further. And those groups, specifically, that asked for additional time were ALAC, the GAC, and the SSAC.

So, the council is asking the EPDP Phase 2A team to review that legal guidance and consider specific proposals that provide sufficient safeguards to address issues flagged in that legal memo. And the groups that did ask for additional time are asked to come forward with concrete proposals for this team to address.

And in that box are the questions the team is being asked to address: whether or not unique contacts to have a uniform, anonymized e-mail address is feasible and, if feasible, should this become a requirement? And if it's feasible but shouldn't become a requirement, what guidance can be provided to contracted parties who may want to implement uniform, anonymized e-mail addresses? And now, I'm going to turn it over to my colleague, Berry Cobb, to talk about the timeline for this group.

BERRY COBB: Thank you, Caitlin. So, as a part of the council's resolution when they passed this, basically, there is kind of a dual-purpose milestone that's being associated here. The first part is really more based on time. I see your hand, Alan. I'll go to you as soon as I finish this particular slide.

So, the first part is, basically, time-bound, recognizing that both of these topics have been deliberated in the past and there have been questions of whether consensus was achievable on these.

At this three-month marker, it will be up for the chair to determine with the council liaison if there is a possibility for meaningful recommendations that may gain consensus support. So, on or around ICANN70 is when ... This is the approximate timeframe by which this report back to the GNSO Council will take place. And I'm going to stop here. Alan, I see you have your hand raised, before I move onto the next slide.

ALAN GREENBERG: Yeah. My hand was raised up for the previous slide from Caitlin, so if you want to go on and come back to that afterward? Or do you want me to ask the question?

BERRY COBB: I go ahead and finish with the timing and we can return back for it. So, just in general, most of you are veterans from the Phase 1 and Phase 2. And especially within the Phase 2, we have, based on PDP 3.0 implementations, taken a much more projectmanagement-focused approach to managing our PDPs and EPDPs. This particular slide is just a summary timeline. You're familiar with this format, or most of you are.

As noted, at the end of March 31st is kind of this deadline/milestone where, as noted on the prior slide, the chair and the council liaison will report back to the council about its progress and chances for recommendations that can be supported broadly in parallel to this.

As we continue our deliberations and we're documenting those deliberations and outcomes, we'll be in parallel, basically, building an initial report. And if it does seem like there is traction on the recommendations and the proposals then, of course, probably almost in parallel with this report back to the council, would also be the milestone for potentially submitting an initial report out for public comment.

So, the takeaway here is that the "eye on the prize" is the end of March in terms of deliberating both topics. Predominantly, this will be performed in parallel. Some of our initial meetings may be dedicated to one topic or the other but, as soon as we have done our cursory overview of the studies, the legal advice, and those kinds of things, you can pretty much expect that each meeting will be kind of a split of each topic, and we may course-correct as we move along if there is more support for one topic over another in terms of getting to some substantial possible draft recommendations.

And then, the last thing I'll mention here is just, what is our cadence, our schedule? As of right now, we're going to meet on Thursdays at 14:00 UTC. This mimics our schedule from Phase 2, except that

we're only going to be meeting for once a week and the meeting duration will only be 1.5 hours. It's approximately going to be ...

That gives us about 13 meetings, or just shy of 20 hours of meeting time, to get to that end-of-March milestone deadline, depending on our cadence of reviewing and deliberating the topics. It will be at the chair's discretion that there is the option that we can extend the meetings to two hours or, if need be, twice per week. Hopefully, we won't need to go down that track. But as noted, we are, basically, on a time schedule as well as a deliverable schedule.

As Keith noted earlier, the leadership meeting group will meet Tuesdays prior to our meeting to confirm the week's agenda and prepare any materials for the group to review. And of course, we'll be producing our monthly project package that contains a snapshot of the summary timeline, the situation report, which is basically an extract of the overall status and progress of the project that is delivered to the council on a monthly basis as part of its project list.

Behind all of this is a full-blown project plan/Gantt chart that identifies all of the primary tasks for deliberations of both of these topics. And then, really, the more tactical or tangible work product is our milestone and action items' list, which is a Google Sheet, and there is a link out to that out on the Wiki.

We will be taking a more regimented approach about action items. We have enhanced this tool. We kind of used it in Phase 2 but it was really more a staff work product. It has been redesigned in terms of how the council approaches its action items and I have repurposed it, now, for ours, meaning that there are going to be due dates on these action items.

Where an action item is assigned to an individual or a group, it will have the particular due date, with an expectation that it be completed at that timeframe, and it will alert us when a potential action item will be missed. So, with that, I think that kind of covers

the overall timing and I'll return back to this slide and turn it back to Keith to manage the queue. Thank you.

KEITH DRAZEK: Great. Thanks very much, Berry. So, let's go to Alan Greenberg, first, and then we'll come to Milton next.

ALAN GREENBERG: Thank you very much. On slide nine, I have a concern that I've had all along. We've been using expressions such as "unique contacts" and "uniform anonymized e-mail address" from the very beginning but they have never been defined. Moreover, the terms "unique" and "uniform" are almost opposites, one implying that everything is different and the other implying that they're the same.

So I really think that, going forward, we need either to be given or to derive clear, concise, unambiguous definitions of what these terms are so that we know what we're talking about, because I suspect we are talking about different things, sometimes.

And indeed, maybe we're looking at options, some of which are uniform and some of which are unique, but these terms are not defined, and just throwing them around without knowing what they mean I don't think is helpful in allowing us to come to closure. Thank you.

KEITH DRAZEK: Okay. Thanks very much, Alan. Thanks for that. I think establishing well-understood and mutually agreed-to definitions is an important concept, especially at the beginning of the process. So, I appreciate you flagging that and I think there is probably some additional work that we can do to ensure that we all understand exactly what the terms mean, if they are interchangeable or not, and to make sure that we have got a common understanding as we head into this. So, thanks for flagging that. We'll take that as an action item to look at further. Okay. Milton, you're next. Go ahead.

MILTON MUELLER: Sure. Hello, everybody. I am just looking at Berry's schedule and shaking my head in disbelief. As much as I would like for it to be possible for that to happen, I would remind you that we have a long history of staff coming up with ambitious schedules of this sort which we routinely fail to meet.

So, what we're looking at here is, essentially, we're going to be starting serious work in January, and he's saying that, within a month, we're going to start drafting a report. I just don't see how that's going to happen.

So, I guess my comment or question is just, what's the plan B when we don't meet these deadlines? And what is the reason for imposing these deadlines? Are they sort of aspirational goals, or there is something about the actual process or external environment that is requiring us to do this by a certain date?

KEITH DRAZEK: Yeah. Thanks very much, Milton, it's a great question. To go back to the GNSO Council's resolution and scoping of this effort, there's an

expectation that the council has set that, at the latest, three months after convening, we need to report back.

The chair and the council liaison need to report back to the council on the status of our deliberations and any progress being made. It's basically a checkpoint to indicate whether there is an opportunity for this group to develop recommendations that can reach consensus on these issues.

And so, I think the key here is that we have been given a milestone to meet by the GNSO Council, which is a report about the progress and about whether there is the possibility ... "Are we making sufficient progress that this group should continue?" I think is essentially what it boils down to.

There was, certainly, during my time on council and as the council chair, a recognition that there is a tremendous amount of work on the council's plate, on the community's plate, and that this is important but that we don't want this team to continue talking for nine months, or a year, or more on something that may or may not have a successful outcome.

So, I think the key here was to establish a checkpoint that would give the opportunity for the council to assess whether the group has a good runway toward a successful conclusion or whether the group should be shut down, essentially.

So, let me pause there. I see some hands going up. Berry, if you'd like to weigh in on anything else further, you're more than welcome to do that. And I should note, I missed Berry during the introduction. Berry, I think, has just introduced himself, obviously—ICANN policy staff support, along with Caitlin, supporting the EPDP, both in Phase

1, Phase 2, and now Phase 2A. So thanks, Berry, and apologies for that. Milton, is that a new hand or an old hand?

MILTON MUELLER: It's an old hand, sorry.

KEITH DRAZEK: Okay. Thanks, Milton. No problem. So Alan, Brian, and then Laureen. Thanks.

ALAN GREENBERG: Thank you very much. The three-month deadline council gave us was tight but not totally unreasonable. The decision to define our convening date as today and then adjourn for a whole month really makes it two months and that, I believe, brings it into both the surreal and the unreasonable.

I just don't think it's acceptable to say that we're working for three months where the first month there are no meetings and, to a large extent, people are off for significant parts of that in various parts of the world. So, the three-month was not unreasonable as a checkpoint but making it two months, I think, pushed it into the unreal. Thank you.

KEITH DRAZEK: Okay. Thanks, Alan. My understanding is that our three-month clock starts in January, actually, but your point is a good one, that, basically, we're not expecting folks to do a whole lot of work over the next several weeks with the holiday seasons upon us, but that we're really getting down to business once we reconvene in our January meeting. But I understand everybody's concern about—

ALAN GREENBERG: So that means April, then, is the three-month deadline, not March. One plus three equals four, I think.

BERRY COBB: Keith, if I may, we've got the month of January, which will be four meetings, the month of February, which is about four meetings, and the month of March, which is appropriately almost five meetings because we'll likely be meeting at least twice during ICANN70. So, that really is three months.

And as I noted in the chat, again, if the deliberations of the group are forming around meaningful draft recommendations where the chair is determining traction for broad support on these, there is nothing that says that we can't ask for more time to continue to work on an initial report into the month of April, or even further. This is really mostly just a status-gating, a time-based milestone, and that doesn't shut the door on extending work if it is possible.

KEITH DRAZEK: Thanks very much, Berry. Good additional context. So, I've got Laureen and then James in queue. Laureen?

LAUREEN KAPIN:

Thanks. I'm certainly very hopeful, with all the input and guidance we have been given, that we have the bones of a way to craft a path forward, here. I am concerned when I hear that there is a possibility, after three months, that things just could be disbanded.

I assume everyone is here devoting this time in good faith and working toward a solution, but if things could be disbanded in three months and there were folks who didn't have open minds, it seems to me that could create a great incentive for us not to be able to come together.

So my question is, could it not be a possibility, after three months, if there were divergent views, that there still would be a path forward to creating a report of those divergent views, rather than just ending the process without any product, so to speak?

KEITH DRAZEK:

Yeah. Thanks, Lauren. It's a good question. I think it will be important, no matter what happens, that the group document its work. So, I think there is certainly an expectation, from my perspective, that, as we work through the next three months, or three-and-a-half months, we strive to do everything we can to identify where consensus can be reached on new recommendations on these topics, and that along the way, of course, we will document the work, and that I would certainly expect the outcome ...

If it turns out that it becomes clear that consensus is not possible then that's something that we need to document, as well. And so I think, in terms of filing a report or establishing the record, it's important regardless. But again, I'm hopeful that over the next three months we can identify a path forward to reaching consensus on

certain recommendations on these topics. So, that's certainly my main focus and my goal. But documenting and establishing the record on all of our work, I think, will be critical. James, you're next. Go ahead.

JAMES BLADEL: Thanks, Keith. I may take a slightly different view, here. I mean, I think I'm a little discouraged here, on day one, just after the introductions, that we're already kind of looking at our timeline and talking about needing some additional time. I mean, Phase 2 was over time and Phase 2A is like extra innings, or whatever sports metaphor you like.

So, it feels like we are already operating past some of our initial guidance that we had when we kicked off the EPDP. And like Laureen said, we're not coming at this cold. We've talked about these topics. We kind of have a rough idea of what's involved and where the landmines are, and we have some solid legal advice that we usually have to wait quite a bit of time for. We have that already in hand.

So, I think we can hit the ground running a little bit. I think it's part of the ICANN culture to just take whatever calendar we have, and then fill it, and then add to it, and I think we should, as a group, maybe make a commitment at the outset that we're not going to go down that path, that we're going to stick to our schedule and we're going to get it done. Thanks.

KEITH DRAZEK:

Thanks, James. I think you're right, we do have a lot of established inputs and we have work products and homework to get to. So actually, let's move to that now. I'm going to turn it back over to Caitlin, I think, for an overview on the staff-developed background briefing papers on the two topics that we have before us.

This is going to be homework leading into our January call, so I think for most of us, or many of you, in particular those that were directly involved in Phase 1 and Phase 2, a lot of this will be very familiar. But I think it's important for us all to refresh our understanding and make sure that we have a common starting point at so what this group is expected to do. So Caitlin, can I hand it back to you?

CAITLIN TUBERGEN:

Yes. Thank you, Keith. As Keith just noted, a lot of this material may have already been reviewed by many members of the Phase 2 team. But for both the benefit of the new members, as well as a refresher for the returning members, what staff tried to do is compile everything that we have on the two topics into one document.

So, that includes the instructions to the EPDP team that we should always have in mind when we're reviewing the materials. For legal versus natural, it includes the Phase 1 recommendation on the topic and the history behind that. And also the document, as you scroll down, includes the additional resources we have.

So, the main point that Keith brought up earlier is that everyone needs to familiarize themselves with all of the briefing materials that we have for both of the topics, legal versus natural and feasibility of unique anonymized contacts, so that we can scroll back to the top and see what the instructions for the EPDP team are and start delivering on that.

I believe everyone should have received these briefing documents a week-and-a-half ago. And also, the briefing documents appear on the EPDP team's Wiki page, so you can always refer back to the Wiki page if you'd like to find any of the materials. Are there any questions on the briefing documents? Keith, I'll hand it back over to you.

KEITH DRAZEK:

Thanks, Caitlin. Thanks very much for the overview, there. I see Manju has her hand up. Go ahead.

MANJU CHEN:

Yes. I looked at the briefing document for the legal versus natural persons and, for the hyperlink of the legal guidance in the first paragraph, it also linked to the study, so I don't know if that was intended or the hyperlink was a mistake.

KEITH DRAZEK:

Thanks, Manju. Sorry, it took me a minute to get off of mute. So, I guess Manju is flagging that, maybe, one of the links is incorrect. I think it was the legal advice going to the study. So, we'll just need to correct that if that's the case. Thank you for flagging that, Manju. Okay.

Any other questions from anybody on the briefing documents and, essentially, the homework? And again, it's not just the briefing documents but the briefing document's link to other resources. So, it's a matter of digging in and making sure that we're all on the same page and starting from the same point.

And I should ask, does anybody feel like there is anything missing? If you haven't gotten through the documents yet yourself, please, if

there is anything that you think needs to be added or augmented to the record in terms of historical documentation or new things that may be coming, let's make sure that we have a comprehensive list. I think what the staff has pulled together here is very comprehensive but I want to make sure that, if anybody thinks that something should be considered ... To raise that for our awareness. Milton, I see a new hand. Go ahead.

MILTON MUELLER: Right. Do we have a concise definition of the question we're trying to answer or the problem we're trying to solve by reading these documents?

CAITLIN TUBERGEN: Keith, I can jump in.

KEITH DRAZEK: Yeah. Thanks, Milton, and thanks, Caitlin. Milton, I think the answer is yes, but let me hand it over to Caitlin for a more direct and more substantive response.

CAITLIN TUBERGEN: Sorry, Keith, I didn't mean to steal your thunder. I think that it's always better to have the simple answer, which is yes. As you can see, Berry is highlighting the portion of the briefing document that asks the question that the team is supposed to be answering. So, in section A of both briefing documents, you'll see—

MILTON MUELLER:

Caitlin, I don't mean to interrupt here, but the document that is being shown on my screen is moving around and half of it is off the screen. So, could we reduce it, center it? We can't really see what's going on here. It's moving all over the place. You can carry on. I'm sorry to interrupt. Just tell us what we're supposed to be seeing.

KEITH DRAZEK:

Yeah. Thanks, Milton. Maybe what we could do ... If somebody could put the link in the chatbox so Milton can pull it up and follow along? Milton, folks are saying that they're not having a problem seeing the screen and I'm seeing it okay, so it might be something on your end. So, if we could just get Milton the link here so he could follow along, that would be great, Yeah. Caitlin, let me hand it back to you.

CAITLIN TUBERGEN:

Thanks, Milton. We'll send you a link shortly. Essentially, what Berry was highlighting is that, in the briefing doc, at the very top of the document in section A, it includes the council instructions to the EPDP team, which summarizes what questions the team is supposed to be answering.

And then, as I mentioned earlier, the rest of the briefing document highlights the pre-existing information and background information that will be useful in answering these questions, which is in addition to the studies, the legal memos, that were included at the beginning of the presentation that everyone on this team is required to review so that everyone is trying to answer these questions with the same body of knowledge. I hope that's helpful.

KEITH DRAZEK:

Thanks very much, Caitlin. Milton, is that a new hand or an old hand? Okay. I'm guessing it's an old hand. If not, feel free to jump back in. Would anybody else like to contribute any questions, any comments, any thoughts on the briefing memo? Berry, go right ahead. Thanks.

BERRY COBB:

Thank you, Keith. Just one other note that staff is trying to work on the side. We had hoped to have this ready by now but there were scheduling issues. One is that we're working with our GDS colleagues to have a pre-recorded webinar to review through the study in detail.

Once that is completed, we'll be able to pass that to the group. We'll only devote meeting time to questions or a Q&A session based on the legal study but we'll get that to the group as soon as possible.

And then, secondarily, in terms of the legal memos ... And Caitlin can correct me if I'm wrong but, in addition to the legal memos themselves, I believe that there were also summaries of those legal memos that were provided. We, of course, encourage you to read the full details of the legal memos but I believe that we're also trying to schedule a short session where those can be reviewed on the call and answer questions that you may have about that. Hopefully, that will occur on or before the 14th of January, which is our next meeting. Thank you.

KEITH DRAZEK:

Okay. Thanks very much, Berry. Caitlin is confirming that there are summaries of the Phase 2 legal memos provided in the final report. Would anybody else like to get in queue at this point? We have about 15 minutes left in our call today. Okay. I'm not seeing any hands. Let's see. Let me just check the agenda, here. Yeah.

So, we've just gone through the background briefing documents and the homework assignments. Berry and Caitlin, do you have anything else that you'd like to add at this point? Anything in terms of next steps, in terms of looking ahead, and specifically on the substantive record in terms of making sure that folks understand what's expected headed into the January meeting? But I see Alan has his hand up and then, Caitlin, I'll come to you. Alan?

ALAN GREENBERG:

Thank you very much. In the homework assignments, it says we should review the legal memos and provide any questions we have. Who are the questions to? My understanding is we don't have any funding for legal support for this group, so we can't ask the questions of the lawyers who wrote the letters. So, who are the questions to that we may have on the legal memos?

KEITH DRAZEK:

Thanks, Alan. Great question. Berry, feel free to jump in here, but my understanding is that, if we have questions on the legal memos or anything like that, we will be able to secure whatever resources we need to be able to address those, obviously within reason. But there is an expectation that we will have access to clarifying answers if we have questions. Alan, you wanted to jump in?

ALAN GREENBERG: Then I say a very grateful thank you.

KEITH DRAZEK: Okay. Sorry, I accidentally muted myself. Berry, am I correct on that in terms of the communication that we've had with David and others in terms of the resourcing?

BERRY COBB: Yes. Just to confirm, there is not a dedicated budget like we've had in prior phases where the GNSO Council has requested funds from the ICANN Board. But given the shorter duration and the legal advice already provided, there is a general expectation that we're not going to require a substantial budget to cover this.

And so, if there are questions, additional information that is needed from Bird & Bird, that channel is available to us, and limited resources within the policy department's current budget. So yes, we will have access to that. Thank you.

KEITH DRAZEK: Great. Thanks, Berry. Thanks for confirming. And thanks, Alan, for the question. It was a good one. Okay, Caitlin, you're next.

CAITLIN TUBERGEN:

Thank you, Keith. I will spare everyone from droning on and on about the homework that everyone needs to complete, but the one thing I would note is that the homework is displayed on the slide on your screen.

What support staff will do is circulate two Google Documents, one for legal versus natural, one for feasibility of unique anonymized contacts, where EPDP team members who may have already completed the homework or are in the process of completing the homework can both input potential clarifying questions to those legal memos as well as any proposals, input, or guidance based on those questions in section A of the briefing documents. So, we will circulate there shortly after the call so that folks can be doing work even when we're not meeting together. Thank you.

KEITH DRAZEK:

Great. Thanks very much, Cailin. I saw Melina had her hand up, and then Brian King has his hand up. So Brian, let's go to you. If Melina would like to get in queue, she can.

BRIAN KING: Thanks, Keith. I wasn't going to suggest this because I thought Melina might, but hot off the press in Brussels is a new NIS Directive that I wanted to share and add to the reading list for this group. It contains language directly on point with distinguishing between legal and natural person domain name registrants.

I'll put a link in the chat. There is Article 23, I believe, and Recitals 59 through 62 speak directly to WHOIS and to the legal/natural person issue. So, I'll put the link in the chat but I'm going to request that we add that to the reading list so that folks are up to date on the most recent legislation in Europe. Thanks.

KEITH DRAZEK:

Okay. Thanks very much, Brian. I'm familiar with that, I took a look at that last night. I know that ICANN has blogged on it, as well. Berry has put that link in the chat, so thank you, Berry. Just to clarify a bit, it's a draft directive. It is not an approved or accepted directive. It is, basically, a first draft.

So while you're right, it does speak to some of the issues that we're talking about here, and generally speaking is related to registration data, it is just a draft at this point which probably has several years of life cycle to get through before anything comes out the other end. I know that's not a very artful way of putting it. Just wanted to clarify that. Melina, you're next, and then Jan.

MELINA STROUNGI:

Yes. Thank you, Brian. Thank you, Keith. This was exactly the point that I wanted to raise to inform everyone and also share the link in the chat. But for some reason, my chat appears disabled. I don't know why. But yes, this is also what I wanted to raise, basically, this

recent Commission proposal that was adopted yesterday. And as you correctly said, Keith, it's a proposal, which means that it still has to go through the parliament and council negotiations.

KEITH DRAZEK:

Okay. Thank you very much, Melina, and thanks, Brian. Brian, I assume that's an old hand. So let me come next to Jan, and then to Margie.

JAN JANSSEN:

Yeah. And the issue that it's just a proposal, that is correct. But I would like to mention that, here, this is a proposal that is coming from the Commission, and the Commission in the EU is not simply only a legislator. It is implementing legislation, EU law—it's overseeing EU law, under the control of the Court of Justice, obviously.

And it does this task in various ways, and one of those ways is proposing new legislations, but there are also concepts of "soft laws." So, the fact that the Commission is proposing this is really relevant, also, for interpreting the GDPR. I would recommend that everybody has a close look to what the Commission is proposing here.

KEITH DRAZEK:

Yeah. Thank you very much, Jan. I apologize for accidentally cutting you off, there. So yes, thank you for that. Obviously, in the language in the very brief review that I conducted, there is definitely overlap in terms of areas of focus. So, we'll make sure that this is added to the record for consideration. Okay. Margie, you're next. Go ahead.

MARGIE MILAM:

Sure. Hi. I was also going to point out that, while it is a proposal, it is something we need to keep in mind because it signals what the European Commission is anticipating for European law, and I do feel that we wouldn't be doing our job if we didn't consider it and actually factor it into the policy recommendations.

But the other thing I wanted to point out, Keith, is that, as a point of order, I believe your intervention was rather not-neutral from a chair position. One of the things that I worried about with having a contracted party serve as chair is that it would somehow guide the discussion in a way that would prevent us from having an honest, open dialog.

I realize you may not have intended that but I just want to call it out as a point of order that I don't think it's appropriate to cut off conversation about something when, especially here, this is spoton and relevant to the discussions we have. So, if you could just take that back as you think about how we manage this group going forward?

KEITH DRAZEK:

Thank you very much, Margie. Frankly, I don't think that I cut anything off. I simply acknowledged or made it clear that it was not finalized and that it was a draft and a proposal. Certainly, the group is more than willing and able to continue to converse on this and have this discussion.

I understand your concern and the general concern but, in this particular case, I think we're having an open discussion and I just

acknowledged that we would make sure that this was added to the list of resources, so thank you.

Would anybody else like to get in queue? Anyone else like to get in queue? So, we have five minutes left. I guess we can turn, now, to looking ahead to the next meetings. So, our next meeting is going to be scheduled for Thursday the 14th of January at 14:00 UTC. We have action items, I think, before us in terms of homework assignments, making sure that everybody is up to date and up to speed on the actual work ahead.

Really, essentially, what is before us now is an opportunity for you as the EPDP team members to start identifying ways that we can put forward proposals to try to find a path forward in terms of coming to consensus about adjustments, or amendments, or new recommendations on these particular issues.

So, I think it's really important for each of you to, like we said, number one, make sure that you're up to speed and have done the homework so we're all on the same level-set in terms of the background. I think number two is to start identifying ways that we can be very concrete and constructive in terms of suggestions and recommendations for any such adjustments, and then make sure that we're working together.

I think it's going to be really important for us to try to do work and to collaborate and engage as a group—obviously during the face-to-face meetings or our weekly meetings, but I really encourage folks to start having conversations with one another, and try to be constructive, and try to figure out a collaborative path forward.

With that, I am going to stop there and see if anybody has any final questions or comments. If not, we will go ahead and wrap up the call a couple of minutes early. Let me ask, actually, Berry and Caitlin, if you have any final thoughts or words for the group today before we conclude.

Okay. Berry says "All good." Caitlin, anything else? Okay. Nothing from Caitlin. Okay. Well, thank you all very much. I hope everybody has a safe and happy holiday season. I hope everybody has an opportunity to take a break. I look forward to reconvening with you all on the 14th of January. So, thanks for that. We can go ahead and conclude today's call. Thank you.

ALAN GREENBERG: Thanks, Keith.

UNIDENTIFIED MALE: Thanks. Happy holidays, everybody.

[TARA WHALEN:] Thank you.

[MELINA STROUNGI:] Happy holidays. Thank you.

UNIDENTIFIED MALE: Bye, everybody.

TERRI AGNEW: Once again, the meeting has been adjourned. Please remember to disconnect all remaining lines. Stay well, and happy holidays!

[END OF TRANSCRIPTION]