

Nathalie Peregrine:Dear all, welcome to the Special GNSO Council meeting for consideration of the EPDP draft Final Report and IGO INGO Curative Rights on Thursday 14 February 2019 at 21:00 UTC

Maxim Alzoba:Hello All

Nathalie Peregrine>Welcome!

Tatiana Tropina:hi everyone!

Julf Helsingius:Good evening!

Elsa Saade:Hey all

Pam Little, RrSG:Hi everyone

Marie Pattullo:Bon soir!

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):G'day... as Aussie a greting as you can get

Marie Pattullo:How's the Roo in the garden, Cheryl?

Oswaldo Novoa:Hello all, I'm the substitute of Tony Harris, he had to resign due to health issues.

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):Ohh much cutness going on, the females Joey tends to eat grass FROM it's ouch all very cute

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):pouch not ouch ;-)

Pam Little, RrSG:Weclome to the meeting and the Council, Oswaldo

Elsa Saade:Sad to hear that Tony isn't feeling well. please send my regards

Elsa Saade:welcome Oswaldo

Oswaldo Novoa:@Elsa, I'll send them to Tony

Philippe Fouquart:Hi everyone

Michele Neylon:who is calling in from the bottom of a well?

Rafik Dammak:hi all

Rubens Kuhl - RySG:From the bottom of a well should be Samara. If you hear "7 Days", you know it's her.

Marie Pattullo:Oswaldo - please give Tony a big hug from me!

Elsa Saade:Martin has been trying to connect for a while to no avail

Oswaldo Novoa:@Marie: I'll do that

Martín silva:had troubles to log in, but I m here now

Tatiana Tropina:Oswaldo, welcome (and lots of hugs and warm wishes to Tony)

Nathalie Peregrine:welcome Martin and noted

Tatiana Tropina:Oh. My font is too organge :(

Michele Neylon:well you were Russian ...

Tatiana Tropina:I was, but not anymore

Oswaldo Novoa:@Tatiana: Thank you and I'll send your regards to Tony

Michele Neylon:or is this your way of reminding us all that we're spending Valentine's day on a GNSO call?

Tatiana Tropina:Michele, yes, sort of :)

Maxim Alzoba:nobody uses pink

Rafik Dammak:@Michele in this part of the world it is already 15th Feb :)

Michele Neylon:Rafik - of course

Tatiana Tropina:I was going to say that Australia and Japan at least not having GNSO council as their Valentine

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):I am looking forward to the role

Marie Pattullo:Congrats Cheryl!

Mary Wong:Congratulations Cheryl!

Tatiana Tropina:Congrats, Cheryl!

Elsa Saade:congrats !! :)

Philippe Fouquart:congratulations! (that won't all fit in the AC login :)

Rafik Dammak:@Osvaldo welcome back to council

Osvaldo Novoa:@Rafik Thank you very much, glad to be here

Michele Neylon:I won't be able to attend the March 4th meeting as I'll be on a plane without wifi

Marie Pattullo:You don't have MicheleAir Yet? No Lear? Disappointed face.

Michele Neylon:my company is a tad small :)

Keith Drazek:My pleasure!

Marie Pattullo:Natalie - will you circulate the slides to us please?

Nathalie Peregrine:yes of course.

Marie Pattullo:Thank you.

Arsene Tungali:Good ask, Marie, look forward to receiving the slides

Paul McGrady:We seem to be referring to it as the "Final Report" but didn't Kurt just say this is a late stage draft of the report? If it is a draft, how can it be final? I'm not asking for any substantive reason, I just want to know what it is that we are actually looking at. Final or draft?

Maxim Alzoba:draft final report?

Michele Neylon:It's the final report which might be tweaked / corrected

Rubens Kuhl - RySG:Release candidate report.

Michele Neylon:ah yes I like that

Michele Neylon:it's like RC 4 or an edge release

Keith Drazek:final draft of the final report

Berry Cobb:@Paul, Kurt will address your question after Caitlin completes this overview.

Flip Petillion:Can these slides been forwarded please?

Rubens Kuhl - RySG:Just one comment on expiration: while it could be made expire May 25, as of now it expires May 20.

Maxim Alzoba:voting on the final final might be better than voting on draft of the final report

Rubens Kuhl - RySG:Because it was renewed in 90-day periods, and 365 days are more than 360.

Nathalie Peregrine:@Flip, yes they will be circulated at the end of the call

Keith Drazek:The vote will be on the Final Final

Maxim Alzoba:good

Rubens Kuhl - RySG:Board could approve an extension from May 20 until May 25, but we would better off approving something else by May 20.

Paul McGrady:Thanks Kurt!

Michele Neylon:Rubens - they can't extend beyond the 360 days whatever date that is

Maxim Alzoba:4th 90 days approval valid for 4 days

Rubens Kuhl - RySG:"2.1.2 If the period of time for which the Temporary Policy is adopted exceeds ninety (90) calendar days, the Board shall reaffirm its temporary adoption every ninety (90) calendar days for a total period not to exceed one (1) year, in order to maintain such Temporary Policy in effect until such time as it becomes a Consensus Policy. If the one (1) year period expires or, if during such one (1) year period, the Temporary Policy does not become a Consensus Policy and is not reaffirmed by the Board, Registry Operator shall no longer be required to comply with or implement such Temporary Policy."

Rubens Kuhl - RySG:So the limit is one year, not 360 days... but the limit for each reaffirmation is 90 days.

Tatiana Tropina:am not ready to give my hand up!

Maxim Alzoba:4 days of anarchy - we need to avoid that

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):Huge effort

Philippe Fouquart:+1 to Michelle's observation

Darcy Southwell:Totally agree ... such a huge effort under a very tight timeline!

Maxim Alzoba:all or nothing/

Tatiana Tropina:Yes, I gathered from the motion that it is a package, wondering if this is going to change

Tatiana Tropina:yes it is clear -- thanks

Rafik Dammak:yes it should be open to all.

Paul McGrady:Will there not be an IRT then?

Maxim Alzoba:hopefully inline with PDP3.0 ideas (to avoid totally unlimited number of participants)

Paul McGrady:Thanks Keith

Rubens Kuhl - RySG:A capital letters IRT can only exist after Board approval. But an small caps irt could star right away.

Arsene Tungali:what's the difference, Rubens?

Paul McGrady:@Rubens, can the IRT get its work done before expiration of the Temp Spec, or are we inevitably heading for a period where there will be no Temp Spec and no implemented new consensus policy?

Rafik Dammak:that is the board public comment

Keith Drazek:Correct Rafik

Rubens Kuhl - RySG:Arsene, an IRT is part of the formal Consensus Policy Implementation Framework, while an informal irt is closer to a study group.

Rafik Dammak:an informal group to start do some planning and prep work for the formal IRT

Rubens Kuhl - RySG:Paul, the Temp Spec is already implemented, so as long as the bridge solution keeps the Temp Spec valid, the implementation will keep being up to spec.

Arsene Tungali:thanks Rubens

Arsene Tungali:and Rafik

Darcy Southwell:Ok, thanks.

Maxim Alzoba:toxic items are in phase 2 too

Darcy Southwell:What's the expected timing to get legal advice on Recommendation #11 (I'm assuming that's the one Kurt mentioned as outstanding)?

Berry Cobb:@All: You can see the legal advice posted on the wiki:

<https://community.icann.org/display/EOTSFGRD/Meetings+Legal+Committee+Framework>

Michele Neylon:what Barry said

Elsa Saade:thanks Berry!

Mary Wong:It's in the Bylaws - minimum 21 days

Mary Wong:See Section 3.6(a): https://urldefense.proofpoint.com/v2/url?u=https-3A-www.icann.org_resources_pages_governance_bylaws-2Den-23article3&d=DwIFaQ&c=FmY1u3Pjp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSfPcIgmkXhFzL7ar9Qfqa0AIn-H4xR2EBk&m=fLkPBYgFxBYT1UqpRWI83gJ4Kkbt0LSANSJSCdeFKCw&s=qniwnXFzDbWUfWw3T53y2b-jC1NfGuOzclYtZpMOT4&e=

Marie Pattullo:Thanks.

Michele Neylon:40 days is rather biblical

Rafik Dammak:@Michele we will find our path after that :)?

Mary Wong>Note that this public comment allows for input that the Board can consider before voting - so the duration question is something that makes sense for the Board to determine.

Mary Wong:And there may be a need to factor in ICANN64 into that period (e.g. possible to to even longer).

Keith Drazek:We will be moving shortly to wrap up the EPDP discussion and move to the IGO-INGO CRP topic.

Marie Pattullo:Mary - perhaps a shorter period than 40 days would allow us to address the issues that Kurt raised as being outstanding at the top of the call? Of course allowing the Board & community full ability to consider. Quality over speed etc.

Keith Drazek:Caitlin, can we go back to the timeline slide showing the next steps of the EPDP and delivery to Council?

Keith Drazek:When Kurt is done speaking.

Mary Wong:@Marie - if the Council agrees, that can certainly be a request you make as a Council to the Board.

Pam Little, RrSG:Thank you Kurt

Marie Pattullo:Thanks Mary!

Arsene Tungali:I think it would be a great approach, Keith

Darcy Southwell:Keith raises an excellent point. Given our discussions about PDP 3.0, we really need to ensure that phase 2 is structured correctly.

Arsene Tungali:Especially that we have the experience of Phase 1 with regards to timing

Rafik Dammak:the motion includes resolved that EPDP team work on workplan for phase 2

Rafik Dammak:the outcome should give an indication about possible deadlines and the milestones

Rafik Dammak:@Heather welcome back, there is no escape :)

Paul McGrady:Yay! Miss that voice! Welcome back Heather!

Elsa Saade:Heather :)))

Philippe Fouquart:good to hear you

Tatiana Tropina:Heather!!! :) so lovely to hear you.

Heather Forrest:I miss you guys

Rubens Kuhl - RySG:My reading of this case is that we might have a higher bar for an issue report for too narrow PDPs requiring expertise beyond what is available in the community.

Marie Pattullo:I share Heather's concern. Jurisdictional rules on immunity are hugely complex, and this is why I have serious reservations about not just Rec 5, but also expecting the current RPM WG to be able to fully comprehend those nuances and thus be able to deal with that.

Heather Forrest:I personally believe that if one recommendation is affected by procedural problems, then all are affected

Maxim Alzoba:drama night not be finished yet

Maxim Alzoba:*might

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):a serious concern @Heather

Marie Pattullo:+1 Heather/Cheryl

Marie Pattullo:Agree, Paul.

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):The 3.0 PDP Guidelines will be a boon to any future process - Yes @Paul

Heather Forrest:Spot on re PDP3.0, @Keith

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):specifics in a Charter is always a good thing

Maxim Alzoba:most probably we might see participation of the same persons ...

Maxim Alzoba:I try to behave at RPM PDP, honestly

Martin Silva Valent:we shouldn't drop things on RPM without hearing their leadership

Martin Silva Valent:at minimum

Tatiana Tropina:we did

Maxim Alzoba:yes, I lost

Marie Pattullo:Who ate Elsa?

Nathalie Peregrine:Elsa dropped the AC room

Marie Pattullo:Old. Sorry.

Rafik Dammak:done

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):side thought here... would it not be possible to have Council appoint a Truly Independent Chair for a reconvened (e)PDP process who has or has clear access to appropriate and transparent expertise???

Rubens Kuhl - RySG:"And the really important part is..." stay tuned for next week episode

Elsa Saade:sorry i got disconnected for some reason

Keith Drazek:Welcome back, Elsa, you're next up

Maxim Alzoba:@Cheryl, it is hard to have expertise on GDPR with almost no litigation around it

Mary Wong:@Carlos, criteria based on .int was originally considered by the GAC and they eventually developed a list of IGOs that was based on the .int criteria as a starting point.

Paul McGrady:I think Cheryl's idea is a good one and will speed up the process for any new PDP. The expertise needed isn't so much the UDRP as it is the issue around submitting to jurisdictions (or not) to enforce rights.

Marie Pattullo:Agreed, Paul. It's very, very complicated.

Maxim Alzoba:@Cheryl, sorry , I thought you referred to the current EPDP

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):Ahh thank heavis I was to say the least ****Confused****
@Maxim ;-)

Marie Pattullo:I understand the point about accepting consensus from a WG, but I think our job as policy manager is to ensure that the WG has been functional/appropriate/knowledgeable. And I still have a (personal) view that they didn't comply with the Charter (as they made the situation for charities worse, not better).

Maxim Alzoba:guerilla pdp tactics

Paul McGrady:But PDP 3.0 would address all of that. If you combine that with Cheryl's suggestion of an independent chair, I can envision a quick result on a new PDP on this.

Michele Neylon:so do we want to re-charter the PDP?

Paul McGrady:@Michele - that would be my preference. Reject the entirety of this outcome and recharter a new PDP under PDP 3.0 and with an independent chair.

Maxim Alzoba:Are we going to reason it as : we do not like it? It should be well explained

Rafik Dammak:@Michele I dont think we can reach agreement on that

Rubens Kuhl - RySG:"The definition of insanity is doing the same thing over and over again and expecting a different result."

Elsa Saade:^ this :)

Paul McGrady:@Maxim - I think that can be done. It would basically be a description of why we adopted PDP 3.0.

Maxim Alzoba:@Paul, I agree, I meant ... if we decide to do so - we will need to provide proper explanation

Michele Neylon:all hail the Keith

Paul McGrady:I sometimes feel like all our solutions are the "least bad". :)

Philippe Fouquart:they always are :)

Mary Wong:@Pam, the links to the letters wre circulated to the Council - but we can and will recirculate again

Heather Forrest:Membership of the Curative Rights PDP:

<https://community.icann.org/pages/viewpage.action?pageId=48347895>

Marie Pattullo:Can I please note that the people who self-identified as BC here were not there representing the BC - they were there in their personal capacity.

Paul McGrady:@Pam, the observations of dysfunction are not merely from the outside. The report on all of that came from the Co-chairs.

Marie Pattullo:And yes @Paul - note the co-chairs minority statements.

Darcy Southwell:The amount of work performed, or the length of time it took, is not an indicator of an effective result.

Darcy Southwell:I'd hate for us to decide this based on that.

Paul McGrady:+1 Darcy

Elsa Saade:definitely not Darcy! i agree with u. but there is a result. a set of recommendations based on heavy discussions

Maxim Alzoba:unfortunately PDPs do not track findings, which can be re-used (or removed)

Heather Forrest:Sorry all - I am trying to multitask and find the voting outcomes while following the discussion, but it's taking me a while (clearly my Council multitasking skills have weakened!)

Heather Forrest:I'll post them as soon as I find them

Marie Pattullo:Agree Darcy - they gave us some solid work to build on though. Keith - I see Mary has her hand up; can she help us on procedure?

Rafik Dammak:As councilwe should acknowledge we (councils for last years) fails for dealing with some isseus earlier.

Paul McGrady:I think we should take our lumps!

Rafik Dammak:(correction) As council should acknowledge we (councils in the last years during PDP lifetime) failed for dealing with some issues earlier.

Rafik Dammak:@Darcy I am not sure that was response to my intervention, I didnt mean that we will make decision based on time spent. but I am not sure that redo will give better result. it also creates some incentive to re-do PDP in future

Heather Forrest:Mary's voting points are excellent and timely - I was looking for the membership of the group at the time of finalising the Final Report

Heather Forrest:Nothing further from me, Keith, but always happy to be helpful to the Council whenever you all decide

Rafik Dammak:@Heather I told you, no escape :)

Heather Forrest:Hotel California, Rafik. Your time will come

Pam Little, RrSG:Thank you for the clarification but I dont' see that as material. It's their affiliation, not representation as this was a open PDP structure (as opposed to the EPDP where members are representing their SG/C/SO/AC.

Rafik Dammak:yes in open WG ebveryone is participating in their own capacity

Pam Little, RrSG:My last comment was intended as a response to Mary's comment

Cheryl Langdon-Orr (@CLO3 PDP Co-Chair):Bye for now... Until Next week then...

Marie Pattullo:Night all!

Heather Forrest:I will follow up on the list re consensus numbers

Philippe Fouquart:Thanks. Bye all.

Heather Forrest:bye all

Rafik Dammak:thanks all

Arsene Tungali:bye all

Pam Little, RrSG:Thank you all

Osvaldo Novoa:bye all

Flip Petillion:thanks

Maxim Alzoba:bye all

Elsa Saade:thanks Keith, all

Darcy Southwell:Bye all

David Olive:Thanks ALL

Elsa Saade:bye

Tatiana Tropina:thanks all - bye