ICANN Moderator: Michelle Desmyter 10-31-17/5:38 am CT Confirmation # 5541762 Page 1

## ICANN Transcription – Abu Dhabi GNSO-Contracted Party House (CPH) Membership Meeting Tuesday, 31 October 2017 15:15 GST

Note: The following is the output of transcribing from an audio recording. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: <a href="https://gnso.icann.org/en/group-activities/calendar">https://gnso.icann.org/en/group-activities/calendar</a>

Graeme Bunton: Great. Thank you Registry colleagues for joining us, registrars in our room.

We figured out the sweet trick, this one cool trick to get the bigger room all the time, which is that you request translation services. And then you get the

bigger room. So...

Man: (Unintelligible).

Graeme Bunton: Yes. We've got a few things on our agenda to talk about today. A lot of that

is going to be prep for the Board. But we've got a few things ahead of that that hopefully we can work through quickly so that we can get to that Board

prep which traditionally has taken a long period of time.

So, first off is an issue that information went out to registrars relatively recently. But Craig Schwartz is going to bring that up and tee it up and explain what's going on there and tell us what they're looking for.

Craig Schwartz: Thanks, Graeme. Craig Schwartz, operator of the .Bank and .Insurance.

gTLDs and thanks, Graeme, for circulating the note to tee this up.

In a nutshell, the Council tomorrow afternoon is going to be taking up this topic of what's called a Community gTLD Change Request, which is a process that myself at a small working group has developed over the course of the last year at the request of ICANN back in October of 2016.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Page 2

Confirmation # 5541762

It seems at this point that ICANN is basically punting the decision over to the

Council as to whether this is an implementation or a policy issue. We clearly

feel that it falls in the court of implementation just as many other processes

that ICANN's developed since the launch of the new gTLD program.

Whether it's been public interest commitments or Spec 13 or the process for

allocating to other ASCII names, there're lots of things that come after the

fact that have always - that have been treated as implementation. And we

think that this Community gTLD Change Request should be handled the

same way.

For the benefit of the people in the room, the request is - relates to a process

for us to amend something in our Specification 12, which is where all of our

community registration policies are enumerated. And because it's in our

Registry Agreement, in order to have a change, we need to get ICANN's

approval. And they currently said there's not a process for them to provide

such approval, which is what's led us to this day.

I think what's important to understand is the process was not developed as a

means for a Community TLD Registry operator to undo its commitment to is

community. It's not a way to go from their Community TLD to an OpenTLD,

but to affect changes that are supported by the community behind that

specific TLD.

So my specific ask to the registrars is that when this discussion comes out at

the Council level tomorrow or if it's being handled on e-mail that you see it the

way we do as an implementation detail and not a matter for GNSO policy

work.

I'll stop there and happy to take questions if there are any.

Graeme Bunton: Is that James looking like he's going to the mic?

James, please.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

> Confirmation # 5541762 Page 3

James Bladel:

Hi, thanks. Is this on? Can you hear me? Okay.

James speaking for the record. And thanks, Craig. And for those of you who are in the Sunday GNSO session, we have added this to our agenda for

tomorrow.

Craig, I don't know that registrars have really had a lot of discussion on this. I

don't know that - I don't want to presume, but I don't know that there's a

whole lot of positions being taken one way or the other on this process. But it

is part of a discussion. I think that the next step would be to make a

determination of whether or not it is implementation. I think the best way to

do that would be to put it out for public comment and see if we get any kind of

a fulsome response on that question. Because I think it is, but I don't think

the Council can just come out and say that it is without some sort of a

rationale from that.

So I think that's probably the next step after the discussion tomorrow. But I'll

defer to Donna and some of the other councilors if they foresee that this thing

is headed for an iceberg. Because I think that's probably the path that we're

on, which I think is good, you know, for your cause because the other route

might take much longer.

Graeme Bunton: Thanks, James.

Maxim?

Maxim Alzoba:

Thanks. Maxim for the record.

I don't see us getting terribly excited about this either one way or the other.

Now the way the registrars and councilors vote is, you know, if the ExCom

based on the feedback from the memberships direct us to vote in a particular

fashion, that's what we'll do. So unless registrars kind of have a - are terribly

excited about this and want us not to vote in favor of us having that, I don't

So I will defer to our glorious leader who is missing his headgear, which was a nice little decoration. Please put it back on. That's better. Our illustrious leader has to provide us the direction.

Graeme Bunton: Thanks, Maxim. I get that direction from my membership. As much as I would like to rule this place with an iron fist, I do try and listen.

see a problem.

My sense is that this is uncontroversial for registrars. Probably people need to digest it a little bit. But that commentary that James was suggesting sounds like a reasonable approach, too. So we'll see what comes out of the Council tomorrow, I guess.

Do you have any more thoughts on that you'd like to share?

Cool. Okay. Thank you for bringing that to our attention. It's nice when we get to all collectively work together and try and get something like that done.

Great. Okay. Next stop on our agenda is the CPH TechOps Group. So registrars sometime in 2017 I think spun up a subcommittee we call TechOps. It's where we get together and try and solve technical and operational issues that cause us pain. Some of that requires interaction with the Registry. And I think you guys now have a similar structure. Now they sometimes get together and share those problems and try and work together to solve them.

So, A, this is great. B, this needs more people. I presumably - I know the Registrar side. I'm going to presume the Registry side to get people in there and working and helping work through these operational problems. So this is my call for participation to both houses to get in there and dig in and help get this done.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 5

I'm going to link this, however, to the GDD Summits, which are the - 2018 is

going to be May, likely Vancouver. And those GDD Summits should mostly

be operational -- is what their goal is. And so I think a lot of the planning for

that and the issues coming out of our respective TechOps, subcommittees,

groups, can really help drive the agenda for the GDD Summits. And the goal

there is to make the GDD Summits quite (tracked) rather than the last one in

Madrid which was like an ICANN meeting with a big long ineffective room.

And so we need those voices in these TechOp groups to help surface those

issues that we want to try and resolve at our next GDD Summits, so that we

can get the very most out of that.

Having a tough time taking me seriously, Donna. Good.

Please.

Donna Austin:

Sorry. Thanks, Graeme. Donna Austin from New Star.

To the TechOps group, I would just make a request that when you are setting up your meetings that you take into account that New Star, for example, has technical people in Melbourne and calls at 2:00 am in the morning on a regular basis are pretty inconvenient. So we're, you know, we're committed to participating. We want to participate. So please see if we can rotate the calls so that everyone (unintelligible) on a equitable basis, that would be appreciated. Thank you.

Graeme Bunton: Sure. Thanks, Donna. That seems like a reasonable request. My sense is that we probably meet independently as our stakeholder groups in those TechOps and then the joint calls are probably a little less common. And rotation there shouldn't be super arduous. Melbourne is at terrible time zone. Wonderful city, terrible time zone.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

> Confirmation # 5541762 Page 6

Do we have anymore? Do you, guys, have anything else to add on that

particular topic?

Paul Diaz:

No. Graeme. It's Paul for the record.

So just to remind you, we have 18 people signed up. And when I went over the list, it's very encouraging because it's 18 folks, many of whom are not the usual policy suspects but rather folks with real engineering credentials. So Marc Anderson had scheduled conference (unintelligible). The group is working, working well with the Registrar colleagues and totally agrees with you all that there's a leadership role for them to play in the next summit planning and look forward to doing so.

Graeme Bunton: Great. I think we're going to blast through this agenda at this rate. But maybe we can - oh, Maxim?

Maxim Alzoba:

We're still talking about GDD element. Yes, sorry, (unintelligible) side conversation of course. Bad me.

There was some conversation. I think Jonathan was offering his services to be one of the moderators alongside - I get the name wrong, Jennifer? Jen. Sorry? Jen Wolfe. And personally, I've absolutely no issue with that, but mainly he was wondering if people have any opposition to this.

Graeme Bunton: Thanks, Maxim. We're maybe a little bit far ahead to figure out exactly how that works or exactly how the GDD Summit is going to work without some more conversation, a little bit more time and digging into the topics we want to tackle there.

> My only concern there is that having moderation sort of implies the type of session we were seeing more of in Madrid, which is what I think we want to avoid. I think we want to have a smaller, more focused track sessions, which will still require leadership, but I'm not sure if that is the same similar

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 7

moderation that Jen Wolfe was providing in Madrid which was perfectly fine,

but maybe not how we want to operate that. But we can continue having that

conversation.

Samantha Demetriou: Thanks, Graeme. This is Sam Demetriou.

To that - to your point exactly, when we had discussed those with (Cyrus) and

he was trying to fire up this planning process, we had suggested that anyone

who would serve either in a moderator or facilitator or emcee role be part of

the planning process from early on just to get them better prepared and to

also just kind of hash out what the role will look like as we go so that

everyone is on the same page.

So, I guess to the point about who it will be, hopefully they will be able to

have the bandwidth to make the commitment to be involved in the planning

process as well.

Graeme Bunton: Great, Cool, Good,

Anybody else have thoughts on that one?

Awesome. All right. Next stop is RY - ROSG Member Participation and

PDPs. I didn't put this on the agenda. Do we know who did?

One moment.

Woman:

Yes.

Graeme Bunton: Oh. Okay. So I think this is pretty quick. I think this is - and I guess this

comes up of conversations we've been having earlier today with Jeff Neuman

around subsequent procedures and the lack of registrars involved in there. I

think we have a couple. But there's an awful lot of work and we're not

covering everything that needs to be.

Moderator: Michelle Desmyter

10-31-17/5:38 am CT Confirmation # 5541762

And so I think this is just a general call for more participation from both sides that the contracted party has in PDPs and IRTs. And so, yes, you should all do that.

The other part of that is you should probably - if that's something you want to do and you don't feel like you have the resources or the time, come talk to the ExComs and we'll figure out how we can make that burden less painful for participation there because we're always trying to do that.

So here, the joint ExCom is saying we need more involvement there. We want to help you be involved there because it's certainly good for everyone. And we can come up, hopefully, with some ideas to make that easier.

(Mathieu) and then Stéphane?

(Mathieu):

A note to that. One of the reasons for registrars to participate is that most probably this particular PDP is going to, like, give that to you version of Registry or Registrar Accreditation Agreement as it was last time with (AGB).

So if you want to influence your future, you know, most probably it's a good PDP.

Stéphane Van Gelder:

Thanks, Graeme. Stéphane Van Gelder.

I actually think it's a great point to have on the agenda. I don't think it's such a quick discussion as you might think, or at least I can make it longer. But you may not have time for that. But I think while we all - I don't think the problem is lack of motivation or lack of understanding why it's important to participate. I do think there is another issue -- so an issue of just bandwidth.

So you just said come to the ExCom and we'll have a solution for you. No one's told me about that solution. So don't come and see me as part of the

ICANN Moderator: Michelle Desmyter 10-31-17/5:38 am CT Confirmation # 5541762

Page 9

Registry ExCom because I don't know how to increase people's bandwidth for dealing with everything that's going on. And then that is important to the business of contracted parties. But I do think it's a question we need to continually ask ourselves. It's a question that we all struggle with, certainly at the Registries, we struggle with; you know, the amount of volunteers that we would need ideally to cover all the workload that we have. Some of the solutions that we've come up with have been, for example, at times to even go out and hire people, consultants for a time to help us do our work. We've at times asked ICANN stuff to be more concise in the way they write reports so that people don't get a deluge of stuff to read, especially before ICANN meetings.

I'm sure there are other solutions, perhaps one solution as a joint SG working group to work on this.

Graeme Bunton: Thanks, Stéphane. This is Graeme.

Yes, that could well be it. I'm not sitting here with the magic bullet for making participation in ICANN easier. You know, the drafting program - drafting health programs that ICANN is running I think is an excellent example of a thing that reduces burdens considerably.

And then we've talked about things like, you know, for some of the heavier-lifting PDPs, picking like three or four registrars who are interested in participating and then setting up some sort of rotations so that they don't have to attend every meeting and there's a tool or mechanism for them to share the notes and info. And so that you don't have to be on, you know, three two-hour calls a week or something. Your commitment is considerably less.

Things like that, I think, are totally possible. And we need to make sure that people know those things are available to them. And I guess, also, I'm interested to see what the volume of people within our houses that are

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 10

interested in PDPs, but afraid of that burden. Get a sense of that number,

what that scale looks like, and then we can figure out what those resources

are going to be to solve their problem.

Stéphane Van Gelder:

Sorry. Just a quick followup. Stéphane again.

There's another issue that is - was just mentioned before, but it's a perfect

segue into this as well is time zone differences. And, you know, we certainly

at Registries - and, Paul, you may want to speak to this. I don't know. But

we've been looking at how to increase participation from Asia-Pac. And that

has not been easy so far. It's not an easy problem to resolve.

Obviously, just mathematically, if you could get more people to not have to

get up at 3:00 am their time to participate, that would improve things. So

that's another issue that we probably need to look at.

Sue Schuler:

Just a reminder, please announce your name before you speak, particularly

in this planning session they're having, you know, (unintelligible) with

transcript. Thanks.

Donna Austin:

Thanks, Graeme. Donna Austin for Neustar. I'm also Vice-Chair at the

GNSO Council at the moment.

We will have - the Council will have a planning session in January for three

days. And I think one of the topics that we will cover -- not that we really

develop the agenda yet -- is how do we make the PDPs more effective. You

know, we are struggling and we're well aware that all of our PDPs at the

moment are switching their time, their identified timelines when they start out.

And they slide, you know, pretty quickly and they slide for, you know, the - I

think, (Chuck), I don't know what your timeline looks like now, but it just

keeps moving.

ICANN Moderator: Michelle Desmyter

10-31-17/5:38 am CT Confirmation # 5541762

Page 11

So, you know, one of the things to think about, I guess, from the Registry/Registrar perspective and to (unintelligible) back to your councilors is do you have any idea about how as a council we can try to keep these PDPs on track. Because I think, you know, when somebody signs up for a PDP, they'd probably think it's a two-year effort which might be a reasonable commitment of time. But if it's stretching out into three or four years, you're going to lose key contributors. And that pushes the work back again as you probably rehash, you know, things that you thought were put to bed.

So, you know, maybe it's a conversation that we can have - well, we don't have much time before January. But certainly some extra people to think about how - what can we do to try to keep these efforts on track so that we're not extending the timelines and then, you know, losing people within the process.

Thanks, guys.

Paul Diaz:

Thank you, Donna. Actually it's Paul Diaz for the record.

Please save that thought, Donna, when we meet with the Board. And I'm not moving off this right now, but in anticipation to the next question.

The first question the Board puts to us - puts to every member of the community in fact was this question about burnout volunteer fatigue in all of the various initiatives, the various stakeholder groups, constituent groups are involved in. You know, so it's a laundry list. It's everything that's available; registries, registrars are involved in. And, you know, the system is straining under the load. So the Council's initiative is much needed and important to remind the Board that is coming up as early as January.

Along those lines, can I just ask on this one - and you can call them out. The various PDP initiatives that are underway, subsequent procedures, RPMs,

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 12

IGO-INGOs, RDS - I know I'm listing more. There's some more initiatives

underway. Please help me.

Man:

Privacy and Proxy, IRT.

Maxim Alzoba:

There's a bunch of IRTs basically. So it's Maxim for the record.

So you've got a number of active PDPs that are ongoing. A couple of them are - I think I'll just go with the word "gigantic" and are sucking all - everybody into their vortex. So I think the subsequent rounds, it has now has about five (work trunks). So - and Jeff Neuman was saying today that there aren't that many registrars turning up. So that's something we probably need to look at addressing. And we did have a discussion about how they do some of their advanced planning over what they're going to be discussing, which can help

a little bit.

But then when you look at some of the other IRTs and things of that where there were registries involved in the original PDP, they may not be turning up in the IRTs. And just generally speaking, at times, it would be helpful to have a little bit of support from the other side of the contracted party house because often we're running off against a lot of pushback from the noncontracted party house or, more specifically, certain parts of the noncontracted party house.

Graeme Bunton: Thanks, Maxim.

Anybody else have thoughts on this one?

Owen?

Owen DeLong:

Owen DeLong, Akamai.

I get concerned when I started hearing people talking about streamlining multi-stakeholder element processes. Because any time you have a large cross-section of the community trying to come to consensus, it tends to get messy if there's not already some level of consensus going in. And trying to expedite that usually results in one of two things. Either - that was interesting. Sunlight for disinfecting, I guess.

Either you get less input from people who feel intimidated about putting their input in for the sake of expediency and you get inferior policy as a result, or you get a much messier process because people start saying, "Well, don't tread on my position just for the sake of expediency," and then it drags out as people kind of start digging in because they feel rushed.

So I think that while it's not ideal that these PDPs are taking longer than we'd all like, if we want to continue to have a reliable multi-stakeholder community-driven consensus process, we have to access that that is part of the nature of the beast and maybe we provide mechanisms for people who are fatigued to rotate out and fresh blood to rotate into PDPs as they're in progress rather than requiring a PDP group to be a static entity through its lifecycle.

Graeme Bunton: Thanks, Owen. I've got Maxim and then Maxim and then Volker. And then

maybe we can wrap this one up.

Maxim Alzoba: Maxim Alzoba for the record.

Two points. The first is it's not just PDPs. Sometimes as they create work streams or work tracks and each consumes like additional - at least two hours a week to participate because you leave, you know, at least one to - for comms call and at least one for like all e-mails we need create.

And the second theme was about change of people in PDPs. Unfortunately, I'm not sure if it's going to work because those persons, they carry the knowledge and lots of it. And if you rotate, make rotation, you have to pass it,

ICANN Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 14

the usual time it takes - it could take a few months to just start understanding what the people are trying to talk about. So I'm not sure it works.

Graeme Bunton: Maxim and then Volker and then James.

Maxim Alzoba: Yes, thanks. Maxim for the record.

I mean, I understand exactly what Owen is saying. But, I mean, the issue one of the issues we have is that we have a finite number of people who are active. So rotating people we don't have is a little bit of a problem. So, I mean, in an ideal world, you know, if I was at - if (unintelligible) your own company where you have, say, 50 employees that are in a particular department, you can rotate them on and off particular project over time, perfect. In this space, that isn't the problem. That is (you can't have them).

But there's another issue. I mean, there's an issue that has been raised in the past. I personally raised it multiple times and I'm kind of sick as (hell) of raising it - is that there's no kind of a holistic approach to looking at, you know, how many different PDPs, projects, review teams, et cetera, et cetera, et cetera, are ongoing at any given time that overlap, impact each other, contradict each other or end up using the same bloody people.

I mean, taking WHOIS as the prime example at any given time, there's about six, seven, eight projects that touch on that. And at the moment we have the RDS PDP which has 100-and-something participants and 100-odd observers. And to add to the acronyms (unintelligible) and confusion, you also have the RDS review which is meant for reviewing something that is still in flux. Plus we have GDPR thrown into the middle of the mix. We have the Proxy and Privacy IRT and there's probably a bunch of other ones who I've actually forgotten. And that is more of an issue from my perspective than trying to find people to join working groups which kind of are conflicting with each other.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 15

Graeme Bunton: Thank you, Maxim. This is Graeme for the transcript.

We still have - I've got a couple of things on my list that I want to bring to the Registry's attention. Presumably, you guys have no problems with us because we're perfect. And then we still have Board prep to do. And so I'm going to try and keep these comments tight and I will interrupt you if you'd go too long. Sorry.

Volker?

Volker Alexander Greimann: What I'm going to propose is something that I don't really want to see happen, but we might be forced to do down the road. I mean, our cycles are limited. Our numbers are limited. Other stakeholder groups or constituencies have unlimited or seemingly unlimited resources. At least there are, in some PDPs, lawyers - four lawyers from the same law firm (unintelligible) wanting each other. I don't know who pays their billable hours, but somebody does.

> So we might have to look down the road at some form of (paid representation), someone that we can throw money out to represent our interests.

Graeme Bunton: Next, Volker.

James?

James Bladel:

James speaking for the record. And I know you're short on time. So I'll limit my comments to 0.5, Michele.

But one item that we could - I just want to flag that we came out on Sunday is I see a growing frequency of PDPs and other groups hiring outside legal advisors, outside consultants, commissioning reports. And sometimes this is very valuable. But it's becoming sort of part of the recipe now. And I point

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 16

that out because it introduces significant delays. It's very expensive and as

we're seeing with the RDS and some other groups, it's not moving the needle

at all on the work. It comes back and it's immediately questioned. This is

kind of throwing kerosene under the fire.

So I would ask, because it's spending all of the community's resources and

particular contracted parties, contributions ultimately are ending up being

dedicated to these efforts, I would ask that all of us start to question the value

of doing this and make sure that we're only doing this when it's absolutely

necessary to furthering the work and not simply because, well, other groups

have done it and we'll, you know, we'll question the legitimacy of the work

product if we don't do it.

So I just want to flag that particular element as something that's growing and

it's increasing in delays and cost. Thanks.

Graeme Bunton: Thank you, James. This is Graeme.

That's an interesting point that I hadn't considered.

Maxim?

Maxim Alzoba:

Short notice to that. Actually in the Registry Constituency Group, the year

before, the writing public comments was like a process where someone had

to step in and say, "Yes, I will be the one who collects everything." And we

tried different approach where people, like, gather ideas and they get refined

by one person who hired by the group with knowledge of things around. And

it seems to be a good way in this particular theme.

Graeme Bunton: Thanks.

Okay. There's some good discussion and some good tidbits. So I think we

can think about that a little bit.

Confirmation # 5541762

I want to move onto an issue that we want to raise with the registries that's not on the agenda. And some other registrars can feel free to jump in if I mischaracterize this a bit.

So probably most people are aware that the Registrar Stakeholder Group rejected, for lack of a better word, the (COM-Net) amendment from VeriSign because essentially of GDPR. And we don't know how our contracts are going to work with ICANN in the future and handling that. We recently had another RAA amendment come through that posed a similar problem.

And so we were discussing what to do about this within a stakeholder group and we feel like we need to be consistent in how we respond to RAA amendments that come through, specifically around data handling requirements. And so there was a blanket No RAA amendments, and then we've decided that that wasn't fair or reasonable and really that if there's a new RAA amendment comes through, so long as it doesn't have anything to do with data-related issues, then probably that's fine.

And then Volker brought up the point; it was quite interesting that there's a number of Registry contracts that registrars have that specify things that are going to be problematic under the GDPR, that registrars will no longer be able to do where the Registry is, in their contract, collecting information.

And that was kind of terrifying because that's sort of hinted that there might be a flood of RAAs coming through at the exact same time. And our ability to process those, given the amount of work we're all collectively doing for GDPR was going to be problematic.

So, A, we wanted to bring that to your attention that RAAs are going to be an issue at least in the next few months while we're still sorting out GDPR. B -and this is a topic for conversation -- is that if you're a registry and you have data requirements that are looking pretty unlikely to be sustainable in a postGDPR world, that let's have a conversation about how we fix that and when we fix that. Because a flood of those coming in right now is going to be a problem, probably, and maybe we look at how to start working through those issues after May 28, 2018.

And so I don't know that we're going to resolve that in this room at this moment. But I think it's something that we should throw it out there and get some feedback on.

Volker?

Volker Greimann: Yes, maybe just to add to that, I think it would be helpful to see Registry Stakeholder Group went out to its members, announced that we would be very appreciative of any amendments coming through that to remove any onerous data retention, data provision requirements. For example, there are registries out there that require us to provide underlying data for WHOIS privacy domains. That will probably not be possible anymore. There are certain data fields that would have to be collected for certain registries that we will probably not be able to provide anymore.

> So if you all collectively or individually look at your own agreements that you have with your registrars and see any provisions that you think that's probably going to be a problem for the registrar to fulfill and the registrar might have to stop offering you domain, then we would be very appreciative if you could send an amendment through that only removes those issues, that only removes those sections. Those could probably be worked through very fast, very quickly, handled very quickly. They don't take a lot of cycles in our review process. And we could have those very quickly. Otherwise, you might be faced with a situation without any - without the ability to sell the domain names to the registrars because your conditions are simply such that we will be adding contract with your agreements or (unintelligible).

Graeme Bunton: Thank you for that, Volker.

ICANN Moderator: Michelle Desmyter 10-31-17/5:38 am CT Confirmation # 5541762

Page 19

I see my team again. And then that's it.

Maxim Alzoba:

Maxim. A follow-up. Volker, do you see it like the (unintelligible) now personal data of European citizens or residents can be persist under this contract? If the status of the person changed, the data should be removed. Effectively, it's denial of service. And it's going to be short and going to make the contract compliant. But I'm not sure if European Union will like it.

Graeme Bunton: Thank you. Does anybody else have thoughts on this matter? Is that a good heads-up for our Registry friends? You guys can feel free to stew on that and let us know if you guys have collective or individual feedback that that's something that was certainly on our minds.

Paul Diaz:

No problem, Graeme. We'll come back to you because it's not an active topic of discussion. We need to put our heads together and then we'll get back to you.

Graeme Bunton: Great. Thank you, Paul. This is Graeme.

Okay. Moving on from that one, the only other thing that came up today that we thought was worth sharing with you outside of preparation for the Board, which I'd like to get to shortly, was that registrars are aware that we do not spend enough time and attention on the ICANN budget. And so we were looking at spinning up the team to do that. And then it occurred to us that probably that we are aligned with the Registry Stakeholder Group. And I think you guys are probably a little bit further ahead of us on analyzing the ICANN budget because I think you have a sub-team that does that already.

But we would like to help and participate in that team if it exists. And if it does not, hey, why don't we spin up that joint team and do that work together because I think that presumably makes sense.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 20

Jonathan?

Jonathan Robinson: Yes, a couple of comments. This is Jonathan Robinson for the record.

I mean, I think we were very well-equipped until Chuck stepped away. And so I think Paul - the group that was working on this was yourself, (Chuck), to some extent, myself. So I think we need to reenergize that group. I'm personally motivated to take an interest and do something there which is why I've responded.

It would be great; your offer of collaboration and involvement is good. I've seen the ccNSO do a very good job over this for some years with their own very specific motivations in mind. And they seem to have done a good job of securing what they wanted to out of their vigilance on the budget. And actually it will do us no harm to keep an eye on what they do as well, that particular group.

But yes, in principle, from my point of view, it would be good and something that will be welcomed, so yes.

Graeme Bunton: Thank you, Jonathan. This is Graeme.

I know Ben who is our Treasurer has stepped up to work on that, too. And I know there's also a GNSO level review. But I suspect that contracted party interests are going to diverge somewhat from the GNSO as a whole. And so I think it behooves us to do that work.

So I'd put the call out to the registrars that if you're interested in ICANN Finances or you have a little bit of cycles, then you get to talk to Ben and you get to talk to Jonathan and you can get that going.

Jonathan Robinson: Yes. And I guess one of the sub-points to that, one thing - I mean you were talking about any professional resources we think about. And that's

ICANN Moderator: Michelle Desmyter 10-31-17/5:38 am CT Confirmation # 5541762

Page 21

something where depending on where we choose to deploy that, I mean that's something else. But we may want to think about that's an area where we could get professional help. But I think we need to look at that and I guess in the round is where we think we might want to spend money to get help in the various areas, you know. So it sort of links to that previous point you were making on how we resource that. And I think we should think about that as well. Thanks.

Graeme Bunton: Maxim?

Maxim Alzoba:

Yes, thanks. Just - oh sorry, Maxim for the record.

I mean just to make sure that we're kind of clear about where some of us are coming at this with, I mean it's not simply a question of budget in terms of asking for anything. It's more pushing back on expenditure. Because one of the - I've spoken to several people, including people from other stakeholder groups. And, you know, when you look at something concrete, like, say for example, the Travel Support expenditure, one has to ask, I mean, who the hell are these people that are being funded to come here. I don't see them in PDPs. I don't see them in leadership positions. I don't see them in anywhere in between ICANN meetings. And there are, you know, people who have this idea about, you know, the ICANN Travel Club, all this kind of things you hear some people talking about. And then you see others in amongst this community of registries and registrars who when they want to go to attend something which they could actually be an active participant in, we have to fight to get, you know, even a little bit of assistance or to even get a cup of coffee for them.

So it's to push back on some of the expenditure and to ask them to rationalize this and also justify it.

Jonathan Robinson: Thanks. Jonathan Robinson for the record.

ICANN Moderator: Michelle Desmyter

10-31-17/5:38 am CT Confirmation # 5541762

Page 22

Just, yes, to respond, Maxim, yes, indeed, things like, you know, those forms of expenditures you talked about. I think there's a higher level of picture which is the overall allocation of the budget and, you know, how much of that budget is spent in direct relation to, for example, things that really concern the contracted parties and/or policy matters. And that I think third is that, you know, ICANN living overall within its means and making sure that it's

comfortably within its means, not up against the wire.

So that for a number of reasons, one, because that's good practice; two, because there's an apparently evidence requirement to contribute to the reserve funds. And that's going to come from somewhere. And so that's - and three, because I think - I'm almost confident I can speak for most within this room at least, perhaps if not all, that we don't want to see any further call for additional funding coming from this group. So there are very good reasons for doing it including what you articulated. Thanks.

Graeme Bunton: Thanks, Jonathan.

Anybody else on this particular topic? And then I think we're going to move onto...

Paul Diaz: Paul Diaz for the record.

Let me ask other registrars in this same vein of issues. We saw on the back channel chat a lot of discussion. Staff came in and talked to you about the naming portal? Exactly. Yes. Similar but - well, we had concerns, but I think they were perhaps different. And I just want to make sure that we're kind of synced up.

Our immediate focus was on the terms of use. We provided them a red line, basically falling apart because some members were very strongly against what they had put forward. But I think there's probably even broader contents that you share and just to help us understand what that is and what

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 23

those - excuse me, what those are so that as we continue to engage with

staff on the portal, you know, that we're mostly synced up with you guys.

Graeme Bunton: Sure. Thanks, Paul. This is Graeme.

We don't have a portal. And we've been promised a portal for four years and - at least four years I think is the day we got to. And their best guess for having a minimum viable product for us was fall 2018. And even then, the fundamental piece for registrars that we need is a function and compliance piece of it so that we can interact with our tickets and see the status. That

won't even be part of it.

So we saw (unintelligible) and Chris Gift, I think it was.

Graeme Bunton: Gift. Thank you. On that this morning. It's a topic we're tempted to bring up with the Board actually because it feels like that project has not been given the resources that it should have, and it's crazy how long that's lingered for us.

> So we don't have any concerns about the terms of service because we don't have any at the moment. It's really just for us that it just does not exist and it is likely to never exist.

Paul Diaz:

Got it. Thanks, Graeme. And no problem bringing it up in front of the Board. Agreed, some things off. ICANN's spending priorities are very debatable.

Can I also ask then the discussions on Privacy and Proxy? There had been a comment that, you know, maybe this isn't a registry issue. I'm comfortable saying it's not something that I spend a lot of time focused on. And so - but I have a sense it that we're probably going to line up with you. But can anybody summarize registrar's concerns with where that's going and just maybe make sure that, yes, we do have alignment?

ICANN Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762 Page 24

Graeme Bunton: Is Theo in the room?

Theo is our Privacy and Proxy guy.

((Crosstalk))

Graeme Bunton: Maxim?

Maxim Alzoba: Who'd you want to speak to? I can do it or Theo. I don't mind.

Graeme Bunton: Either one of you, so long as it's less than three minutes.

Maxim Alzoba: Maxim for the record.

I'm trying (unintelligible) to keep it brief. Essentially, we think it's overcomplicated. Instead of just being - instead of keeping it as simple as possible, they've made it into I think at least (unintelligible) pages or 70 pages. I mean it's incredibly complex set of documents. There's also a whole lot of stuff around background checks and everything else that we're not too comfortable with and also some of the costs.

Theo, is there something I missed?

Theo Geurts: No, Maxim, you're on track there. This is Theo for the record.

Graeme Bunton: That was nicely brief. Thank you, Maxim.

Volker?

Volker Greimann: Maybe just - Volker Greimann speaking for the record.

Maybe just one more thing. Registries do not really need to concern yourself with this spec because basically you're exempt. If you look at how this entire

Confirmation # 5541762 Page 25

thing is triggered and how this entire thing is set up, if you look at the agreements set forth the accreditation program upon current providers, it doesn't affect the registries. If you decide as registries to offer such a service, you're free to do so without any accreditation at this time.

Theo Geurts:

And this is Theo for the record.

And you are right, Volker. But keep in mind, this is still a draft. So it's still subject to change. Thanks.

Volker Greimann: Oh. Short notice. Actually, .Amsterdam tried to do the same and, yes, we're not free to do so, as I understand.

Graeme Bunton: Okay. I think that's all I had from my list that we wanted to bring up with you guys directly at this moment.

Do you have anything else for us before we dig into the Board prep?

Anything else come in mind from Registry colleagues?

Do you enjoy our productive relationship?

Maxim Alzoba: Actually, I had one item please, very briefly.

Is he in the room, (Unintelligible)? I mean I think that's where we forgot those registries and the registrars. Maybe (unintelligible) for his service as Council Chair for the last couple of years.

Graeme Bunton: This room has a really nice echo from up here. That was dramatic.

All right. So let's dig then into our Board prep. I always find this stressful because I hate being - though I love the idea of being out there on that stage

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 26

and on the hook for something, I don't know anything about. So Samantha

has done a bunch of prep on this. And she's looking at me.

Samantha Demetriou: Yes.

Graeme Bunton: Sorry. What?

((Crosstalk))

Graeme Bunton: The Board is coming...

((Crosstalk))

Man:

...the biggest room.

Graeme Bunton: Oh, amazing. Great. So the Board posed a couple of questions to us. We have some responses and some thoughts. And thank you to everybody who put those together. I think what we want to do is make sure that we're on the same page because these are issues we want to bring up with the Board. And then I think we want to make sure we have the right people to talk to these issues.

> So proposed questions are what are the key issues, topics you are currently working on and what are the concerns of your group re GDPR and how best to mitigate?

So let's dig into those a little bit. Paul, you've got a response there that you want to go over that?

Paul Diaz:

Yes. I mean the response is what I got out earlier, just asking for a quick accounting. What are we working on with all the PDPs with a variety of work tracks, the IRTs and emphasize that (unintelligible), yes, the review teams, the CSC, internal initiatives like TechOps. I mean it becomes clear very

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 27

quickly that we are stretched very thin for the majority of the both members.

Just folks are volunteering time for ICANN stuff that it's not their 100% focus

responsibility. And that to the point that Donna raised, you know, to

recognize there's a problem and there's a, at the Council level at least, going

to be initiative at the start of the new year to, you know, start considering

stream-lining or just how can we be more efficient.

In so many words, I mean that I think should be our response.

Graeme Bunton: Thanks, Paul. This is Graeme.

Do we want to link that to some of the scheduling issues as an example of

where we just don't have the resources to cover things like today where we

had - what was it, there's a GAC Board session at the same time there's

Constituency Day is right now. And so we lose key people for sessions that

we need to work together on to other problematic competing things. Is that

too much of a stretch?

Stephanie Duchesneau is wincing like that's a huge stretch.

Stephanie Duchesneau: I don't think it's a particularly interesting topic because I don't think

it's Board-relevant. I think it's sort of that generated.

Graeme Bunton: Do you mean - sorry, this is Graeme. Do you mean that this topic in general?

Stephanie Duchesneau: Yes.

Man: Today's example it's the Name Abuse Activity Reporting. Yes, it's relevant

both to registrars and registries. And it's like, yes, during our meeting with

(unintelligible).

Graeme Bunton: Thanks. I think that was Paul who was talking about taking that one on some

of the scheduling conflicts.

ICANN Moderator: Michelle Desmyter 10-31-17/5:38 am CT Confirmation # 5541762 Page 28

Paul Diaz:

Yes, I'd - personally, I just want to raise this as a frustration. You know, I don't understand how years after the Meeting Strategy Workgroup issue recommendations and however many cycles we've gone through ABC meetings, we continue to have the just unbelievably large number of significant schedule conflicts. I'll use the fact that the Board and the GAC are meeting right now. I mean, how the heck can I schedule such an important Board session on Constituency Day? And we are losing some people right now or are listening in or doing double duty, maybe sitting in this room but are probably listening to what's being said. It's just a tremendous source of frustration.

I shared (Stephanie's) point of view. It's not necessarily the Board's issue, but I want the Board to hear it because something really has got to give. And senior staff, (Sally), you're on a couple of attempts to stop paying lip service that yes, they're going to consult, they're going to talk about it. I mean we have our first pre-planning session for ICANN 61, SO/AC leaders on Thursday morning. Yet what does that mean? We had a session after Joburg and we said don't let Friday get wasted. And what happened? Friday is wasted.

It's just a tremendous source of frustration if we - if they are so worried about the cost of these meetings, what it costs ICANN in order to run these things, then why are they wasting a day and then creating a schedule that is just chockfull of unavoidable conflicts to so many of us?

Graeme Bunton: Thanks, Paul.

Going back to that first question then, I think your point is good, Stephanie, that that is staff-driven, perhaps. Is there something that we can slot into that that we can think of that would actually be interesting to the Board that we are collectively working on that is also not GDPR? Because I think that's almost exclusively to the registrars that are working on at the moment. So maybe

ICANN Moderator: Michelle Desmyter

10-31-17/5:38 am CT Confirmation # 5541762

Page 29

we can all (stew) on that for a moment to see if there's an interesting question

to that or answer to that question. And if there's not, let's just skip it.

Maxim?

Maxim Alzoba:

Thanks. Maxim for the record.

You know, I think the scheduling thing is very important. We should raise this, but I don't think it's an interesting topic to raise in this kind of interaction because, invariably, it'll be punted over to a staff member, there'll be like a deer in the headlights and we're, you know, we're not going to get anywhere.

Maybe there's a better way to address those. Maybe that's by writing a polite but firm letter to express disappointment or whatever with the scheduling, blah, blah, blah. Because, you know, asking may not - doesn't seem to be working particularly well and the Friday thing is ridiculous. I mean, there's a load of people I know who have - who booked flights based on the fact that they thought of the staff on Friday and you changed them because it's expensive.

Graeme Bunton: Owen?

Owen DeLong:

Owen DeLong, Akamai.

I agree with Maxim that this is probably not the best place to bring this up. But I do think writing a letter to the Board as a group or as a community makes a lot of sense. I think that in that letter, we should point out that this isn't just a one-time complaint about staff at this particularly meeting but that it's a chronic issue that we've had with staff that we've tried to address it directly with staff and that hasn't yielded positive results yet or satisfactory results as yet and that we should be very, very clear in communicating that these things do need resolution on a somewhat urgent basis.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 30

Graeme Bunton: Okay. So, (Craig) - thank you, Owen. So (Craig), (John) and then Volker.

Craig Schwartz: Craig Schwartz for the record.

And I don't know how effective it'll be, but maybe during the public comment forum on Thursday this could be raised because everybody is pretty much in that session -- staff, the Board -- and no one will have an excuse for not

having heard it.

Man: Good point. That works for me.

Stephanie Duchesneau: I think that's a much better place to raise it.

Graeme Bunton: Okay. Cool. Jon?

Man: Just to add as well, I mean also I think phrasing it as a staff issue I think is not

what this is about.

Graeme Bunton: Okay. Jon?

Jonathan Robinson: It sounds like we resolved that one.

You know, one thing that we can mention that we are working on is the topic we discussed earlier about the budget. You know, putting them on notice that we're going to spend time and resources together studying the ICANN budget, looking at expenditures and then also on the revenue side and that we're putting a group together. And then we could also even mention excess application fees or auction proceeds or anything like that. So, you know, just put them on notice that we're now going to be a bit of a - more of a watchdog than we had been in the past.

Graeme Bunton: Thank you, Jon. This is Graeme.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 31

Was that you volunteering to take that topic? Jonathan is volunteering to

take that topic because I think that's great. And maybe that's linkable back to

the portal resources as well that, you know, registrars aren't getting this thing

doesn't exist. And so it's that ICANN is spending lots of money, it's we need

to look at where that revenue comes from and also where it's going and that

we're pretty interested in that topic at the moment.

And, Jonathan, if you want to ask more questions about that, we can take

that offline in the glorious amount of time we have between now and that

session.

I've got Volker and then Maxim.

Volker Greimann: Volker Greimann speaking for the record.

There's one thing I don't really know much about because it's not really my subject line of expertise. But I - during the IDS Working Group Review Team meeting today, a topic came up that the Board has this weekend suspended another review team that was ongoing, claiming this was done with the support of all the ACs and SOs where the GSNO clearly stated that they weren't able to provide their support or any comment on whether that should

be done.

Do we have any position on that or is that something that we haven't dealt

with at all?

Graeme Bunton: Thanks, Volk.

Maxim?

Maxim Alzoba:

Maxim Alzoba for the record.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 32

Short notice about the wasted Friday. I think we could mention it in public comments for financial plans because out of seven days, one day, how much is that? And this amount of money is actually wasted. So, please, either spend less money or provide (unintelligible) that day. That's it.

Graeme Bunton: Thank you. I can see Jonathan taking some notes on that one.

Okay.

Jonathan Robinson: This is Jonathan speaking.

Just I'm not sure that's a budget related. The thing is was that - were you saying that's wasted resources?

Graeme Bunton: Okay. I think we move on from that first question and then we get into GDPR

Hurray, says everybody.

Yes. So I'm not sure what we want get out of the Board for this. And so I'm kind of curious to hear some opinions on what we think telling the Board we care a lot about GDPR is going to get us, or what are the specific messages here that we want to convey that we think is actually going to be valuable?

Their question to us is what are the concerns of your group re GDRP and how best to mitigate? Like, I don't know, probably we could spend a week doing that, I think is the short answer. And so does anybody have a punchy way of replying to that?

Now we've collected some notes here and I think it was Sam and (Beth) have done that. Maybe you guys can speak to that response a little bit and then we can have a sort of conversation about if we think that is going to be an

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762 Page 33

effective response to this question, then if we think it's going to provide some

value.

Samantha Demetriou: Thanks, Graeme. This is Samantha Demetriou.

Before getting into that, I'll pose a question to the group. As some background, we've heard from Becky Burr in conversations with the CPH ExComs, for example, about the need for contracted parties to come up with something, some proposal to discuss. Thomas Rickert came to our stakeholder meeting earlier today, talked about (Eko) taking on that work. I'm assuming he came and talked to you guys about something similar?

Graeme Bunton: Yes.

Samantha Demetriou: So I guess my question is, do we want to go into a lot of the back and

forth about GDPR? Or, do we want to flag that no, we heard you guys.

We're going to work on something.

Graeme Bunton: Thanks, Sam. And, other registrars can step up on this too. Was, we talked

about this relative, like, an hour ago with (Thomas) and it wasn't vigorous and

unanimous support there from registrars. But, there was some support for

doing that.

And so, I don't think we've had enough time to really digest that thoroughly to

get fully on board. So, it's a little hard to commit to that at the moment.

Whose hand did I see. I think I saw Magaly's. I see Volker. I see (Owen).

All right. Volker, you want to key up since your standing?

Volker Greimann: Yes, sure. I think, hopefully I am speaking for the record. I think that in our

discussions we should say that yes, we have a plan. That's the dooms day

scenario that we do not want to implement. Which is blankets with privacy or

going dark for all non-organizational registrants with some form of (hit)

access that will be decided upon by each contracted party on their own.

Moderator: Michelle Desmyter 10-31-17/5:38 am CT Confirmation # 5541762

Page 34

That would be the current best plan that we have. And anything else would

have to be developed as a better alternative. I think we should point out that

this is, that this would be, if no solution would be found that would be

workable for all, the default scenario that we would be looking at.

Graeme Bunton: Thanks, Volker. Magaly?

Magaly Pazello: I mean, I think the, how do I frame this. Okay, so (TOSS) spoke to us in the

early part of the day to try and give people a better understanding of how

broad GDPR really is. And how it goes way beyond just the matter of who is

(phaser) and first with our current contracts with (zycam).

I think talking about, when talking to the board on this subject, making sure

that we are clear that we are not expecting, not would we be able to expect,

anything coming from any of this would be the solution for GDPR for any contracted party. Any contracted party who thinks that they're not touch

affected by GDPR is probably completely diluted.

And, also, in terms of this, the eco project, it also came up in a meeting

yesterday that we had of the, (Derek), what's the name of the group we're in?

The eco names and numbers coordinating committee? For the record (Dave

Kirnoski) does within. It was quite an equal playbook on GDPR for registrars

and registries. And, in Europe, where eco has an association of quite a very

big number of registrars and registries as (NS).

Graeme Bunton: I think I had (Owen) and then Sabastein in the que. And then Heath.

(Owen): I'm wondering if it might be reasonable to suggest to the board that, given

that it's very unlikely all of the various ICANN contracts, policies, etcetera,

that are going to need to be modified to be in compliance with or allow the

affected parties to be in compliance with GDPR will be updated to that point

by May.

I think, having it updated by May 2020 is optimistic, frankly. Given the way the ICANN processes work. I wonder if it would be reasonable to suggest to the board that they provide some sort of blanket assurance or mechanism that says, you know, you're not going to lose your accreditation because you followed GDPR over our policies? Or, any other law for that matter.

Graeme Bunton: I'm seeing some nodding heads around the table on that. (Sabastian).

Sabastien Ducos: Yes. Thank you. And, it's the exactly what I was going to talk about. I think that we need to be careful about doomsday scenarios and plugging off and everything. We have solutions. They're not perfect. We're working on them. Let's keep on working on them and telling them that we're working on it. Simply upwards management. Come with a problem.

> Come with a problem and a solution. We're developing that solution. We're working on it, thank you. And in the meantime, lets bury the hatchet. Let's stop compliance running after us. It was an event again, less than a month ago, with a file in Amsterdam receiving nasty notices of stop it.

We're doing work. We're working on it. We're reporting. We're communicating about it. Let us do what we need to do to get this resolved.

Graeme Bunton: Thank you. Sam. So, that was a bunch of context, I think, for you. I think (Sabastian's) suggestion of how to respond to some of this is really good. Is that something you want to take on? We need to pick people to...

Sabestien Ducos: We should be low buttons. That's going to be a bit difficult now of course. Absolutely.

Graeme Bunton: Great. So, you're on the hook, I think, for that particular message. Which I think is a really important one. Do we have anything else that came through those notes that we think is important to raise in the GDPR context? Just processing. Processing.

Samantha Demetriou: So, I think that, I'll just speak for the guestions that I had sent around to the group. The first question that I'd written out to the board, to what extent – sorry, this is Sam Demetriou, by the way. I keep forgetting to do that. To what extent has the board been briefed to discuss different direct actions it can take to help mitigate against the visits. Ditta, ditta.

> I think, you guys captured what I was getting at with that question, which is some kind of guarantee or assurance that the board is involved in this and can, or will, take some action that will give us as contracted parties some reassurance. So, I think that, you know, if we keep it pretty focused on this, you know, I don't think we need to go into a whole ton of detail.

I think that's been hashed out already. So, I think, to the extent that we keep the discussion pretty focused around, you know, what's been brought up over by our colleagues at this end of the table. I think that makes sense.

(Mike):

I think the reason behind it could be like, recently, we've seen that at least one process relevant to (unintelligible). Migration from one formal (unintelligible) to another was extended by six months because of GDPR. Why not do the same for others? Fall on the principal on non-discrimination approach. Thanks.

Graeme Bunton: Thanks, (Mike), do you mean like any of the other PDPs or related things that are – or do you mean all...

(Mike):

I mean, the policy demands that seeing (who is) to (seguence) migration. And the enforcement was delayed by six months. So, even that all registries like, equal. It should be extended to others. That's it.

Graeme Bunton: I'm not capable of responding to that one. Magaly?

ICANN Moderator: Michelle Desmyter

10-31-17/5:38 am CT Confirmation # 5541762

Page 37

Magaly Pazello:

Just a couple of quick points. One, at the (gena sell) sessions at the weekend when the board went with us. And, Magaly Pazello for the record, sorry. When some of this stuff around GDPR came out. (Yoran) spoke at great length and at great detail about what they've been working on and all that.

Now, asking them the, asking them to give us assurances around not violating local law, they're going to say that they won't. They say that every single time. I think we need to be a little bit more pointed in that. Because, they'll say that, and what they mean by that is, that they will happily let you enter into long, contracted, and expensive negotiations with (Jones Day).

And, let's face it, I think anybody who's been there doesn't want to be there. It's painful. But, they'll just say, oh no, we won't do much here. What we, asking them things more specifically around potential suspension of compliance actions or things like that is the path. But, the conflict with local law kind of quick query, you won't get anything useful. You really won't. Been there, seen that, done that.

Graeme Bunton: Thanks, Magaly. Heath?

Heath Dixon:

Heath Dixson. Amazon registrar. So, the GAK just asked the board the same basic question about what are they going to do about GDPR. And, they turned it over to (Yorin) to answer and he gave an answer that is similar to what he said to the GNSO on, I think, Sunday morning.

Which is that, they are reviewing it right now as a compliance issue. And so, compliance is going to come back to us with two or three proposals on how they will, I think, if I'm understanding him correctly, not enforce the provisions in certain ways so that we are not going to be getting in trouble with ICANN by complying with the law.

So, perhaps what we should do is kind of push on that and go ahead and kind of jump to the next step of asking (Yorin) to go into some more detail about what he means by the compliance coming back to us with the approach. Rather than just having him give us the same answer that he's already given twice.

Graeme Bunton: Jonathan?

Jonathan Robinson: Yes. It's Jonathan Robinson, for the record. Thanks, Heath. I mean, I think that's a good an interesting suggestion. The only thing, just to flag with you, is I think that's what we tried to do when we had compliance in our session earlier.

> And, in spite of asking the question, reframing it in multiple ways, we did seem to get a no answer. But, that doesn't mean we shouldn't try again. Just, forewarned that we may not get a satisfactory answer. Thanks.

Graeme Bunton: Thank you, Jonathan. This is Graeme. I think it's an interesting suggestion, because, for sure everybody's asking the same question. So, let's see if we can dig a little deeper. Darcy, I think.

Darcy Southwell: Darcy Southwell. I think just part of our message should probably include, as well, I mean, fact is, May 2018 is coming as us. So, whether they work with us or not. Or, whether compliance comes back with proposals or not, we're up against a deadline.

> And so, in a nice way, communicate to them that were working towards that because we have to as businesses. And it's not really an option. So, these are parallel paths we need to be working on. At the same time, we're not sitting around waiting for ICANN because we can't.

Graeme Bunton: Thanks, Darcy. And, that was a point made to me in back channel that's probably worth conveying. And maybe, as a part of that point, just the

Moderator: Michelle Desmyter 10-31-17/5:38 am CT

Confirmation # 5541762

Page 39

implantation train for most registrars has left the station. We have already

started building things. Writing code.

That is a real thing that is happening right now. And so, these three options

are good and let's hear more about what those are. But, they need to know

that none of those might fit when most registrars anyway are doing.

Heath, because you brought that up, is that an issue you would feel

comfortable bringing to the board? To say, hey we've heard this. We'd love

to hear a little but more about those options. Especially because we've

already started building things?

Health Dixon:

Sure.

Graeme Bunton: Lovely. All right. So, I think we've got about 15 more minutes. I want to

make sure that we've covered all the ground that we think we need to cover

in relation to GDPR and the board. And then, we can see if there are any

other topics we want to bring to the board that are not GDPR related. There's

a question online.

Sue Schuler:

There's a question on Adobe from Kristina Rosette from Amazon Registry. I

realize we may have moved past the topic and I apologize for posing this

from the gag room, but is there any interest in raising DAAR with the board?

I don't think we're in a position yet to provide a fully detailed intervention, but

it just seems that there's a concern about the extent to which staff is getting

out in front of the community on the DAAR effort. From scope of data

collection including spam. Which ICANN has previously said is beyond it's

scope. To the use of the collected data to the allocation of ICANN resources

and compilation of already available 3p data feeds.

Graeme Bunton: Thank you, Kristina. So, that's an interesting question. Let's just make sure

we're, we've got some people to speak to GDPR right now. Let me review

what we're doing with the board. The first one was going to be Jonathan who just left the room to talk about what we're working on and budget stuff.

And then, I think we've got (Sebastian) and Heath on GDPR. And we feel like we've got those GDPR issues relatively well covered. Is there anything more that we wanted to bring to the board on GDPR? No? We feel like. -No Magaly, you can't help yourself.

Magaly Spazello: Well, it's alright. It's something that people have raised in the past. I'm Magaly for the record. ICANN has been going out to data protection authorities. It has been going to data protection conferences and events.

> It has been trying to go to attend things organized by various association of data protection officers. Etcetera, etcetera, etcetera. And they have written letters with questions all this. We have not been privy to what they were going to ask until they've asked them. That, I think, is a bit of a problem.

Graeme Bunton: Thanks, Magaly. Interesting point. Do others feel the same? Is this a point we want to raise with the board? That, staff seems to be running, or not interacting with contracted parties before they go out and ask those questions? I see some nods.

Magaly Spazello: If anybody's missed having problems understanding why I'm raising this. The thing is that there's, they are going, kind of representing our interests. And I put that is massive air quotes.

> And so, for example, going to certain organizations just as, oh, I don't know, European Commission and being kind of petulant while asking them, why didn't they come and ask ICANN or consult with ICANN before moving ahead with GDPR. As a European citizen. A tax payer, I find that frankly embarrassing.

Graeme Bunton: Heath?

**ICANN** Moderator: Michelle Desmyter 10-31-17/5:38 am CT Confirmation # 5541762 Page 41

Health Dixon:

So, part of the answer to that question, I think, is something else that (Yorin) said. Is that they're collecting a second round of questions and they're going to go back to the law firm. They are giving the communities a chance to ask questions.

Magaly Pazello:

Sorry, Heath. You're 100% correct. That's in relation to the legal analysis that they've outsourced for specific law firm. This is specifically on the letter's that they're writing to various DPAs around Europe. And to the European Commission.

The Europe – I don't know, I doubt that's the FTC writes to ICANN and asks them and consults with them before they pass thing. I mean, maybe I'm wrong. Maybe I've misunderstood how much importance the US Government gives to ICANN.

But, I'm sure the European Commission holds multiple public consultations on every single thing. I've got the right to dismit, you've got the right. I don't see why ICANN can't be treated like a special (pony).

Graeme Bunton: It's not, I think it's an interesting point. I'm not seeing a lot of agreement around the table that this is the place for that conversation. I'm not sure what the forum for that is. Does anybody disagree? Does anybody feel strongly that we include that in the board? Stephanie?

Stephanie Duchesneau: Yes. Conversely, I think I agree with Magaly in principle, but I don't think it's the right venue for it. Just because, I don't think we're going to get any sort of positive or constructive response to that.

Graeme Bunton: Okay. So, maybe we can think about a better venue for that particular question. All right. So, I feel like that's GDPR covered. We have some people responsible for bringing some things up. And that conversation will probably be organic and (hooray).

Let's dive back into (Christina's) questions. And, I suspect she's still not in the room. She's probably still in the GAK session. Around DAAR. And I'm not super spun up on that to speak to it and concerns with it. Is anybody else sharing (Christina's) concerns and can speak to that? Can you, (Christina)?

And, do we feel like this is collectively an issue that we want to bring to the board's attention? That we have some concerns with that? Is everybody on board with that sentiment in general? That we have concerns with what DAAR is and how we haven't seen enough of it yet as contracted parties? I'm – (Christina's) typing. Good. Stephanie, you have some input there?

Stephanie Duchesneau: I think the budget and GDPR are more important. I would sort of put this as a tertiary issue where, if we run out of time or steam on our conversations, we flag it then.

Graeme Bunton: (Christina) replied in the chat. Fine with holding off until ICANN 61 when we have more information. Okay. So, if we find ourselves with a surplus of time with the board, then maybe that's something we can dump on you, (Christina) to bring up. And, if not, we might park it for a meeting.

Okay. So, that feels like a pretty solid discussion on our meeting with the board. We've talked about issues between our houses. Our stakeholder groups. Does anybody else have something that we haven't talked about or want to refine any of the discussion points we have for the board? I think we're, this would end us about five minutes early.

Which, I've achieved, I think twice today, for getting us out for a break a little bit early. Does registries - (Paul) you have anything else for us? Okay. I think we'll wrap up about five minutes early. So, we're back in here with the board, which is hilarious and fun.

ICANN Moderator: Michelle Desmyter 10-31-17/5:38 am CT Confirmation # 5541762 Page 43

And so, I think you've got about 19 minutes to be back here and ready to go. Please and thank you. Thank you everyone for coming. Thank you registries for joining us in our luxurious translated room.

Sue Schuler:

Okay. For everybody's information, the board is joining us here. We're not adjoining to their room. I don't know if that was made clear. I'm sorry. I was being talked to at the same time. So, we need to make some room at the table. Thank you.

END