ICANN
Transcription
GNSO Council Extraordinary Meeting
Thursday, 14 February 2019 at 21:00 UTC

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

The audio is also available at: https://audio.icann.org/gnso/gnso-council-14feb19-en.mp3
Adobe Connect recording: https://participate.icann.org/p4l6mtg2t5n/

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Date: 14 February 2019

Coordinated Universal Time: 21:00 UTC: https://tinyurl.com/yaxwuj6w

13:00 Los Angeles; 16:00 Washington; 21:00 London; (Friday) 02:00 Islamabad; 06:00 Tokyo; 08:00 Melbourne

List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Erika Mann (absent, apology sent)
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell
gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl
Nominating Committee Appointee (NCA): Carlos Raul Gutierrez (audio only)
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa (new ISPCP councilor, stepping in for Tony Harris who has resigned), Paul McGrady, Flip Petillion
Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade, Tatiana Tropina, Rafik Dammak, Ayden Férdeline (absent, apology sent, proxy to Martin Silva Valent), Arsène Tungali
Nominating Committee Appointee (NCA): Syed Ismail Shah (absent)
GNSO Council Liaisons/Observers:
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Adebiyi Oladipo – ccNSO observer

Guests: Kurt Pritz and Heather Forrest

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional
Marika Konings – Vice President, Policy Development Support – GNSO (apology sent)
Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement
Julie Hedlund – Policy Director

Steve Chan – Policy Director
Berry Cobb – Policy Consultant
Emily Barabas – Policy Manager (apologies sent)
Ariel Liang – Policy Support Specialist
Caitlin Tubergen – Policy Senior Manager
Sara Caplis Technical Support
Nathalie Peregrine – Manager, Operations
Terri Agnew - Operations Support - GNSO Lead Administrator

Coordinator: Recording has started.

Nathalie Peregrine: Thank you very much. Good morning, good afternoon and good evening everybody. Welcome to the GNSO Council meeting on the 14th of February, 2019. Would you please acknowledge your name when I call it? Thank you ever so much. Pam Little.

Pam Little: Here.

Nathalie Peregrine: Maxim Alzoba.

Maxim Alzoba: Yes.

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.

Carlos Raúl Gutiérrez: Sorry, I'm back. I'm trying to find the right (unintelligible).

Nathalie Peregrine: I'm sorry, Michele?

Michele Neylon: I'm here.

Nathalie Peregrine: Thank you. Carlos Gutiérrez. I think that was Carlos we just heard. We'll circle back. Marie Pattullo.

Marie Pattullo: Here.

Nathalie Peregrine: Scott McCormick. I think Scott is just trying to dial in. I see him in the Adobe Connect room. Paul McGrady.

Paul McGrady: I'm here. Thanks.

Nathalie Peregrine: Thank you. Philippe Fouquart.

Philippe Fouquart: I'm here. Thank you.

Nathalie Peregrine: Thank you. Rafik Dammak. Rafik I see is typing in the chat…

Rafik Dammak: I'm here.

Nathalie Peregrine: Perfect. Thank you, Rafik.

Rafik Dammak: I'm here, yes.

Nathalie Peregrine: Elsa Saade.

Elsa Saade: Present, thanks.

Nathalie Peregrine: Arsene Tungali.

Arsene Tungali: Hi, everyone. I'm here, Nathalie. Thank you.

Nathalie Peregrine: Thank you, Arsene. Flip Petillion.

Flip Petillion: I'm present.

Nathalie Peregrine: Thank you. And we're also welcoming Osvaldo Novoa, the new ISPCP councilor who's stepping in for Tony Harris who, as you all know, resigned recently. So we'd like to wish Tony all the best and welcome Osvaldo to the GNSO Council meeting. Osvaldo, can you hear me and test your audio?

Osvaldo Novoa: Yes, hello.

((Crosstalk))

Nathalie Peregrine: Perfect. Thank you.

Osvaldo Novoa: Thank you very much.

Nathalie Peregrine: Thank you. Tatiana Tropina.

Tatiana Tropina: Present. Thank you, Nathalie.

Nathalie Peregrine: Thank you. Martin Silva Valent. I don't see Martin in the Adobe Connect room either. Ayden Férdeline sends his apologies for today's call and has assigned his proxy to Martin Silva Valent so I'll be trying to get a hold of him. Syed Ismail Shah. I don't see Syed in the Adobe Connect room either. Cheryl Langdon-Orr.

Cheryl Langdon-Orr: Here, Nathalie.

Nathalie Peregrine: Thank you. Erika Mann has sent her apologies for today's call. Julf Helsingius.

Julf Helsingius: Here.

Nathalie Peregrine: Thank you. Adebiyi Oladipo. I cannot see Adebiyi in the Adobe Connect room. We've got two special guests today. Kurt Pritz I see already in the room, and Heather Forrest will be joining us later for the IGO Curative Rights item.

From staff we received apologies from Marika Konings, who's traveling. Staff present on the call we have Mary Wong, Julie Hedlund, Steve Chan, Caitlin Tubergen, Berry Cobb, Ariel Liang, Terri Agnew, (Sara Kaplan) for technical support, and myself, Nathalie Peregrine.

I would like to remind all to please remember state your name before speaking for recording purposes. Thank you, Keith, and over to you.

Keith Drazek: Thank you very much, Nathalie. Hi, everyone. This is Keith Drazek. And welcome to the GNSO Council special meeting of the 14th of February, 2019. I'll just - before we get into the administrative items on the agenda I do want to just take the opportunity to sort of set the stage for today's call.

I think as everybody knows we - going back to late last year when we were establishing the timing and the cadence for our Council meetings we recognized that in light of the timing of the EPDP Working Group and the fact that it would be likely concluding its Phase 1 final report around this time, we wanted to put in a placeholder meeting so we could either have a Council discussion and prep for a possible vote or even a vote if the final report was ready at that time.

So that was the reason for creating this special meeting on the 14th of February. And I'm pleased to note that we do have today, as one of the two agenda items, the substantive agenda items is a briefing and an opportunity for discussion with the leadership of the EPDP Working Group. So Kurt Pritz is with us as the chair; Rafik is of course with us as both the Council liaison to the EPDP as well as the vice chair; and of course we're joined by the excellent staff who have been supporting the EPDP Working Group as well. And I would certainly invite them to participate in the conversation today as well.

So, you know, so before we get to that, and we will do so in short order, the other component of our discussion today we discussed in the face to face strategic planning session in Los Angeles and decided that it would be appropriate for the Council to have a bit more substantive discussion around the issue of the IGO INGO Curative Rights Working Group final report.

As everybody knows, I'm sure this has been on our agenda for many months now after receipt of the final report from the working group in sort of the - I guess it was around Q3 last year. And we do need to try to identify a path forward on that, so we'll talk in more substance there, but I think we're looking towards trying to, you know, come to a Council decision on that final report and how we approach it, probably looking at the April Council meeting.

But it's really, really important that we all have a common understanding and a common sort of expectation around what the options are and what the best path forward is. And I want to make sure that we are level set as a Council, as a new Council, as we consider this. So that's essentially the agenda for today's meeting.

What I'll do now is just roll through the administrative matters fairly quickly and then we will get to the update from the EPDP Working Group leadership and a Council discussion about the current status of that group and what we can expect looking forward.

So on administrative matters I want to ask if there are any updates to statements of interest? Would anybody like to update their statement of interest at this time?

Cheryl Langdon-Orr: Keith, Cheryl here.

Keith Drazek: Yes, Cheryl, thank you.

Cheryl Langdon-Orr: Just it will be done later today in text but verbally just to let you all know that I've been recently appointed as one of the two co-chairs of the ATRT 3. That's it. Thanks.

Keith Drazek: Thanks very much, Cheryl, and congratulations. It's a big job and an important bit of accountability work that the community really relies upon so that's great news that you'll be a part of that so thanks for flagging that for us. Would anybody like to update a statement of interest? Okay I see no hands so let's move on.

We will review the agenda and I'll take any suggestions for any other business if anybody has anything that they'd like to raise provided we have time. Really the agenda is as I've described. We're going to talk about two primary issues today, EPDP Working Group and IGO INGO Curative Rights. Any other business that we'd like to add to the agenda today? Okay, seeing no hands, we will then get back to the administrative matters.

Just note that the status of the minutes for the previous Council meetings have been posted per GNSO Operating Procedures. The minutes were posted for the 20th December meeting on the 7th of January and the 24th of January meeting on the 7th of February, so those are done just to point that out.

And then the last item under administrative matters, Nathalie already sort of teed this up, but a big welcome to Osvaldo Novoa who is replacing Tony Harris on Council from the ISPCP. Tony notified several of us in Los Angeles when we were there for the face to face that he was having some health issues specifically related to some eye surgery that he'd had that was making his participation and travel more challenging and at that time decided that it was best for him to step down. So welcome, Osvaldo, we look forward to working with you. And if I'm not mistaken, this may be a welcome back. You can correct me if I'm wrong but glad to have you.

So with that…

Osvaldo Novoa: Thank you…

((Crosstalk))

Keith Drazek: Yes, Osvaldo, would you like to say any words?

Osvaldo Novoa: No, just to agree with you; this is my second time in the Council, my third, excuse me. And I'm glad to be able to fill Tony's position as best I can. And I'll be here at least until the General Assembly at the end of the year so glad to be back again.

Keith Drazek: Excellent. Thank you very much, Osvaldo. And your experience will certainly be welcome and come in valuable for all of us. So with that, item Number 2 on the agenda is the consent agenda. We have no items on the consent agenda. And with that let us move directly to the discussion about the EPDP. And I will turn very shortly to Kurt but I will lay out the current expected timeline. I think most people have been following email and understand what the possible paths forward are.

But as it stands today, we are here to engage with the EPDP leadership and staff to make sure that we have the opportunity to understand where the

working group leadership is the next few weeks going and to make sure that we have the opportunity to ask questions. But where we currently have scheduled is a call for the 21st of February, so 21 February, which is next Thursday, that is our regular February Council meeting. And that will be the first opportunity for the Council to consider and possibly vote to approve or vote on, I should say, to vote on the Phase 1 final report.

If it turns out that we are unable to vote on the 21st of February or if somebody requests a deferral during the vote on the 21st of February, then we will have a second opportunity to vote prior to the Kobe meeting on the 4th of March, which is I believe a Monday.

So the - so we basically have two opportunities in the next two weeks to bring this in to a landing and to approve the final - the Phase 1 final report prior to going to Kobe. And it's important procedurally and timing wise for us to be able to approve the final report prior to Kobe so that the GAC and other parts of the community have the opportunity to consider the approved GNSO recommendations to the Board during their face to face meeting.

As we know, the GAC only typically works face to face in - and rarely engages intercessionally and I think it's important to provide the GAC the opportunity to consider the approved final report so that it can determine whether it needs to provide any advice to the Board.

When the GNSO Council approves the final report, there will be the beginning of a traditional 40-day public comment period which then pushes out the timeline quite a bit and then there will be the phase of staff analysis of the public comments received and then Board consideration and a Board vote. And just to remind everybody, that has to happen prior - that Board vote has to happen prior to the 25th of May, which is when the temporary specification expires.

So essentially what we'll be doing is voting to recommend to the Board that it approve consensus policy recommendations that will replace the temporary specification. So that's the highlight, that's sort of the overall or the high level timeline. And let me pause there and see if anybody has any question for me before I hand it over to Kurt. And we can certainly come back to talk about process and procedure a little bit more but I really do want to make sure that we get to the update from Kurt.

All right I don't see any hands, so Kurt, I'm going to hand it over to you at this point. Thank you very much for joining us and thanks to you and to Rafik and all of the members of the EPDP and of course the excellent ICANN staff supporting you all. It's been a tough slog for you all, incredibly intense work over many months and we really do appreciate all your effort. So over to you, Kurt.

Kurt Pritz: Thanks, Keith. And thanks, everyone, for having me. You know, I don't know if I'd thank us yet but we're still working. And so the first accommodation, you know, we're asking of the GNSO Council is that you use this provisional or draft version of the final report because the final report is not done yet and I think everyone on the call understands why that is.

But to make it perfectly clear, is that, you know, given the timeline that Keith just outlined and the sense of urgency and not a lot of time left, we wanted to provide you with the maximum headroom or maximum amount of information ahead of time that we could so that you could become, you know, 90% educated about the content of the final report before it's delivered. So it's in that spirit that we've delivered this not quite complete version of the report.

I want to say that, you know, I'm certainly cognizant of the debate that's occurring right now about the report and then the support it has. And I think that's - this is the exact right time to have that. I just want to say that, you know, regardless of that this is a remarkable bit of work in that, you know, my

recollection is every group on the EPDP team made some significant concessions and compromises along the way to get to the language we have.

And there's bits to this that I was uncertain whether we'd get to accommodation. And in many cases I can point to areas of the report where I think we can be - that's too strong a word - but pleased to be part of the multistakeholder model that got to some of these accommodations. So I wanted to say that as a prerequisite.

So the way we're going to run this is I'm going to allow Caitlin to take us through a few slides that provide the status and the timeline and the action items because she does that much better than I. And the I have some very specific points to make in closing that might be topics of discussion for this group. So with that I'll turn it over to Caitlin and then come back for some, you know, we can pause for questions then and then I have some comments and then we can have additional questions, however you guys want to run that. So Caitlin, if you could take over that'd be great.

Caitlin Tubergen: Thank you very much, Kurt. I'm going to skip our first slide because Keith gave a very comprehensive review of the current phase and the timeline and the urgency that we're under, so thank you, Keith. I want to spend a few minutes going over a high level overview of the final report. So for those of you that have gotten a chance to review the draft final report, you'll note that there are 21 policy recommendations.

Recommendation 1 outlines the seven identified purposes for processing registration data. And the Recommendations 5, 7, 8 and 9 detail the collection and transfer of specifically identified data elements. I did want to note that the difference between the initial report and the final report is that those data elements are now within the body of the final report recommendation.

But I did want to flag that there's been a small team, we call them the Data Elements Team, that have been working with Berry Cobb on what is now Annex D. And Annex D provides more details on the data flows. So if you're interested in looking at that please refer to Annex D. I will, however, note that Annex D will be updated in the final version of the report.

Recommendations 10-12 detail the display and redaction of the specifically identified data elements that are displayed in the recommendations. Recommendations 21-25 and 27 refer to the treatment of the current ICANN consensus policies. And Recommendation 28 provides the text for the proposed implementation bridge. And I know that was a subject of discussion at the last Council meeting, so please refer to Recommendation 28 to see where that currently stands.

And then lastly, the final bullet point on this slide refers to the recommendations that note items that need to be further discussed during Phase 2 of the EPDP team's work.

This next slide provides a table of all of the recommendations in the final report and the category of those recommendations. And I'll spare you reading off of this slide but I did want to note that this is a good guide because some of the recommendation numbers between the initial and final report have changed and so if you're interested in a particular topic you can refer to this slide to find out where in the final report you can find that particular issue.

During the last Council meeting Rafik briefly went over how we arrived at the final report but I'll quickly go through some of these points again for those of you who may have missed them. So in short, following the close of the public comment period, the support staff prepared public comment review tools for each recommendation as well as some of the questions that were posed to the ICANN community in the public comment forms.

For those of you unfamiliar with the public comment review tools, in short you can go to the wiki page and look at any of the recommendations that were in the initial report and find all of the comments that referred to that recommendation. So the EPDP team then reviewed all of the public comment review tools and noted issues that needed to be further discussed and/or warranted a potential change to the draft recommendations. So all of those potential changes were discussed during plenary meetings including the face to face meeting in Toronto.

So following a review of all of the public comments and the concerns from the public comments, the support staff compiled a draft final report and the latest edition of that draft final report was circulated to the Council on Monday. And it also was circulated to the EPDP team for a week of what we're calling quiet review.

So beginning on February 11, the leadership per the requests of many of the EPDP team members, kicked off a quiet review period after Monday's meeting. And that quiet review period is used for EPDP team members to specifically flag any errors or inconsistencies within the final report as well as give the team a break from the voluminous amount of emails so it's really designed for quiet review as the name suggests. It's also designed for the different groups to prepare any statements that they would like annexed to the final report if they choose to do so.

So the quiet period will conclude on Friday, February 15, or tomorrow. And I wanted to specifically note that the quiet period is not a time where EPDP team members should be re-litigating issues that their group has already decided on, rather it's just a time for quiet review and pointing out any errors or inconsistencies in the report. So any of those inconsistencies or errors or issues will be flagged by the team and we'll spend next week going through these before we deliver the final report to the Council.

This slide details the email that Kurt sent out to the team on Monday about the consensus designations in the report. So for those of you who may have unable to read through that email the consensus designations are noted in the report. Some of the consensus designations have been sent to the EPDP team and they've had an opportunity to review and comment on the specific designation, while others have been - have not been sent and the team has not had a chance to review. And lastly, some of the designations have not been made yet because the issue is still open for discussion.

In relation to those open recommendations, the team has agreed in principle on the recommendation but the draft language is still under discussion. And that discussion will close on - tomorrow, February 15. And for ease of reference, the sections that are open have been designated with brackets and any next steps related to those open items are highlighted in yellow. And lastly, as noted in the email, there will be a final consensus call on the report as a whole.

Keith did an excellent job of going through the next steps in terms of where the EPDP team is vis-à-vis the Council and in terms of what needs to happen. So we can leave this slide up here as a reference but I don't feel the need to speak to that. So at this time we have - we'll open up the floor for questions and Kurt will be happy to answer any questions anyone has. Thank you.

Kurt Pritz: And yes, and thank you very much for that, Caitlin, that was fine. And I see Michele's got his hand up. Keith, I have some wrap up comments to Caitlin's presentation but if you want to take questions too that'd be fine. Either way is fine.

Keith Drazek: Thanks, Kurt. Why don't you go ahead and make your wrap up comments and then we'll go to a Q&A.

Kurt Pritz: Thanks. And sorry, Michele. So yes, one more overarching comment is that, you know, there were several - this being an EPDP there were also some peculiarities or innovations or different approaches in this exercise. And Keith and I were talking not too long ago, and there are some lessons learned from this. But by and large a lot of different approaches that were used here were beneficial. And so I think the team was aided by the way in certain respects in how it was composed and how the charter directed the work of the group. So, you know, I would say 80% good things and 20% lessons learned, something like that.

So and I saw the question from Paul and others in the chat about it being a draft report. So in my lexicon when a report is final it's the final report and if it's not final yet it's draft. And as I said earlier, why it's draft was to give you a preview of something that is close to final so that you could get 90% of the way there in your review and consideration of this so you could be able to better pose questions about it when you have your discussion about the possible approval of it.

There are some - and as Caitlin said, we did make consensus calls on most of the recommendations but there are recommendations that are either waiting for some advice from outside legal counsel, and we received advice on the last couple issues just this week that's been distributed to the legal team and is being distributed to the group, so that's one thing.

There are one or two other items where there's discussion that's ongoing that hasn't been quite called off yet. And there's items where we're determining, you know, to what extent we can finish them now and what extent they'll be completed in Phase 2. And I can list those open ones for you that haven't had a consensus call yet if you wish.

But I want to segue to Phase 2. And a good portion of our work, and a good portion of our discussion in considering each of the charter questions we came to conclusions and recommendations but we also recognized that there

were some complex either legal, policy or operational issues to be considered before final recommendations are made or before changes to the temporary specification that were made.

You know, changes to registrar, registry operations require more of a consultation beyond what's sitting at the table in the EPDP but rather, you know, the whole of the stakeholder group should be consulted as if changes are to be considered or some of the legal questions require some in depth examination of other policies and how GDPR affects existing other policies and that's quite a in-depth discussion.

So we realized that some of the - some issues just cannot be settled within a couple month timeframe and that it was necessary to come to the conclusions we did having the information we had at the time, and then creating more time for substantive discussion so some of the recommendations here are going to be reconsidered in Phase 2 along with the access model. And I think the words in the charter made that pretty clear that the purposes for processing registration and data and the recommendations we come to here could be considered later on.

I'd encourage you to read the whole report. And I'm sure you do but maybe people like me don't. So, you know, the - in the final report is the list of the recommendations but in the body of the report there's no only answers to the charter questions but also annotation and description that accompany those recommendations.

So for example, in deciding whether geography or geographic considerations can be taken into account or should be taken into account of the registrant or the registrar, the - where all the data is stored, you know, we came to a recommendation but we also say in the body of the report you know, this needs to be looked at further and suggest some ways for doing that in the subsequent phase. So there's more to - there's more direction and more that

can be taken up by the GNSO in the body of the report as well as the recommendation themselves.

And finally, you know, take particular - take particular - pay particular attention to Annex D in the back which is the data analysis. So very early on members of our team indicated we couldn't undertake any of the discussions without looking at each data element and seeing for which purposes it was being used and the data flow and, you know, how each party either controlled or processed the data and the legal basis for that.

So one of the really significant work products of this team that will be useful later on in many discussions is that reference document that we call the data elements workbook, but is now Appendix D and incorporated into the report where the recommendations are not - are really based on not only policy considerations but policy considerations based on some very detailed analysis.

I think that's it, so Michele still hands his hand up; he hasn't given up yet. So if you have any questions with regard to what's left regarding the work of the prognosis of that and anything else please feel free to ask. Thanks very much, Keith, and thank you, Caitlin.

Keith Drazek: Yes. Thanks, Kurt. Thanks, Caitlin. And Rafik, I'm going to go to the queue now but if there's - at some point you'd like to jump in as the Council liaison and vice chair, feel free to put your hand up if there's anything you'd like to add. So Michele, over to you, let's get to the queue.

Michele Neylon: Thanks, Keith. Michele for the record. The only comment I wanted to make was just, you know, thanks to Kurt, the leadership and all of those who have put in the ridiculous amount of time, energy and effort into this EPDP over the last few months. Trying to follow this without actually being directly involved in it has been exhausting. And I know those who have been actually in it both as

members of the team and as alternates have given up most of their lives over the last few months so thanks for all that.

Keith Drazek: Thanks, Michele. Tatiana, over to you.

Tatiana Tropina: Thanks. Tatiana Tropina for the record. Well I can only set on what Michele just said, thanks a lot to everyone. But I have a few questions. I don't know whom I should address them or if it's the right time to ask them, but yes, I'll just go ahead. The first question is, Kurt encouraged us to read the final report and I believe that we are really supposed to get familiar with this report before voting.

But I see still the discussion going on on the EPDP mailing list and I see some of the groups trying to change the text. And for me, for example, personally some of the changes look a bit more than just technical changes so word-smithing; they look to me as a bit significant, let's put it like this. So would there be any update on the changes to the report before we are all going to vote? Or like for the Council or I suppose not, right, at least via email or whatever. So I'm just wondering how much of self-comparison we will have to do in - with regard to this report. This was the first question.

The second question is perhaps I don't know whom I should ask, I think the GNSO leadership made the (call), some clarity on implementation, who is going to decide when and how. I mean, I'm aware that there's supposed to be an informal group but I would like to ask what this group is going to consist of, who are going to be the members, is it going to be open and so on.

And the last question for me is a very important one as for Council, this is perhaps to Keith and Council leadership and GNSO Council support, ICANN staff, how we're going to vote on this report? Are we going to go through the entire package and vote per recommendation one by one as we did, for example, with CCWG Accountability Work Stream 1? Or are we going to vote for the entire document?

I think this might be important because up to now, I mean, I don't have any major concerns with regard to the report but if there are going to be changes that look substantive to me I'd rather vote per recommendation but I understand that is not up to me to decide. So I would like to have some clarity on this. Thank you very much.

Keith Drazek: Thank you, Tatiana. This is Keith. So let me respond. I'll try to go in reverse order if I can remember your three questions. The intention right now and the draft motion has been circulated to the Council list, and I recognize maybe not everybody's had a chance to look at it yet. But the motion essentially is an up or down vote on the package and the package includes a couple of things primarily.

One is the final report, and the other is the GNSO Council's indication of non-objection to allow the EPDP Working Group to move to Phase 2 and discussions around the uniform access model or I think in the charter it's called the system for standardized access to nonpublic registration data. So yes, so the answer is on the package we will receive the - basically the final report and the intent is for the Council to vote up or down on that and also concurrently, in the same vote, to approve the EPDP moving to Phase 2. I hope that's clear. And if there's any follow up to that I'll be happy to take it.

One of the other questions I heard Tatiana ask was whether there will be effectively a redline or a change tracking document between the current version and what comes to Council next. And so that's probably a question for Caitlin or somebody to see if, you know, for those who have read the current version will it be obvious where changes are made between now and the final report?

And Tatiana, I'm sorry, your second question was - could you just restate it?

Tatiana Tropina: Yes, absolutely. The second question was is there any clarity about implementation already? Would it be - I know that there might be informal group, would it be open? Who's going to decide on the membership and so on? Thanks, Keith. And one more note, yes, that's what I gathered from the motion that it's going to be just the whole document. I was just wondering if there would be any change in this? If not, I am fine with it, just needed the clarity. Thanks.

Keith Drazek: Yes, thank you very much. And your question on the implementation is a very good one. And I think that that's something that we can continue to discuss at Council and in the meetings. And so I'm really glad that you teed that up because the idea is that while we recognize that because of the timeframes, the externally-imposed timeframes related to this particular EPDP, because of the temp spec, and the work that needs to go into bringing contracts up to, you know, up to the expectations of the new consensus policies, any operational requirements that need to be worked through, that the sooner we can start the better.

So an informal implementation group I expect will be sort of open to, you know, to anybody, in my mind, and certainly open for discussion, open to those interested and available. Of course recognizing that if we're kicking off Phase 2 then there's going to be resource demands there as well on staff and on the community. And so I think there's going to need to be a balancing that we need to find as it relates to, you know, implementation work on Phase 1 while also being able to move quickly and effectively to really getting the Phase 2 work kicked off and underway.

And so those are all very good questions and I think we need to do some work on those. So we'll take an action item as the leadership team to come back with some proposals about that for the Council to consider.

And Paul, I see your question in chat. It's also a good one is, no, I think - and thank you for the question, it's a good clarification. I expect there will be an

IRT, an implementation team, but that it wouldn't be officially seated or formed until after the Board votes, right. In other words so we're, you know, not putting the implementation cart before the policy horse and making sure that the Board can approve the policy and then, you know, we'll have a formal IRT. But there's a recognition here I think in the motion that the sooner we can begin even informally discussions around what that implementation road map might be the better off we'll be. I hope that's clear.

So Tatiana, I hope I answered all the questions. If there's any follow up please jump in the chat or put your hand back up. And Darcy, let's come to you next.

Darcy Southwell: Thanks, Keith. Kurt, I had a question for you about the public comment and the work plan because I know there was some notes about exploring other options for alternative methods of how to get community input. And I was just curious what the thoughts were there and any concerns that anyone has about how that would be potentially troublesome as it's also going to, assuming we vote it, you know, we vote for approval and send it to the Board, that it's also going to be sitting at the Board for a vote while the community feedback coming in. Thanks.

Kurt Pritz: So could you - I didn't quite get the question even though I understood every word you said, could maybe you say it exactly the same way and I'll get it.

Darcy Southwell: Sure. So there's - on the work plan and it's mentioned here on this - the slides that Caitlin presented, there's a plan for another public comment period. And the work plan mentions that, you know, there will be options explored, so not necessarily a traditional public comment period. But just curious what's being planned there and any concerns about what that would do while the Board is also considering it, assuming we vote it through.

Kurt Pritz: Yes so I think there's a - so this is a public comment period to inform the Board's deliberation of the final report after the GNSO Council has

considered it. And I'm sure you already mentioned that. So - and so there's no real alternative to that that's been discussed other than the 40-day comment period that's in the final report.

So - and I don't see the - I don't see the comment period being markedly different - held in a markedly different way than the public comment period for the initial public report. I know, to address another issue, I know that was held in a different manner than traditionally but at the end of the day it wound up saving the staff a couple hundred hours of time in compiling reports and allowed people like me actually to see reports - to see comments right away.

But, you know, I'm really sorry, I have the sense I haven't answered your question except that we're going to conduct this comment period in a typical way that's typically done before Board consideration of these things. We're not considering any other options, you know, except for that.

Keith Drazek: Okay thanks, Kurt. And Darcy said in chat, "Okay thanks." So I think that's right. So just to summarize, the next public comment period is the public comment period the Board will utilize to inform its deliberations after the GNSO Council approves the report. And that's typically of any PDP where there's a consensus policy recommendation. So and it was, you know, agreed basically that we would retain the 40-day traditional period rather than trying to compress it or shorten it, you know, to ensure that the Board has the full benefit of the community's views and input. So thanks for that.

I'll go back to the queue next and if anybody else would like to get in the queue please put your hands up. This is, you know, your opportunity and our opportunity to make sure we're all on the same page as we approach the important next couple of weeks. And then I'll put myself in queue for just a little bit of clarification about something that's been typed into chat. So Elsa, over to you.

Elsa Saade: Thanks, Keith. And thank you very much for the whole team for all the work that you've been doing. I'm just wondering if there are any substantial issues that the legal counsel provided to the EPDP highlighted when the EPDP took their advice. Maybe this could also help the GNSO Council make - take into account the things that they thought important to highlight as well when we're voting on the report. So Keith, if there are any like overarching issues that they - that you think is substantial for us to know in terms of what the legal counsel provided in terms of advice, if you could share that with us that would be brilliant. Thank you.

Keith Drazek: Thanks for that, Elsa. This is Keith. And, Kurt, I'll turn to you here and you and Rafik. But, yes, just so everybody understands, I think it was earlier this year, I think it was January, the EPDP was basically assigned some external or outside legal counsel to help with some of the questions, some of the sort the sticky legal questions that it was wrestling with as it relates to GDPR. And I think my understanding is that it turned out to be a very valuable resource, you know, in a very targeted way.

                And so I think Elsa's question is a good one is are there any, you know, sort of, you know, legal concerns or legal issues that, Kurt, you feel like, you know, haven't been worked through or, you know, potentially still outstanding that might need to be or have those issues I think as you mentioned earlier, have been sort of moved to the Phase 2 and/or the implementation discussion. So, Kurt, over to you.

Kurt Pritz: Yes so we've posed six, and Caitlin or anybody on the team, correct me if I mess this up, but we've posed six specific questions to legal counsel. We received answers, which are in the form of formal legal memoranda to five of those. One of those, having to do with geographic considerations, is outstanding. I know we're queuing up at least one additional question for legal counsel that will, you know, necessarily take place during Phase 2.

I know on one of the answers, one of the five answers, having to do with which data should be redacted, we got a preliminary answer from legal counsel and asked permission to do a deeper dive into some of it. So the bottom - and then on other answers, those memoranda are passed in full onto the staff team. And to me to a large extent they confirm in certain instances the conclusions to which we had come. And in some cases, as you point out, Keith, they'll inform Phase 2 discussions.

And then so finally having said that, I think they're in the public domain because they're on the mailing list, but we can package them and make them available to the Council also.

Keith Drazek: Okay thanks Kurt. And I see that I think it was Darcy has typed a question into chat about the expected timing to get legal advice on Recommendation 11. She said she's assuming that's the one you were referring to as outstanding. And then I've got Marie in queue. So if you have a response to Darcy's question, feel free and then we'll jump to Marie. And Berry has typed into chat with a link to the legal advice that's been posted on the wiki so there's some good resources there for all of us.

Kurt Pritz: Yes, so thanks for that, Berry. And we received legal advice on Recommendation 11 which has to do with whether the city name in Whois should be redacted or not. And it's - that's the one that's sort of partial advice that identifies as personal data and then goes onto say, you know, whether that personal data can be published for everyone to see is a balancing that should take place and it requires a little bit of a deeper dive.

So that information just received from legal counsel I think yesterday and if it's not on this wiki it'll be on there soon. And, you know, we're going to, you know, I've asked the legal team to say let's go ahead and ask for this additional information, this additional analysis so that we can come to the correct conclusion on that.

Keith Drazek: Okay. Thanks, Kurt. Marie, over to you. Sorry. Thank you, Kurt. Marie, over to you.

Marie Pattullo: Have you got me? Can you hear me?

Keith Drazek: Now we can. Thank you.

Marie Pattullo: Yes. Sorry, I've got audio issues at my end. First up I want to really thank everyone involved in this, same as Michele said. The work that you guys have put in is above and beyond extraordinary so thank you, thank you, thank you. I also really appreciate the good faith everyone's coming to this with. It's a difficult one. We are going to disagree but I really believe we are trying to get it together. And big believer in team player, as you know, so really hope we can get this to the line.

I have a question for my own understanding, Keith. Is there a second stone rule that we absolutely must have a 40-day period for public comments? The reason I'm asking that is that we need to get this right rather than get it fast. We all want it to work. You know that we have certain process concerns, they've already been circulated. So is it essential that we keep those 40 days or is it possible that that could be slightly shortened? Thanks.

Keith Drazek: Thanks, Marie. This is Keith to respond. I don't believe there is a hard and fast rule or any, you know, any sort of operating procedure that absolutely requires 40 days. And I will turn to staff to confirm this and make sure that I'm not speaking out of school.

But I think that traditionally the Board has, you know, used a 40-day or 42-day public comment period and that in conversation that I had with both Cherine and Göran going back a couple of weeks where I was exploring, and we, you know, we're working with the EPDP leadership team and the GNSO Council leadership team, we were exploring the possibility of finding, you know, an extra week or two, which we were able to do. We were actually able

to, you know, to essentially get an extra couple of weeks past the original target date for the finalization of the final report.

But they were pretty, you know, they felt pretty strongly that we needed to maintain the 40 days on this particular one. So I think as Mary is typing, there's a minimum of 21 days in the Bylaws; the tradition has been 40. So, you know, perhaps there are some, you know, some room to, you know, to find an extra week in there or something. But I can tell you that the conversation I had with Cherine and Göran was that they felt strongly that they needed the 40 days. So that's the extent that I can respond to that.

Okay. So all right so a couple of other things. So we're going to wrap up here fairly soon so if there's anybody that would like to get into chat with any final questions or comments for Kurt or Rafik or our wonderful staff, please put your hand up.

There was a question in chat, hold on one sec, oh yes, so I'm going to scroll back up. I think it was Paul - Paul asked about the expiration of the temp spec and, you know, can the implementation work be done before the expiration of the temp spec or are inevitably heading for a period where there will be no temp spec and no implemented new consensus policy? So, Paul, that's a great question.

And this is something that actually sort of evolved or was introduced over the last I want to say probably three weeks, and it was also a part of the conversation that I had with Göran and Cherine about trying to find some extra time for the group.

When we chartered, we as the GNSO Council, chartered this EPDP last year we built in time where we expected there would be some implementation period, in other words, prior to the expiration of May 25. In other words we expected or hoped that there would be, you know, whether it was three weeks or six weeks or eight weeks, there was some buffer built into our

timelines to allow for an implementation phase. But over the last month it became exceedingly clear that we weren't going to be able to make a full implementation of a consensus policy before May 25.

So what was proposed, and what is currently in the draft - draft final report - is the option for contracted parties and ICANN to either continue following the framework of the temporary specification even though it will have expired for a period, and I think the target date or the date for full implementation of the new consensus policy is February 29, 2020, so it's a leap year. And basically have the option that either continuing to perform under the temporary specification terms or move to implementing the new consensus policy.

So there's basically an expectation, I think this was referred to as an implementation bridge that would, you know, provide for some predictability and assurance and, you know, contractual obligation for contracted parties and the ability for ICANN to enforce those contractual obligations during this interim phase after May 25 when the temporary spec expires and before the date of February 29 of 2020.

So I hope I got that right and if anybody else would like to get in, you know, and, you know, clarify anything or correct me feel free. Pam, I see your hand, go ahead.

Pam Little: Thank you, Keith. Pam Little speaking. Excuse me. I have a question about the consensus designation for all the recommendations. And I was wondering whether, Kurt, you could let us know, in the final-final report that the team, the EPDP team will be submitting to the Council for the Council's consideration, would there be a designation indicated for each recommendation or would there be one for the whole report?

And when would that be - that is going to be the case either way? In other words, when will we see the final report with the consensus support designations presented to the Council? I think that would be helpful for the

Council in their consideration. The other one is whether you could maybe explain a little bit about the methodology in the decision making, how you as the chair designate the consensus level for each recommendation. Is it different or is it some - given the composition of the EPDP is sort of different to traditional open PDP composition. Thank you.

Kurt Pritz: So I'm not sure whether what we're doing is traditional or not so you'll have to talk to members of the staff or other chairs of other groups. So we've taken this approach to deriving the consensus designations that first in - as we discuss each issue we spend quite a bit of time attempting to get to the agreement of all parties.

And, you know, some on the team will tell you that several issues we discussed for too long as we attempt to get wording that is agreeable to everyone sitting around the table. But, you know, I personally think that's worthwhile because we have not individuals at the table but we have groups at the table and so I think it's important to take the time to do that.

You know, reflecting on my self - my methodology is kind of difficult because I don't see myself from the outside. But I'll say that, you know, where we used CBI for our offsite meetings, which is where we derived a large number of agreements, I think they did a really nice job of when there was, you know, sort of silence at the end of the discussion when we're all in agreement that they would stop and ask again. And so I appreciated that ability.

So for me, and, you know, too bad all the members of the team aren't on this call because I'm sure they all have different views on this, but for many of the recommendations, you know, this is before the consensus call but as we derived each individual agreement we took time to try - we took extra time to wordsmith and get the buy-in of all the groups and as many of the people as we could.

So when we came to the end, and we didn't do any consensus calls near the end, instead of doing individual consensus calls on each of the recommendations because there's 28 of them or so and that includes seven - plus seven purposes for processing data so 35, we broke them into tranches. So, you know, we created these seven purposes, out of the 13 purposes for processing registration data in the temp spec, we came up with seven, we developed seven purposes so we combined some, eliminated some, maybe added one or two others.

And so we did a consensus call on those. And the way that was done was that I would designate a - my opinion of the consensus level and that, you know, we gave each group, I think like four days or so to respond. And the rule was, you know, respond or, you know, especially if you want to discuss any of these further please reply.

And the result of that is some groups came back with affirmative statements that they agree or in cases where they thought there should be follow-on actions or some other change they said that. So some groups did respond; some groups didn't respond and let the time lapse. You know, I'm sure it's going to be debated as to whether that counts as consensus or not.

And then at the end - and then I want to say a bit about how I labeled consensus. So rather than say full consensus or consensus which means somebody might disagree, I labeled many, many - as you've probably seen - many, many of the recommendations as full consensus/consensus. And I did that for two reasons. Excuse me. Actually three.

So the first reason is that it's practical effect. So the practical effect is that if we agree, if I designate an item as full consensus or consensus and the team ascends to that then, you know, that essentially has the same effect on the Council as far as approving or not approving that recommendation. So from a quote unquote legal standpoint or rules standpoint it has the same effect.

Second, I wanted to give some deference to the fact that several of these recommendations were derived with a significant amount of compromise that groups that would ordinarily not agree to a recommendation or initially did not agree to a recommendation but then came to a compromise. I wanted to signal to them that, you know, even though they approved something they did so out of the spirit of compromise.

So I didn't want to call that full consensus and take away the ability of some group later on to say, well, I agree - yes I did agree with that in the spirit of compromise. So I think that was important. And third, I wanted to - because of that compromise, I wanted to provide groups with the ability to provide a statement that accompanied the final report. And usually that's only done if there's a disagreement.

And so by the signification I think it provides that ability; I wanted to provide the ability of every group to write a comment on a recommendation to be able to demonstrate that they compromised or some different aspects that should be taken into account down the road. So that's that.

And then finally, at the end of the day we'll do a consensus call on the whole report and see whether groups agree to that. So our bundles of - re-bundles of consensus calls will be combined into one for the whole report. So I hope that was complete and clear in some way.

Keith Drazek: Thanks very much, Kurt. I appreciate that. And Pam, if you have any follow up, feel free to jump in. But I think at this stage we need to move to wrap up this discussion on the EPDP because we are moving next to a discussion of the IGO INGO Curative Rights issue. And we are joined by Heather Forrest so we'll come to that momentarily.

I just want to make a couple of sort of wrap up comments. On the screen in front of you in the Adobe Connect we put back up the timeline slide which outlines sort of where we are over the next several weeks. And I really want

to focus on, you know, sort of the first four balloons that take us through the beginning of March.

And so, you know, we're going to - as I said at the outset, we're going to have two opportunities over the next two weeks or two and a half weeks, whatever it is, to consider and approve the final report which would get us done prior to Kobe, which would allow the GAC to do its job and other parts of the community to be able to consider a final product as approved by the Council.

So you know, just refresh, you know, just remind yourself that we have a lot of work to do over the next several weeks. In working with our stakeholder groups and constituencies to ensure that we're as informed as possible and prepared for the discussions that we'll need to have but also recognizing that, you know, the consensus building and the substantive work is happening at the EPDP Working Group level.

And when they send a consensus recommendation to us, assuming that's what happens, essentially and historically and traditionally, the Council's job is to take that recommendation, that consensus recommendation, and vote to approve it based on the fact that process and procedure was followed. And so and that's one of the reasons why Tatiana asked earlier, are we going to be voting, you know, up or down on the whole package or, you know, on individual components.

And in this particular case we're essentially going to be taking the consensus recommendation of the working group and approving it based on the fact that our GNSO PDP Operating Procedures were followed. And that's a little bit different than when Tatiana I think mentioned some of the work in the CCWG Accountability, that wasn't a GNSO PDP, that was cross community working group, so, you know, have some different approaches, different procedures and all of that. So just wanted to remind everybody of, you know, sort of what the role of the Council is in this one.

And of course, you know, that statement will lead us into further discussion of the IGO INGO issue but that's essentially the way that we're looking at approaching this.

One final comment, Michele, I see your hand. Let me just make one final comment and then I'll come to you and then we'll move on. So I just want to note for everybody that this EPDP is very much an experiment and has been. And I think as we all know, an EPDP or an Expedited PDP, is exactly the same as a normal PDP except it didn't require an issues report on the front end. That's the only difference between an EPDP and a PDP.

The major difference in this particular case, with this EPDP, is that it had the time constraints imposed by the temporary specification that the Board passed on May 25 of last year. And that's what created the time pressure and the constraints around delivery on very, very tight timeframes and really created the sweatshop environment that the EPDP Working Group has experienced.

And that takes me to my final point in that is as we look to Phase 2, as we look to the implementation work, but especially to Phase 2, and the continuation of this EPDP, the question I think before us as Council, and considering some of the discussions that we've had on PDP 3.0 is does it make sense for us to try to create some deadlines or timelines for Phase 2? In other words, it doesn't necessarily have to be, you know, a 12-month period like this first phase but would it make sense to create some deadlines and some expected, you know, constraints around the timing of the group?

We don't have to answer that now but I think that's something that we ought to consider moving forward to ensure that Phase 2 has the same level of urgency and the same level of, you know, basically you've got a target and that's what you're working to hit. And I think that's an important conversation around Phase 2 and the PDP 3.0 stuff.

So let me pause there, Michele, you're next in queue and then we'll wrap it up and turn to the IGO INGO issue.

Michele Neylon: Thanks, Keith. Michele for the record. I'm just looking, you know, looking at the timelines and just looking at reality in line with timelines. I just hope that we will be able to vote on this at the next meeting next week because I am concerned that if we let it slip until the 4th of March then those timelines are going to be quite messy and ultimately what we don't want is a situation where we end up with any risk of a void. Thanks.

Keith Drazek: Yes thanks, Michele. And I think when we looked at these two possible dates of the 21st of February and the 4th of March, you know, I think we recognized that either one of those would work but obviously if you let it slip you lose any buffer that you ever had. Right? And so I think we could - we can accomplish our job as the GNSO Council if we're presented with, you know, a stable final document and have the opportunity to vote on that, you know, at the direction of our stakeholder groups and constituencies or however each of our groups approach that.

And, you know, I think we can get it done. But I think you raise a good point that if we do slip to the 4th of March, you know, that's basically the last chance. And we're not going to have the opportunity for deferral at that point. It's on the agenda as a motion for the 21st and it will be essentially - essentially a required vote on the 4th if it doesn't happen on the 21st.

So okay with that there are some other good conversation going on in chat so refer everybody to that. Kurt, thank you very much for joining us. Thanks to ICANN staff in support of the EPDP. Thank you, Rafik, I know you're sticking around, but let's go ahead and close the session on the EPDP and keep up the good work. We look forward to receiving a final-final report. As I take a deep breath. Thank you very much.

Let's now move to the discussion of IGO INGO Curative Rights. So let me tee this one up, again, I gave a brief intro at the beginning of the call. So we as the Council received the final report from the IGO INGO Curative Rights PDP Working Group last year. And we still have this on our agenda. This is something that we need to address and that we need to resolve.

I will note at the outset that the subject matter of this particular PDP was very narrowly focused, very nuanced, and probably not of substantive interest to everybody on Council or everybody in the GNSO community. It was essentially a niche PDP working group that ended up, at the end of the process, having a very, very small number of participants.

And so it went through several iterations and it went through, you know, a couple of different phases of work. If I recall correctly there was some intervention of the ICANN Board in the process. And it basically got to be a very complicated and complex working group that produced recommendations that, while technically, you know, if you count heads and count the number of people in the working group that supported the recommendations, would constitute consensus.

The recommendations themselves are challenged in some ways. And I'm calling on all of us as the Council, each one of our as councilors now, to pay attention and to try to follow this discussion and to make sure that you are as informed as possible as we approach a possible decision likely in April. And I'll explain why I'm saying April.

But the Council is at a bit of a crossroads here in that we may be making a decision, well we will be making a decision, and that decision may be a bit of a departure from the way that we've operated in the past, or it may not, or it may be something in between, something in a bit of a gray area.

As you'll recall, last year the leadership team presented a proposal for the five recommendations and the way to possibly address these five

recommendations that came from the working group. Our proposal was a bit of this, you know, my suggested gray area, where we might approve four of the recommendations that don't create consensus policy and then refer the fifth recommendation that deals with changes to the UDRP to the RPM PDP Working Group because the RPM PDP Working Group in its Phase 2 is going to be working on UDRP. So that's one option.

A variation of that option might be to approve four of the recommendations and to do something different with Recommendation Number 5 rather than referring it to the RPM PDP Working Group, do something else, maybe create another group to focus just on that, or to focus on the broader issues raised by this original question as opposed to the recommendation itself perhaps to say we need to start over and to re-charter a new group to look at the issues more broadly.

The other options are we could, as the Council, simply say we received recommendations from this PDP working group, they were consensus, even though the group was small, limited and probably not representative of the broader community, and we're going to send it to the Board and basically have the Board figure out what to do with it, noting also that there are - these recommendations are in conflict with GAC Advice. So there would also be the possibility of some sort of a formal consultation process were we to do that.

And then the other possibility is simply to reject all of the recommendations and I think there are rationale that we could - that we have that could be used to consider that approach. So this is my long-winded way of saying we've got a complex situation, we're approaching a fork in the road and we need to all make sure that we're as informed as possible as to how we move forward and what we decide to do.

There is a proposal before Council that the leadership team, myself, Pam, and Rafik, put forward. In our call I think it was in January or maybe in December, I believe that Paul McGrady and Marie Pattullo both raised

concerns about the proposal that we'd put forward. And I think we need to continue to hear those concerns and to make sure that everybody has the opportunity to flesh out where their preferred option is.

But at some point in the near future I'm going to turn to everybody and ask where you think on this. And it may not happen on this call, it probably won't happen on this call, but I'm going to need your input and your feedback as to where you think we ought to go.

So with that, let me pause and Heather, I'd like to welcome you back. Thank you very much for making the time to join us. Sincerely welcome back to Council, we miss you, and we really look forward to your thoughts on this as a former Council Chair and somebody who has been, you know, very much involved in this particular issue for several years. So Heather, over to you.

Heather Forrest: Keith, thank you very much, and very warm hello to all of you on the Council table. It is of course wonderful to be back but this is a very challenging question so a mixed blessing. This is of course not a new problem, as Keith has said.

One of the things that I know Council leadership has been reflecting upon as they prepared for this part of today's agenda is the webinar that was held back in October in advance of Barcelona which was meant to help us to prepare, you know, in a very similar vein to today, and that just goes to show how complex this issue is, is we've needed a few opportunities to do this, you know, reflect on what the options are, what the options could be. Staff has done an incredibly thorough job of preparing various options papers and so forth and so on.

I think in my reflection on this between Barcelona and now, I do think that part of the problem is that the PDP charter included some extremely complex questions that are not normally spaced by members of our community, by which I mean the contracted parties, by which I mean your average nonprofit,

your average business, your average IP lawyer, the sorts of international conventions that those folks had to look at are not things that have been called into practice at all really since they were created in the late 18th Century, early 19th Century and that makes the job only the more difficult.

So in terms of why Council has had a difficult time in engaging on this, I can very much appreciate that the same sorts of things that I've just said apply very much to how difficult the actual PDP working group members found this body of work.

And I know along the way last year, prior to leaving the Council in October, I made various points or raised various concerns around the procedural aspects of this PDP. I continue to have deep concerns around the fact that having a PDP final report that was ultimately voted on by less than 10 people is a dangerous precedent for an open PDP, for a PDP that started with more members than that and had some attrition along the way.

I'm worried about what impact that might have on our definition of consensus going forward and having engaged so thoughtfully in the PDP 3.0 process, which I would like to believe is much more than just words and a document that we've put behind us. I have some procedural concerns around this PDP. So I'm happy to join the call. I'm happy to answer any questions. You folks are the Council. I'm here for you in any way that you think I can be helpful to you. So thanks, Keith.

Keith Drazek: Thank you very much, Heather. It's very, very helpful and great context. And we will certainly look to your further guidance throughout this call and probably afterwards. So I've got I think Carlos has his hand raised, he's in audio only, and then we'll come to Paul McGrady.

Carlos Raúl Gutiérrez: Thank you. Thank you very much, Keith. And thank you for this. Can you hear me?

Keith Drazek: Yes we can.

Carlos Raúl Gutiérrez: Hello? Thank you for the excellent summary. I just want to add one consideration to your overall presentation. Mea culpa, mea culpa, mea culpa, we haven't paid attention. I fully agree, I remember very well when we were upset because I think it was in Singapore we have a small group of the Board intervene in the process and we thought we had to take control of the process. We took control at the time of one piece that you didn't mention, one specific case that was the Red Cross Red Crescent issue.

We did well. We engaged Bruce Tonkin as a mediator. We sent back original PDP and it was a success. And that's what worries me; how come that in the special case of a very, very difficult INGO, the Red Cross, we managed to find a very good solution because nobody complained and in the general case of the IGOs we didn't. So I personally worry a lot about the message that the GNSO is sending out in terms of controlling the process.

How come we solved one but we haven't been able to solve this one? I worry a lot about the message that this sends, not to the Board, not to the community, but the GAC in particular. So again, mea culpa. Ready to work in whatever direction the Council decides to work. Thank you very much.

Keith Drazek: Thank you, Carlos. And thanks very much for the additional context. So if I heard you correctly, and please correct me if I got any of this wrong, just essentially this is unfinished business and while it was part of a broader effort, this component remains unfinished and by not finishing it sort of paints the GNSO in not a great light because, and especially with the GAC, because it essentially has left a segment of interested parties sort of in limbo. Do I have that about right?

Carlos Raúl Gutiérrez: Excellent summary. Thank you very much. I fully agree.

Keith Drazek: Thank you, Carlos. That's really helpful, I appreciate that. Paul, over to you.

Paul McGrady: Hi there. Paul McGrady for the record. So thanks, Heather, for your summary. Thanks, Carlos, for your comments. My position on this really hasn't changed since last we talked. And I'll just quickly go through it again. And so the bottom line is that what this very small group of people came up with doesn't actually address what the GAC asked for. Obviously that will - is an irritant to the GAC and I think an unnecessary one.

If we approve this as it is, or even if we approve it by hiving off Recommendation 5 which is, you know, a significant change to the UDRP, we basically just put ourselves back in the pickle position between the GAC and the Board because the GAC won't be happy with this and the Board won't know what to do with it. And we got ourselves out of the pickle position in the Red Cross snafu. There's no particular benefit to the Council to put itself in that pickle position especially for recommendations which we think came out of a process that is flawed.

I've not heard anybody say that the process was a good process or that the process was unflawed; I've only heard from the co-chairs that they thought it was flawed and if you go back and view the record there were - seemed to be quite a bit of drama in this PDP and it does seem like a flawed process.

I am very concerned about if we approve this or even approve part of it, that we are codifying attrition as a strategy within PDPs. We have - are starting to see this sort of attrition strategy playing out in other PDPs as the (unintelligible) PDP right now comes immediately to mind where it seems like the goal is to create an environment that people don't want to participate in anymore.

And as a result of that I think there's a danger in approving any of this because we are essentially giving tacit approval to the idea that you can show up, be disruptive and ultimately prevail if you just, you know, make the PDP a place that only 10 people want to be at.

And lastly, I just think the Council needs to take its lumps and say, you know, this one didn't work out. Not every PDP is going to get to, you know, is going to come out reasonably or with good outcomes. And we just say essentially, you know, this one's no good. The issues that the GAC raised are still out there, they need to be addressed.

We should, you know, from my point of view, reject this and, you know, try again with a new PDP under our new PDP 3.0 rules which, you know, have a whole lot of common sense to them and I think are designed to combat the attrition approach to PDPs. And let's do that, let's put together a new group, let's put the questions in front of them again, maybe tweak the questions a bit, but, you know, basically see if we can get this one, you know, back underway with the new process and perhaps new team.

And, you know, see if we can ask them to, you know, move quickly on this one because, you know, the folks over the GAC still are waiting and, you know, years have gone by. So anyways, I hope I didn't offend anybody but I thought some plain speaking on this one would be helpful. Thanks.

Keith Drazek: Thanks very much, Paul. This is Keith. No, I found that very helpful and I think you've actually been speaking quite eloquently on this topic in expressing that view since Barcelona, if not before, but I certainly remember it starting in Barcelona. And I think that your views - and I'm glad that you mentioned PDP 3.0 because I think, you know, our hope and expectation would be that if PDP 3.0 had been implemented, you know, three or four years ago then we wouldn't be in this situation, right? That's our hope anyway for the efficiency and effectiveness improvements that were undertaken.

So I think your comments about, you know, if we're going to - if we were to reject the recommendations and say we're going to re-charter this group, we're going to start over, and it would probably not need an issues report; maybe it could be an EPDP itself, saving some time. Maybe the group could

be very targeted and very limited as it probably would need to be because there's limited interest in the topic.

But I think one of the important components there is if we're going to re-charter the group and essentially saying we're going to do all this work over or start over from the beginning or close to it, then we need the participation of the impacted parties, right, the IGOs and the INGOs. And if they're not willing to participate, then perhaps it's time to set this aside and say we're not going to commit further resources, time and effort and, you know, attention to this if the interested parties won't come to the table.

So Paul, I'd be interested in your thoughts on that and of course anybody else that wants to weigh in, feel free to put up your hand. There's also some good activity going on in chat and I would welcome people to speak up.

Paul McGrady: Thanks, Keith. This is Paul again. Just to respond to your specific question to me, you know, I don't disagree with that. I do think that if I were an IGO or an NGO with limited bandwidth on my personnel and I had caught wind of or seen personally some of the, and I'm going to use a technical word here, shenanigans that were going on in the prior PDP, I don't know that I would have been gung-ho about participating either.

And so I think if we set the table again and say okay, same issue, new table, PDP 3.0, new rules, and welcome people back and explain to them that it won't be like the last time, we may get that participation that we've been hoping for. If we don't get that participation, then I think you're right, I mean, there's no point in us trying to solve a problem that doesn't exist. But if we do get the participation because we are able to give reasonable assurances that people's time won't be wasted, then that would be the best outcome.

Keith Drazek: Great. Thanks very much, Paul. That's really helpful. I've got a queue building, which is great. Marie and then Elsa and if anybody else would like to get in, please put up your hand. Marie.

Marie Pattullo: Thanks, Keith. Firstly I fully agree that we need to get these people involved and I completely agree with Paul that quite frankly, people are running around the world dealing with natural disasters, among other things, have better things to do with their time than wrap up to a working group. That said, we do have some clear expertise already within the ICANN family, and although he'll hate me for naming him, I'm going to look to Brian Beckham from WIPO as one.

There is a genuine issue to be resolved and we have the capability to resolve it. I agree completely with Paul that we could re-charter. I personally, as I've already said, think this is a better way to go. One of my main concerns is not just the - choosing my words carefully - behavior of certain people within the INGO group and also the current RPM group, but the lack of very detailed, incredibly complex legal knowledge. And that is no one's fault.

But if you look at the rules on the immunity of bodies like WIPO, I'll use WIPO again because it's an easy example, it's really, really complex, and the co-chairs of the Curative Rights Working Group had to call on outside legal counsel which was contentious, I realize that, but it goes to show this is difficult stuff; this is not easy stuff.

And if we're going to get it right, and I think that's our job to try to do that, then I would agree with Paul that it's better to have a new clean charter. It doesn't mean that we're losing any of the work or the knowledge or the learnings we got in the last PDP; it means we're seeing the problems, honing in, and actually getting the job done.

Because I have, as I said at the last meeting we had in LA, I have serious concerns about backing such a complicated issue back to the RPM group, which is already suffering from a number of its own issues, on top of which this is a really, really complicated legal thing. So I'm agreeing with Paul. Thank you.

Keith Drazek: Thanks, Marie, that was a great intervention. Thank you. It's very clear and I think like you said, these are not easy issues; if they were easy issues they would have been resolved long ago without, you know, maybe some of the drama and the challenges and the uncertainty. So thanks for that. Elsa, you're next, go ahead.

Elsa Saade: Thank you, Keith. So I'm going to dare to say - to ask a question which is what the point of re-chartering and recreating the wheel when the first (wheel) and the full cart could have been functional post consensus five years in. You acknowledged the fact that the participation declined over time but I think it's not just due to the topic but it's also due to back channeling and a lot of lobbying that happened. I don't think we're being completely honest with ourselves in terms of the reasons why we are having this discussion right now five years in after consensus.

                    And I just, as I expressed earlier in the LA meeting, I think it's really important…

Keith Drazek: Did we just lose Elsa, or is that me? Elsa, if you can hear us…

Carlos Raúl Gutiérrez: We lost her. This is Carlos on the phone bridge. I lost her as well.

Keith Drazek: Thanks, Carlos. We'll try to get Elsa back because, you know, she was making an important point. Staff, can you see if Elsa is still connected? Maybe she dropped or just having some temporary technical difficulties. Dropped from the AC room. Okay, we'll come back to Elsa when she rejoins. Marie, is that a new hand or an old hand? Okay, old hand from Marie. Can somebody text Elsa or let her know that she's dropped in case she's still talking? That happens to me occasionally.

Nathalie Peregrine: Keith, this is Nathalie. I will get in contact with Elsa. Just to let you know that Carlos on audio is also in the queue.

Keith Drazek: Thanks very much, Nathalie. Okay, Carlos, over to you.

Carlos Raúl Gutiérrez: Yes, I think it's a fair point about the participation of the interested parties. And I want to mention two more issues. First, there was limited participation but very engaged both from WIPO and the OECD, and also the Swiss government of course because it holds many of those IGOs. But we should - they complained it was very difficult to get approval to crowd to the meetings etcetera, so we have to work that issue well.

But there is also a moral responsibility and ICANN is manager of the INT top level domain. If the INT top level domain would have been marketed appropriately and would have been offered to all IGOs, we would - we shouldn't be discussing this issue here. So it's kind of funny that this top level domain died in the hands of the ITU. But still, ICANN is manager of the INT and if the INT doesn't work, ICANN has to come up with a better solution.

And to Elsa's comments, I agree fully with her, but that was only one option to follow the track of the right protection mechanism and everybody thought it was easier. Well, it was not and we never tried to look for totally alternative issues. Again, I put my hand on the fire and volunteer to whatever the group decides. Thank you.

Keith Drazek: Thank you, Carlos. Elsa, welcome back. Sorry you dropped. You were making a point about how you think that there was, I think as I can possibly summarize, that maybe we're talking around some of the concerns a bit but that there - obviously there were concerns about the attrition and the deteriorating participation over many years, I think four years, you know, by the time the final report was concluded. And that, you know, there were other challenges in the group and I think that's true.

But I think the question is, you know, what are we going to do about it? But anyway, you weren't finished with your thoughts so I want to hear further what you were planning to say. Thanks.

Elsa Saade: Yes sorry about dropping. I guess it's a world conspiracy to shut me up. No, I'm kidding. But I was saying that I'm not sure where I got in terms of what you heard of me or not. But anyway, I was saying that I don't think that we're being completely honest with ourselves and the reasons why we are not taking on the full recommendations that the group had consensus on.

And if we, I mean, I personally would vote to have all of them go through and then see how the Board would take it forward, but in terms of - because especially because if we do not do that we're setting a precedence for the GNSO Council which had not been set before I'd say in terms of a back channel, I don't - I'm going to dare say but a back channel sabotage in a way. I'm putting it out there on the record in my own personal capacity here. So that's why I think we should take it on fully and take this - have this go through fully as a full recommendation set or list.

And in terms of the points that Marie and Paul raised as much as I have respect to the point - to them and the points that they raised, I don't see the point in re-chartering the group and recreating the wheel all over again when the same issues are still there. And also when we actually got through the resolutions that we wanted to get through over the past five years. I know how everyone wants to get over with this working group, and vote on the resolutions. And I think that it's time. But I think we also should do it in a very fair way. So yes, that was my point. Thank you, Keith. And sorry again for being disconnected for a bit.

Keith Drazek: No problem, Elsa. Not your fault. And thank you very much for your comments. I will admit I'm not - I'm coming to this a bit late in terms of fully understanding, you know, sort of the suggestions of back channel sabotage or, you know, funny business going on in the background. So probably worth

exploring that a little bit further when we can, maybe when we have, you know, have a chance to chat in Kobe.

And again, my hope on this one is that actually I should take a step back and just let everybody know that we - just to remind you that we exchanged letters with Manal, the Chair of the GAC, on this topic. They sent us - the previous Council - a letter in Barcelona that basically, you know, put us, you know, basically advised us that they wanted to have further conversation and consultation on the issue before we made any decisions. I'm paraphrasing here but it was basically a letter from the GAC to the GNSO Council.

And then we responded with a letter in early January. And then there was a GNSO Council leadership team call with the GAC leadership team, I'm going to say it was this morning at 6:00 am - I'm losing track, my time - where we basically agreed to, you know, continue the conversation and have further discussion with the GAC in Kobe. And so I basically said that we would not be looking to make any decision on this process or on this set of recommendations until following the Kobe meeting. So I just wanted to put that out there. I did not mention that at the outset of the call and I apologize.

Okay, would anybody like to get in chat? I see Philippe has his hand up. Philippe, over to you.

Philippe Fouquart: Thank you. Philippe here. Yes, I just wanted to echo what Elsa just said. This is my personal capacity, obviously, (unintelligible) make of it within the ISPCP. But on the idea of re-chartering this and doing it again, I'm just - I would have to understand how if we do not reframe the problem, and that's probably my lack of understanding and background on this, but whether that's a question that (unintelligible) the sheer complexity of the matter.

But I'm dubious that just by applying - I appreciate (unintelligible) but I'm dubious that by simply changing the rules we would have a different result in the end. So I think that we probably need a thorough re-chartering of the

problem, I suspect, otherwise if you've got the same people, the same problems, I would assume that will get the same result. Thank you.

Keith Drazek: Okay thank you, Philippe. Anybody else like to get in the queue? Anyone else? Okay. Michele, go ahead.

Michele Neylon: Thanks, Keith. I'm just trying to decipher what our next steps are with this. I mean, are we - we seem to be in this kind of weird relationship with this particular PDP. I mean, it's kind of like an abusive marriage or something. I mean, we're constantly talking to us and trying to resolve our issues but we can't actually get up the nerve to actually divorce ourselves from it. I mean, are now looking at making an actual decision on this? Or are we looking at punting it again? Because I'm a little bit confused.

Keith Drazek: Sure, Michele. Thanks for the direct question and the clarifying question. We're not making any decisions today; this is basically a session for us as the new Council to have a detailed or more in depth discussion about the issue before us and to make sure that we are as informed as possible as a Council, making sure that we're in sync with our stakeholder groups and constituencies where necessary, about the path forward.

And as I said at the outset, we're sort of a crossroads here as a Council in light of our PDP 3.0 recommendations and implementation, in light of the things that have been discussed here and described here, we clearly have our different, you know, a range of views on Council, you know, in terms of what might be the most appropriate path forward.

So the desire, my strong desire and goal, is to have the Council reach an agreement on a decision in April that will give us a couple of months, our face to face in Kobe, the opportunity for one last check-in with the GAC and to make sure that we are ready to make an informed decision. I do not want this thing to drag on any longer than that. I think we owe it to everybody, including ourselves, to make a decision.

And, you know, we need to make sure that we're doing it in the most appropriate way possible, recognizing that there is no probably good solution. It's maybe the least bad solution that we're looking for. Michele, I hope that helps and feel free to, you know, jump back in if it didn't. So anybody else like to get in queue? Heather, I see your hand, go right ahead.

Heather Forrest: Thanks, Keith. I just wanted to follow up. Just so we're absolutely precise on the numbers, I was trying to be a bit high level in my - in my comment about the consensus that was reached, the votes on consensus. And of course because we are dealing with five different recommendations and there's a different level of consensus for each one, I'm going to post in the chat the link to the PDP consensus call outcomes so that everyone can follow up after the meeting and have a look at the precise numbers. Thanks, Keith.

Keith Drazek: Thanks, Heather, that's great, very helpful. And, you know, I think like you said, this had a range of recommendations and a range of levels of consensus, if I'm not mistaken. So yes, always good for us to be informed and have the facts so appreciate you posting that.

Pam, I see your hand, go ahead. Thank you.

Pam Little: Hi. Thank you. Pam Little speaking. Just follow up what Heather just mentioned about the consensus designation for each recommendation, I would like to just point out that in case the Council is not aware, there were a lot of correspondence on this topic posted on ICANN Web site including a letter written by nine members of the working group to ICANN Org.

And I would just - I was wondering whether staff could post the letter to the screen? If not, I will just read one paragraph into the record. So on that letter from the nine working group members, dated August 19 - sorry August 16, 2018, the working group said, "We believe that the Board should be aware of the following:" So they listed a number of points.

The second point was, "The Working Group included a cross section of members from various constituencies. There were two members from the Registry Stakeholder Group, one member from the RrSG, several members from the Business Constituency, one from the IPC, one from the NCUC and three non-aligned individuals, all of whom supported the strong consensus for Recommendation 5 contained in the final report."

I am just sharing this as the information for all our councilors to - for you to further consider the point that's been raised by other councilors, including Heather, about the procedural issues or concerns they have. So I'm just really struggling to reconcile this letter from the nine members of the working group that their sentiment versus those of whom - who observed from the outside that feel like the process was flawed, the participation was dwindling toward the end. In fact, dwindling participation towards the end of the PDP to me wasn't anything unusual.

I have myself participated in other working groups, PDP or non-PDP, where the participation was so low sometimes we couldn't get a quorum, the meeting had to be adjourned or canceled. And so I'm not sure whether that itself is unusual.

And given this letter from the working group, I also think we should really seriously consider sort of the two - the opposing coins or the arguments from two sides. There are those who just perhaps don't like the outcome of the recommendations, or those who really concerned about process. But I also feel we need to give some weight to those who actually participated in this working group for four solid years. Thank you.

Keith Drazek: Okay thanks, Pam. This is Keith. And I've got Rafik next and then Paul. But let me also just note for everybody's benefit that, you know, for those who have not followed this closely or been part of these discussions including our new councilors, you know, while Pam, you're talking there about nine

members of the working group, this was after, if I'm not mistaken, the co-chairs, the original co-chairs submitted minority statements or, you know, essentially, you know, had some challenges or issues with the procedures of the group or the discussions of the group.

And I can't get into the details or, you know, not able to get into the details of those minority statements but I do think that they're worth noting, worth understanding that they are there.

And, Pam, the way you described it was, you know, these are the members of the group, these nine people, and then there's a perception from outside when in fact you've also got the perception or the views of the co-chairs that need to be factored in I think if you're going to say well there's the group, then there's the people outside the group, and just to, you know, if we're going to make sure that the record is full, that the people who were part of the group or co-chairs of the group, their views need to be acknowledged as well. But, you know, thanks for the input and for flagging that language.

Rafik, to you and then Paul, if you want to get back in, feel free. Rafik.

Rafik Dammak: Thanks, Keith. This is Rafik speaking. So I just want to make a comment, kind of general comment here. Yes, we spend now a lot of time discussing this topic and we are trying to find a path. It doesn't mean that we will all be happy with the kind of what we agree on but we need to resolve this. It has been on our plates so doesn't really look good anyway.

Just first to put like kind of to be cautious here is that whatever we will agree on we'll set some precedent. And any precedent will be about us in the future. So we should not take this really lightly. And if I take the proposal for example, re-chartering, I kind of really surprised how we are incoherent and inconsistent here because even with the argument of PDP 3.0, which is a lot about the effectiveness and using carefully the resources, trying to re-charter

is meaning that we have to redo the work and put more resources and we are not even sure that we are going to get a better result.

So the Council here is to manage the process. So we should focus really in the procedure, in the process. People are raising issues, we can discuss about that, it's not - I don't think we have all the same conclusion. But at the end we need to find a solution. So for example, the re-chartering I don't think, based on many factors, is the option here because it will open the door in the future when we don't like results, okay, we don't accept and let's re-charter. So it will be kind of attrition then still some group with some vested interested, that's how it works at the end, to get what they want.

And we need also to be careful in how we are dealing with any, you know, I'm not going to say pressure, but, you know, different group can express their interests in different ways. So we are here really to be the - kind of the guardian or the steward for the PDP process and trying to manage that in order to get result within the process and the procedure that we set.

So I'm really cautious here about what we will end up with. And some option may look really bad for me. So at the end what I can ask, since we have spent so much time, we need really all councilor that we liaise with our stakeholder group and constituency and get from them the guidance that will lead us to vote in a solution by (effort), so we should not go further.

Keith Drazek: Thanks, Rafik. This is Keith. And again, you know, I think your point is a good one, in other words, if we're trying to be, you know, resource, you know, mindful of resources and time and effort then, you know, starting a new group and re-chartering that group to redo work that's been done, you know, perhaps, you know, is not consistent with that. We also do have the obligation to manage the process and I think what we've heard from many quarters is that the GNSO Council during the lifespan of that group, did a poor job of managing the process.

And the question now before this Council is, how are we going to deal with that? What are we going to do about that? Do we all agree that that's the case? And, you know, is there an opportunity for the Council, the GNSO Council, to take some responsibility for, you know, perhaps previous failings and to use our opportunity around PDP 3.0 to try to get it right or try to improve what may have been done less well? And so that's, I think, one of the key questions. I agree with you about precedent, your comment - whatever we do is going to set precedent. And as I said at the outset, I think we need to, you know, to try to identify the least bad option.

And I'm going to turn to Mary next, her hand is up, but I also want to ask the question just to clarify for everybody that if we were to vote as a Council to approve the recommendations, I believe because it requires - because it would be a change to the consensus policy around UDRP in Recommendation Number 5, that it would require a super majority vote. And if Mary could confirm that or tell me I'm wrong and correct me, that would be great. And then I'll hand it over to her. Thanks.

Mary Wong: Thank you, Keith. This is Mary from staff. Hi, everybody. I had my hand up for a different point, but in answer to your question, and this is what Heather may have been alluding to previously as well, you're right that for PDP recommendations that will, if approved, result in binding consensus policy, we would be looking at a super majority vote. In this particular case, you're right, that would be Recommendation 5.

For Recommendations 1-4, because they don't actually create consensus policy, some of it is in the form of guidance, the staff view is that a majority vote is sufficient for Recommendations 1-4. That does not mean that you should be voting on each recommendation separately. You can still vote on them as a package, it's just that the level of the - the threshold required, and hence maybe how you conduct the vote, voice vote, roll call, etcetera, will be critical. So I hope that answers your question.

I had my hand up earlier to follow up on Pam's point and the letter that you see in Adobe. And this is not a staff comment on Pam's point per se or a comment on any of the signatories of the letter, it is just that, and I think Marie has confirmed this, at least for the BC, earlier on in the chat, that not all the signatories to this letter were members of the group as representatives of the groups that they signed off with.

And I think at least one member may have been mis-attributed, and we can check on that. But to the extent that this is on the record, we thought it's important also to make that clarification. Thank you, Keith.

Keith Drazek: Thank you very much, Mary. And as always we welcome you and the expertise of staff to keep us all on the straight and narrow as it relates to the facts. And I'm probably the biggest beneficiary of that, so thanks very much. So everybody, just noting that we are at the top of the hour. We have essentially used up two hours of everybody's day on this.

I want to just to take five minutes here to sort of wrap up. And I'm going to, you know, offer the floor again to Heather if she'd like to take it; if not no problem. I hope that we could invite you back in future conversations if you're willing. And I just want to note that on this topic as you have seen from the last hour, or 50 minutes or whatever it's been, that this is a complex issue. We have a challenging decision ahead of us; this is nothing new. We've known this is coming for many months.

But it is something that's going to require our attention and our commitment and our, you know, sort of informed engagement to make sure that we get it right to the extent possible and again, to deliver the least-bad result. So if this is something that each of you need to discuss amongst yourselves with each other, with your stakeholder groups and constituencies, I urge you to do that. And if there is further documentation that the Council leadership and working with staff can provide to help sort of distill this down into, you know, sort of manageable, you know, understandable pieces, we're happy to take that on.

So if you have questions, if you have clarifying questions, if there are things that we all can do better to explain the situation, let us know. And at some point it might make sense for us to put a small group of people together, a small team, you know, to help the staff and particularly the leadership team to, you know, to come up with some recommendations that we can, you know, maybe do just a straw poll on to say hey, where is everybody's head, you know, where do you stand, where are your preferences, and that might give us some better information about a possible path forward.

So let me pause there and see if there's anyone else that would like to get in queue at this point? Heather has noted nothing further from her, but always happy to be helpful to the Council whenever we decide. Thank you so much, Heather. As everybody noted, great to hear your voice, you're always welcome so thanks again. Anybody else like to get in the queue?

Okay, not seeing any hands. So we have another call scheduled next week, so I will thank everybody for joining this call, thank you for your attention and your engagement and we'll talk again next week. And with that we'll conclude the call. Thank you, all.

Nathalie Peregrine: Thank you very much for joining everybody. Operator, you may now stop the recordings and disconnect the lines. Have a great remainder of your day.

END