

**ICANN
Transcription
Extraordinary GNSO Council meeting
Tuesday, 12 June 2018 at 12:00 UTC**

Note: 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.

The audio is also available at: <https://audio.icann.org/gnso/gnso-council-12jun18-en.mp3>

Adobe Connect Recording URL: <https://participate.icann.org/p2gm9co4zpi/>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

List of attendees:

Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez (joined but in case of poor audio, proxy to Michele Neylon)

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo (apologies – proxy to Susan Kawaguchi), Susan Kawaguchi, Philippe Fouquart, Tony Harris (audio only), Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina (joined late – if needed proxy to Rafik Dammak), Rafik Dammak, Ayden Férdeline, Arsène Tungali (apology – proxy to Martin Silva Valent)

Nominating Committee Appointee (NCA): Syed Ismail Shah

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Adebiyi Oladipo – ccNSO observer

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional

Marika Konings – Vice President, Policy Development Support – GNSO

Mary Wong – Sr Director, Special Adviser for Strategic Policy Planning

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Support Senior Specialist

Ariel Liang – Policy Analyst
Caitlin Tubergen – Policy Senior Manager
Mike Brennan – Technical Support
Nathalie Peregrine – Manager, Operations Support
Terri Agnew - Operations Support - GNSO Lead Administrator

Operator: Recordings are started.

Nathalie Peregrine: Thank you very much. Good morning, good afternoon, good evening everybody and welcome to the Extraordinary GNSO Council Meeting on Tuesday, 12th of June 2018. Would you please acknowledge your name when I call it? Thank you ever so much. Pam Little?

Pam Little: Here.

Nathalie Peregrine: Thank you. Donna Austin?

Donna Austin: Here.

Nathalie Peregrine: Rubens Kuhl?

Rubens Kuhl: Here.

Nathalie Peregrine: Keith Drazek?

Keith Drazek: Here.

Nathalie Peregrine: Darcy Southwell?

Darcy Southwell: Here.

Nathalie Peregrine: Michele Neylon?

Michele Neylon: Here.

Nathalie Peregrine: Carlos Gutierrez, I see you're in the Adobe Connect Room. Carlos will only stay connected for a short amount of time, so he's also given his proxy to Michele Neylon once he disconnects. Marie Pattullo has sent her apologies. She's given her proxy to Susan Kawaguchi. Susan Kawaguchi?

Susan Kawaguchi: Here.

Nathalie Peregrine: Paul McGrady?

Paul McGrady: Here.

Nathalie Peregrine: Philippe Fouquart?

Philippe Fouquart: Here.

Nathalie Peregrine: Rafik Dammak? Rafik, if you're speaking, we cannot hear you.

Rafik Dammak: I'm here, sorry.

Nathalie Peregrine: Perfect. Thank you, Rafik. Stephanie Perrin?

Stephanie Perrin: Here.

Nathalie Peregrine: Perfect. Thank you, Stephanie. Arsene Tungali has sent his apology and he's given his proxy to Martin Silva Valent. Heather Forrest?

Heather Forrest: Here, Nathalie. Thank you.

Nathalie Peregrine: Thank you. Tony Harris?

Tony Harris: Here.

Nathalie Peregrine: Tatiana Tropina has sent her apologies and she has sent her proxy to Rafik Dammak. Martin Silva Valent?

Martin Silva Valent: Here.

Nathalie Peregrine: Ayden Férdeline?

Ayden Férdeline: Here.

Nathalie Peregrine: Thank you. Syed Ismail Shah?

Syed Ismail Shah: Here.

Nathalie Peregrine: Cheryl Langdon-Orr?

Cheryl Langdon-Orr: Present, Nathalie.

Nathalie Peregrine: Thank you. And Adebisi Oladipo, our new CCNSO liaison? Adebisi, I see you're in the Adobe Connect Room. We're going to reach out to you privately to ensure you have an audio connection for the rest of the call. Erika Mann? Erika said she might have issues speaking but she has been noted to be in the Adobe Connect Room. And Julf Helsingius?

Julf Helsingius: Here.

Nathalie Peregrine: Thank you. From staff, we have David Olive, Marika Konings, Julie Hedlund, Steve Chang, (unintelligible), Emily (unintelligible), Berry Cobb, (unintelligible), Terri Agnew, (Michael Brennan) for technical support, and myself, Nathalie Peregrine. I'd like to remind you all to remember to state your name before speaking for recording purposes. Thank you, Heather. It's over to you.

Heather Forrest: Nathalie, thank you very much and thanks very much to everyone for their willingness to attend what we have in front of us today as an extraordinary GNSO Council meeting and the sole purpose of the extraordinary meeting, as you can see from the very limited agenda in front of you is to discuss next steps in relation to the temporary specification.

We have dispensed with all of the other usual formalities in relation to action items and the projects list, but I would like to just stop and take a very quick opportunity to welcome our new liaison from the CCNSO and hopefully we'll have the audio sorted out for you, Adebisi, in no time. But this is your first council meeting and it's an extraordinary one. Ordinarily, we only meet once a month but we're delighted to have you and appreciate any input you can give. So thank you very much.

Excellent. So we thought we had the one item on the agenda, which is the opportunity to discuss next steps. So Donna, Rafik, and I put together a letter to Cherine and his board colleagues soon after our call with the board. The letter went out on the 8th of June, following up on the questions that were outstanding from that call with the board. And replies were received in two batches. The first batch went to the list a few hours ago today and the second was that follow-up on number nine, which is the linking of other ICANN policies, the mapping of other ICANN policies. And Pam in particular, thank you for pushing to make sure that we sent out those reminders and then Pam, you've commented on the mapping exercise so that's very helpful.

What I think we might usefully do is just have an opportunity to discuss those responses that came in from the board and staff have all sorts of documents sitting in the background here to help us with this. I think it might be helpful if we start off with that reply that was received from Cherine via David, and thank you to David, who's on the call, for getting that to us as quickly as possible. Marika, are we able to show those responses from the board in the AC (unintelligible)?

Marika Konings: Yes, this is Marika and give me one second.

Heather Forrest: Thank you. Great. So you see here, this was a comparison. Marika did some fantastic notes on the day. I also had made some stars and scribbles next to things and we made some comments in the chat to make sure we came back to these points. And I understand that for those of you who aren't in APAC time zone, it hasn't been daytime for you. You're just waking up and perhaps seeing these for the first time.

So I thought it might be useful if we needed to follow-up on any of these points then we might just go quickly through the answers here. Or not necessarily quickly, but we can go through the answers here, take an opportunity to capture any further responses that we might need and get onto that as quickly as we can.

So in relation to that, you notice that the questions that we asked, there were several of them around scope. One of them I think was - Rubens was - and I think Rubens, you're with us on the call. Yes, Rubens. Rubens, one of them was your question number five.

The response that we received here is that the Board hasn't had enough time to consider this but will come back to it. Rubens, anything you want to add to that point at this point in time? Not so far. Cool. Everybody's on a not so far on that one. All right, so we'll park that and keep a note of it. We'll keep a running list of these sorts of questions.

Excellent. Anyone else want to comment on number five? It was raised by Rubens but the floor is open for anyone. I think Rubens is right. There's probably not very much we can say on it at this point. All right, I see no hands. Then let's look at number eight, temporary specification covers a number of additional policies that go beyond the RA and RAA.

How the Board believes that the Council should handle these areas of overlap. I think that answer that we see there largely reflects what was said on the call. I don't think it really adds anything new. We said that we don't really experience this situation in a PDP. Spent some time discussing that on our call.

What I understand from this response is that the Board appears to be happy with being driven by Council's approach to this. Does anyone have any questions, concerns on that point?

Rubens Kuhl: Okay. All right. We'll park that one for now. Number nine, the list of policies and contractual clauses impacted by the temp spec. That was followed up in the subsequent email from David and Pam you had an opportunity to have a look at that document. And Pam, I think we have in the background, Marika, do we have the marked up version from Pam by chance? Yes, super.

So Pam, we've had the advantage in the APAC time zone of having had a little bit of time to look at this and you were quick to respond, and I appreciate that. Any comments - any points that you'd like to highlight from your markup, Pam? And I think everyone can scroll that document in the pod, so feel free. Pam, over to you.

Pam Little: Thanks, Heather. Pam Little speaking. Basically, I just went through the document quickly. So you can see my comments or markup, which appear to me in the (unintelligible) that was done by ICANN staff. But I want to say one thing is it appears to me that there are some requirements in the temporary specification and the approach taken by the staff who prepare the documents seem to be based on - it's not in the current registry agreement or registrar accreditation agreement or consensus policy, then according to the mapping document, then there's no impact.

I think that seems to be a problematic approach because that is obviously incorrect because it's additional new requirements in addition to what's in the

current agreement or policies and there is impact. I think that's all I want to say and you can feel free to go through the document, have a look. Thanks.

Heather Forrest: Great, Pam. Thank you very much. I think Carlos might have had a little bit of trouble hearing you. Carlos, I turned - yes, I turned the volume up a bit but got Pam through. And I like Rubens comment in the chat there. So any comments - again, I appreciate that folks in Europe and North America haven't really had an opportunity to see this at any great length, not to say that APAC has all that much time on you. Michele, please.

Michele Neylon: Thanks, Michele for the record. I mean this is - look, I think this is a helpful starting point and then we can - I don't know whether Marika and her team, or David and his team, or who exactly if they intend to flesh it out further but it is a good starting point. Because I mean this is going - what we've seen today seems to focus more on the contracts. I haven't seen much in there about the actual policies but this is a good starting point. Thanks.

Heather Forrest: Thanks, Michele. And I'm pleased to have your voice on this too because it was something that you spoke out in relation to the call that we had with the Board. And Marika is noting that any feedback can get shared and yes, Marika and I both noted it was clearly communicated as it is a starting point. This is a beginning and I think I appreciate even though it's let's say a finalized document, I appreciate the fact that we have it in time for our call today. That would be helpful.

Any further comments on this document? I see people typing. We'll just wait for key seven. Marika, just to make sure we don't miss anyone. Marika is suggesting we send updates and I think that would be helpful. Keith or Rubens, let's see before we move on just to make sure we don't get the comments of. Keith has shared the mapping document, great, with the contracted party house. And Keith, just to be very clear, I guess, so is there a subteam that's working on this within the contracted parties? I haven't yet - I confess, I haven't yet sent it to the IPC. Paul may have but it's been over the

night for Paul. I would assume we'll take these back to the full SGs and Companies. Keith?

Keith Drazek: Thanks, Heather. This is Keith Drazek for the transcript. Yes, just to answer your question, we - the contracted parties, registries and registrars have had a subgroup focused on GDPR for many months now and that group is sort of our point team working on these kinds of issues and will continue to be involved in the discussions around the temp spec and whatever policy process we put in place. So I expect we'll get some good constructive feedback out of that group.

But I want to echo Michele's comment and others that this is a good starting point. We appreciate the work that went into it and look forward to further refining it. Thank you.

Heather Forrest: Thanks, Keith. That's helpful and I think there's a number of us that are going to catch up sending this on to our respective stakeholder groups and constituencies. So I think that's super useful. So Rubens has made a very interesting point in the chat, which is a discussion item that was on our list with the Board.

Before we leave this document, just make a note of it. The picket fence analysis. Rubens, do you want to specify there let's say what in particular would be helpful? I guess that's coming back - to a certain degree that comes back to your question number five, Rubens. But perhaps it goes a bit further than that. So I might ask for your thoughts on that just so we all fully appreciate what it is that you're thinking.

Rubens?

Rubens Kuhl: My understanding of the call we had with the Board was that ICANN Org was going to provide us with data analysis of what is in the picket fence or not. That could (unintelligible) and possibly (unintelligible) change it. But I thought

they said they would already be doing that. So was my understanding wrong?

Heather Forrest: So Rubens, in relation to your question and actually, I think it might be helpful, let's just check, do we have any further comments on this, the mapping document? Because I think we could usefully go back to the questions if we don't. Michele. Rubens, do you mind terribly, can we park your question just for a second so we get back to that questions document? Because I think that's probably what we need for that one.

Michele Neylon: Thanks, Heather. Just on this mapping thing, so as Keith said, that's been circulated to the contracted parties. There are probably other people who might have other input on that. What's the best way to funnel that input? Should that be going directly to Marika? Should that be going to the Council list? Is there a shared Google doc or something? What's the best way of channeling that? Thanks. I see Marika is putting in the chat that it's a Council list. Okay. Thanks, Marika.

Heather Forrest: Thanks, Marika, and I was rambling away on mute. So that's good. Yes, I think I was going to say to avoid a middle man, let's say, we want to make sure that folks can give their input as soon as possible. I guess a quick way is to channel it through councilors and put it onto the council list.

Paul?

Paul McGrady: Thanks, Paul McGrady. Good morning everybody, or evening, wherever you are. Can I just ask a question about the purpose of this document? Is it binding in some way? When we start talking about funneling comments in from our various constituencies, are we - I guess I'm just trying to understand, is it a reference document that people can have in their back pocket if necessary? Will it form a basis for what and if so, what will it for a basis for?

I guess I'm trying to understand what's the level of - we should all be diligent but what's the level of diligence that we should all be thinking about in relationship to this document? Thanks.

Heather Forrest: Thanks, Paul. Michele, I wonder, could I put you on the spot? I have an answer, sort of an idea in my head, but you pushed quite hard in our call with the Board to have this and I think if we could understand your rationale that would be super helpful. So Michele.

Michele Neylon: Thanks, Heather. Michele for the record. Okay. So the thing is this, that the temporary specification contains a bunch of language, which we know impacts contractual clauses and consensus policy. One of the issues we've seen in the past with various changes to contracts and everything else is trying to understand and have a degree of certainty that a policy is impacted or not impacted, a part of a policy, or a part of contractual clause.

So the idea was, okay, this is your temporary specification. These are the policies that impacts them. These are the contractual clauses that it impacts on. Because the kind of situation that you don't want to have is where there's language in a contract that either doesn't oblige somebody to do something or obliges them to do something and that is impacted but there's no clarity that is impacted.

Sorry if I'm not being particularly clear and I keep saying impacted. Is that helpful, Heather?

Heather Forrest: I think so, Michele. I'm going to turn it back to Paul. Where this came up, Paul, in the context of the discussion with the Board was around scoping and understanding, if you like, the outer limits of the scoping exercise. In other words, how do we deal with what's in that temporary specification and how do we know how far it reaches and what the EPDP might then have an impact on. That's a much higher level description of what Michele said but that's the broad context in which the question was raised.

Paul, does that help to answer your question?

Paul McGrady: Thanks, Paul McGrady for the record. Not really. We've talked again about what the document is meant to do but my question really was is what is the status of this document. Is it a handy reference? Is it something that we are going to use as the basis document for policy work around plugging some of these holes and therefore it has a higher status than just your average things we all put together.

I guess I'm trying to understand, is it - what's the level of reverence, I don't know how to say it, that the document will be given. In ICANN land, we could put together something and we could spend five years talking about the mapping document. And it could be the basic document that we would hold in reverence and roll out all kinds of work.

If it's going to be that kind of document then I'd like to know that. If it's going to be something that we're all trying our best to put stuff in here and if something gets overlooked by a constituency, it won't be held against them forever. Just would like to understand not what the document does but what is the nature of the document. Thanks.

Heather Forrest: Understood, Paul. Thanks for the clarification. Donna?

Donna Austin: Thanks, Heather. Donna Austin. And just to respond to Paul's question, I think Keith has answered it in chat and I certainly had a similar thinking about how it would be used. But it's a reference that will help, if it's the council that does set the scope for this PDP or EPDP, then it's a helpful reference document that will help us identify the possible scope.

I think that if we think about how we got it, it's in response to questions that the Council asked of the Board. We may disagree with some of the answers. We haven't had a chance to go through that. But I think from my perspective,

my thinking is very similar to Keith's and what Michele and Pam have plus one in chat is that this will help us certainly with the scoping exercise and the chartering for the PDP effort. Thanks, Heather.

Heather Forrest: Thanks, Donna, and Paul, the others will correct me if I misstate here, but my interpretation of this was that it was guidance. It's guidance for the scoping effort. It's not an end all be all document. I would really hate to see that's something that's put together as a working document to inform a chartering team gets somehow used against anyone in the process. I just don't think that that's the intention of it.

And hopefully I haven't said something completely whacky here. Multiple attendees are typing. So they all disagree. Okay. Paul, does that - let's say with that clarified answer, is that helpful?

Paul McGrady: Thanks, Heather. Yes, it is.

Heather Forrest: Cool. Brilliant. Okay, so I have Rubens. I have not forgotten your question. On this mapping document, what I suggest that we do is this. So as has been proposed, questions that can get channeled through the councilors, let's get feedback on this document in the easiest way possible. I don't want to set up an artificial middleman that then somehow impedes the process of collecting feedback. It's not that Council is trying to be a gatekeeper or anything here.

I think what we can do is if your comments can go through your councilors, great. And Marika has noted in the chat and will say it clearly on audio. If anyone wants to send a comment through to Marika directly because that's the easiest thing to do then let's do that. We'll collect feedback on this document. It will be used to inform the scoping team's efforts and I think we have to be very, very careful with what we're referring to here. What we are referring to is the charter, the initiation and charter drafting team. That would

be the next sort of work effort in this business and we have a fantastic graphic from Marika to show exactly what that is.

But for the moment, let's say are we happy to leave this document and channel feedback and input to add to Pam's through those channels? I don't see anyone disagreeing. So that looks promising. All right, Marika, may we trouble you? Could you go back to that list of questions from the Board, please, or responses from the Board? Okay. Cool. Thank you very much.

So we - let's go back to Rubens' question and Rubens, you specifically asked who answers, who is expected to answer in relation to your comment and the picket fence point. And we have it clearly noted here but I wanted to get back to this document. That's the answer here. The Board hasn't had time to discuss it but will provide some feedback and I think at a regular interval we can follow-up on that so that we don't lose sight of it.

Is that satisfactory from your perspective, Rubens, that the Board follows up on that at a later date? Rubens?

Rubens Kuhl: Thanks, Heather. I just need to make a distinction between two different topics of (unintelligible) being lumped together. One is the matter of question five, which is a question of whether the temp spec is (unintelligible) what should the temp spec be and at the time of contracting timing. So that's a question of whether it suits the (unintelligible) of what to expect.

A different question would actually (unintelligible) the first question, whether each of the specific provisions, each allow it (unintelligible) to be discussed as a consensus policy. So (unintelligible) mentioned also to whether they're actually very different. So my understanding is that the question of the picket fence (unintelligible) mentioned that they would get to us sooner than the question of the temp spec allowance. So just to make a distinction of two different matters at hand. Thanks.

Heather Forrest: Thanks, Rubens and I appreciate your - it's true, you have a number of facets to the question that you raise and as I put in the chat, to a certain degree, the Board's response seems a bit odd in the sense of your first question, if you like, is this business of challenge. Is it validly designated a temporary spec and is it open to challenge.

And I would be very surprised if the Board hasn't thought about that. I don't know, let's say, Rubens, to what extent we want - to what extent do you want to push that point let's say. I think if we want to pursue these questions in more detail, we need to separate them out and make them very clear that they are two questions.

Rubens is typing and Erika is typing, and Erika, I know you're in a spot where you might not be able to speak so we'll read in your comments. Okay, everybody stopped typing. Any thoughts on this before we move forward? The question of challenge, do we want to follow-up and pursue a more detailed answer on this at this point in time?

Okay, Erika wants to make a point. Erika, it might be easiest if you're not able to get back on and able to do that before the call ends, absolutely fine. We'll make a note and we'll get your comments into the record. Yes, fabulous. Thanks, Erika. Donna?

Donna Austin: Thanks, Heather. Donna Austin. So if I understand what Rubens said correctly, and I'm sorry, Rubens, it was a little bit hard to hear you, are you suggesting that there's two separate questions in this number five? And if that's the case then we should actually, given the Board hasn't responded to this one, we should actually go back and just clarify that, if nothing else. Thanks.

Heather Forrest: Thanks, Donna. So Erika is going to follow-up on the list. Rubens is typing. Rubens, are you happy with that, the approach proposed by Donna that we just follow-up, split them and follow-up? Yes, and it's - okay, so Rubens is

saying there's another question that's not on the list about what is in the picket fence or not. And that question was in our broader list of questions and what's interesting is we have to go back and look at those notes. It wasn't flagged specifically for follow-up. It might have gotten roped into another question inadvertently.

So Rubens, I would say let's capture that and circle back and see what was in those previous responses and what we might want to do with that. Will that work, Rubens? Cool. Okay. Good stuff. So that takes us through now, we in looking number nine, the response number nine, we went off to the mapping document. That brings us back to number 11, which is forward-looking. Ongoing discussions and pending court cases could have an impact on issues such as these for the PDP on a temporary spec is not expected to deliberate on these issues unless these are reflected in modifications made by the ICANN Board or the temporary specification.

At any opportunity, if I've been asked a question I've tried to impress upon the Board that the late that changes are made in the next 365 days, the harder they're going to make the EPDP to deal with. And that's just a reality of time. It's not because we're being difficult. It's just the reality of the fact that if we're aiming for Barcelona for a preliminary report that makes life very difficult.

Michele?

Michele Neylon: Thanks, Madame Chair. Just on this particular point, the answer that they've given is correct but I think it's impractical. If they know that they're going to have to change the temporary specification because of the outcome of a court case, legal action, or whatever, we need to know that as soon as possible. Waiting for the formal update to the temporary specification is too late. So as soon as they know is it going to be impacted, we need to know and that's it. There should be no delays.

If they're going to delay that until the time that there's an updated version of the temporary spec, which I assume would be in line with the re-upping of the temporary spec, then as you say that's way too late. And this is the kind of issue we're facing at the moment where the communication around some of this stuff is - the most diplomatic way I can phrase it is unhelpful. Contracted parties have asked ICANN about certain things in relation to court cases and other litigation and we're just getting this ridiculous party line of, oh, we're just talking about the temporary spec as written. Even though they probably are going to make changes based on that. Thanks.

Heather Forrest: Thanks, Michele. That's noted. And you have a number of folks agreeing with you in the chat. I think this is an opportunity - there are things that we need to wait to receive from the Board and then there are things that we can be active on. So distinguish the passive from active. I think this is one where we say pretty affirmatively it looks - to the extent that we're going to have this immediate contact through a liaison role or whatever it is, that's one of the ground rules of having that here is you want us to go down this path, then there needs to be instantaneous communication from that person and that's going to be that person's really primary responsibility from our point of view.

And I think to the extent that we say that that's how it's going to be rather than ask if that's okay that that's how it is. I suppose that's the way that we have to approach that.

But I understand, Michele, your concerns. Marika, please.

Marika Konings: Thanks, Heather. This is Marika and not here speaking for the ICANN Board but how I saw this response. The question is more that EPDP should not get distracted by speculating about what might happen as a result of pending court cases or ongoing discussions that are ongoing, but only factor those in if and when firm decisions have been made. And again, I think here it's reflected that that may happen once changes are made to the temporary spec.

But I think as noted as well, and I put it in the chat as well, the next question that the Board anticipates and has indicated that they're looking for active engagement or communication with the Council to ensure there's more direct communication in those kind of instances. So hopefully that will address the way of having timely communication if and when changes are anticipated as a result of ongoing discussions or outcomes of court cases.

Heather Forrest: Thanks, Marika. That's noted. I noticed Donna is typing in the chat and I think this is one that, again, in my mind, we want to be affirmative and go back and say as we're crafting that relationship between the PDP ongoing relationship between the PDP and the board that that needs to be a clearly articulated expectation that information comes down to us, that it's not just last minute when the ink is dry.

Paul?

Paul McGrady: Thanks, Paul McGrady here. Should we ask for something more formal like instead of waiting for the last minute when a decision comes down, instead asking general counsel's office to give the PDP rolling updates on any litigation, what the recent motions were, who won, who lost, where it's heading? You can't know the outcome of a court case before the outcome of a court case but you can follow along and you get can get good information along the way.

So maybe it's just a matter of getting what we can get, which is frequent updates and a chance to ask questions.

Heather Forrest: Paul, I think that's helpful. I think the more specific we make that ask, the more chance we have of compliance so to speak. So I think that's a point I've noted when we go there discussing this, the charter teams in more detail, I think that's something that ought to be factored in along with those broader ideas around that ongoing communications link with the board.

Excellent. So that gets us to the end of the questions on scope and the responses that we had for now to the Board we've noted some for further follow-up. We'll make a note of those and not lose them. Donna is typing. Any further comments to the responses on scope?

I don't see any hands. Donna, go for it.

Donna Austin: Sorry, Heather. Donna Austin. I...

((Crosstalk))

Heather Forrest: Are we all still here? New language skills.

Donna Austin: I think we discussed what the purpose of these responses were earlier and I think we've agreed that it will help in the framing the scope and the charter. We don't necessarily have to agree with the responses and I think particularly in relation to 11 that any court case, while it may not - while the Board may not see it impacting the temporary specification, I think that the reality is that contracted parties will be paying close attention to that and it will be a point of discussion within the PDP once it gets kicked off.

So I think we just need to be realistic and shed expectations, and I think the PDP working group or whatever is it itself will need to be pretty flexible. And I think that's understood. If it's not explicit, it's probably implicit. So these questions are helpful and it gives us an indication of where the Board's mindset is. But I think we recognize that we maybe have a different point of view on some of them and that's okay too. I don't think there's any given we're in uncharted territory, or waters, or whatever it is, I think let's all just be open minded about going into this and how we deal with all of it.

Thanks, Heather.

Heather Forrest: Thanks, Donna. Noted. So any further comments in relation to scope, the answers we got back on scope? And Julf is back. Welcome back, Julf. All right, I see no further hands on scope. Let's just turn our attention to the response in relation to participation. We had started fleshing out some ideas in the chat mainly. Some of them got brought up in the discussion with the call with the Board on what were the Board's expectations for its own ongoing participation.

The Board had raised with us questions about GAC participation and hadn't really said anything about themselves. And I think it's helpful here that the Board is willing to have an ongoing link to the PDP. I think that needs to be an open communications channel for that to work as well as possible.

Any comments or questions there? I think we started to refine our thinking in relation to this in the earlier discussions on getting information as soon as possible. And I think it's in our hands to craft that, the role of the liaison there. I see no hands up on this one.

All right, so that really brings us, having looked at these responses, that brings us up to present in terms of closing the loop between our last discussion and the follow-up that's happened since. Now, what staff has been working on in the background is a way to visualize what it is that we have in front of us in terms of next steps.

And Marika put together a really fabulous mind map. Now, you know how has wonderful as Adobe Connect is, it doesn't show the documents like these all that well. You've got to kind of move around a bit. So we love Adobe but it's not going to be perfect for this. So bear with it.

But I think what's particularly helpful about this document is that it shows things in sort of time order. We started inherently -- and Nathalie posted the link for you as well if you'd rather look at it in the PDF format -- so we've had a discussion now about Board interaction. I think we've noted some

questions that are still outstanding. We can continue, let's say, once we get into the scoping exercise, we can continue to seek responses from those and clarification from those on the Board, bearing in mind Donna's last intervention, which is we are going to have to have a certain degree of flexibility.

I think we demand information as promptly as the Board can get it to us, but knowing that there may be even getting it as promptly to us, there may be something that's timed in a way that we don't want to. In terms of the any further interaction needed or desirable, I think that's probably a given but I would suggest that we think about now. Is there anything that we need further now before we move to discussing in a substantive way the process, what it is that we're about to do here. What is the vehicle for our next step. And specifically, I think we need to decide in principle, before we go too much farther. What we've done to now has been gearing up and an educational process, if you like. Much of our discussion has happened around EPDP because this is something that's new to us all.

Is there, to the question that Marika has put in the document and I think it's worded extraordinarily crisply, is there any viable alternative to an EPDP? The EPDP seems to be made for this situation in that it has the flexibility in terms of procedures and it's geared towards that 12 month timeline. But we haven't had a tremendous discussion here around all sorts of other options. And that suggests to me that we're leaning down the path of a PDP. But I think we want to make that clear to ourselves. That can be a key outcome from this meeting is that in principle, we understand where we're going.

So turn it over to the floor. Does anyone have any suggestions for an alternative and if so, now is the time to raise it. Michele?

Michele Neylon: Thanks, Michele for the record. Just to put on the record but I don't think there is an alternative because of the timeline constraints. Thanks.

Heather Forrest: Thanks, Michele. I think that's a pretty realistic comment. So what I understand from silence and Michele's comment is not silence, what I understand from Michele's comment and the silence that has followed it is that there are not objections to undertaking an EPDP. There are not any clear alternatives to an EPDP. Paul?

Paul McGrady: Thanks, Paul McGrady. So I can think of no other options and because there is - no one has been able to identify any other options, I suppose there can be no objection to the only option. But I do think that it's worth nothing, at least from the IPC's point of view that even at 12 months, PDP is going to be woefully inadequate to the job because as of a few weeks ago, we had a rule change that makes it far easier for people to continue as consumers and far harder to find out who they are.

And so I would like for us to, while we might acknowledge that this is our only option, that we might want to continue to infuse this thing with a sense of urgency that it deserves. Thanks.

Heather Forrest: Yes, thanks Paul. There's valuable comments, particularly the last one, let's say. I'm going to capitalize on and say part of the reason why we've spent this much time, it doesn't seem like that much time, but we've been having this discussion since April and I was really in the background to the leadership team and the staff saying let's not rush into this. Let's have the webinar. Let's have the discussion with the Board. I think the expectation was we would jump on this in May and start a PDP or there was hope that that's what would happen in our May Council meeting.

And as many times as I said it in the course of transition, I don't believe that it's prudent to rush into something. I'd rather know all of the parameters, know as much as we can before we get started. So I think I in particular take to heart your comment about rushing. And I think to the comments in the chat, look, there are alternatives. One of the alternatives is just to run a

normal PDP. That's not a viable or really a differentiated alternative let's say. I don't think it's helpful.

So Paul's comment taken on board. Anyone else with concerns about pursuing an EPDP as our response to filling the vacuum at the end of the temporary specification? Donna?

Donna Austin: Thanks, Heather. So the contracted parties house had a conversation around some of these questions yesterday and just to note that we're in agreement that the EPDP is the path forward. We do believe that because this is the first time that the EPDP is going to be used, it's important that there's an agreed understanding of the process and I think that's from a Council perspective but also for any working group that we put together that the process is well understood and I understand that we've certainly had that information provided to us. But we just need to be sure that there's a common understanding of what that is.

And I know we don't want to get too much into the notion of whether we need one, two, or three PDPs but there was also a conversation about if there is more than one, do they have to run to the same timetable. So that's a question maybe to park. So whether it's just (unintelligible) or whether it's later down the track. But I just wanted to make you aware of that discussion from yesterday. Thanks.

Heather Forrest: Thanks, Donna. So Ayden has asked in the chat and Ayden, where on earth did your comment go? It disappeared. No, Paul's question. Sorry. Deadline for getting comments back on the mapping document. I'm conscious of the fact that we're all going to be getting on planes at some point at the end of next week probably. So I would suggest that we not make this an immediate thing. While that team that is working on the charter and initiation requests is live, I would like to think that we could add feedback into it.

So Paul, for now, maybe we say while the charter initiation drafting process is happening, let's try and get the feedback in and that's not going to be immediate. I don't think that's going to be done and dusted before we leave Panama. Ayden has asked a question. Ayden is seizing the opportunity.

How are we going for time - against the timeline shared some three weeks ago? Good question, Ayden and I wonder, Marika, in your magic box of documents, do you by any chance have that timeline?

Marika Konings: This is Marika. Let me just check. I did post the link in the chat so if you click there and scroll to the end, you'll see the timeline. But I'll try to pull it up now as well.

Heather Forrest: That's all right, Marika. I think we can probably - you know what, Marika, let's do that. Let's pull it up. I was going to say we can have folks on two screens but some folks may be in transit and not able to switch.

Marika Konings: Sorry, I'll need to upload it separately. So just give me two seconds.

Heather Forrest: No, that's fine, Marika. That's fine. I would put you on the spot. I appreciate you doing that. So in the meantime, let's say while we're working on getting that up, in the document, the link that Marika has shared, you see the timeline. So Ayden, to answer your question, our draft timeline saw preparatory questions and working on the scoping and charter, the initiation request and the charter was up until the end of Panama.

So at present, Ayden, we're within the timeline. That suggests that we would be wound up by the end of Panama, which may not be realistic. But again, let's say to my response to Paul, I've been pretty hard on discussions with the leadership team and saying I'd rather we know more in advance.

Let's ask as many questions on the table now before we get into that drafting process and then sort of drag out the drafting process. So I'd like to say the time we invest up front will pay us back in the back end, Ayden.

So thanks very much, Marika. That's fabulous. So you see that first step one is where we are and the timeline is there in front of us. So drafting of the charter, again, overlaps that step three, overlaps to the time period that we have and notionally, approval of the charter is down for the 27th of June. But again, so I appreciate your comment there, Ayden. I would like to say that we have an opportunity - during the transition, much of the timeline wasn't in our control and we responded sort of passively to it and constantly worked to deadlines and said wish we had more time. Here, we have an opportunity to control the timeline. We just need to be mindful of it.

While we have the timeline up -- Marika's been kind enough to put it up there for us -- any further questions on the timeline? Ayden, to your comment about ambitious to get a charter done in two weeks, we haven't - one of the next things on the list is to talk about how we go about drafting a charter. And to the extent that we're having that discussion today, I think it's unrealistic. And Philippe had a question on the mind map. So let's - before we turn back to that, Michele, over to you.

Michele Neylon: Thanks, Heather. Michele for the record. I think there's a few dates in here which we've either missed or are going to miss, so we might need to update this draft timeline. I mean we've had several meetings over the last few weeks. We seem to be in agreement now that we're definitely doing an EPDP so that's something. But we really do need to be looking at actually moving this forward. Because I am concerned that in terms of the amount of time we have left, every day is eating into that. Thanks.

Heather Forrest: Yes, Michele, you make a very good point about the every day. I'm acutely aware of that. So there were some comments about the mind map. Let's just make a final call before we switch back. Let's see, are there any further

questions on the timeline? But I do think it would be helpful to go back to the mind map because that will help to give us some context to the timeline. All right, I see no further questions on the timeline. Marika, thanks very much for pulling that up in short notice. If we could go back to the mind map, I think that would be brilliant.

Okay. So with that in mind, we have largely worked our way through in this call. The first point there, which is Board interaction, at least we have what we have for now. The process to be used to the extent that - so let's make this very clear in terms of an action item. There have been no objections to undertaking an EPDP. We understand that there are pretty serious time limitations around what we're about to do. We understand that the EPDP requires that we complete an initiation request and a charter and that we are now embarking upon that process.

Is everyone comfortable for that to be communicated to the Board? Or I should say is anyone uncomfortable with that being communicated to the Board? Multiple attendees are typing. We'll wait to see. Paul?

Paul McGrady: Thanks, Paul McGrady. I think we should say that there's been agreement in principle to an EPDP. We don't want to give the misimpression that this thing is launched and that it's underway.

Heather Forrest: Paul, I think that's exactly the wording in my mind. That's great and yes, Stephanie is making a comment in the chat. Cherine has been very diligent in following our efforts soon after a council meeting. I understand that he's reflected on what we've said. So I agree, we should be articulating this as agreement in principle and then we're moving onto the next steps, which is developing the initiation request and the charter.

So with Paul's comment in mind about agreement in principle and having no objections, we will include that on the action items list from this call and if we could make a note of that, staff, we don't really have a good pod to do it.

Maybe at the bottom of the agenda pod because that is a very clear action item that we need. I've captured it in my notes as well.

Excellent. So onto the EPDP. The next step for us is how do we go about putting together this team. Now, there's two teams and interestingly enough, the EPDP documents use the word team to refer to what we would call a PDP working group. There's that team, the team that's actually going to do this, and then there's the team that is going to develop the charter and the initiation request. The initiation request, you remember what's largely different about an EPDP is the front end of it. It doesn't start with the staff doing an issues report and this sort of thing. It starts with a request.

That request then goes to legal to ensure that what is proposed is within scope and then it comes to Council for Council's sign off. So that would be the next let's say major, if you like, milestone for Council. How do we want to go about composing - and that's cool, Steve. Thank you very much for noting that action item. I appreciate that.

How do we want to go about composing this team that will develop the initiation request and the charter? I think we want to think about leadership so this thing has some accountability on it that someone is there to crack the stick and make sure everyone is on track. And we have the actual composition in - on the team. So (Tatinilo) welcome and over the floor your thoughts on who to join the charter initiation drafting should that be council, do you have a clear sense of, you know, your thoughts on leadership of that how do we want to do this? Donna?

Donna Austin: Thanks Heather, Donna Austin. So from a registry perspective I think we're in agreement that this is something that could reasonably sit with the council to do whether that's the council as a whole or a subset of council volunteers we'd be happy for that to go either way, you know, with the understanding that this wouldn't necessarily exclude non-councilors from instructing the councilors but it would be a working group of the council. It wouldn't be

outside of that. So I think that's how our thinking on this, you know, the composition of this group thanks. We didn't - and Heather we didn't discuss the leadership so we - it's not something we formed a view on. Thanks.

Heather Forrest: Great, thanks Donna. And just to clarify if you have the two plus ones in there I'm - so councilmembers let's say we are 21 but we have some liaisons and so on can you clarify did the Contracted Parties House talk about that?

Donna Austin: Donna Austin, Heather we didn't make a distinction or have that conversation. But I will need my fellow councilors to back me on this but, you know, if you're appointed to the council then I think you are considered to be a councilmember. So that would fall within the bounds of, you know, current councilor regardless of whether you're a NomCom appointee or appointed by SG&C. I think and we may have to go back on liaisons but I think my personal view would be that, you know, council is those elected to the council. So liaisons probably sit outside of that. But that's something I'd have to check with my fellow councilors. Thanks.

Heather Forrest: Thanks Donna. Rafik?

Rafik Dammak: Thanks Heather. I think from a practical standpoint the councilor spend time to discuss now for weeks. And with all this work around the document I think it makes sense that the council to work on the charter and this copy since we already like discussing this point of and so we have that in terms of information in our (unintelligible) so that will help us with regards to the time constraint of support to have the council to work on this. So is it just subset or the whole council I think maybe it makes sense to have the whole council. I'm not - I cannot commit people but at least ensure that we all have the same level understanding and about the status of the work. And so we can communicate to our respective SG&C.

Heather Forrest: Thanks very much Rafik. And so there's been a number of comments in the chat in support of Donna and (Keith)'s response to Donna's comments about

councilors being appointed. So my question is this, how can we to avoid let's say I think we want to make sure that we have a vehicle for developing the charter and the initiation requests that is efficient, that's effective that I don't think I'd say again that I'm not at all interested in rushing this. I understand we have a timeline but we need to do it properly. How can we capture input that wouldn't come through councilors? Donna?

Donna Austin: Thanks Heather, Don Austin. One of the discussions we had yesterday was the idea of repurposing the GDPR sessions in Panama to reflect some of the open questions that come out of the council meeting today. So one of them would be about scope, you know, what's the scope of the EPDP and that would be a community session that - with the intention that the output would fade into the drafting, the charter drafting exercise.

So that was one opportunity we felt was available to us to get that broader input. Of course it puts a lot of pressure on us to be prepared to do that. But I think there's two sessions that are currently set aside for GDPR cross community sessions. And I think it might be helpful if we could repurpose those with open items that come out of this meeting where we think input from the broader community would be helpful. Thanks.

Heather Forrest: Thanks Donna. And just to clarify would that - would you envision that, that group would be -- I am actually thinking about the timeline here -- would that group would those sessions so I agree that that's a useful use of those sessions. I'm what I'm asking for clarification on is what exactly would that group that be an opportunity to comment on? Would you have it in your mind but then your discussions without commenting on a draft charter that had been put together or was that input so you've just said input into the outcomes of this call?

Donna Austin: Sorry Heather I - what I was trying to say is as a result of this call the council call if there are open not open items but if there are issues that we think there would be value in getting input from the community about like the scope of

this PDP whether there should be more than one or things like that maybe that's Panama is not - is a possibility to have that conversation. So, you know, I think in this case, you know, what the scope or what should fall within a PDP and what sits outside is probably one that's reasonable. So I'm not sure if I'm making myself clear but it's not necessarily - yes I'm confusing myself now. So hopefully that answers your question if not I'll have another crack at it later.

Heather Forrest: All good Donna. I get it. I get it thank you and apologies for pushing. And Michele?

Michele Neylon: Yes thanks. Michele for the record. Yes I mean the other - the thing that we've been doing within the Contracted Parties House is we have our internal member mailing lists plus we have specific mailing lists for dealing with various different aspects of this of the various pieces of work that we're dealing with.

So we're able to collect and collate input from a more diverse group of contracted parties than those of us who were actually sitting on council. So I assume that I mean that others stakeholder groups are either doing that or would be in a position to do that. Thanks.

Heather Forrest: Yes Michele I think that it's a very good point. And (Stephanie)'s I'm - (Stephanie) has put a comment in the chat about things that are out of scope. And (Stephanie) I'm inclined to say let's try and nail down what's in scope first. I don't mean to be facetious but I think, you know, let's say we can try and draw it's that old thing about well, you know, we know what we don't know and we don't know what we don't know and so on and so forth. I'm - so I take your point (Stephanie).

I think Donna's idea is an excellent one that we repurpose that session in Panama. The RDS PDP has certainly given us license to utilize that time in a way that we think is most effective. And that enables some inclusiveness into

this and enables some channeling in positions. So I think that's very helpful. And Michele I didn't mean to talk until you put your hand down. That wasn't my aim.

Okay and so I get a sense that there's agreement saying that we can repurpose that session. And may I ask maybe Nathalie is it possible Nathalie so we'll want to communicate that change to that session to let's say give the community an opportunity to put that onto its calendars. Is that possible at this late stage Nathalie?

Nathalie Peregrine: Thanks Heather this is Nathalie. Given that those sessions are already slotted in we have a time and date for them the fact that we – there would be repurposed and have description is no problem at all. We can get that updated on the schedule and then circulate this to the councilors and the (SDUC)s.

Heather Forrest: That's (unintelligible) Nathalie thank you. And yes Donna has corrected me quite helpfully it's actually it's the two sessions that we're thinking about here the ones that were identified for RDS. And Susan, over to you.

Susan Kawaguchi: Hi Heather. This is Susan Kawaguchi for the record. Just wondering are you - which two sessions are we talking about repurposed or both or one, you know, as it was noted in at least in the chat one was proposed by the BC? So I'll need to go back to the BC and see what their standpoint is on that. I mean the topic is GDPR for Panama in my opinion so I'm sure we could work it out but I was wondering are you talking about both sessions repurposing or one?

Heather Forrest: Donna your hands up. I'm going to let you take a crack.

Donna Austin: Yes thanks Heather and thanks Susan for the question and sorry for the confusion. So what from a Contracted Parties House what we were suggesting is that there are currently two sessions, GDPR sessions on the Tuesday afternoon that are in the cross community slots. They're the two that

we're talking about potentially repurposed. And obviously they were suggested by the BC and the IPC so there was some understanding that we'd have to get agreement on those. So they're the two that I'm talking about.

There's also one on Thursday which is a -- sorry I'm scrolling through the agenda -- which is more about an update from the council about what the next steps are. I think it makes sense that, that stays as is. The other thing that Heather we might need to think about if we do repurpose the sessions on Tuesday is that currently we have a placeholder in for RDS next steps on Tuesday earlier in the day. We might want to see if we can talk that out with one of the other PDPs on Wednesday but that's the thinking that's in my head. So hopefully that clarifies it Susan. Thanks.

Heather Forrest: Thanks Donna. So look I think in terms of the concern that Susan has raised I was thinking more about the RDS spot and maybe the update spot. I would -- I wouldn't want council to necessarily step in on a cross community topic. I think for sure the comments that Susan and Paul have made about going back are relevant here. And Susan your hands up so over to you.

Susan Kawaguchi: And I don't have the calendar in front of me but it would make sense that maybe the next steps on the RDS spot would be the session to change. And I should know this but I can't remember is that RDS Working Group next steps or does anybody know? Sorry.

Heather Forrest: Susan, it's Heather. I'm just, you know, it's clear as mud I guess at this stage. When that as you can appreciate the deadlines for those sessions happened some time ago and we tried to anticipate we tried to word things as generically as possible knowing, you know, knowing what we knew at the time which was that the RDS PDP leadership team had spoken about this with the working group. And it was determined that it wasn't prudent to have meetings at ICANN 62.

We had already at that point had some time in the calendar for the RDS PDP. Each PDP was trapped into a days' essentially to give a full day's worth of discussions. But so we've sort of cannibalized some of that time and still kept some of the high level the descriptions very high level. And I just thought I'd note it in the chat with the placeholder and we've been sort of tinkering with the descriptions on those placeholders over the time. And that's why I asked Nathalie is it still okay to tinker with descriptions?

So your confusion is, you know, entirely appropriate on the titles of sessions and sadly that was an intentional thing on our part because we just haven't had the jellyfish nailed to the wall. So hopefully that - and that's really only the case I need to be very clear - clarify my clarification that's the case for the GNSO session Susan it's not the case I'm not making any suggestion in relation to high interest or cross community topics.

We don't have any sort of authority or control on those which is why I say to the extent that we're talking about doing something with a high interest topic or cross community topic that needs to go back to -- thanks (Keith) -- that needs to go back to those folks the BC and IPC. And yes and (Mary)'s made that comment loud and clear. And that really would go to the SO, AC, SGC leaders list for discussion there.

So, you know, I would suggest we have in our back pocket other places in our own calendar where we can put this if need be. And I think to Donna's point if it needs to be that we repurpose that wrap up I would rather see us the sort of summary that the council had planned at the end of the week I would rather see us devote much of our council wrap-up session the general one to the sort of issues that we might otherwise have dealt with their end go that way so that gives us a backup. Rafik please?

Rafik Dammak: Thanks Heather. Sorry I had some problem with Adobe Connect. So I think it's a good idea to have these kind of to repurpose. And to use the session and understand that we need to communicate. So but you have made to

clarify so you have that session Thursday that was seen maybe as an update or rather.

So if we can have a session on Tuesday and Thursday and possibly use the placeholder in the way particular for the drafting team maybe to work through the session as kind of working session maybe. So we try between Tuesday to extend and delay to get update from the community and different groups so we can have maybe clarity by Thursday in which steps we have to follow. So we try to the full quality forum for that. And just trying to be clear about this if it's the way we are trying to follow or maybe (unintelligible) that approach so sorry.

Heather Forrest: Thanks Rafik. I wonder now Marika I have a really rotten request. I wonder are we able to show the GNSO calendar in the pod just so we can have absolute clarity on this? Brilliant okay now let's be very, very clear about the session that we're talking about. So Marika is noting in the chat the time that's currently available for the GNSO is 9:00 to 3:00 followed by 2:00 GDPR hit sessions in the afternoon. And that is Tuesday. So you'll see the sadly the room shifts right (Salon) 8 is a closed meeting 10:30, 12:00, 1:30 those blocks. Marika?

Marika Konings: Yes this is Marika. Just a note on that first closed block, you know, that is open for the council to decide to change that. The way this was originally scheduled -- and as you know meeting session requests were due a long time ago -- this was kind of in view of having the EPDP team formed and able to meet at ICANN 62 with the idea being that the first meeting would be a kind of, you know, get to know each other session that might need to be closed just as a purpose of just getting to know each other and not any kind of broader discussions.

So having said that, you know, it depends on how the council wants to organize those sessions but of course you could decide to actually open up

that meeting and just add it to the other three blocks that are currently reserved for that meeting. So I just wanted to share that.

And that may and also mean that potentially the rooms are switched so everything is in the same room but again that is up to the council to decide how you want to fill in those specific slots, you know, is there already a way for the EPDP team to be composed or at least have an idea of how that would be formed so people at least can get together and take advantage of the face to face time or is this time that needs to be dedicated to further discussions by the council and/or the drafting team to work on the charter and initiation requests or is there something else that should be this time should be used for.

Heather Forrest: Thanks Marika. I apology I fumbled with mute. I'm - so I think there's an interesting point here -- Paul I'll get to you in one second -- and we do have here if you like the four placeholders effectively those blocks 9:00, 10:30, noon and 1:30. And that could mean that we repurpose some of those for community and keep some of them for getting the team together preferably community before getting the team together and so that's an option that's available to us. And that would essentially give us if you like a GDPR day in the GNSO Council. The intention of running PDPs in days was to give that sort of full undivided attention to a particular topic. Paul?

Paul McGrady: Thanks Paul McGrady. Just so that it's stated out loud if you look at what's going on in the other parts of that day are the IPC closed session and the IPC open meeting. So if we do this just, you know, I assume we're not doing it to exclude IPC but just so you know we'll take criticism for planning this during their meeting. Thanks.

Heather Forrest: Thanks Paul very much. And it's an opportune time to say that one of the things that Donna, Rafik and I are doing in the next few weeks is heaven a catch-up with the various PDP teams. And I know that there's unhappiness about the overlaps, I know that there are conflicts in the schedule. I think

what we need to get better at doing is working together the council and the SG&C leaders to make sure that when the draft goes to the SG&C leaders that we explicitly note the conflicts and say, you know, this is the opportunity to not schedule a meeting around the conflicts.

It's hard in a four-day policy forum. There's no way around that. So I think yes I take your point Paul what council leadership will be doing is reaching out to the SG&C leaders just to emphasize that, you know, it is the policy forum. And to the extent the folks can get away for PDP sessions that's going to be best. We had that discussion in a planning session at the end of Puerto Rico about prioritizing policy development and I specifically in that meeting made the point about, you know, council is going to dial back on its regular meetings to give the PDPs as much time as possible but I think there's more work we can do downstream so I take your point Paul.

So to the extent that we understand the conflicts there in that 9 o'clock spot. But we have 10:30, 12:00 and 1:30. I personally am of a view that those placeholders would be a better place to try and put our cross community discussion just because we don't have control over cross community discussion and it's a bit late in the game to ask that to be changed. Donna?

Donna Austin: Thanks Heather. And notwithstanding everything you've just said but I, you know, from a registry perspective I think if we can have a conversation with the BC and IPC and see if there's some way that we could perhaps repurpose at least one of those cross community sessions it would be helpful. And I say that with the understanding that while we can't see on the schedule is that the GAC will be meeting. You know they generally made between 8:00 and 3:00 on Monday through Thursday same with the ccNSO, same with the ALAC.

So while we're trying to shift things around here to accommodate the GNSO there are the other groups sitting out there that are not necessarily included on this schedule so we should be mindful of that. So I think if we want true

community input to potentially what the scoping looks like then we need to understand that the ALAC, and the GAC, and the ccNSO and potentially others meet during that 8:00 to 3 o'clock slot. So we need to be hopefully we can find a way to be a little bit flexible and perhaps, you know, have a session that's actually in primarily non-conflicted spot. Thanks.

Heather Forrest: Thanks Donna. And Susan asked a question about scheduling an evening meeting. And Susan I'll say we've had a bit of a battle in I actually think it's sort of squeaked through the formal process the evening sessions that we do have council prepped and the MSSI thing that's been pretty hard fought. And to the extent that I'm speaking out of term Nathalie will correct me here but I think scheduling an evening meeting would be really difficult to do not to mention the fact that if what we're talking about here is an opportunity to get the community input I wouldn't suggest that that's the most efficacious way to get community input by running an evening session on a four-day meeting. And Marika I'm always going to be at the bar so there you go.

All right so just noting the comments on this we need to take that back as an action item. Let's raise questions with the BC and IPC. That should happen on the SGC, SO, AC leaders list. We can reach out to them one on one to start with. And see, you know, where we get to and if not then we need to have, you know, in our back pocket these other blocks in our schedule. Yes everyone happy with that?

Okay I'm - so it's been very helpful to have the ICANN 62 schedule in front of us. Any further questions on that before we come back to - actually you know what let's leave the schedule. A question for everyone so it - to the extent that we have come to the view that council as a whole is effective and efficient in terms of the charter and initiation request drafting exercise what time in this schedule do we want to carve out for charter initiation drafting?

I would suggest that closed session is an obvious one to the extent that we want it closed it's an obvious one for difficulty in that we know we have some

conflicts there but the fact that we have the whole council let's say we can essentially delegate one versus, you know, one go to one and one go to the other.

I'm just trying to think about a way to use the time most effectively. How much time do we want to put down to charter and initiation request drafting in Panama? I personally think that the face to face time can be particularly valuable.

So we're all on the team. So we need to think about when to meet. Yes and Marika is asking do we want to do that an open setting or council only? That's a very good question. I think to the extent that we're able to build in this community feedback process I can see response either way to Marika's question that we have that opportunity to gather input from the community in that dedicated session that we put our heads down and work and have input into it.

So (Cheryl) is suggesting in the chat but open to observers might be a good idea. I mean I think in principle to the extent that we can have discussions open that's a good thing. You know we want to work effectively but not secretly. I don't see any reason for that personally.

And Paul is saying open setting. Yes exactly I mean we have legitimacy issues to the extent that we (unintelligible). So I'm seeing all kinds of comments for open to observers and that we'll have a dedicated community session as well. Does that make sense everyone?

Multiple attendees are typing but nobody is screaming. Nathalie can we make a note then at a minimum let's take the clothes off of that placeholder session please so that we communicate that all of those sessions are open? Thank you. And so we could go ahead and refine these placeholders now. And rather than just say placeholder RBS next, we could put down here EPDP if

we wanted to to make that more clear. Does that make sense to everyone?
Donna.

Donna Austin: I think we probably need to be sensitive to saying EPDP. It should be Council perhaps initiation and charter discussion because the EPDP it won't be the EPDP working group. So we need to be sensitive to that how we categorize it I think.

Heather Forrest: That makes sense Donna. That makes sense. So we have an open session and we have GNSO Council drafting of initiation request and charter. So we can change all of those placeholders on Tuesday to that.

Now back to the question. Do we want to take one of those placeholders? Know that they're each 90 minutes. Do we want to take one of those placeholders and turn it around for community input? Or two. I guess we need to have the discussion with the IPC and the BC yet but Donna.

Donna Austin: Yes. I think Heather let's - it might make sense to get through the rest of our discussion here and then we'll have a sense of what we need to find time for. So maybe this is something that we're going to have to work on by the email list; put a few suggestions to the Council list and see what we come up with. I think it's - we're doing a little bit of chicken and egg here at the moment.
Thanks.

Heather Forrest: Yes. Thanks Donna. That's fair. Michele.

Michele Neylon: Yes. I tend to agree with Donna. I mean I also sent the comments in the chat. I mean the - getting input I think is important. If we can re-purpose one of these high interest cross community things, that would probably be a better use of time because personally I find a lot of these cross community high interest things to be pointless because it's just a restating of people's stances.

So I don't think it's particularly helpful whereas we're actually using an interactive - give us your input and we can take that away. That might be actually more beneficial. Thanks.

Heather Forrest: Thanks Michele. Susan.

Susan Kawaguchi: Michele, I'm highly offended that you would think of (ECE) session would be pointless. But anyway, just joking.

((Crosstalk))

Michele Neylon: ...(EC) session. Was for any of them. I don't care who asked for it. Even if the registrars asked for it, I would still have a problem with it.

Susan Kawaguchi: Okay. So one of my concerns is if we having working sessions all, you know, most of Tuesday, we won't have time to sort of stop and synthesize what we've done and prepare for a cross community session that afternoon.

And Ayden did point out there's another high interest topic session on Thursday afternoon. But we might be better prepared after, you know, and relieve the stress on staff to sort of take what we've worked on, make sure everybody agrees and has a chance to, you know, see some sort of document come out of that and then have the session on Thursday with the community for input.

Heather Forrest: Yes. Thanks Susan. So that's a fair point too. Look. I think it's - Donna's made a very valid point. We're sort of circling around here. And I think we probably have a few more steps before we can resolve this.

I was pushing only because the sooner we get the schedule clear, the less complaint we're going to have that I didn't know that that's what that meeting was and it was changed last minute.

So there's a fair amount of pressure on staff I will say and it's helpful to note they do an amazing job. And a fair amount of pressure on them to again try and nail the jellyfish and here (steps) us - nail us to the wall on these sorts of things. So I'm pushing on their behalf I suppose.

Let's come at this from another way. Can I suggest would it be possible for us to meet not in the form of Council - let's say not another extraordinary Council meeting but those who wanted and were able to early next week to try and get some sort of a discussion happening on charter and initiation drafting before we all get on planes. Would that be helpful? Would that not be helpful?

So helpful Susan says. And (Carrie)'s around early next week. Is there anyone that objects? Okay. Lots of good ideas. That's cool. I personally think it would be pretty helpful if we just had a discussion with, you know, the actual charter and initiation request in mind.

What we could do is after this call perhaps Marika it would be helpful just to put it at the top of everybody's inbox. That original - and now I have to think about what that document was called.

That original document that went around that had the list of things that needed to go into the initiation request. I know it was on the slide from the Webinar. But I think in our original document that got circulated we had a list of things to go into the initiation request that could get people thinking as soon as this call ends.

And then we could have a call and start to actually formulate our thinking around the actual requirements of that document. Is that - cool. Cool. That's great Marika. Thank you.

So then we have a call - and some of it's captured here in Marika's or a lot of it's captured here in Marika's - in my map. But that would give us an

opportunity let's say to go away and think about - get some input from SGs and Cs. Think about what needs to go into that initiation request.

And you'll remember from that Webinar or Q&A session that we had with the SG&C leaders that the aim of that really it was some, you know, nuts and bolts questions around composition of the team and leadership and so on. That those are questions that, you know, are going to need to be answered by us working together as this drafting team.

And staff has put together a template that would be super helpful Marika to the extent we could start with a template and get a sense of what's in that document. I think that would be really helpful.

I'm back to a question raised earlier. Do we want - how do we want to run this initiation request and charter drafting team? Do you want Council leadership to take the lead on that and push us along? Does anyone in particular want to put their hand up for it?

I bear absolutely no offense if someone would, you know, put up their hand. Likewise I'm happy to stay in the role and continue to push. Well no one's screaming. We can take that back to SGs and Cs and have a think about that.

I think having some sort of a responsible party just to keep an eye on things isn't a bad idea given that we're working the timing. So in the meantime, you know, Council leadership will continue to do what it's doing; answering action items and pushing along.

Okay. Open (floor). We've accomplished a tremendous amount in an hour and 40 minutes taking stock of where we are now. Anyone comments, questions, concerns? No. Michele.

Michele Neylon: Thanks Heather. I think we're making some progress here. I'm not sure at what juncture we want to address a couple of items around things like such as membership of the EPDP itself and also Ayden's suggestion around setting baselines of knowledge. Thanks.

Heather Forrest: Yes. Michele, that's - it's a very good point. And (Martin), before I turn to you, I'll say so that - those are questions that would have to answered in the context of initiation requests and charter drafting.

And I think the question is do we want to use the remaining portion of this call for that. Do we want to walk away and get some advice from SGs and Cs or what do we want to do. And (Martin), I didn't mean to scare you off. Michele.

Michele Neylon: Heather, Michele for the record again. Just so that you - so it's clear, the contracted parties have spent quite a bit of time discussing both the entire membership composition, et cetera, et cetera, of the working groups. And also we have also did discuss the requirements in terms of knowledge.

So I think my - for myself and the other contracted party Councilors I'm more than happy to have that conversation now if that's helpful.

Heather Forrest: Thanks Michele. So let's just make a call for comments on that and we'll see how we go. Paul.

Paul McGrady: My comment on it is that it's premature. This is outside of the scope of having those dedicated sessions to take a look at these. I don't want to - I don't want to start hiding, you know, specific issues to be dealt with in a vacuum without, you know, taking a look at the entire charter process as a whole.

If we are all going to go down this path this morning, I'll put my hand back up later and express some substantive comments. But I think we would be

better off to do this in an orderly way just to take up this issue along with all the other issues when we take up all the other issues. Thank you.

Heather Forrest: Thanks Paul. Stephanie, I note your comment in the chat. We'll go the (Martin) and then we'll take up your comment. (Martin).

(Martin): Hello. I hope you can hear me. I just want to open up (Michael)'s and (Chelsa) comments. I've been looking around for ideas in how to level the playing field of knowledge around the (idea of APP).

And I found particularly useful one of the (directional station) of privacy professionals, the (APP). Get GDPR ready. It's a course you can look into online.

I think it would be great if ICANN could provide that course for the ICANN community. It's a very expensive course but at least I think that it's a very good course that is certified and that would definitely give people working on this a little training that is not just awareness.

It's like 20 hours online. It's long enough that it's actually meaningful to work with but it's not long that it's undoable or just too burdensome. I'm going to post probably a (unintelligible) on the GNSO Council list but I want to comment here that I think this course will be a way to really make a difference of members to work with in the (APP).

Heather Forrest: Okay. Thanks (Martin). And Paul, before we jump to you, just so we don't lose Stephanie's comment. And Stephanie, just to be very, very clear, I'm - is it the case that you want to get clarification back from the Board.

What I suggest we do is we need to go back to that document and look at the question, look at the notes that were taken by Marika -- I've been looking at them in the course of this call -- and see what it says there about picket fence.

And then potentially would you suggest following up with the Board on that point? Or is that something that you want us to discuss here? Thanks.

Stephanie Perrin: Thanks Heather. Stephanie Perrin for the record. I do think that it probably merits a discussion here at Council because I suspect that we have different views as to what's inside that picket fence and what isn't.

So I mean let's be clear. This is the first thorough detail of the specs in the contract in years. We've been operating without a proper privacy policy. So some of the things that some may consider to be picket fence, some of us may disagree; they may view them as policy items. That's my view anyway.

Heather Forrest: Thanks Stephanie. So discussion here. Susan's put into the chat on the RDS Working Group Charter, which has guidance on the picket fence issues. Hey Paul, I haven't forgotten you.

Comments on the picket fence. Or do you want to walk away and read the - so I guess Stephanie my question for you would be is this a discussion that we had in the context of initiation request and charter drafting let's say. When we're developing the scope, do we have that discussion then after we've had a chance to read the RDS Charter and think about this?

Stephanie Perrin: Stephanie Perrin again. Yes. My worry is that we will over look an issue or lump it in as picket fence and then discover later that it ought to have been discussed in the EPDP. Have I got that right? EPDP - no. That's in the expedited PDP. Thanks.

Heather Forrest: Thanks Stephanie. And (Rubens) just noted in the chat ICANN.org's description of what's in the picket fence or not in the (temporary spec) would be the starting point. Do others agree that that would be useful? No, Susan says. Susan, do you want to - do you want to tell us on your comment, give us some context? Okay.

To Susan's point, Susan says no. We have to address the accreditation and access. Would that - Susan, would that be precluded by asking org for a description of what's in the fence and what is outside? Okay. Susan's fine with asking org.

Okay. Anyone object to asking org? We can use that as a starting point. And I'll do my best to emphasize that if we can get any sort of response on that, you know, by our next call, I'll make an effort to do that as a starting point. Understood.

Okay. So we'll note that as an action item as well to follow up in relation to - follow up with the Board on the org's point of view of what's in the fence and what's out.

And Nathalie, could we ask please for your help in running a doodle for a call for early next week. Let's try and make it before Wednesday APAC time if we possibly can because I start flying on Wednesday.

Actually I'm only on a short flight. So maybe we can make it Thursday morning APAC time. Run as many options as we can because it's short notice and that would be very helpful if you would like to do that for us Nathalie. Thanks. Paul, over to you. I'm so sorry. Thank you.

Paul McGrady: No problem. Paul McGrady here for the record. And I think this is somewhat formalistic at this point but, you know, I said if we were going to go down the path of talking about the membership issues in a vacuum that I'd raise my hand again. I wanted to make good on that promise.

Basically to refer everybody to my responsive email on the list to Ayden, which I don't think I got a response back from. Sorry if I did and I overlooked it.

But the bottom line is at this point I don't think we should be looking for reasons and processes to exclude people from participating based upon whether or not there's a IAPP certification.

If for the same issues, you know, we on the trademark side have always been amazed by what appears to be a basic lack of understanding of the trademark issues, which are the counterpoint to all of this of course.

I think it would be great if Ayden would take me up on my suggestion that he and I work with staff to develop curriculum for the first couple of meetings of the whatever EPDP Working Group is formed to get everybody on the same page in terms of vocabulary for both privacy issues and the center of pending trademark issues.

And I think that's a better route. It's more inclusive. It's designed to bring people in rather than design to exclude anybody. If we go down the exclusion route and require an AIPP certification to participate, then I think it would make sense to have a, you know, a corresponding, you know, set of education materials as well on the trademark issues.

And I'm sure - well, I shouldn't say I'm sure. Hopefully INTA would be prepared to put together a program on that. We could certainly ask. But, you know, I think that that's a whole lot formulistic and not very inclusive.

I'd rather us try to find ways to shoehorn people into the process and make sure we have a common vocabulary before we begin rather than trying to find a way to, you know, make sure people can't participate. Thanks.

Heather Forrest: Thanks Paul. Ayden.

Ayden Ferdeline: Thanks Heather. Hi everyone. Ayden Ferdeline for the record. And thanks for your comment there Paul. And the intention of my suggestion on the

mailing list was not to exclude anyone. It was simply to ensure that we have a baseline of knowledge amongst all the participants.

And I don't think it is unreasonable to expect that given that we have essentially 78 days to get a first - an initial report ready. And I'm just not seeing the relevance of trademark law to an EPDP. Maybe I'm missing it. But I think that this is - this whole issue has come about because of a need to align the Whois with its data protection law.

One other comment I would make. I would prefer that we have something that is delivered by a neutral third party. I don't think I would be in a position myself and I don't think others in the community would be either to be able to put forward a, you know, a GDPR 101 session in a neutral manner.

I'd like to think I could but I think it is better to go to an external party and to have that done. We're not looking for anything expensive. We're looking for, you know, three to four hours just to say that you have the most basic knowledge that there is of the issues.

I'm sure you wouldn't argue the first amendment without having read it first. That's all this is about. Making sure that people know the very basic vocabulary. The most basic level of knowledge that there is. Nothing more. Certainly not looking to exclude anyone.

And I also noted in my email if someone does not possess this certificate (to share), ICANN should pay for it. So it's not a barrier to participation at all. Thanks.

Heather Forrest: Thanks Ayden. Michele.

Michele Neylon: Thanks. Michele for the record. So we're going to have one of those rare moments where I agree with almost everything that Ayden says. Ayden, don't get used to it.

I think what some people seem to be seeing here is the opposite of what Ayden, myself and others feel. I mean what we're talking about here is that when people are engaged in this EPDP, the people who will actually be active contributing members of the group will have baseline knowledge and understanding of privacy, of GDPR.

I have - okay. If the IPC feels that there (isn't) a requirement to have an understanding of trademarks, that's fine. Though I do disagree with the way Paul is characterizing trademarks as if they were the opposite of privacy considering that privacy is meant to be for the benefit of consumers and that the IPC and BC constantly argue that a lot of their work is to protect consumers because I do find that characterization rather strange. Thanks.

Heather Forrest: Thanks Michele. Paul.

Paul McGrady: Thanks. Just to correct the record. Paul McGrady here. I'm not suggesting of course that trademarks are the opposite of privacy. What I am suggesting is that if there were no abuses of domain names, we wouldn't be having this discussion because there wouldn't be any need to have underlying Whois information.

And so that trademarks just happens to be - trademark abuse just happens to be the kind of abuse that I'm focused on. There are other kinds of abuse for sure. And how we balance out a fuzzy law like GDPR, which is not clear and everybody admits that it's not clear, in relationship to providing underlying Whois information in order to deal with abuse that's the issue.

And it's definitely important to have a baseline understanding of those kinds of abuses -- all right -- it's definitely important to have an understanding of - a baseline understanding of those kinds of abuses just like I think it would be useful to have a baseline understanding of why people believe the GDPR says.

Ayden, I respect the fact that you don't think you could do that in a neutral way. But I remain willing to work with anybody on this Council who's willing to cooperate with staff to get some basic, you know, 101 type information together so that we can be as inclusive as possible and not attempt to use certifications or such things like that to, you know, exclude participation. Thank you.

Heather Forrest: Thanks Paul. And (Tatiana), I really appreciate that. So Stephanie, let's cut the queue with you. It's three minutes till the end of our call. And we will remember (Tatiana) that you get to speak first when we next run out call. So thanks very much for your patience. Stephanie, over to you.

Stephanie Perrin: Thanks very much. Stephanie Perrin. Michele has raised an important point I think. And far be it from me to underestimate the importance of training. Training is important.

We don't have enough time to bring people up to the level possibly that might be required here. Things that plagued us on the RDS Working Group was a lack of good will to actually read documents. Staff, management, leadership did an excellent job compiling all kinds of documents and some of us read them.

And we were plagued continually by folks who refused to read them. And I really would not want to have this happen again on the expedited PDP. We need a way to ensure commitment and we need to be able to sanction folks in a more rigorous manner when they clearly are not participating.

And just in response to Paul, privacy is not fuzzy. It is (the) contextual. And that is why it appears to be fuzzy. We need to get at the details. Thanks.

Heather Forrest: Thanks Stephanie. So what I suggest we do is we can continue with this thread and any of the threads we picked up on the list. Nathalie is going to

run a doodle for us. Just bear in mind, you know, to be very clear here we're not holding another Council meeting. We're simply calling all Councilors together as now the drafting team of the charter and the initiation request drafting team let's say.

And we can pursue these issues and more when we come back together and (Tatiana) will have first say in that meeting if she would prefer to do that. So perfectly fine. Any final comments on this? Stephanie, you're hand's still up. Old hand?

Stephanie Perrin: Old hand. Sorry.

Heather Forrest: Got you. Cool. Thanks. So that leaves us with some pretty significant action items out of this meeting. We've done a great deal in a fairly short period of time although I understand it's a collective effort of all the steps that have taken us to get to this point.

It'd be pretty significant when we communicate agreement in principle to the Board that we're pursuing the path of an EPDP. And we'll start to refine these RDS sessions in Panama and see what we can do there.

So folks are losing audio bridge. It's looks like we've had trouble with the bridge, which is interesting because I'm still on the bridge. If you can start sharing your thoughts on some of the topics in the charter initiation request document, that would be great. Start sharing some ideas on the list.

Marika, if you haven't already done so, if you could send us around that draft charter or template charter, that would be grand. That would be super helpful. And that will help formulate our thinking.

Any final comments, questions, concerns? Marika, Donna, Rafik, have I missed anything? No. Oh good. Donna please.

Donna Austin: Yes. Thanks Heather. I agree we've made some good progress but we still have some substantive things to discuss as well like the composition of the PDP working groups. So I think it's important that - to the extent that folks can discuss that on the mailing list, I think that would be really helpful.
Thanks.

Heather Forrest: Thanks Donna very much. And to the point that Michele made, I understand that, you know, contracted parties have already discussed that. So the rest of us can catch up if we need to.

Thanks very much everyone. Great call. And Nathalie will send around that doodle so we'll be in touch again next week. And in the meantime, have a lovely weekend and talk to you again. This concludes our call. You can stop the recording Nathalie. Thank you.

Nathalie Peregrine: Thank you very much everyone for joining. This concludes today's call. You may stop the recording operator and disconnect the lines. Thank you ever so much. Have a great rest of your day. Bye.

END