
KOBE – GNSO Council Meeting
Wednesday, March 13, 2019 - 13:00 to 15:00 JST
ICANN64 | Kobe, Japan

KEITH DRAZEK: Okay. Hi, everybody. We're at the top of the hour, so this is your one-minute warning. One-minute warning.

Okay. Good afternoon, everybody. If I could confirm the recording is on.

Thank you very much.

So good afternoon, to everybody here in Kobe, Japan.

If I could ask everybody to take your seats and get in the GNSO Council Adobe room, and we will begin.

So, again, this is a welcome to the GNSO's council meeting in Kobe, Japan, on the 13th of March 2019. ICANN64.

I will begin by -- we will begin by going through administrative matters, which will include the roll call, and then updates to statements of interest, review of the agenda, and then we will get into the substantive discussions.

So if I could hand it over to Nathalie for the roll call.

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NATHALIE PEREGRINE: Thank you very much, Keith.

Good morning, good afternoon, good evening, everybody.
Welcome to the GNSO Council on the 13th of March 2019. Would
you kindly acknowledge your name when I call it? Thank you.

Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: 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 Guterrez.

CARLOS GUITERREZ: Here.

NATHALIE PEREGRINE: Mary Pattullo.

MARY PATTULLO: Here.

NATHALIE PEREGRINE: Scott McCormick.

SCOTT McCORMICK: Here.

NATHALIE PEREGRINE: Paul McGrady.

PAUL McGRADY: Here.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Rafik Dammak.

RAFIK DAMMAK: Here.

NATHALIE PEREGRINE: Elsa Saade.

ELSA SAADE: Present. Thank you.

NATHALIE PEREGRINE: Thank you. Arsene Tungali.

ARSENE TUNGALI: I'm here, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you.

Flip Petillion.

FLIP PETILLION: Here.

NATHALIE PEREGRINE: Osvaldo Novoa has sent his apologies, and he assigns Philippe Fouquart with his proxy.

Tatiana Tropina.

TATIANA TROPINA: I'm here.

NATHALIE PEREGRINE: Thank you.

Martin Silva Valent has also sent his apologies for ICANN64. His temporary alternate is Amr Elsadr.

And Amr.

I don't see him yet.

Ayden Ferdeline.

AYDEN FERDELIN: Here. Thank you.

NATHALIE PEREGRINE: Syed Ismail Shah has sent his apologies and assigned Rafik Dammak as his proxy.

Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Here.

NATHALIE PEREGRINE: Erika Mann.

ERIKA MANN: Aye.

NATHALIE PEREGRINE: Julf Helsingius.

JULF HELSINGIUS: (Non-English response.)

NATHALIE PEREGRINE: Adebiji Oladipo.

I don't see Adebiji in the room.

We equally have ICANN staff in the room. I'd like to remind you all to please remember to state your names before speaking for recording purposes.

Thank you, Keith, and over to you.

KEITH DRAZEK: Thank you very much, Nathalie. And, again, welcome to all.

The agenda is before you on the screen. So let's then go to updates to statements of interest.

So can I ask if anybody has an update to their statement of interest?

Okay. Seeing no hands in the room and none in Adobe, we can move on. So at this point, we will review the agenda. If anybody has any suggested updates, feel free.

So the first item on the agenda, we will review the projects and action list. And then move to the -- see here, we have a consent agenda with two items on it. One is the reappointment of Becky Burr to seat 13 on the ICANN board. And the second is the adoption of the CSC effectiveness review team. We do not have any other votes scheduled today.

After the consent agenda, we'll discuss the Privacy/Proxy Accreditation Issues Implementation Review Team. Following that, we'll have a discussion and an update on the GNSO PDP 3.0 implementation work.

Following that, we will discuss the IRTP policy status report, the inter-registrar policy status report.

We will then discuss next steps related to the ICANN procedure of handling WHOIS conflicts with privacy law. This is the item where we have on hold the drafting team for a charter for an implementation advisory group.

So we will discuss that.

Then we'll discuss the EPDP on the temp spec phase 2 work. And also a little bit of discussion around the phase 1 implementation work that needs to take place.

And then we'll have any other business. And under any other business, there will be a discussion of some of the new travel guidelines as it relates to our election procedures.

So that is the proposed agenda for today. Would anybody like to suggest any additions, anything else for AOB?

Very good. So with that, let's move back, then, to -- just a couple of other notes. In 1.4, under our administrative matters, I just need to note that the minutes of the GNSO Council meeting from 21 February were posted on 7th of March. And the minutes of the council meeting from March 4 will be posted on the 18th of March.

Thank you.

So with that, let us move directly to item number 3 on our agenda, which is -- oh, I take that back. We're talking about projects list and action items. So we'll wait for a moment until the screen is up.

So would it be possible to make the display on the screen larger?

Keep going.

Thank you.

Very good. Okay. Thanks for the patience.

This is Keith Drazek.

So on the -- the projects list, we have the IRTP policy review. That's on our schedule for today's discussion. The WHOIS Procedure Implementation Advisory Group also on our schedule for today. EPDP process, phase 2, on our schedule for today. Cross-community working group on new gTLD action proceeds. We received an update during our working session on the auction proceeds CCWG from Erika and Ching.

PDP review of all rights protection mechanisms and all gTLDs, the RPM group, we received an update during our working session from the co-chairs.

Same for the following: New gTLD Subsequent Procedures PDP, we received an update during our working session.

On the PDP for curative rights protections for IGOs and INGOs, this is a topic that we have been discussing and deliberating on now for many months. And there will be ongoing discussions following our engagement with the GAC this week on the topic. And so that is something that we will target for some resolution in the upcoming couple of months, ideally targeted for our next meeting in April. Council leadership will continue to work with staff to develop some recommendations for council consideration on this topic. And I expect we will continue to have further discussion around this issue.

Next item is the EPDP on the temp spec. And so that is from phase 1. Obviously, that is concluded -- that was concluded at the council level on the 4th of March and is now out for a public comment period, leading into a board vote. We have the cross-community working group on enhancing ICANN accountability, Work Stream 2. That is also out of the council's hands, as is the protection of international organization names and all gTLDs.

And, obviously, there's quite a few things there related to implementation phase. I will not -- in the interest of time, I won't go through all of them individually. But let me pause here if anybody has any comments or topics or follow-up on anything on the projects list.

Okay. Seeing no hands in the room, no hands in Adobe, let's move on.

Okay. The action items list is being put up on the screen.

Thank you very much.

So item number 1 is, again, a reference to the IGO/INGO access to curative rights mechanisms. I just referred to that. And I think that, you know, we covered that sufficiently at this point. I do note that there's an open item there related to a report that was to be prepared by Susan and Heather from the previous council on -- report on the usage of the 3.7 appeal process. Not

substantively, but procedurally, I'm just wondering if we have an expected time frame for the delivery of that, if anybody happens to know. I don't recall. But I will take a note to look into that and try to understand better where that stands.

Okay. Elsa, thank you.

ELSA SAADE:

Thanks, Keith. Elsa Saade, for the record.

I'm just wondering what the outcome of the meeting with the GAC was when -- in terms of the questions that we sent to them concerning IGO/INGO.

KEITH DRAZEK:

Thanks very much, Elsa. Great question. And for those who weren't in the room and weren't able to follow on, my high-level takeaway is that there was an indication by several members of the GAC, including the representative from WIPO, the representative from Switzerland, among a few others, that -- with an indication that they would be willing to re-engage or to engage with the GNSO community in trying to identify a potentially different path forward on that topic. So the question that we posed to the board -- sorry, to the GAC was, essentially, if -- if the GNSO Council were to decide to not approve recommendation number 5 or not approve the recommendations in this final

report, what would the GAC or the members of the GAC that are interested in the issue, what would be their willingness or ability to participate in a reformed group to relook or restart or to re-engage on the issue?

And the answer in response, I think, was generally positive, that there was an interest and a willingness to do so if the council were to decide not to forward an approval of the recommendations.

So when we went into that discussion, and in the email that I sent to the GAC, to Manal as GAC chair, prior to the Kobe meeting, I made it very, very clear both in the email and in -- in the meeting with the GAC that we have made no decisions and that all options are still on the table and that we were considering our options and we were trying to get a better understanding of the views of the GAC on the procedural questions of how we might move forward.

The intention in our engagement with the GAC was not to reopen the substance or to discuss the substance of the issue, understanding fully that there were concerns among many GAC members and those interested parties of, you know, the results of the PDP. We really wanted to avoid sort of getting into that. This was more of a question of engaging with the GAC and the interested parties in the GAC to better understand whether they

would be willing to engage on the issue if we decided that we were not going to accept some of the recommendations.

Okay. And I pause and see if anybody else that was there would like to add any further color to that.

Any other views or any other sort of reaction?

No? Okay.

So let's move on, then.

This next item is in progress, updated charter for the cross-community engagement group on Internet governance. This is still an open issue and still with me to draft something for consideration by council in terms of indicating that the council at this time does not see the need to formally charter the group, but that the GNSO Council is still very much interested in and engaged in the process of the work until such time that it appears that a charter is necessary. So apologies to all for me to the closing this one out. Again, a reminder for me to get that one done.

Next is a question of the seating of the IANA functions review team. This was something that we discussed this week briefly in our conversation with the ccNSO. During our joint lunch meeting, we -- this is at this time not a council issue. And I think there was an action taken coming out of our conversation earlier this week

for the NCSG to circle back with its members to decide under the circumstances that were discussed specifically whether -- while the ccNSO is pursuing a change to the bylaws related to the composition of its appointed members for the IFR, that -- whether the group could move forward to seating a review team at this time.

I understand that the board -- this is something that the board is also potentially going to be discussing this week. And I guess we'll have to wait and see what the board decides to do or if they decide to engage further on the issue.

Next item, drafting team on the charter related to next steps for WHOIS conflicts with privacy. This is on our agenda for today.

Next item.

So EPDP final report. This is also, obviously, completed for the phase 1, but there's work to be done on phase 2 and the implementation on our agenda for today.

So we have a question -- oh, yeah. So here on -- phase 2 on our agenda today, the EPDP team line item is a reference to coordination with the technical study group. This has actually been a topic of discussion this week, where there actually was an engagement with the EPDP team and the TSG, as well as with the broader community, on the work produced by the TSG. And I

think the expectation is the technical study group is likely to be wrapping up its work sometime in early April, having produced their work product and taking on comments from the community this week. So I think that this is one that we can consider closed at this point.

Next item is the 2019 council SPS report, which is now complete.

Public comment on the first consultation on the two-year planning process, also complete.

Okay. And then the rest is a summary of action items coming out of the strategic planning session from our engagement face to face in Los Angeles in January. I don't intend to go through all of these at this time, in the interest of time.

Is there anything --

Michele, I see your hand. Please.

MICHELE NEYLON:

Sorry, Keith. Michele, for the record.

Just on this TSG matter, you're marking it complete, which is nice. But are you getting something from the TSG to note that their work is complete or something kind of more formal?

I -- Basically, in a roundabout way, but let's make it a little bit more direct, it would be good to know that the TSG is wrapping up and that no further money will be spent on it.

KEITH DRAZEK:

Thanks, Michele.

I think that's a very good point in terms of fully understanding where the group is in its work and whether any further work is anticipated.

This particular action item for us was to engage with ICANN staff about the need for the EPDP team and the TSG to be informed of each other's work. That's now taken place this week, if it hadn't before. So I think we can -- as an action item here, we can consider this one closed. But I think what your -- your point is a good one, we need to maybe have a new action item just to reach out and confirm that the, you know, expectations of where the TSG is and what it's going to be doing or not.

MICHELE NEYLON:

Thanks, Keith. Michele here, for the record.

The other thing as well is, it's quite unclear from the conversations that we've had with them here in Kobe whether or not they are going through any kind of normal comment period

with this report or if it's just some kind of informal collection, collecting of feedback in various sessions. It's just -- it's a little bit of a weird animal, and it's being framed in certain contexts in a manner that some of us who they're referring to don't exactly appreciate.

Thanks.

KEITH DRAZEK:

Thanks, Michele. I think it's a fair point that this is an unusual animal in the sense that it was not a community-developed effort and that there are some questions about how the group is taking on comments and feedback that it received from the community this week and what the next steps are.

So I think your point's a good one. We'll take an action item to reach out to better understand what, you know, the future of this group is or is not.

Okay?

Any other comments or questions on the projects list or action items list before we move on to our more substantive agenda?

Not seeing any hands in the room and my laptop is locked up so give me a moment in Adobe, but let's move on.

Okay. Item number 3 on our agenda is the consent agenda. The first, as I noted earlier, is the reappointment of Becky Burr to seat 13 on the ICANN Board. The contracted party house has reappointed Becky Burr for seat 13. This agenda item is intended to acknowledge the selection and confirm that the notification process, as outlined in section 7.25 of the ICANN bylaws, will be completed subsequently.

The second item on our consent agenda is the adoption of the CSC effectiveness review team final report. So if I may ask Nathalie to take us through the vote for the consent agenda.

NATHALIE PEREGRINE: Thank you, Keith. Would anyone like to abstain from this motion? Please raise your hand. Would anyone like to object to this motion, please raise your hand. Would all those in favor of the motion please raise your hand. Thank you. Would Philippe Fouquart and Rafik Dammak who hold proxies please raise your hand? Thank you very much. We have no abstentions, no objection. The motion passes.

KEITH DRAZEK: Thank you very much, Nathalie, and thank you all. So with that, we can move to item number 4 on our agenda which is a council

discussion on the privacy/proxy services accreditation issues implementation review team. Yes, Philippe.

PHILIPPE FOUQUART: Thank you, Philippe Fouquart. I just want to make sure that on the second part we capture our warm thanks to the team and staff for their work on the CSC, if I can just review. Thank you.

KEITH DRAZEK: Yes, indeed. Thank you, Philippe. And apologies for sort of not thinking of that myself. So you're -- yes, absolutely. Thanks very much to the participants, the members, and the staff who worked very hard on that report. Michele, please.

MICHELE NEYLON: Also, it's worth -- we should also capture something as well about the fact that Becky running for a second term on -- on the Board. I'm really having problems with my words today. On the Board. I mean, now that she's moved on professionally and has left her previous role and we, you know, just to thank her for her first term. I think that's worth putting in there somewhere.

KEITH DRAZEK: Okay. Thanks, Michele. For just everybody's benefit, Becky had been working as an employee at Neustar registry and has now

moved to private practice, working for a law firm. And so -- but the contracted parties decided unanimously, without any question, that even though she wasn't working directly for a registry or registrar that she was still very worthy of continuing as our appointed Board chair -- Board member. Any further discussion before we move on to agenda item number 4? Very good. Let's move on then.

So the topic of the PPSAI implementation review team -- and I'm quickly going to hand this off to some fellow councilors who have been more involved in the effort or impacted by the effort, and I'm looking over at Darcy and Michele and others. This is a topic that is on our agenda today, in part because the effort has been paused and that there's some discussion needed about sort of what's likely to come and what next steps should be around this issue. This topic or this effort was paused at the direction of ICANN org as it -- because of concerns about interrelation with GDPR and potentially ongoing work of the EPDP replacing the temp spec and potentially into phase 2.

So I'm going to stop there and ask Darcy if she wouldn't mind taking it from here, as far as sort of next steps, and Pam, certainly, if you'd like to jump in as well. Thank you.

DARCY SOUTHWELL: Thanks, Keith. Darcy Southwell. So -- and I may have my dates a little off, so my apologies. But I want to say that the IRT was paused shortly before Barcelona's meeting and has remained paused. The -- there wasn't an official announcement, but I feel like discussions really focused on the fact that we had the EPDP starting, it was relatively new as we were going into Barcelona and we didn't know what it was going to produce and we needed to make sure that we were not working on an implementation that was directly -- or well, creating a process that violated what -- I shouldn't say violated, that's not fair. Conflicted with what the EPDP may be putting out.

So it was paused. It remains paused today. I believe that GDD staff wrote to us maybe last Monday? Sometime last week, and suggested that it continue -- you know, looking for our feedback on continuing to keep it paused pending the EPDP phase 2 work. And again, I think this all really centers around the fact that we -- we do -- you know, we have limited resources and we want to make sure that we are not, you know, working on the same issue that may have conflicts in the end and best utilize our resources. Thanks.

KEITH DRAZEK: Thanks very much, Darcy. And yeah, to your point, we did receive a letter on the 4th of March from Cyrus Namazi, head of GDD,

basically recommending that we continue to basically have this on hold or delay the reinitiation of this effort until such time the EPDP concludes its work. So that is the topic for discussion before us. And I think if anybody has any further questions about, you know, sort of the substance or the background of the PPSAI and how it might impact, we can have that conversation briefly, but I think the real question is, for those that have strong opinions and have been following this already, now's the time for us to kick them around a bit because we -- we owe a response at some point in fairly short order to GDD staff. Pam, would you like to add anything at this point?

PAM LITTLE:

In addition to what Darcy has covered, I would also like to point out in the letter from the -- from Cyrus to the GNSO council leadership there's a second prong to that letter which is regarding the piece on the transfer policy privacy involving change of registrant process. And this issue came to light as registrars were implementing that new policy in the transfer policy. But as it turns out, the -- the transfer privacy policy PDP working group didn't really consider the proxy and privacy issue, so this issue was actually deferred to the IRT. But now because the IRT has been paused, so Cyrus or GDD staff is also asking the council about whether the -- whether ICANN org should do anything about that particular deferral.

So just two issues for us to consider, whether the PPSAI should be continued to be paused and how we deal with that transfer policy change of registrant issue. That is still causing some problems or implementation problems for registrars. I'll pause there. Thanks.

KEITH DRAZEK: Okay. Thank you, Pam. I've got Paul McGrady in queue. Paul.

PAUL McGRADY: Thanks. This is Paul McGrady. I apologize for how formal this is going to be, but I think it's important to set forth sort of a comprehensive view. So the bottom line here, privacy policy was unanimously approved by the council and by the Board several years ago. The Board vote was August 9, 2016. Privacy/proxy implementation review team kicked off in October of 2016. After significant work on the implementation, ICANN delayed work on the process starting in early 2018 due to pending legal review. We were assured in August of 2018 that the review would be finished shortly, and that work would proceed. We understand that this legal work included a privacy review of the implementation.

However, in October 2018 Akram stated that the privacy and proxy services accreditation policy of implementation would be placed on hold until the completion of phase 1 of the EPDP. Obviously, the IPC is anxious to restart the IRT for privacy/proxy

services accreditation which has consistently -- which has consistently felt -- we believe was not interdependent with the EPDP outcome.

Then in the letter from Cyrus to the GNSO Council on March 4, ICANN stated that following consideration of the various viewpoints ICANN continues to believe that to proceed with implementation of PPSAI until the completion of the EPDP is a prudent course of action. This will allow ICANN org and the broader community to focus resources on ensuring that GDPR compliant requirements are finalized by existing contracted parties before proceeding to implement similar requirements for a completely new category of contracted parties.

Recommendation 14 of the phase 1 final report, which is the only recommendation that directly refers to privacy/proxy services, simply states that in the case of a domain name registered where an affiliated privacy/proxy service used EG word data associated with a natural person as masked, registrar and registry were applicable, must include the public RDDS and return in response to a full query non-personal RDDS data of the privacy/proxy service which may also include the existing privacy/proxy pseudonym -- sorry, pseudonym email.

So all that to say this. It's not clear to us why continuing work on the privacy/proxy implementation must continue to wait for the

EPDP final completion. To the extent the rationale was to ensure purposes for collecting and processing registrant data, that was dealt with in phase 1. To the extent that the concern deals with the disclosure framework for disclosing registrant data behind that privacy/proxy service, our understanding is that the disclosure framework for RDDS generally is separate and independent from the disclosure framework of registrant data under privacy/proxy. So we don't understand why they're being linked now. Also, as noted above, our understanding is that ICANN already received privacy advice on the privacy/proxy implementation framework already. There's a strong need for the policy to be implemented because as one of our members noted, between 50 to 75% of the infringing sites that they monitor have registrant data, the domain hidden behind a privacy or a proxy service. Further, as mentioned above, it is our understanding that the RDDS policy and disclosure will not obligate privacy/proxy providers to provide the data under those standards. For example, to inspect does not apply to disclosure of registrant data by privacy/proxy services.

In addition to the concerns noted above -- and this is my primary issue -- it's disturbing to see where there has been an unanimously approved policy of the GNSO and an unanimously approved by the Board, ICANN org can unilateral decide to delay or stop implementation of a fully approved policy. And it is

disturbing that in an approved policy is being held hostage to a pending policy that ultimately will not provide guidance for when registrant data will be disclosed if hidden behind a privacy/proxy service. This is a mark against the multistakeholder model and is a broader concern about our general governance. Thank you.

KEITH DRAZEK:

Okay. Thank you, Paul. I've got Pam in queue next. Okay. Goran, welcome.

GORAN MARBY:

Hi. I will not comment on that. I'm sorry for rushing in and rushing out again, but I actually want to just say something completely different. And then I want to, to GNSO Council, thank the contracted parties for coming up with the idea with the TSG.

If you remember that back in Barcelona I received a letter from all the contracted parties when they asked me -- when they said, go and see if you can find a way of diminishing the contracted parties' legal responsibilities. They also posted some questions in that letter to us, which were very good technical questions.

So instead of me just sitting in my own chamber thinking that out, I asked Ram to set up the TSG. And I hope that some of those questions that the contracted parties sent to us in that letter is also answered by the TSG. So I really wanted to just reach out to

the contracted parties and say, thank you very much for coming up with the idea.

The next step of the TSG is, of course, we're going to put -- we're going to do what it's intended to do. We're going to take that on. We're going to build that into something which in a transparent way we'll go and ask in the end the DPAs if this diminished the contracted parties' legal responsibilities, so we can use that as an input into phase 2. Thank you.

KEITH DRAZEK:

Thank you, Goran. So we will come back to momentarily the discussion of privacy/proxy services accreditation issues IRT. Let me just ask everybody an administrative issue, two things. One, please, everyone, that includes myself, speak a bit more slowly for the scribes and for the transcripts, and so I'll remind you if we start getting accelerated a bit. And then also to note, we do have an open mic section at the end of our meeting. So we will welcome anybody in the room to, you know, participate and engage with the council at that appropriate time. And so with that, let me turn back to the discussion of the PPSAI, and I have Michele and then Marie in queue. If anybody else would like to discuss the topic, please go ahead and put your hand up. Thank you. So Michele.

MICHELE NEYLON:

Thanks. Michele, for the record. Just on this -- the points that Paul raises. While it's all well and good to say that, you know, a policy process was followed, but if the policy process was followed and it was completely ignorant of a set of laws that we now have to deal with which triggered a whole range of other things, just blindly moving forward with implementation of a set of flawed policy outcomes is probably not ideal. Speaking purely on my own personal behalf, I -- I would find implementing the privacy/proxy policies, as they currently exist, and the output from that PDP to be highly problematic and that I think they would need to be looked at again through the lens of GDPR and other things. Pam's point around the registrant change thing is a perfect example of where there is a divergence between the policy as it was intended and how it ended up being implemented. There's been ongoing issues within -- involving some couple of registrars and ICANN compliance around this for the last few months, and it is definitely a pain point, I agree on that. And if there was a way to carve that issue out in some shape or form and deal with it, that would be find. But moving forward with implementing privacy/proxy, I would be strongly opposed to.

KEITH DRAZEK:

Okay. Thanks, Michele. This is Keith. So just to note, there's some ongoing exchange on this particular topic and your observation

in the Adobe chat. I think Paul has acknowledged, you know, some -- some interest in looking into that question as well as Rubens. Any of you feel free to put up your hand and engage here. This is our, you know, discussion topic for this part of the meeting. So I have Marie and then Paul. Thank you.

MARIE PATTULLO:

Thanks, Keith. This is Marie. From the BC side, we pretty much support what the IPC just said. We don't really understand why the policy can't be implemented. We -- if there are things that would definitely conflict with that which comes out or is coming out of the GDPR or the EPDP, what are they because we're not clear on what they actually are.

Also, if I could ask Darcy, there is also a process concern. Did org reach out to the IRT about this? Have they had a discussion with you? So the BC perspective is, we really do want this to go forward. And backing up again what Paul said, proxy hasn't gone away. There's still an awful lot of it out there. It hasn't diminished post-GDPR. In fact, if anything, it's growing. Thanks.

KEITH DRAZEK:

Thanks, Marie. Darcy.

DARCY SOUTHWELL: Thanks, Keith. And thanks for the question, Marie. The IRT itself is not meeting, and so I would not say that org reached out. As the council liaison, I wouldn't say they asked me, but they did notify me that they were considering what to do. I mean, as is very typical, I think, at many ICANN meetings, the majority of what we're currently working on or was potentially being worked on and paused, PDPs, IRTs, et cetera, there is a general expectation that there is an update or a discussion. So I hope that helps.

KEITH DRAZEK: Okay. Thanks, Darcy. I've got Paul McGrady in queue, next. I just want to note though that one of the things that Rubens has typed into the Adobe chat is, is there a way to slice and dice PPSAI into non-EPDP dependent parts and EPDP dependent parts. So again, I think asking the question of are there components of PPSAI that could move forward through an implementation review team and some that might not at this time because of the uncertainty associated with GDPR and the ongoing work of the EPDP. So I just wanted to capture that. I think it sounds like there's some potential agreement about that as a -- or at least a willingness to consider that as a path forward. At least as far as next steps. Paul, over to you.

PAUL McGRADY:

Thank you. Paul McGrady here. So I didn't intend to respond to what Rubens said. But, of course, we would be happy to talk further about that offline to see if there's a way to do that or see if that solves the problem. Thank you, Rubens, always for your creativity.

I did raise my hand to respond to something Michele said, which was -- I think Michele said there was ignorance of the GDPR during the PPSAI working group.

I was on that working group, and I remember talking about it. My very good friend and sparring partner, Stephanie, is here; and I think she warned us left, right, and center about GDPR during the PPSAI. So I don't think it's fair to say that we ignored it or that we were ignorant of it.

And I do believe that the legal review is already done. If there's needs to be another legal review, then that's -- why would we stall that? If they need to reboot it, let's reboot it and do that.

So I don't think the GDPR is a good reason to hold up a consensus policy that's been adopted. Thank you.

KEITH DRAZEK:

Thanks, Paul. This is Keith for the transcript.

So I'm going to invite another guest speaker to join us in light of the fact I broke with tradition earlier by inviting Goran to speak to the earlier -- well, speak to this issue because recognizing that ICANN org had sent a letter to the Council. Unfortunately, it turned out not to be that topic that he wanted to discuss. Elliot, please.

I just want to note, this is -- this is important because this is a pretty nuanced issue. This is directly related to, in particular, registrars. And I think that we could all benefit from better understanding of sort of the various viewpoints. So, Elliot, please.

ELLIOT NOSS:

Thank you. Elliot Noss from Tucows I want to speak about a completely different topic.

[Laughter]

Just joking.

There's two points that I'd like to make that I hope help the discussion. You know, I think that one of the things you've all heard me say in numerous public forum and other fora around GDPR, since we've been dealing with it is that a lot is happening on the ground.

And I think there's a couple points that are happening on the ground that are relevant for this discussion. And then, you know, I have a thought for you all that's quite consistent is what Rubens put out.

I think there's two things we're going to see happen fairly significantly between now and Marrakech and particularly between now and Montreal that's going to increase disclosure. The first is that I think you will see more and more registrars creating facility to allow registrants actively to make their WHOIS data available.

You know, this -- the GDPR work has been a huge burden on registrars at an engineering level, and I think there's always been a desire to allow registrants to make their public data -- to make their WHOIS, what was previously public WHOIS, data available.

You had a lament from Ari Goldberger if you were in one of the sessions yesterday on this point.

Certainly my -- we will be implementing that, I would expect, between now and Marrakech. And I think there are others who will be as well.

And the second is, you know, that there -- you know, we've started to kick around some creative ideas about including the ability for those seeking access to now private data to make recourse to a

registrant's status as a corporation as a reason or a source to make that data available. And I think you're also going to see that happening on the ground. That might be a little bit slower and a little more complicated because there are a lot of sharp corners on that.

But those two things are both going to, I think, positively impact on access to data. And then -- which I think is relevant for this discussion.

And then, finally, you know, there is a part -- a significant part -- and I would argue the more difficult part -- of the IRT work in terms of privacy and proxy that is potentially able to be worked on now, I think, with no, you know, sort of worry about GDPR implication. And that is the accreditation process because I think that that will be the most complicated part of this work. It's work that's necessary, and I think it can stand completely independently.

So, I mean, I was sort of getting in the queue to make that comment when Rubens set me up playing straight man. So thank you for that.

And I will note, because I think that Michele's and Pam's points are germane, you know, we're actively working in a very constructive way with ICANN compliance right now around some complicated issues around disclosure that have been caused by,

you know, the different way that data is presented now with GDPR and privacy and proxy. You know, there's a privacy complication. There's a proxy complication.

I think we're all now digging deep into the agreements and the interrelationship between various policies and agreements to find a suitable solution for that. So there are clearly parts of this that are too complicated to probably dig into now. But I really, you know, offer to you all to think about the accreditation part of it because I think that that is substantive work, and it's work that can stand alone. Thank you.

KEITH DRAZEK:

Thanks very much, Elliot.

And, you know, as you talk about the different interrelated parts obviously as Pam noted earlier, the impact and implications for transfers is yet another.

So, Jennifer, please.

JENNIFER GORE:

Thanks, Keith. Thanks, Council members, on this. On the accreditation process, just to address Elliot's point as a participant of that IRT, there was a lot of discussion around accreditation to the forefront that there was a draft guidebook

that was part of the transcript within the IRT around how that accreditation process takes place to mimic and look similar to the registrar accreditation process, given that the target market obviously for privacy and proxy service majority are registrars. There's been a lot of thought to that that's been put forward and a lot of vetting and documentation around that. So welcome to check that out on the Wiki page.

The other thing I want to make point of is to Pam's point on the change of registrant, it was always slated that the IRT would discuss that when the privacy/proxy agreement went to public comment, during.

So I welcome that the privacy/proxy agreement -- or the IRT actually moved forward to public comment so we can get additional eyes on it given the implications of GDPR which both call for data accuracy.

There was a legal review that took place that's referenced in the transcript quite a bit as well, the IRT. As a matter of fact, the IRT was placed on hold in order for ICANN to complete that legal review for a period of several months in 2018.

Another part I want to mention, which was mentioned during the GDD update to Council on Sunday, there was a question from the BC that came through around cross-field address validation,

which I think is also a key component to this as we go to formulate a UAM model, as we implement the privacy/proxy program.

There's obviously going to be a lot of challenges that accredited parties are going to face when they gain access to the unmasked data. Obviously, we want to make sure that that data is as accurate as possible.

So, again, I'd like to ask the Council to determine where that obligation sits right now, the status of that, with ICANN org and the registrars. Thank you.

KEITH DRAZEK:

Thanks, Jennifer. And I'll just note for the transcript and the record that the previous speaker was Elliot Noss from Tucows, registrar. And that was Jennifer Gore from Winterfeldt IP Group, IPC.

So, Pam, please, you're next. And then we need to draw a line under this one. We are already a bit over time with this agenda item, and then I will come back with action items.

PAM LITTLE:

So I just want to make perhaps a correction to what Jennifer just said. I believe when the council deferred the transfer issue to the IRT, it specifically requested that it only be done after the public

comment, not during the IRT. So maybe we can go back and double-check, but I believe that's the case.

Thank you.

KEITH DRAZEK:

Thanks, Pam.

So to draw a line here and to make an action item, I'm going to suggest that we ask for some interested parties to come together and work on developing a draft in response to ICANN on this particular topic and so what I'd like to do is to come up with a list of questions and a list of observations and perhaps to suggest, as Rubens noted, that this is a good opportunity for us to identify clearly what is subject to the ongoing discussions of the EPDP and what's not and try to find a path forward to move things -- move forward the things that can and to better understand those that are --

>>

Keith, we're having an earthquake. There's an earthquake going on. Yeah.

Are you not feeling that?

KEITH DRAZEK:

I thought it was just my voice.

>> I was like, wait.

RAFIK DAMMAK: Guys, you need this experience in Japan. So you have your first earthquake.

KEITH DRAZEK: Thank you, Rafik.

All right. Thanks, everybody.

So we'll take an action item and let us move on.

Next item, please.

Can we please move the slides to the next agenda item? Thank you very much.

So the next item is a council update on the GNSO PDP 3.0 implementation efforts. And I am going to hand this one over to Rafik. Thank you.

RAFIK DAMMAK: Thanks, Keith. This is Rafik speaking. I see everyone now paying attention.

[Laughter]

Yeah, trust me, it's nothing when it's not 3:00 a.m. in the morning and have the early warning system going.

So, I mean, in terms of update in the PDP 3.0, this is based on what happened since the strategical planning session in L.A.

At that time, there was an agreement to have a small team to work on the implementation plan. So we had only the chance to discuss lately as a follow-up since L.A.

But in terms of the items that we discussed, and we agreed is that we updated the implementation plan and assigned a specific task to the small team, so to kind of -- to update that from the previous plan.

And, also, we have an agreement, I think, with regard to we try to wrap everything by the AGM in ICANN66 in Montreal, so in a way that we need to not spend so much time working on the implementation plan and get things done.

In terms of the working methods and approach, as we discussed in the team, so we think that we should work on all recommendation implementation and to work by consensus and so keeping the Council up to date but to come back to the Council, if we have any disagreement, to ask for review and guidance. So that's what we think here.

And, also, the kind of agreement that we don't need formal charters, so this is the approach we will follow here in terms to try to move forward for the work on the implementation plan and at the same time to keep the Council up to date.

So I assume that from now on, we would have the PDP 3.0 as a recurrent agenda item in the council meeting to keep the council up to date.

We also are going to set up a mailing list, and we will have our first meeting, informal meeting, tomorrow. Not sure about the date. Maybe the staff can confirm that.

One thing maybe we need here as some action is that we have council from all stakeholder groups except registries. So I think it's a question here if someone wants to volunteer from the Registry Stakeholder Group, so we have representation from all groups within the GNSO.

Thanks, Maxim. Welcome to the team.

So this is basically -- we didn't move forward, but I think we have that initial agreement in how to proceed and also to -- how we will work. And I think we are looking here for more -- if the council agree with this approach, if there is any guidance or instruction we should follow.

And also, I think we -- I just remember this, that we have a discussion in the beginning if we were just tasked to follow up with the three topics or recommendations that we discussed in L.A. or the understanding that we will cover all the recommendations of the implementation plan. That's it.

KEITH DRAZEK:

Thank you very much, Rafik. This is Keith.

Just want to check, Marie, I see your hand up in Adobe still. I assume that's an old one? Okay, thanks.

I just want to take a note here about our PDP 3.0 implementation effort and just to reinforce how important it is. And I think, you know, with all the work that we put into it, developing the recommendations last year, the implementation work is that much -- it is equally important. And I would just note in the context of the discussions that we've had this week here at ICANN64 with Cherine's opening speech and the focus on the need to enumerate and prioritize and to look for efficiency and effectiveness and affordability, basically the project that the entire community is now embarking on to, you know, come up with this list and come up with the mapping exercise of the issues, who will own them, the time lines for delivery and the resources required, PDP 3.0 is a significant component of that. It's a very, very important part of the effort because it will help us better

address the challenges that we see in PDPs. But it's also, I think, important for the GNSO and the GNSO Council to clearly identify what is within our remit as the rest of the community is starting to identify the lists and the issues that they have and that we have; is that there's a clear role for the council and a clear role for the implementation of PDP 3.0.

So I'm just mentioning that to underscore that this is work that we must conclude. It's work that we must continue to work on. And so the group that has volunteered working with Rafik and Pam, this is really significant and important. So thank you.

Pam, go ahead. And then Paul McGrady. Oh, sorry. Elsa, Paul, Pam.

ELSA SAADE:

Okay. Elsa Saade for the record.

I really want to echo what you just said, Keith. And I actually raised the point during the board meeting -- in the first public forum that happened. And I mentioned how the strategic plan is also in line with efficiencies that -- or the effectiveness that we are trying to reach as well.

Cherine actually mentioned that it's not entirely related to PDPs only; it's actually related to the whole community.

So I just wanted to echo what you just said and the importance of what we're doing right now in terms of how it's going to feed into the work of that overarching strategic plan. So thank you for mentioning that.

KEITH DRAZEK:

Thanks very much, Elsa.

And I think just noting as Rafik said, we had a lot of good work last year. We had a lot of good interaction on this particular topic, especially on three or four of the recommendations in our face-to-face. We really need to keep up that momentum and look towards delivering something before the end of the year. So there is an interest in bringing this forward substantially and specifically in the term of this council.

So I have Paul and then Pam.

>>

Sorry. May I give you information about the earthquake?

KEITH DRAZEK:

Yes, please. Thank you.

>> Time is 1:48. The magnitude of the earthquake was 5.2 and about 100 kilometers south of this place and the depth of the epicenter was 50 kilometers. And there's no concern for a tidal wave. Thank you.

[Applause]

KEITH DRAZEK: Thank you very much. Feel free to come back with any further updates.

[Laughter]

All right. Paul, over to you. Thank you.

PAUL McGRADY: So Paul McGrady again. First of all, note to ICANN travel, I'm from the Midwest where earthquakes have been banned because they're bad for corn.

[Laughter]

So, you know, next time I will take me some Zika because earthquakes are scary.

So back to the PDP 3.0. I'd like to say something, and I'd like for it not to inflame people, okay? And so I preface it this way.

Because I do think it touches on the EPDP and it touches on consensus. So from the IPC point of view -- and I don't speak for the BC, but they may want to comment -- I think that we were somewhat surprised that when it came time for a consensus call, that organizations like the IPC and the BC whose membership represent trillions of dollars of the world economy could both say no to things and still how we ended up as consensus and that being represented to the Board as consensus.

I understand there's some background there, and I don't want to dig into that specific background.

I say all that to say this, which is we think PDP 3.0 is a good thing. There's a whole lot of baby and not much bath water, right? But we do need to see some understanding of -- some deeper understanding of how consensus will be calculated if PDPs are staffed only with a certain number of people from each group because it's a major issue.

And if committing to PDP 3.0 means that we're forever voted down because even though we represent -- you know, the organizations consisting of the IPC and the about BC have global representation and global import in terms of commerce, that's not a very good outcome.

And so we would like some assurance from this PDP 3.0 implementation group that PDP 3.0 doesn't mean that we will be

forever just left on the margins. Hopefully you guys can give us that in some concrete way. Thank you.

KEITH DRAZEK:

Thanks, Paul. I think you raised some interesting questions and points, particularly as it relates to, as the Council considers chartering PDP working groups or EPDP working groups, how do we approach that? We've done something different this time with, you know, a restricted and representative body in the EPDP, restricted in terms of numbers, composition, you know, allocations and, you know, essentially the fact that individuals participating were required to represent their groups. I think that was done in a way that was representative of the breakdown of the Council. But I think questions of consensus and assessing consensus are very much in our operating procedures at the discretion of the chair in terms of the assessment and establishing that.

I think we would need to compare the PDP 3.0 effort to the operating procedures that exist in terms of the documentation and have a better understanding, and I'll just speak for myself, I would need a better understanding of, you know, sort of where we might be able to consider that in terms of, for example -- and I'm not recommending this; I'm using it as an example -- if there is a limited EPDP in terms of membership and composition, you

know, would there be potential, you know, numerical thresholds applied in the charter as to what constitutes consensus. You know, would you specify in the charter to the chair what the measure would be?

And again, I'm just throwing that out as a possible example for discussion, but I think we need to consider what the operating procedures say and where the PDP 3.0 effort sort of weighs in. And we just need to remember that PDP 3.0 was really focused on how can the Council better manage the PDPs, not substantive changes to the PDP operating procedure. So I think we just need to be careful about our expectations going into that.

Paul, a response?

PAUL McGRADY:

Thank you, Keith. Paul McGrady again. Completely agree. And like I said, my comments weren't meant to inflame anybody or bring up, you know, a past problem which is water under the bridge. We just want to understand and have clarity about how all that will be measured; right? We've always said consensus isn't voting, but at the same time we want to make sure that, you know, PDP 3.0 is not a big blunder.

But that having been said, all that to say this, which is we're for it. We think this is a great thing. We think it will solve a lot of

problems that we've had with recent garden variety PDPs. And so we're talking about tweaks and refinements, not throwing it open to, you know, second-guessing, you know, doing it.

Thanks.

KEITH DRAZEK:

Thanks, Paul. That's helpful clarification.

I have Ayden and then Elsa. And Amr and Michele. Sorry; my glasses aren't working. Michele is first in queue, then Ayden, then Elsa, then Amr, then Pam?

PAM LITTLE:

I think I was the next one, so I will just be very brief, Keith. Is that okay?

Thank you. Pam Little speaking. What I was going to say after what was being said was about prioritization. We heard a lot about prioritization at this meeting, and this is the same struggle or challenge for the Council.

We know this is a very important piece of work for the Council as a whole, but we were not able to progress this work much during -- during February. And that, to me, is a resource and prioritize sayings issue. We know everyone was so busy rushing to get the EPDP done, so a lot of staff resources, our own community

resources were channeled through that piece of work. So we -- this one, therefore, suffered. But we as a small team actually felt it is important for us to set a good example, that we need to have a deadline. So we think the ICANN66 deadline, November or end of October, is a good one and, by the sound of it, also coincides with what ICANN org has in mind about the five-year strategic plan. The plan was to issue a more detailed five-year strategic plan by the end of this year.

So I would just urge our councilors, apart from Maxim who has bravely stepped up to join the small team, and our IPC colleagues, if you -- if you -- if you feel very strongly about particular implementation or recommendation, please join the small group. And the small group really has to step up our effort to be able to deliver and wrap up this work by November.

Thank you.

KEITH DRAZEK:

Thanks, Pam. I'm going to go through the queue here, make sure I've got everybody captured in as best order I can. I've lost control of the queue. I apologize.

I just want to take a moment here to note. This is a discussion on PDP 3.0 implementation. I understand there was a reference made to the past engagement in the EPDP phase one. I would ask

folks let's keep it focused on forward-looking discussion, try to keep it focused on making sure that we can -- as Pam just said, we're going to follow her lead, let's keep it focused on PDP 3.0.

So I've got in queue Michele, Ayden, Elsa, Amr and Rafik. Did I miss anyone? Does that sound like a reasonable order? Okay. The best I could do. Sorry.

Sorry?

AMR ELSADR: Just a question on where we're raising our hands, so to help you with the order?

KEITH DRAZEK: It's happening in both places. That's a good question, Amr. Thanks.

MICHELE NEYLON: Thanks, Keith. Michele for the record.

I'm not interested in relitigating the past, but Paul McGrady's characterization of issues around consensus does trouble me deeply. If we're going to start measuring how large a business is or how many clients a company has or how many people somebody supposedly represents, then we might as well give up

on this entire multistakeholder model. Let's all go home, because it's -- it's game over. It's -- This is -- this is ridiculous.

Now, if you want to clarify how we reach consensus, how we measure consensus, that's fine. But if you want to go down the root of who was representing how many whatevers and how much that's worth, I'm sorry, I'm done. I am so done.

KEITH DRAZEK: Okay. Thanks, Michele.

MICHELE NEYLON: I don't need to travel around the world and sit at these tables and deal with this rubbish if that's the level that people are going to go to with this kind of dialogue. You either engage in the multistakeholder model and you accept the outcomes of that or we're not here for the right reasons.

KEITH DRAZEK: Thanks, Michele.

Ayden.

AYDEN FERDELINE: Thanks, Keith. Hi, this is Ayden.

And I appreciate in your comments, then, Paul, you said you don't wish to inflame, and I get that. And I think on a few of the points you raise, I agree. There are questions around how is it that we reach consensus and how is it assessed. And while I didn't have that in the context of the EPDP, certainly in other -- in other working groups that I've observed, I've wondered how consensus was reached. So maybe there is a need to have that conversation.

But at the same time, I did think it was important to highlight really what Michele just said. I don't know that the fact that two constituencies who make a claim to represent, as you put it, trillions of dollars of -- the trillions of dollars of the economy was on the line, I'm not sure if that that is true. I'm not sure that even if it was true that that would matter. I know within that the Noncommercial Stakeholders Group we recently had a discussion that there are other civil society actors who choose not to participate in ICANN and really do not wish to participate in this policy-making process because there is a perception that civil society's views are often disregarded by ICANN staff and often disregarded by commercial interests within the space. And we've been trying to work very hard to say to them that is not the case. And we've been trying to make the claim, which is very difficult, that this place actually has some legitimacy and that it is engaging in evidence-informed policy-making and that the

multistakeholder model works. And we're trying our best to make it work.

And so if there are questions around how consensus is reached, I think that's a really good discussion to have at some point in time, but I would simply caution that we should not be making decisions purely on the basis of who has the most economic muscle; that there are other values that are important. And in a multistakeholder model where there should be a balance of power between market interest, state interest, civil society, that's important.

Thanks.

KEITH DRAZEK: Thank you, Ayden.

Just to note that we're ten minutes over on this section already. I have Elsa, Amr and Rafik, and we'll draw a line. Thank you.

>> (Off microphone.)

KEITH DRAZEK: Briefly but at the end. Thank you.

ELSA SAADE:

Okay. Elsa for the record. I'm going to be very brief. I am going to add just a little bit of context, and please correct me if I'm wrong. I don't think the PDP 3.0 team was created based on representation in the very, very beginning. In the very first instance it was just based on volunteers who would have raised their hands, would have been part of the team. Eventually we realized that there was one -- only one group that was not being represented in that volunteering team, and that's why the point of representation was raised.

So I just wanted to point that out that initially it was just a volunteer-based initiative of having a volunteer team to help in the implementation of PDP 3.0.

KEITH DRAZEK:

Thanks very much, Elsa. And just to be clear, my reference to representation earlier was more focused on the composition of PDPs that we might charter, not about this group. But thank you for that clarification. Thank you.

Amr and then Rafik.

AMR ELSADR:

Thanks, Keith. This is Amr. Since Paul put a view on the record of his observations or the IPC's observations on how PDP 3.0 has been and might continue to be implemented in the future, I just

also wanted to mention from a Noncommercial Stakeholder Group perspective, we see that PDP 3.0 might be achieving the purpose it was intended to when it was developed in terms of improving the policy development process.

From a Noncommercial Stakeholder Group perspective, we feel that the balance of representation has been improving on PDP working groups. As an example, the GNSO's next generation Registration Directory Services PDP Working Group which had, as everyone knows, had a huge number of members, over 200, we had maybe about two or three active NCSG members on that. So NCSG's representation there was about one to one and a half percent of the entire working group. We see this sort of exercise of PDP 3.0 as an improvement to that process, and we encourage it to continue.

But I would also like to very much support what you said earlier, Keith. The decision-making designations or the consensus levels on working groups are determined by the GNSO working group guidelines. If those are required -- if those need to be reviewed, there are mechanisms for the Council to do so. And if I'm not mistaken, requires quite a significant consensus amongst the GNSO in order to make those changes.

However, if the IPC or any other group believes that it -- it is -- it deserves disparate representation on any given working group, I

suppose this could be addressed on a case-to-case basis during the chartering of any of these PDP working groups or EPDP or PDP teams. However, I think it would be extremely interesting to learn that this is actually something that is -- that the Council should actually agree to. But not something that I think should -- needs to be or should be standardized in any way right now.

Thank you.

KEITH DRAZEK:

Thank you, Amr.

I've got Rafik and then Paul, and then we're done on this one.

RAFIK DAMMAK:

Okay; thanks. This is Rafik speaking.

So this agenda item was really to get more guidance and input from the Council. So to be honest, I'm not sure how that can be useful for the small team. However, since the consensus was brought as a -- as a topic, I just want to remind people that it's already -- we have several recommendation covering the consensus wording, and those are about giving more guidance on that matter.

So the small team is just supposed to work on implementation. I don't think we are tasked or expected to really indicate any issue.

Just we just have to implement what the recommendation that were approved in the Barcelona meeting, and we will continue do that.

So I guess if there are other issue or recommendation in term of how we improve, that's something that the Council may start as kind of continuous improvement to process. I'm not sure we should call it, like, start numbering, but something we will continue because I also want to remind that we still have some recommendation that they didn't get consensus, but we put them in hold in the way that we need to continue the work on them, maybe as a process to be defined. So...

KEITH DRAZEK:

Thanks very much, Rafik. And that's a great reminder for all of us, myself included, that we are in the process of implementing recommendations that were approved last year by Council. So, you know, whether it's some other number for future looking, let's focus on the implementation of what we've got in front of us. So, Rafik, thank you very much for that reminder.

Paul, last word on this.

PAUL McGRADY:

Thanks, Keith. Paul McGrady again.

So, you know, it's -- I don't know how to react to the reactions to what I didn't say. I didn't say that the IPC or BC should have a disproportionate voice. I just said that we need to make sure that when the music stops on PDP 3.0 that we have a voice.

If the size of the annual turnover of our collective membership bothers people, I don't know what I can do about that, but I would frankly -- all I would like at the end of the day is, when this is done, that we end up with -- with a voice that is heard. That was all I was trying to say.

And, Pam, thank you. Either Flip or I will jump on board to make sure that you guys don't do a bunch of work and then we deconstruct it. That wouldn't be fair.

Thank you.

KEITH DRAZEK: All right. Thanks, Paul. Let's move on.

Next item on the agenda is discussion of the IRTP Policy Status Report. I think we have a guest. Thank you, Brian. Welcome.

BRIAN AITCHISON: Thank you.

KEITH DRAZEK: I have to tell you that's a huge relief for me.

BRIAN AITCHISON: I'll try to make up some time for you. There are some substantive questions that I'll have at the end of this, but given the time constraint, I think I'll just have to leave them with you and we can discuss them during our next meeting which you'll see on our timeline will probably be your April meeting when we discuss the final version of this report.

Anyway, my name is Dr. Brian Aitchison, and I work in GDD as a lead researcher in the Operations and Policy Research team. And while I put together this report, it was very much a team effort, and I especially want to send a shout-out to the policy team, especially Caitlin Tubergen and Berry Cobb who provided a lot of input and who have been involved with the IRTP for a long time, and also to our tech services, compliance, and global support center teams who were really helpful in providing the data that you see in the report.

So, yes, there's two mandates that we worked off of to produce this report. We've kind of gone over this but I'll just go over it very quickly again. If you look at the IRTP-D working group final report, recommendation 17, it says that once all recommendations have been implemented, we should all get together, essentially analyze data, talk about enhancements,

shortcomings to the policy. And also if you look at the Consensus Policy Implementation Framework, which the cool kids call CPIF, another acronym for you, we have a support and review stage, Policy Status Report section, where it says more or less the same thing in more general terms; that after a policy has been implemented for some time and there's some data to look at, we should put together a Policy Status Report.

So here we go. This is -- this is it. It's our first time doing this. The CPIF came out in 2015 so we're kind of building out this policy review process as we go. So there's a bit of a bootstrapping dynamic at play. We're also working on a more formal framework for post implementation reviews, which you may have seen. We're calling it the post implementation consensus policy review framework. We do have an acronym for that, but I won't throw that at you now, so look out for that within the next couple of months.

Next slide, please.

So we structured the PSR according to these three overarching goals of the IRTP. That's domain name portability, transfer-related abuse prevention, and transfer-related information provision.

Next slide.

So we presented these to you toward the end of last year, so I'll just go over a couple of the -- sort of best or -- not best, but I guess most striking findings. So we saw about -- approaching about 5 million transfers per year during our observation period, which was from 2009 to 2017.

We also saw that there was about an average of 157 million registrations per year, which, do some simple math, that comes out to about 3% of total registrations that transfers represented.

In general, the transfer-related tickets that compliance received were -- went down, but it's a very slight downward trend. There's a chart in the report and there's lots of variation. We can't really infer too much from that because there's lots of reasons why someone would get in touch with compliance.

And the Global Support Center reported that a lot of their inquiries related to issues with the 60-day lock period or with on-staining an AuthCode to carry out a transfer, which I doubt is a surprise to most folks here.

So next slide, please.

So here's the new stuff.

We have the public comments out, and we did a survey that was linked to in the public comment. We ended up receiving 38 responses and two public comments.

I should note that it's not meant to be statistically representative. It was just kind of a way to gather additional qualitative input on what's going on with the transfer policy. But I can say that a lot of the responses did corroborate some of the data and hypotheses that we provided in version one of the reports. And also just bear in mind that the responses did diverse in many cases, so don't look at this reporting as representative of what all respondents said.

So let's just look at portability.

Again, 60-day change of registrant lock and auth codes were the focus of many of the respondents' inputs. So, for example, there should -- some said that there should be fewer, less complicated steps when dealing with -- or when processing this change of registrant lock. Some said it shouldn't be there.

And then with the auth codes, perhaps they can be used to enhance the security of transfers and we could rely on them to carry them out via EPP.

Next slide, please.

Preventing abuse. You can see that was kind of a big one. And then there was perhaps the most prominent divergence in answers here. Some folks said that we should verify transfers using all available means, which includes emails, which includes

paper forms, phone calls, basically, everything you can do to get in touch. And some said that we should eliminate or reduce the need for email verification of transfers. There's a lot of transfer hijackings that occurred using compromised email addresses.

Some said we should eliminate or modify the form of authorization requirements, especially for losing registrars. But some respondents indicated the exact opposite, saying it should remain, as it provided an extra layer of security around the transfer process. The transfer emergency action contact also came out as well. There's a four-hour response time mandated in that. And the respondents argued that that's not really fair to folks who may be in different -- opposite time zone on the other side of the world.

Also, one comment focused on the -- on improving capabilities to verify if a transfer is subject to a UDRP case and to strengthen the enforcement of dispute resolution providers' decisions.

Next slide, please.

Pretty simple one here, information provision. It's kind of hard to measure. But the respondents, some did indicate that their registrants are unfamiliar with the transfer policy and get frustrated when they encounter things like the change of registrant lock.

Next slide.

So there's some other considerations. I think you all have heard of the EPDP, it sounds like. There're some transfer policy-related recommendations in it. 15.2 on the TDRP. 24 deals with FOA and auth codes. And then 25 recommends a GDPR-focused transfer policy review. I encourage you to look into the final report, which I'm sure many of you are already familiar with, if you want more details on that. And in April, the board is going to consider that.

We also have RDAP coming out, yay, finally. It delivers registration data like the WHOIS protocol, but it standardizes data access and response formats, and it does allow for new transfer capabilities. For example, auth codes can be provided within RDAP. And the deadline for implementation of that is 26th of August of this year.

Next slide, please.

So here are some next steps. Just two more slides, I believe.

We're in the process of updating this PSR with the public comments and survey inputs. We're aiming to get it to the council by the 8th of April, which is your deadline for your 18 April meeting. So, hopefully, we can talk more about this more, and you'll see the questions at the end here.

We kind of had a hard time thinking about what the next steps would be, because that's kind of up to you. But some of the options we envisioned were further review of the transfer policy. And that's kind of stemming from the recommendation 25. Perhaps there's new policy work that can be done or some other options as you -- as we determine together.

Next slide.

Right.

So here's -- here's the kind of big questions. Are there any issues that need immediate attention either in the form of implementation guidance or policy development? Or should we deal with all these issues collectively?

How should next steps of this review be structured? And what kind of expertise or input do we need to inform the review?

So I hope that's interesting to you. I hope those are good questions. And we can add more. But that's essentially my report. And, hopefully, I didn't take too long.

KEITH DRAZEK:

Thank you very much, Brian. And welcome back. Thanks for the -- the update. And, obviously, a lot of work has gone into this coming out of the last public comment period, you are capturing,

essentially, here much of what the public comments said and posing some good questions for council to consider. So I think this is something that we will need to take as an action item moving forward to provide you some more detailed and concrete feedback and guidance. But -- or, I guess, we need to discuss, you know, how we want to proceed and where we think the right path forward is here.

So I'm just going to pause and open this one up for any discussion, any comments.

I see Michele. Go ahead. And then -- sorry, I've decided that we're going to use the Adobe Connect for raising hands, because then I can keep track of the order. So if everybody would please use Adobe. And Michele's noting that he did. So thank you.

[Laughter]

KEITH DRAZEK: Michele.

MICHELE NEYLON: Thanks, Keith. Michele, for the record.

And I think what we should do towards the end of the council meeting, if you don't mind is we're going to do a whip around of all the councilors in the room to buy Keith some new glasses.

[Laughter]

Sorry, Keith. Couldn't resist.

Okay. So just on this presentation, a couple of things. First off, on one of your slides, you're categorizing transfers as registration. I think that's a bit misleading. It's a transaction. It is not a new registration. That has also caused issues in other contexts, so I would appreciate it if you could revise that.

On the TEAC, do you have any data on how often it has actually been used legitimately? You don't have to answer right now. But it's -- Because the -- the general feeling from conversations I've had personally with other registrars is that the contractual obligation -- we understand the spirit of it and all that. And the volume of legitimate instances of it being used is negligible. But the contractual obligation remains, which makes some people uncomfortable.

And then on a more practical -- on a more practical level, there's two things. One, there's a few bits in there, I think, that refer to the pre-GDPR realities of how transfers worked, so they don't seem to incorporate the post-GDPR, post-term spec reality.

And then just in case you were not aware, within the contracted parties house, we do have a work group. It is both registries and registrars? Or was it just registrars, the Tech Ops Board?

The CPH, yeah. So we have CPH. The CPH have a working group, which is looking at trying to work on some more operational non-policy issues. And one of the bigger projects that they've been working on is specifically around transfers. I believe that that group submitted comments to you previously. So we do hope that you have taken those into consideration and that you would consider working closely with them on further work in this area, since we're the people who deal with this stuff. Thanks.

BRIAN AITCHISON:

I'll find you perhaps after this meeting and just confirm that that is happening. Because it doesn't ring a bell right now.

But just to your first point, I think the point you were referring to would be on slide -- I have a different slide deck. But I think you're referring to the 157 million registrations and transfers representing 3% of -- Yeah. We -- we know. It's essentially just for scale. It's not necessarily to -- it's a bit of an apples-to-oranges comparison.

So if it's -- it were --

MICHELE NEYLON:

Sorry. Just to the -- just very quickly, the transfer -- it's important to recognize the volume of transfers that occur. Totally agree.

But please don't categorize them as a registration, because they're actually a renewal.

BRIAN AITCHISON: Right. We're not categorizing them as registrations. Yeah.

Your second question, I'm sorry?

Tech ops?

MICHELE NEYLON: No, my second, I think, was on TEAC, was on the transfer emergency action contact, whether or not you have any data on the number of times or percentage of times that it had been used legitimately.

BRIAN AITCHISON: We don't. I do recall during my research seeing some sort of anecdotal-type data. And it was very low. So yes. And I'll take a note and see if I can dig a little deeper into that and perhaps add it. Yeah.

Does that satisfy?

KEITH DRAZEK: I've got one more question in queue. So thank you.

Darcy, you're next. And then we need to move on from this topic. We've got two other substantive issues. We're already 15 minutes over.

DARCY SOUTHWELL: Thanks, Keith. Darcy Southwell. And I really just have a comment. And I'll be brief.

Brian, thank you for putting this together. I think -- especially your -- and I forget what you called it, but your three focus areas at the beginning, I think, are helpful, because we need to identify goals of what we're trying to accomplish when we're looking at how to structure policy and what we're trying to solve so we're not creating policy that doesn't solve a problem.

But I guess I would just -- my comment is really to all of us in this room, is that transfers are complicated. They're a very technical thing. And when we talk about policy, I don't want us to fall into the trap of, okay, we're going to do look at IRTP A, and then we're going to look at B, and then we're going to look at C. We need to look at this holistically and globally and try to solve -- or make it better and make it better in today's world, not the world of when IRTP was written in 2000 or whatever year that was.

So a lot has changed technically, and a lot has changed from a policy perspective. And I don't want to say GDPR, but that's one

tiny piece. But how do we accommodate that, and we make sure we look at it that way.

Thanks.

BRIAN AITCHISON:

I just want to say one last thing, because I remember Michele mentioning the GDPR, that we didn't mention it in the presentation. We do have a section on it in the report that's fairly substantive. So take a look at that.

KEITH DRAZEK:

Okay. Thank you, Darcy. And thank you, Dr. Aitchison.

All right, everybody, we need to move on to the next agenda item, which is number 7 on our agenda. It's the next steps related to the ICANN procedure of handling WHOIS conflicts with privacy law. And just to recap, this is on hold at our choice, a call for a drafting team for the implementation advisory group related to this procedure.

And so we -- just a reminder, several months ago, we -- I guess it was actually most recently in January -- decided to defer any action on this until such time the EPDP phase 1 report was complete, and then sort of made a commitment to re-evaluate, to reassess the situation, depending on, you know, where things

were with phase 1, looking ahead to phase 2 of the EPDP, and to try to determine the most appropriate path forward here, noting that it's important work, but questioning the timing and the resource allocation and the capacity or bandwidth of us and those who would volunteer to do it in the context of ongoing work on the EPDP, which, of course, now will include implementation of phase 1, et cetera, et cetera, et cetera.

So with that, I'm going to hand this one over to Pam. And then we'll have a brief conversation. But I do note we're over time. So let's try to keep our interventions brief. Thanks.

PAM LITTLE:

Thank you, Keith. Pam Little, for the record.

As Keith has mentioned, this was an action item that was paused without much objection or controversy. So -- and the action, again, is an action item for us to revisit. And it was -- the action was for the leadership to come up with some proposal or recommendation.

Obviously, this piece of work impacts or will impact registrars more, maybe to a more extent than registries. So the Registry Stakeholder Group discussed this. And it is our view that there's no immediate need for this to be kicked off, given that we are still in -- we're just about to kick off the implementation of EPDP,

phase 1, and we are still going to embark on EPDP, phase 2. And also, there's no bandwidth. We just have no resources to deal with this now. Even if we're going to seed a small team, we really -- Registry Stakeholder Group will be struggling to find people to do this work.

So for those reasons, I propose -- we propose to defer this for a further 12 months. So with that -- from now. So with that, I would hand it back to Keith.

Thanks.

KEITH DRAZEK:

Thank you very much, Pam.

I've got Michele, and then Tatiana.

MICHELE NEYLON:

Thanks, Keith. Michele for the record again.

I completely concur with Pam, obviously. And just to add a little bit of flavor, part of the reason why this is on the agenda is because I raised it at one of the recent GNSO Council meetings. And the reason I did so is because of the way it was kind of left in limbo, it kept popping up on the project list. And I've become a little bit OCD over the last couple of years. And having this item constantly on there was just driving me crazy. It was just like,

okay, we need to address it in some way or at least move it off that list. We can come back, come back, you know, a bit like a boomerang or, I don't know, a bad penny or whatever. But can we just get rid of it for, you know, 12 months, 24 months, or whatever. Personally, I would love to say, okay, park it for 12 months. We've got the EPDP phase 1 IRT to deal with, which we're going to have to discuss further on today. We've got the EPDP phase 2. And last I checked, we'd been having difficulty cloning sheep, and I can't really clone registrars. So there's only a finite number of us to do any of this anyway.

Thanks.

KEITH DRAZEK:

Thanks, Michele.

Tatiana.

TATIANA TROPINA:

Thank you very much. Tatiana Tropina, for the record.

Well, personally, I am -- I really -- I don't have an opinion for how long it should be deferred, although I think that we should keep in mind that we have to come back to it without being obsessive-compulsive disorder people.

But I would like to flag one issue.

I remember that in January 2018 -- no, '17, I was actually against even convening this group and, like, passing this resolution. But Keith's argument that got me sold to support this was that EPDP or whatever policy will not solve all the possible conflicts, and before -- I believe that before we take any decision for how long we are going to defer this, I would like to ask Keith, are you comfortable with 12 months? Will your argument be balanced with this?

If yes, I think that it's a good idea.

KEITH DRAZEK:

Thank you, Tatiana.

I think the answer is, I think deferring for 12 months is reasonable, provided we have the opportunity, seeing a need, to reinvigorate the discussion and accelerate it at any time.

To your point -- and I'll just elaborate a bit on what Tatiana was mentioning -- is that right now, the EPDP is focused on GDPR and compliance with GDPR. It's entirely possible that we could be faced with a different regulation in a different jurisdiction or multiple new regulations in multiple jurisdictions where it could be in conflict with the current phase 1 recommendations and consensus policy, assuming that's passed by the board.

So I think that we need to be cognizant that this procedure might be needed for other instances than GDPR. And if so, we may need to accelerate or refocus our work on it.

So -- so I think that I'm okay with, I guess, picking 12 months at this point, provided we recognize that there may be a need to revisit that.

So, Maxim, please go ahead.

MAXIM ALZOBA:

Maxim Alzoba, for the transcript.

I think we should really rename it at least in 12 months, to have something like RDS conflicts, because most probably they will get lack of WHOIS by then.

KEITH DRAZEK:

Thanks, Maxim. So I think we can handle that at the time that we decide to reinvigorate. I think it's okay. Especially if we're going to take it off of Michele's concerning list.

All right. Any further discussion on this before we move on? So next step, action item, defer this thing for 12 months, and if it turns out we need to look at it again, we'll make that decision at the appropriate time. Okay?

Next item on the agenda is council discussion on next steps related to -- no, wait. Looking at my screen, it's not updated yet. There you go. So we're going to talk about the EPDP phase 2. I'm going to hand this one over to Rafik, and I think, again, let's keep this focused on next steps for phase 2, and if there needs to be some discussion about the implementation for phase 1, I'm certainly willing to consider that as well. Rafik, over to you.

RAFIK DAMMAK:

Okay. Thanks, Keith. So we gave an update Sunday in particular about the Saturday session that the EPDP team had and when we did the brainstorming exercise to get input on several areas like the working efforts, the resource, and so on, the dependency, to start working on the work plan. And since then we continued our meetings but with different focus. First, we had the meeting with the technical study group and its words -- I mean, there were many questions from the EPDP team members to the technical study group. I think because that work has many -- I won't say many concerns but many questions about how it will help and, I mean, how that team work to -- in order to come up with that model because they made several assumptions that maybe can be contradictory to what we -- what may end up in phase 2.

But however, I think it was useful interaction to get more and better understanding about what that team worked on and also

to see maybe possible option. But that's still open -- open to question.

The other meeting we had, it was just today. It was in relation -- it was about the implementation. And my feeling is we get better understanding regarding how the -- the implementation will go. And I think it was helpful for the GDD team to -- to understand more -- to understand the expectation regarding the implementation and regarding the dates and also about the recommendation in relation to the implementation gap. We have, I think -- there is an agreement, too, that we will wait from GDD to come up with some actions, particularly to have kind of a small team to work as an informal IRT, if I'm not mistaken, and so we'll wait for that. I tried to ask for a tentative date, but we didn't have like something specific, and we will continue to work on them in term of coordination. Because I assume we -- several of the EPDP team members will also be in the IRT. And just that -- maybe I missed in the beginning is that we spend also some time really -- the GDD team and also policy stuff, we spent some time to explain about the implementation because there was some misunderstanding. And so I think it was important to set -- to set the scene in term what does it mean as implementation from PDP perspective. So we'll continue to work with them.

The next step for us is to -- we have the meeting tomorrow, and we need to push in term of getting more -- to focus more in

shaping the work plan. So we get a lot of input, and I think we have some several agreements different area that we will present to the team tomorrow. But we need to move forward in term of starting, really, to think about the work plan proposal. And I (indiscernible) the proposals because we may end up with different option that we need to discuss other council.

So one thing to work on is how we will really kind of order and split the work -- not split maybe the right wording, but how we will to -- how we will try to -- to discard the different dependency and steps for the access disclosure model. So this is something that still we have to work on. From my perspective, I think that the -- it's not a challenge but we need to -- to be clear with the team by when we need to come up with a plan and how we will organize our work from now till the next weeks because there is maybe some expectation that we will have a week off just to allow people to -- after an ICANN meeting to come back to their work and their life.

So we will -- by tomorrow I think we have better clarity on our next steps and to see if the team will -- will give input that will help us to come up with a more concrete work plan. At least for now we got enough input. And there are some agreements, but still work to be done.

KEITH DRAZEK:

Okay. Thank you very much, Rafik. And I've got a queue building up. Tatiana is that a new hand or an old hand? Before we get to that, I'm seeing some notes in Adobe chat that the coffee over here may be burning. If we could ask the catering staff to come in and take care of that.

[Laughter]

I think so. I mean, earthquake and burning coffee. I mean, you know, this has been quite a meeting. All right. So I've got a queue building. Let me just note, we only have 15 minutes left in our meeting today, and I do want to reserve at least five minutes at the end for open mic. We have got one other -- one AOB item as well, so let's try to be brief. Michele, over to you.

MICHELE NEYLON:

Thanks, Keith. Michele, for the record. Yes, today we're seeing policy development getting all super exciting, we're having earthquakes and fires and I don't know, before the end of the stay God only knows what's going to happen. But I think we will have to get you to sing but anyway. Joking aside. The EPDP phase 1, phase 2 discussion, the two are inexorably linked. I appreciate Rafik's update there. I get the distinct impression that the EPDP team -- God, there's too many vowels in that -- is discussing some of the stuff that we've been discussing within our stakeholder group as well. So this, I think, comes down to a matter -- well, of

-- of staffing, putting bodies into doing certain things, and timing. And also, how those various groups are kind of dependent upon each other and how they interact. Don't worry, Rafik, I will explain to you. You have a confused look on your phase.

So EPDP phase 2 is meant to be kind of kicking off at some point in the not-too-distant future. So following on from phase 1, once we have -- they've agreed on some of the tempo around that, we will probably be able to confirm the participants in that group. But without the tempo being agreed, from what I'm gathering from talking to multiple people, people just simply cannot commit without knowing what they're committing to. Though, of course, committing themselves to a lunatic asylum might be on that list.

But phase 1 has to be implemented. And as you rightly pointed out, people from -- who were involved in phase 1 should or would like to be involved in the implementation of phase 1. Now, they do need to keep their day jobs and conduct various bodily functions such as sleeping and eating. So I'm trying to understand how we go about this implementation because under normal circumstances the IRT is kind of open. Now whereas the working group itself wasn't, then we quantity really go along and necessarily throw it open to the world because that's obviously not going to work. But I'm conscious of the fact that the people who would be normally involved in the IRT are probably going to

be involved in phase 2, and the only way we're going to get them to commit to being involved in phase 2 is if we agree on a tempo that's reasonable. And at the same time for those on the contracted parties side, there's also the matter of the -- of those issues and items that were carved out for -- that are more kind of contractual, negotiation related. And then there's the matter -- I think we were discussing in a meeting we had earlier today trying to put together some kind of flow chart to visually map that out a little bit. But I think we do need to look at the kind of tail of phase 1 and the beginning of phase 2. And then there's the other issue that you can't be interim chair forever and we have to choose a chair and what the hell that looks like if there's no suitable candidates. Thanks.

KEITH DRAZEK:

Okay. Thanks, Rafik. Thanks, Michele. So let me just give a brief sort of census to where I see this situation and -- but there's clearly a resourcing question when it comes to all of these different moving parts. There's also a bit of a chicken and the egg situation, as Michele noted, in terms of people being able to commit to themselves to something that is yet undefined in terms of intensity and pace and time frames and all of that.

So I think there's a couple of tracks here that need to be addressed. Michele noted one that was for contracted parties

and ICANN engaging in the contractual stuff that's sort of bilateral, right. That's one component. We've got the implementation work from phase 1 that needs to take place. That is currently -- now that the motion that we passed on the 4th has essentially triggered the beginning of that work in an informal basis and that is the responsibility of ICANN org with participation from the community in an implementation team. Okay. So there's some work going on there now, or initiating this week, with ICANN's -- with ICANN org that will need to be staffed in terms of support. There's also looking ahead to the development of the phase 2 work plan, and the phase 2 work plan, I think, will inform the time frames that we're looking at and the intensity of the work. All of this needs to take place in the coming weeks, and as Michele noted, we do not yet have a permanent chair for a phase 2. Clearly any new chair will want to have some influence, engagement, and say, if you will, in how the work methods are introduced and what the work plan is finalized.

So I think there's some preliminary work that can be done on phase 2 that starts to scope out, you know, sort of the pieces of work, what needs to be done, where the dependencies might be, and prepare that, at least as a resource, for the incoming chair and then the beginning of the actual substantive discussion. So I sort of see us now in a bit of an administrative or logistical phase

of phase 2, without actually beginning the substantive discussions until the chair is in place.

Michele, and then I'm going to hand it back to Rafik.

MICHELE NEYLON:

Thanks, Keith. Michele again, for the record. I don't know, Rafik, whether my intervention helped you or made things worse, but I think -- it's fine. But I think, you know, Keith's -- Keith's last couple of points there, I think they're very well made. I think we are -- there's actually an interesting kind of task, in some respects, to how we're trying to manage policy as a -- as a policy manager or council. We're looking at how to administer this entire process. And, you know, it's, you know, how do you resource it, how do you set the timelines. I mean, it's project management, it's a bunch of different things going on. I think that's important. Part of the reason I'm bringing this up here now is so that, you know, people in the room understand, you know, we've agreed to do these things, but here's the reality. And I -- you know, there's no way that it can all happen simultaneously and not have -- kind of lead to, I don't know what, chaos. So I do not -- thanks. I'll hand it back to Rafik.

RAFIK DAMMAK:

Thanks, Michele and Keith. Yeah, I mean, I think we're not in disagreement here. So we have so -- I think so many moving components and like parallel activity that we have to -- to work on. So that's why we're trying to -- like to define the dependency. But I think when we start we need to make some assumptions, so we can really start working on our work plan and the steps we have to go, in particular to -- to agree what's the order we have to follow. So it's kind of seems a little bit messy for now, but that's why I said my update is I think its good time now to try to focus -- to focus on how we can shape a work plan and see how we will do that.

But regarding the -- the appointment of the chair, so I want to remind if please encourage more candidates to apply and submit their expression of interest. And from my perspective, my role will be to hand over to the new chair and help as much as possible. And hopefully he or she will have enough time to kind of to -- to catch up and also maybe to add their perspective to how the work should be done. But at the end, for now we are getting input from the EPDP team. So we expect that it will be the same, whoever will be the new chair, and we are trying to prepare to do that groundwork so the phase 2 can start as soon as possible.

KEITH DRAZEK:

Thank you very much, Rafik.

So with that, we will conclude the discussion on the EPDP. We're going to move to our one item of AOB, and then we will take ten minutes of open mic. We're going to go over a little bit. I want to make sure that we have an open mic opportunity.

The next session in here starts at 3:15. It will be the subsequent procedures group, so we'll need to be out by then. I know folks will probably want a bit of a break if you are doing both.

But let's move to the AOB. And I think I'm turning to Julie for this one. Thank you.

JULIE HEDLUND:

Thank you very much, Keith. This is Julie Hedlund from staff. I will be extremely brief as this is just a notification item.

So the funding -- the deadline for funded traveler submissions has changed. It's now -- we're now being requested to submit the list of funded travelers 120 days before travel, which was 90 days. This does actually have an effect on the SG and C election calendars.

So that means that the calendar that is currently sort of a guideline in the operational procedures now needs to be adjusted or at the very least from elections, the SGs and Cs have to adjust their calendar accordingly so to be able to submit their travelers

according to the new deadline for which extensions will not be granted.

So staff is working with the stakeholder groups and constituencies on this and with respect to the election calendars. Just wanted to make that notification to you.

And for the next AGM, this means that the deadline will be the 5th of July.

KEITH DRAZEK:

Thank you much, Julie. Thank you very much.

So just a note for everybody on that one.

All right. So we will now move to open mic, and we'll do here probably about eight minutes of open mic.

Elsa, sorry, missed your hand. Go ahead.

ELSA SAADE:

Thanks, Keith. Elsa for the record.

I just wanted to note that what Julie just mentioned is really big for constituencies and SGs because that would mean that we would need to change our charters. And charter work is extremely big. And it needs a lot of work to change the election times for our chairs or for our EC, if I'm not mistaken. I might be

mistaken, but it really might affect us in a really bad way going forward.

KEITH DRAZEK:

Thanks, Elsa. Noted. We'll take that up as further discussion moving forward.

With that, we'll go to open mic. If I could ask everybody to please state your name, affiliation, and be brief so we can get everybody through. Thank you.

Thomas.

THOMAS RICKERT:

Hello, my name is Thomas Rickert, Eco Internet Industry Association. I'm one of the EPDP members.

And I wanted to ask Council whether it has considered in its call for a new chair for the EPDP group whether a co-chair construction would be worthwhile. Maybe you've discussed this and I'm not aware of this.

But having worked as one of the three co-chairs of the CCWG, which also had an enormous workload, I can report that we could share the pressure, we could cry together on each other's shoulders, and that helped us to get through that. And I think that Kurt may have felt alone at times and maybe that can help

prevent -- you know, it's different. Rafik is shaking his head. Chair/co-chair is different -- or co-chairs is different than a chair/vice chair situation. And that might potentially encourage more UIs that you might get. Just food for thought.

KEITH DRAZEK:

Thank you very much, Thomas. I know certainly observing your experience in the CCWG accountability, the co-chair construct worked very well.

In this particular case, we have a defined charter that was agreed to and that we as a Council have already agreed not to reopen at this time. So the actual appointment of a chair, an appointment of a vice chair, and the council liaison was all laid out, negotiated during the prep for phase 1. And we -- as we passed the motion initiating phase 2 basically said we're not going to reopen the charter.

I would say if it turns out we don't have sufficient response or don't find qualified candidates, then we'll be presented with having to either extend the period or perhaps reopen that for consideration. But at this time, we're seeking one chair for an appointment.

But thank you for the suggestion. Thanks.

THOMAS RICKERT: Okay.

KEITH DRAZEK: Next.

NATALIE COOPER: Natalie Cooper, pure end user, no affiliation. I know you're working very hard to include everyone in the multistakeholder model, and I thank you for it. But I believe that our interests were excluded in that phase 1 does not represent our interests. Actually, it is very detrimental to our interest.

I believe WHOIS can be a great tool for end users throughout the world to combat the things that are part of ICANN's mission, which is to ensure the DNS is safe and that end users are safe using the DNS and the ecosystem.

By killing WHOIS for us, by not making the distinction, for example, between individuals and companies, this is killing WHOIS for us, among other things.

We would like -- I believe that if we spread the use of WHOIS and we taught -- we taught the end users throughout the world the benefits of WHOIS, this could be beneficial to all of you, to all of us, and would make the DNS and the ecosystem much safer.

I think that by killing WHOIS for us is really against ICANN's mission, against our interests. And I hope that with time this can truly be a multistakeholder of equals. I do not feel that it is now.

I know you're working on it. I absolutely -- I know it, but it's not working yet for us. Thank you.

KEITH DRAZEK:

Okay. Thank you very much for your observations, and we will certainly take those on board, particularly as we consider our PDP 3.0 implementation work as we take our lessons learned from the experience of the EPDP and the other PDPs that we have.

I will note that the council in our chartering of the EPDP did go actually beyond what we would normally do in a typical GNSO policy development structure in inviting other members of the community, including ALAC, including the GAC, including the Security and Stability Advisory Committee.

So we actually as a GNSO process did something different and more than we'd ever done before in trying to be inclusive in the construct and the design of the PDP.

We also for the first time defined a PDP in the charter with very specific participation numbers and, you know, an engagement structure that we will now learn from.

So I thank you for your comments, and welcome to the GNSO Council meeting. You're always welcome here. And we will certainly be learning a lot of lessons coming from the EPDP. Thank you.

Would anybody else like to come to the mic before we wrap up our meeting today?

Elsa, is that a new hand or an old hand? I don't want to miss you twice.

[Laughter]

Thank you.

All right. Thank you all very much for participating in the GNSO Council meeting here in Kobe, Japan. I will conclude the meeting at this time. Thank you.

[Applause]

[END OF TRANSCRIPT]