

**ICANN
Transcription ICANN Kobe
GNSO EPDP Team
Thursday, 14 March 2019 at 08:30 JST**

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Rafik Dammak: Okay everyone. I think it's a good time to start. We're waiting for more to join us but I have no idea what happened last night. Okay so if we could start. Good, thanks (Terri).

So good morning and this is our last meeting in Kobe. And today it will be our kind of wrapping up from what from the different session that we had this week and to do kind of recap with regard to what we heard in the - from during the council or the discussion with ICANN board and GAC and also the meeting that we had with technical study group and I think also about the implementation but that's something that we continue later on. Okay, maybe a jump in here too quickly but first maybe I would like us to if, I think we have some new members who an alternate joined the EPD team if they can make themselves present just to show – yes please can you introduce yourself quickly?

(Suman): Yes, I'm (Suman) from Napal. And I'm here to - ready for this meeting, our team member (unintelligible) now. I'm with Thomas Rickert's team from ISPCP. Thank you.

Rafik Dammak: Thank you. Okay I think that's it. So...

((Crosstalk))

Rafik Dammak: Sorry Alan, I don't think you are quite new but please go ahead.

Alan Greenberg: I'd like to announce that Seun Ojedeji is stepping down as an alternate and will be replaced by Bastiaan Goslings.

Rafik Dammak: Thanks. Thanks Alan. Okay so what we are trying to do here is really to kind of do to do that recap and also to hear from two - from the team members if there is anything that they want to share or from all the meetings that were held this week. And with regard to the agenda, so we will try really here to move towards drafting the work plan. And for that I think we should distribute a mind map which is I mean it was - there was some amendment there. And Marika will do the overview just to explain what the changes in those so how we will use it and turn to go or to move to the work plan. Okay can we move to the next slide?

Okay so yes, thanks Marika for the reminder. Okay so in terms of recap I think just we try to highlight without the area that maybe either what I think for the council we didn't get that much I think input. It's just they - we - it's more like we give update to the council. And I think the other areas it's more like in relation to the chairs selection as one but I don't think we have something specific about the work plan. But if anyone has any different update or has something from the council please feel free to share.

And for the meeting with ICANN and GAC maybe we can hear from like from the GAC or the (unintelligible). Okay. Yes (Ashley)?

(Ashley): I'm happy to talk about anything. I'm not sure what you want to hear about.
Was it communique?

Rafik Dammak: No it's I need to - it can be interesting. What I think here is more anything that can be helpful for us for the discussion in the workplan or so we had our meetings as EPDP team but also I think the different group they had their own interaction and conversation. Is - if there is anything that can be useful for that you want to share? So...

(Ashley): We'll certainly give it some thought but we don't have anything I think prepared at this point.

Rafik Dammak: No problem. Okay so then think, the other thing this is about the engagement session with technical study group. I think we had quite interesting interaction with them in term of the question and the concern expressed but do you think we have something kind of let's say useful for us in terms of our work? So any thoughts here? From the EPDP team members? Yes (Alex)?

(Alex): Yes I think in terms of the work that we have to do for Phase 2 I think it's important that we understand what the TSG has done but we should shouldn't let us it distract us from getting, you know, our work done. You know, as we flush out the details of the policy for Phase 2 understanding what the TSG has done is interesting but I think it's important that we not get distracted and just focus on, you know, finishing up our work. And then once we've done that then we can revisit and determine how the pieces mesh together.

Rafik Dammak: Thanks (Alex). (Matt)?

(Matt): Yes thanks, (Matt) for the transcript, totally agree with (Alex). I think the - what we have to be careful about is to not let the TSG guide the policy which we create. So what I don't want us to do is start with the TSG and back ourselves into a policy that fits that. So I agree with (Alex) it's good to have, but I think a policy work should be done independent. And then once we're

done with that if we can look at it and see where there's overlap and where things fit I think that's great. Thanks.

Rafik Dammak: (Ashley) please go ahead. And then (Daniel).

(Ashley): So yes I tend to agree but I think it might be helpful periodically just like for inflection points to see rather than wait till the very end to see how things mesh up just because I continue to think that while ultimately this is very likely not to be the technical solution, I think a lot of work went into it, it can provide some kind of insight into what we're doing or at least provide some guidance. So I don't want to take it off the table completely but that being said I agree that that should not be our guide per se.

Rafik Dammak: Okay thanks (Ashley). (Dan) and then (Georges).

(Dan): I, yes I think it's a - I think from a legal standpoint it's extremely important to continue with the policy separately because what the technical group has done is a technical framework. And what our goal should be a needs to be under the law is privacy by design because that's the highest possible standard in any European Data Protection Board is going to give any kind of validation to this is going to want to see that it was designed based upon and around the legal considerations is number one. So legal considerations and policy development has to be done as the first element to then fit into the technical component.

Rafik Dammak: Thanks (Dan). I see (Georges) and then Tatiana. Tatiana okay but (unintelligible) (James), (Matt) or (James) is it? That's (James), okay. So Tatiana then (Georges).

Tatiana Tropina: Thank you very much, Tatiana Tropina for the record. I think it's fine to find myself in a violent agreement with the IEPC because I am someone who is working on different technical models for criminal investigations as a lawyer. I can definitely say and especially in Europe that technical models should be definitely based on the legal models for previously for safeguards and for all

protections. And I do believe that after I came and this, please heard myself to outrace the technical group that already started doing this work including policy and maybe putting the cart before the horse. But I think that if this is a waste of their resources then they have to come back after we develop a policy model and revisit then be it so. Let them develop technical solutions but it's rather us have to feed them with the policy options than the other way around. Of course it would be great to be in contact with them and see how it develops but I don't think we have to base anything on the technical models. Thanks.

Rafik Dammak: Okay thanks Tatiana.

(Ashley): And to respond to that to say that I 100% appreciate and agree that security components that have to come into play but, you know, if you think about it from a theoretical standpoint the privacy considerations are in fact the starting point of why you would then need those technical components or certainly those legal considerations are really premised upon then what you do from a technology standpoint to make sure your meeting your legal obligations including security.

Rafik Dammak: Okay. I sense we have an agreement but just hear from others before, (Georges), (James), Alan and then Mark.

(Georges Stillan): Yes (Georges Stillan) for the GAC and apologies also because I cut in without having the exact context of the previous conversation. And but I would like a little bit to understand exactly how do we envision this interaction with the work that was proposed for - from the TSG? Although I agree with what was said before that the technical work or the technical suggestion then the model should not drive the legal considerations that is our primary job. And I would like to clarify first of all, how the limitations that at a certain point are put from although we had all these days that a technical study group might have quite often and quite flexible model at a certain point maybe we would limit limitation that would not allow us to go further down the road with

what legal or policy solutions we have in mind. So this for me would require a certain degree of interchange of opinions at a certain point and I would like clarification in how this will be done.

Rafik Dammak: Thank (Georges). So I think we will maybe discuss more later in our – in the meeting when we start more discussion about the work plan and so we see how that we see understand so the kind of the previous point that we cannot like shape our work or that yes, but we'll see it's more like how we'll kind of divide and see the order of the task and then we will need to make some assumption. So I think we'll see how it fits later and joined our discussion now. Does this respond to your – okay. So we have (James), Alan and then Mark. I'm not sure if that's an old – new. I see that's not a hand but okay.

Marc Anderson: I may withdraw it from the queue.

((Crosstalk))

Marc Anderson: I'll withdraw it from the queue. Everyone's just in agreement here in the interest of moving on.

Rafik Dammak: Okay. Okay so Alan?

Alan Greenberg: Thank you very much. I clearly agree that we shouldn't be guiding - guided by what they have done. On the other hand if you're designing complex systems, you know, whether it's an airplane or the response to GDPR which is a complex system you have to do things in parallel. And if that means you have to go back and iterate and change it, you know, if you're designing an airliner you can't say I'm not going to think about what the cockpit looks like until I have the full list of all the avionics that will be there. You have to start and then make adjustments if necessary. And so I'm encouraged that ICANN is doing things in parallel instead of serializing everything. That doesn't mean we have to be guided by what they've done but I think it's about time that we started doing things in parallel and not serializing. Thank you.

Rafik Dammak: Thanks Alan. Marc?

Marc Anderson: Thanks Rafik. Marc for the transcript. You know, I know we try and resist the urge to raise our hands just to agree but, you know, I do want to say I agree with what's been said so far. But run without a little bit more, you know, I think we're all aware from what we heard from the TSG group that this is a, you know, this is a group that tends to wrap. They delivered a work product. They were given a task. They delivered it and the group is disbanding once they finish their final deliverable.

On the other hand there's an RDAP pilot working group going on. (Alex), Mark and myself are all a member of that group and that group will continue and we heard from them yesterday. They gave a briefing yesterday. I think they're actually meeting again today as well. That group in particular is focused on, you know, their next steps are focusing on authentication and authorization, different methods of accomplishing that using RDAP.

And so, you know, to Alan's point, you know, it's a cockpit analogy right? We - you know, we want to make sure the policy we're creating is, you know there's technical solution to the policy we're working on. And that may be the group we want to liaise with and work more closely with as we go through Phase 2 making sure there is a technical solution or the ability to create a technical solution for the policy we're developing. So strong agreement with what everybody's saying but, you know, maybe our focus should be less on the TSG group which is wrapping and more on something like this RDAP pilot group which is developing sort of proof of concepts and, you know, methods for implementing RDAP which is the replacement for the Whois protocol.
Thank you.

Rafik Dammak: Thanks Marc. Tatiana?

Tatiana Tropina: A bit of – oh, Tatiana Tropina for the record. I was going to say that maybe instead of TSG we had to move its standards and RDAP. And so to what you - just say I agree with you that sometimes policy like what - how you have at the meta level might not be implementable on the technical level exactly how we see the biz interplay and exchange between policy and technical will just come later. But I agree that right now like right at the top doesn't mean that we will not come back to it and revisit this technical liaison with the technical group and people who will be developing technical solutions.

Rafik Dammak: Okay thanks Tatiana. I think (Kurt) you want to say something.

(Kurt): Thanks. For me the TSG work raised a corollary issue. And that was a side discussion that some of us were having that the TSG results might be communicated to the Data Protection Board or DPAs. And I remember that earlier our work we made a conscious decision not to communicate with the Data Protection Board because we through our work was not necessary for prime time.

Right after that ICANN did communicate with the Data Protection Board with a communication that some of us thought was less than optimal. So I would suggest for this group that there be some effort to coordinate communications with the Data Protection Board and with DPAs with ICANN org, with this group which is an organic group within ICANN and, you know, other organizations so that, you know, not that we have to get permission from one another to communicate but at least it's coordinated so that we come across as a, you know, integrated entity to the outside.

Rafik Dammak: Okay. Thanks (Kurt) and I think your comment, I mean Thomas want to intervene here.

Thomas Rickert: Maybe wake up yes. Good morning everybody. Now the question is whilst I fully agree with you (Kurt) how can we set up the communications channel and how to reach out to the European Data Protection Board. You know, so

far I guess the latest interactions by ICANN with the European Data Protection Board have not been done in coordination with that. So I also would find it potentially confusing and unfortunate if the TSG report was presented in isolation without any policy considerations behind it. Maybe (Corrine) or (Dan) can shed some light on that. Is there a plan to, by ICANN to share the TSG report with the Data Protection Board at this stage? And if it is maybe you can just take back to the organization that our group and I guess that's a common view here, would appreciate if that was done if at all in coordination but that our group would favor not to pass it on at this stage before we know more about the policy that needs to go into it.

(Kurt): Thanks Thomas. I think we'll take that back and check with the team and our colleagues about, you know, what's the current status and plans and come back with a written answer on that. Thanks.

Rafik Dammak: So Mark and then Alan.

Mark Svancarek: Yes, like everyone else I agree with everything that's said. I was resisting saying it but I was starting to feel left out. To Kurt's point and then Thomas's I think coordinating with org on going to the DPAs is not just deciding what to bring them and when but also preventing the thing that happened before which, you know, if we don't think it's ready we should help org understand that so that they don't go there as well. So it's not just deciding when to go. It's also deciding when not to go.

Rafik Dammak: Thanks Mark. Alan?

Alan Woods: Alan Woods for the record. Yes a very clear example of why that the DST is not ready to go to the DPAs is simply because its conclusion has four different possible outcomes based on policy assumptions. The Data Protection Board does not want to see what four possible solutions are. They want to see this is our plan. This is how we're going to implement it. Now perhaps we might implement it any one of these ways. Could you please tell

us which one to choose? That would just annoy them. I was about to say something rude but it would annoy them.

Rafik Dammak: Okay thanks. So I guess I can summarize the comments now so the policy precedes, the technical solution should be open to all and the solution like from RDAP and so on. So we should not stick to one model and also but we need better coordination with regard to communication with the EDPD and DPA in general. So we can't - we forgot, I think we have an action item and also for the ICANN org liaison. So I think I hope that's an accurate summary. That's for about the technical study group. But in term of any other discussion that the EPDPT members want to share or something that it's deemed useful for us for our work that you want to bring? And I don't see any. Oh Marc.

Marc Anderson: Thanks Rafik. Marc Anderson for the transcript. You know, Saturday and then again I guess days are blurry but yesterday we had a discussion about the, you know, the language around the bridging mechanism. You know, of course yesterday we heard from (Dennis) who's forming, who, you know, who will be in charge of the implementation and the IRT. You know, we also had I think a good discussion on the language that (Beth) had originally proposed. Based on that discussion Alan sent updated language around to the list. I just, you know, put in a plug for everybody take a look at that and please provide, you know, input feedback. I thought that was a great discussion yesterday so thank you everybody for that. But I think it's really important that we all take a look at that and provide feedback as soon as possible.

Rafik Dammak: Thanks Marc for the reminder. And I think the point that was made that we want to have any - I mean just to get this done by end of this week so we can share the language okay? There is no anything else I guess we can move to the next maybe slide. Okay so here is we started a summary of the primary agreement and different area and Marika can go through this.

Marika Konings: Sure, thanks Rafik. So this is an attempt of staff in coordination with leadership to come up with some proposed working methods based on the

brainstorming we did on Saturday. There were various conversations about, you know, when the group should restart. I think that was, you know, a general agreement that that, you know, probably should be once the new chair has been appointed but I think there was also a notion that that shouldn't be dragged out for, you know, many preparations or things like that.

So what we suggested here that, you know, we would restart meetings basically as soon as that confirmation happens which would be no later than one week after confirmation which is foreseen on the council meeting which I think is at the 18th. So no later than 25th of April but with the notion that there is an option that council leadership after the review of candidates, you know, will recommend a proposed chair to the council and, you know, they could ask as well the council then if there are any immediate objections or concerns and if not, you know, there would be an option for the council to suggest that or for council leadership to suggest that the chair would already commence on an interim basis until formal confirmation. So there is an option that, you know, that would actually happen sooner than the 25th April. And I see Thomas has his card up.

Thomas Rickert: Yes well this is we're flushing this out based on the assumption that there will be EUIs and that the council will decide on a chair. And listening to what's been discussed for public council meeting yesterday carefully they said well if we find an agreeable or, you know, a chair that we can accept. And I think maybe we should spend one or two minutes on how we plan to move forward if council doesn't receive UIs or if they decide none of the above which would drag out the process further. And I think we don't want to be hit by surprise if that happens.

Marika Konings: Yes, this is Marika. And I think that's a very good point and maybe also a very good reminder for you all to go out and recruit a really good chair or chair candidates to come forward and then submit their expressions of interest. The deadline isn't till the 22nd of March so there's still a little bit of time to do so.

My understanding is though that should there indeed be, you know, no applications or no good candidates that, you know, Rafik still will serve as the interim chair as the council liaison. But, you know, that may not necessarily be a sustainable solution and but it may at least, you know, help kickoff the work if, you know, the group feels that, you know, it does want to move forward and not wait until a chair has been identified. But and that's just my take. I don't know if there are other comments or suggestions?

Rafik Dammak: Thanks Marika. Yes (Alex)?

(Alex): Yes, hi. It's (Alex). Yes it seems to me that, you know, as Rafik as you've jumped in and are, you know, taking the lead until we have a chair it's not clear to me we need to wait until after the chair appointment to get things started. We could and I believe we should start as soon as possible and we see how it goes. And when is the chair? Is it the 22nd? I forget when the date is for the people to submit their request, so hopefully we'll know sooner rather than later. But I don't want us to be blocked and continuing further progress until a chair is appointed for I guess for the reasons that Thomas mentioned is that, you know, we could end up in a - not a great place. So I - hopefully we could make progress with Rafik until we have more certainty.

Rafik Dammak: Thanks (Alex). So I think we have (James) and (Margie). (James)?

(James): Hi, thanks, (James) speaking. So I guess I'm going to be the first to throw some cold water on the conversation. I don't think we should dive into the substance of our work until we – until two things, I think until we have a chair in place. And I think we also have some outstanding requests to our legal advisors there we should probably get a response on that. I think proceeding in advance of those two items runs the risk that we will engage in a lot of rework which in the long run will actually set our timeline back further than if we were just to do this a little more thoughtfully and pause. I know there's an anxiousness to get started and I recognize that but I think that doing things

twice is actually going to introduce more delays than just waiting a week or two and getting all the pieces in place.

I just also want to note that I think - and I just skimmed this and I just want to thank Marika and staff for putting this together. I want to note that there are some things about our work that can benefit from more time and then there are some things that maybe are not time dependent. And I think we need to make those distinctions out of the gate. You know, I mean if I want to have pizza for dinner and Alan Greenberg wants to have hamburgers and we can talk, you know, at each other for days or weeks or months or years until head death of the universe and not convince each other to each other's lunch.

So let's figure that out. Let's not kind of get stuck and wrapped around the axles on these things that are not going to get there. And let's conversely, let's identify those things that can benefit from some additional time and let's make sure we allocate sufficient time for those whether that's in calls or face to face meetings and get those on a priority because it – I noticed that there are some elements of Phase 1 that actually got worse the more time we spend on them. And I know that's not part of the ICANN culture but if you have a month then you'll be done in two and if you have a year you'll be done in a year and a half and that's just kind of how this institution operates.

But I would ask us to maybe individually and collectively try to step outside of that mindset and really, really try to focus on efficiencies of our time and not just kind of, you know, as Volker, my favorite phrase from ICANN 64 I keep hearing it is let's not work for the trash can, you know, and put a lot of time and effort into things that ultimately just don't go anywhere. Thanks.

Rafik Dammak: Okay thanks (James). So we have (Margie), Mark (Ashley) and then (Anna). (Margie)?

(Margie): Thank you. This is (Margie) from the BC. I go what (Alex) says. I think, you know, you're talking about more than a month before we get restarted. And

then if there's delays in appointing a chair that would also delay it. And I think that the issue that we could start working on is the legal, identifying what are the legal questions we think we need to answer and get that moving because if you think about what your – you would be talking about is waiting till April to find out what additional questions we need answered and then waiting again for that.

And so we - I think right before the - this meeting we received several pieces of legal advice from Bird & Bird. And I think it's been a while since we've all kind of taken a look at it. My suggestion would be to perhaps focus on the legal side first so that we can at least know what the questions are that need to get answers and get those started as opposed to waiting until April 25th to find out what they are. Thank you.

Rafik Dammak: Thanks (Margie). Mark.

Mark Svancarek: Mark Svancarek. Yes I wanted to respond to (James) but now that (Margie)'s chipped in so I'm responding to them both. So I was yes, you know, your - what you said about let's focus on legal and let's focus on figuring out which things can be done early and are not time bound, that was the sort of thing that I had hoped to do even if we - if the chair was not in place so just literally legal stuff and figuring out, you know, where our immediate priorities are. I'm hoping that there is some element of those things that we can do even without a chair. I think that's what (James) was saying so if I'm wrong just come back.

(James): I think it's compatible, yes.

Rafik Dammak: Okay (Ashley) please go ahead.

(Ashley): Everyone stole my thunder. So yes I appreciate the kind of rational guidance of, you know, maybe not putting cold water on things but wouldn't serve our interest to like try and reach hard and fast decisions in this periods. But I think

there is also the opportunity to use this time wisely, if nothing else just, you know, honing in our work methods and maybe even taking a stab of identifying what's in scope and what is not which I think is similar to what both Mark and (James) said.

So I just encourage that we use this time while we have it because I think we have that luxury. And I was really happy that, you know, we could avoid, you know, having to draft a charter but having to just kind of sit on our hands waiting for chairs is a very wise either. So I think we're all in agreement.

Rafik Dammak: Okay, thanks (Ashley). Alan go ahead.

Alan Greenberg: Thank you. First of all I'd like to disagree with (James). I do prefer pizza for lunch instead of a hamburger. Other than that I agree with everything he said and I also agree with (Margie) that we – that waiting for a chair to have substantive debates I think is a wise move. That doesn't mean we don't have some other housekeeping and other things that we can't get done ahead of time. Thank you.

Rafik Dammak: Okay (Matt), please go ahead.

(Matt): Yes it's (Matt) for the transcript. I just want to agree with what (Margie) said actually and I think in actually rereading the slide I think we could actually do all that work without having weekly meetings at this point right. So I mean all it says here is to restart meetings as soon as possible. So I think all that legal back and forth and identifying those issues we can do over the list. And I think like (James) says that's perfectly compatible with sort of what we had thought so I think we all agree on that.

Rafik Dammak: Okay so okay Marika you want to respond?

Marika Konings: Yes, thanks Rafik. This is Marika. So having heard all the comments here, you know, maybe a proposed path forward could be indeed I think what

(Matt) suggested is great. I think we from our side and I think most of the information is already on the wiki page as well in relation to the legal advice it has been received. So I think, you know, a call for people to review that and maybe through, you know, a Google doc start identifying questions that need to be answered so those can be a starting point for further consideration. And then I guess that would go to the legal committee for further refinement.

I think then on another action could maybe be by the, you know, the 22nd March that council leadership, you know, communicates to the EPDP team, maybe the number of responses received and their kind of expectation by when, you know, they expect to have reviewed that. And I think last time, you know, we also had a handful and then it didn't take that long so that there may be a fairly quick identification of, you know, whether or not a suitable chair has been identified.

And maybe on that basis then you can decide to, you know, not wait on because you expect there may not be an appointment and then commence already, you know, especially if Rafik of course is willing or if there's a clear indication that, you know, there are, you know, suitable candidates identified and expected to be confirmed then you may want to wait, you know, those two or three weeks for that to happen while you can of course, you know, continue deliberations on the mailing list. And I think when we get as well to the discussion on the work plan I also anticipate that, you know, from our side we may have questions that we want to put to the list to get input on so we can kind of further elaborate on a potential timeline and work plan.

Rafik Dammak: Okay thanks Marika. You know, (Margie) I see just want to comment before. Yes I think that's the idea is we continue deliberating on mailing list and so identifying anything that we need to do in term of preparation or like this for the legal question is important. So I' here till we get a chair and the hope that will be done soon even if I like working with you guys. Yes (Margie)?

- (Margie): This is (Margie). The other thing could be that staff could go through the report. And I think there's areas throughout sprinkled where it suggests legal advice is needed. If you could, you know, pre-populate the Google document to identify this so we don't have to do that ourselves that would be very helpful. Thank you.
- Rafik Dammak: Thanks Margie. So just also ask everyone do you think other than the legal question is there anything else that we need to prepare or to answer as a preparation? Yes Marika?
- Marika Konings: Yes this is Marika. I think another item that the group could already work on, you know, on list or through a Google doc is that there - I think there are two areas where input from other groups is anticipated. I think one is privacy proxy and I think the other one is the RPM Working Group. So I think it would also be helpful to kind of start formulating what is actually the ask of those groups and, you know, whether we need to set up conversation with those or whether it's kind of a written question. And they will respond back. That may already be something as well that usefully can be done when people are back on.
- Rafik Dammak: Thanks Marika. So can we create the Google document for the legal question and the other input that we are waiting and salt of the list so we can follow-up on the mailing list? Okay so okay I think we focus on the first item and we went all about the preparation but I think we still have two bullet points.
- Marika Konings: Yes, thanks Rafik. So this is Marika again. So in relation to the second bullet point again that also tries to capture or factor in the input that was received where I think several people indicated that, you know, the objective would be to have meetings twice a week of 90 minutes and whether, you know, one plenary or potentially a second plenary or, you know, the second one could also be in the form of small team and meetings. What we're suggesting here is to start with a weekly meeting. We've picked, you know, Thursday's at 1400 UTC. That was at least one of our regular slots and then basically

review based on the work plan, you know, when to increase that frequency because we do want to make sure that, you know, we have a clear plan in mind to, you know, fill those meetings with and insure, you know, adequate preparation time both from, you know, the group as well as staff. So again, you know, we would start there.

But as soon as we see that there's, you know, reasonable need either through the parallelization which I think Thomas had suggested or, you know, through small teams which I think is an idea that Mark had advocated that we then are able to increase that frequency.

Similarly there have been, you know, several comments or suggestions in relation how alternates can participate and that that, you know, the observer only room, you know, may not be the most efficient way which all alternates can follow the deliberations. You know, we do expect that of course that there may be on a frequency of meetings maybe slightly different so there may be less a need to do everything real-time. And of course we do have recordings of the AC room and transcripts as well. But this may be a way for alternates to join the main AC room but keep a clear separation between, you know, the members that are participating.

And the way to potentially do that is to require alternates to login proceeding their name with triples that automatically pushes them in the list down and makes it as well very easy identifiable who the alternates are and there is a kind of, you know, self-policing, you know, is under the understanding that, you know, alternates will not participate in the chats or use any of the agree or disagree functions. They're just there to observe. And, you know, violation of the rules will result in an expulsion.

And I think similarly we would like to propose to do that with a mailing list has been quite as well an administrative burden to add people to the list and take them off and add them back and take them off again. So here we're also proposing may be a self-policing system. And, you know, we may want to

think a little bit about how to do that because it will need to be possible for the group to identify who is serving as alternates. And maybe one way of doing that if alternates post to the list they clearly add to their posting, you know, for which timeframe they're stepping in.

And again I think the same rules apply here if people start posting but they're actually not replacing any members, you know, they would be downgraded to observers. So I think that's something we're proposing. And again it's maybe something we want to test and if it doesn't work well we may revert back to the original approach. But this may be a way of finding a balance between facilitating the participation of alternates while still respecting as well the rules of the charter which clearly indicate that, you know, alternates have a specific role and are not active members of the group.

Alan Greenberg: Thank you. I support it. The couple of times that I've had to be replaced by an alternate, you know, often it happened at just the point where there was a thread going on that I was participating in. You know, and if I had been cut off immediately at that point it would have been really, you know, had sort of a had the cliff there and so I think this is a really rational way to go. You know, it allows for the occasional, you know, use of alternates when on the list when, you know, those circumstances dictate it. And clearly if there's regular abuse we have to take action. But I think it's putting us up to the level of adults instead of children. Thank you.

Rafik Dammak: Okay thanks. And we have Marc and then Amr.

Marc Anderson: Thanks Rafik, Marc Anderson. On the third bullet I think, you know, a quick canvas with my colleagues I think we're okay with that. And that is certainly something we can try and if it doesn't work out we can revisit it. But I think it's just, you know, it's a good common sense approach so let's give it a try.

On the second bullet point, you know, I really hesitate to say this because I think our current time slot works well for me personally. But, you know, we

have members rotating. You know, we have some people rotating out. We have new people coming in and it might be worth taking a look at the membership of the working group and seeing if that is the right timeslot from us or for us going forward. So it might be a good time to reset the timeslot and see if that makes sense going forward.

I know from talking to some of our other, you, our other working group members that that is very early in the morning for a number of them and so, you know, I don't know that there's going to be a great timeslot for everybody, you know, and being as globally diverse as we are. But this might be a good time to just check the timeslot, see where all our members are located and see if that continues to be the right time for us to meet.

Marika Konings: Yes thanks Rafik. This is Marika. Just to respond to that, yes we can definitely do that. I know that the (unintelligible) support team has this really nifty table that they use that kind of shows, you know, where the common ground is. As you said, you know, there's probably a time that is ideal for everyone but we should at least look at it, again whether indeed this is the best time. And I'm looking at Rafik because I think he usually has the short end of the stick on this one.

Rafik Dammak: Yes and 11:00 pm call is always fun but we will see. Okay we have Amr and then (Matt) and Volker.

Amr Elsadri: Thanks this is Amr. I'm, you know, sure, I agree with Marc. I think, you know, would be a good idea just to make sure that the timeslots we've been using still makes sense to everybody considering that new members will be joining the team both as primaries and alternates. But assuming we do continue with Tuesdays and Thursdays I was just wondering if there's a reason why we selected Thursday here as the primary sort of plenary call. Speaking for myself this isn't really a terribly big deal but I prefer having the main plenary call as early as possible in the week and then following-up later is needed, you know, in the event we need small teams as a legal committee to meet up

and continue working on, you know, stuff that comes out of the plenary.
Speaking for myself that's just how I – it's more comfortable for me to do that.

Also just want some clarification on the third bullet. When you say expulsion of alternates, are we talking about expulsion from the Adobe Connect room or expulsion from - okay just want to make sure. All right thanks.

Rafik Dammak: Okay thanks Amr. That's Volker, yes.

Volker Greimann: Yes thank you Rafik, Volker Greimann speaking his name for the record. Just regarding the second bullet point do we really want to have the word objective? That presumes that we will want to - that there is a desire to increase the workload. And I think we should replace that with another word option that makes it much less presumptuous of our time that we are able to give this. So while I'm clearly willing to – and we all are to invest as much time as needed I think we shouldn't start with the presumption of how much time is going to be needed but rather preserve that option.

And to the third bullet point yes, I agree that maybe expulsion is not the right word. It feels so school-ish so to speak. If you don't do it right you will be expelled. Whippings still continue until morale improves but rather limited or removed for a time or suspended.

Rafik Dammak: Okay thanks Volker. Mark?

Mark Svancarek: Mark Svancarek. Yes I agree with the word expulsion is a funny word. As to objective to increase I think we should choose a word that indicates that there's a presumption that we shall increase. I mean if it's not necessarily our objective but it is very likely that that at some point we're going to wind up having two meetings a week and I think it's good to recognize that upfront even though, you know, it would be nice to not have to do that. And then finally just for the record, the three West Coast people here who have to get up so very early in the morning, we've all decided that we actually like that

timeslot now. We're accustomed to it and it allows us to, you know, finish up and then have the rest of our work days. And, you know, as for me my dog has learned that schedule now too and, you know, I would really like to not have to retrain her. That's great.

Man: Well if Mark's dog is okay with it then...

Rafik Dammak: Okay as another stakeholder yes. Okay seeing nobody else in the queue so okay I think we will do - we will check about the – that the time dependent with the new composition but we're expecting to see is – I don't think all groups already confirm about represent a different an alternate. And for - I think I'd say the days or we can increase - my feeling is we can increase when it's needed. So but we need to be done and we can – in this area depending on the workload which it makes sense and having something fixed. Okay the next dependency on interaction and I think this more - this is the update of the mind meld and I think we have also more questions later on on this.

Marika Konings: Yes, thanks Rafik. So there were - this is Marika. So there were - we had some conversations as well on one of the workstations around dependencies and I think there were - reviews were rather divergent on that point so I think it is an area where we may need to have some further input and conversations. What staff already did - and I'm just going to pull it up, you should, you know, it may be easier for you to see it in the version that I sent via the mailing list. But staff did go into the work plan and made some further updates.

These are mainly relate to the areas that were a part of, you know, the bucket to the issues identified in the annex because there were a couple of topics that seemed to actually align with the topics that have been identified for the standardized framework for access conversation or stream of work. And there are also two and you see them here on the top that were as part of that bucket but it seems that, that first one is kind of captured, you know, in that,

you know, complete strand of work. And Item 4 seems to already been covered by Recommendation 18 of the final report.

So I think I don't know if everyone had a chance to look at this yet but I think the main takeaway here is please have a look at this because we really want to make sure that, you know, we've captured, you know, all the topics that need to be addressed by the group. We've aligned them accordingly because this is what will help inform us in the next step to develop a work plan and kind of a track of work and grouping the different topics together, you know, related questions or where questions you'll see as well in the blue section. Again the white questions are the ones that come from the topics in the annex. You know, for example there was one – there's one question in there that talks about the eligibility criteria for access to nonpublic registration data.

And then from a stats perspective, you know, the question in relation to methods to provide potential URS and UDRP complainants access to registration data, you know, is linked to that question or could be considered under that heading so there's no need to create a separate strand for that. So please have a look at that and if you think, you know, we've aligned something incorrectly or indeed, you know, those topics which from our perspective seem to have already been addressed if that is in - not the case, you know, please let us know and I think will probably associate an action item with it that we give you a certain date by which to do that if that, you know, we plan to use this to help inform the development of the work plan.

Another thing we did and I think the tracks with the conversation we had here is, you know, at the review of legal guidance provided in Phase 1, you know, there are a couple of topics on which input has been already received but the group hasn't really had a chance to review that yet.

What we already did as well in this document that was already in the previous version for a number of the topics the report already identified kind of dependencies or steps that needed to happen. So we've already flagged

those as well. And if there are any others missing -- and will have another look as well in the report to make sure we didn't overlook anything -- you know, do let us know as well because in the development of the work plan again we need to make sure that we kind of map out, you know, what are some of the dependencies or consultations or input that is needed, you know, before we start deliberations on a topic or at least be able to help and have an informed discussion on the topic. So I think that's in a nutshell the changes we have made. So, you know, please take some time to look at it, review it and share any feedback you may have with the list as soon as possible.

Rafik Dammak: Okay Marc go ahead.

Marc Anderson: Thank you Marc Anderson. So I did have a chance to go through this and, you know, if I'm being 100% honest I don't love mind maps so I wasn't thrilled when we got one. But I went through it and found this to be a really useful document so kudos for that. I think you did a really good job laying out what are, you know, what's in the charter, the items we differed from Phase one, the items that way, you know, asked for additional input from on. So I, you know, I think you did a great job sort of laying out what our tasks are and deliverables.

I'm not sure this is a, you know, a straight up replacement for a scope document though right? And I think probably the, you know, one of the first if not the first task in front of us as a Phase 2 group is to agree on what is the scope of our Phase 2 work. You know, so this document I think goes a long way to, you know, identify and, you know, in defining what is and is not in scope. But I don't want it to be a replacement for, you know, for a proper, you know, scoping document.

So, you know, I guess, you know, I'll just say, you know, kudos. Thank you for, you know, putting together the document and, you know, just, you know, say that, you know, everybody else right, you know, make sure you take a

look at this and, you know, let's, you know, let's focus on, you know, what's in this document in defining, you know, what we think is and is not in the scope of our Phase 2 work. Thank you.

Rafik Dammak: Okay thanks Marc. Yes Marika?

Marika Konings: Yes thanks Rafik. I just want to respond to Mark so this is Marika. So yes this is definitely not intended to replace, you know, the work plan the more and more detailed outline of the project plan. But this is really indeed intended to be the starting point to make sure we've captured everything. And from here we'll move towards kind of mapping that out in further detail and not in a mind map because I know not everyone is a fan but for this part of the work it is particularly useful as it allows us easily to kind of move things around and link things together. So and thank you for your feedback.

Rafik Dammak: Yes thanks Marika. So let's see I think the plan or the purpose through the mind map is after we will translate that into the (unintelligible) to populate our work plan and the other reference document that we would use so it had in term of the links and duration between the different topics. So (Ashley) please go ahead.

(Ashley): I'm not sure this is the appropriate time to discuss it but it's definitely triggered in my mind based on comments made by Marc. While I don't find mind maps to be particularly helpful as a visual tool but I do like visual tools typically. And as this progresses and as we get to a point of a scope and a work plan I don't believe we use this in Phase 1 but I do recall from the IANA stewardship transition and other activities that the use of kind of having timelines and goals for timelines and what the progress is and reaching I mean it could move obviously but I found that to be really helpful in terms of, you know, we have a work item and then having it associated timeframe and where we see the progress has always been helpful for me if that's something you all have considered using as we move forward on Phase 2. Thanks.

Marika Konings: Yes thanks (Ashley). This is Marika. This is definitely something we can look into especially as here. It may be more obvious that we have different strands so there may be a need to have indeed this kind of separated timelines where we cannot as well track the progress. I think this to an extent is also the fact sheet that we produced already for Phase 1 that also kind of tracks but in the overall picture as a progress made against the timeline. So we're happy as well if there any specific examples you're thinking about. If you want to share them we can definitely look at them and see if we can replicate that.

Rafik Dammak: Okay so just want to understand more the proposal so to use kind of timelines instead of the mind map or yes, (Ashley) please?

(Ashley): I just think in terms of a tool to help us not - I mean they've been used for I think public education purposes but I think in terms of a tool because we did have a tendency to meander here and there and then, you know, go back...

Rafik Dammak: Any comment, question? So here a question to you Marika. Anything else you want to ask or ask the team to come back with?

Marika Konings: Yes thanks Rafik. This is Marika. No I think it's especially when we go to the brainstorming there, you know, it would be really good to get some input especially on, you know, the framework for standardized access how people envision tackling that topic because I think that will be really helpful for us to get some ideas on, you know, how to plan out the work but I think we get there next. And any if there's any other input people may have.

Rafik Dammak: Okay thanks. Let's move to next slide. Okay next okay, so this is about resource.

Marika Konings: Yes, thanks. So Rafik this is Marika again. So based on the conversation around resources I think, you know, everyone has identified that, you know, there are certain aspects of support that should immediately be continuous. You know, I think people already know the legal support. Some people also

pointed out, you know, recordings and transcripts are indispensable and as well I think there have been references to the role of mediators in that regard.

So noting that, you know, there's some immediate needs but of course there may be some other resources that are identified once, you know, work plan and timeline is in place. Our suggestion is to immediately reach out to the council and, you know, request these three items. The mediation is focused on, you know, the face to face sessions at ICANN 65. And we're assuming that, you know, the counselor will be willing to carve out significant time again for the EPDP to do its work. And having facilitation there has been deemed to be a helpful tool. So being able to make that request immediately, you know, will give us a chance hopefully to, you know, not have a gap also in the legal support that has been provided and the other services but make clear in that request that, you know, additional resources may be needed and requested but those need to be informed by a detailed work plan and timeline.

Similarly we would suggest that, you know, as all your groups have slots or support for travel to ICANN 65, you know, please work with your respective groups and, you know, make them aware of the work you're doing here and, you know, get them to support your travel there or identify alternatives if you're not able to attend or are not able to obtain travel support. So I think that's really what we're recommending in the immediate term. But as said, you know, more resource needs may be identified as we, you know, go more in more detail in relation to the work plan and the timeline. I see Berry has his hand up.

Berry Cobb: Thank you, Berry Cobb. I guess in regards to transcripts I know that they're valuable or we've heard that their valuable but they're also very expensive. You know, so I think it'd be helpful if, you know, I don't necessarily need a show of hands about how many times you've used them or not but based on Phase 1 there was typically about a 24 hour window to get the transcripts from our provider and posted. Since we're not moving with the same urgency as we did in Phase 1 would it be possible or tolerable if we could move that

out to like 72 hour availability so we could probably save about half of that? Just to put into context we probably spent close to \$60,000 on transcripts for Phase 1 so it is definitely not cheap. Thank you.

Rafik Dammak: Okay thanks Berry. Well okay so I think we have if (unintelligible) Volker, Stephanie, (James) and Mark. Alan please go ahead.

Alan Greenberg: Thank you. I'd like to respond to the issue of travel to ICANN 65. As someone who is – does not have automatic travel support to that meeting and works with a group this, is representing a group that has very little flexibility in its - how it allocates its travel slots I would really request that we estimate, we find out who is in that situation, estimate the cost and make a conscious decision whether to do it or not.

The fact that it would set a precedent for other PDPs this is – this PDP is not a precedent for any other PDP. And I do really - don't think that should be the main reason for not even considering it. Thank you.

Rafik Dammak: Thanks Alan, Volker?

Volker Greimann: Wow. Volker Greimann speaking for the record. Sixty thousand, that's quite a number. I have to be quite honest for this group never used them. For ICANN whole I have used it from time to time. I would much rather prefer to read – to listen through the audio then read the transcript because it's just easier and better to follow even though the transcript might make it harder to find. If we could cut that down and make a significant savings and the usage is common among this usage example that I'm giving is common with other members we could certainly save that money and fund Alan to come here.

Rafik Dammak: Okay thanks Volker. Stephanie?

Stephanie Perrin: Stephanie Perrin for the record. I use the transcripts all the time. And while I certainly would love to save the money and 72 hours is fine. If you're that

desperate you can listen to the tape. But from a research purpose, from a trust perspective, from an outside audience they need the transcripts, no two ways about it. So let's figure out how we can save money on the timeliness. Thanks.

Rafik Dammak: Okay (James)?

(James): I just agree with Volker and withdraw. Thanks.

Rafik Dammak: Thanks Marc and then (Ashley).

Marc Anderson: Thanks Marc Anderson for the transcript. Yes and I agree the transcripts are invaluable, not just for us but also for people that aren't directly involved in EPDP. I know from our colleagues who, you know, who are on our support team their ability to use the transcripts, you know, is really important. But I think a delay if we can save money on a 72 hour delay instead of a 24 hour turnaround I think that's fine. No issues with that.

I want to note, you know, on the third bullet point the request for mediators to facilitate face to face sessions, you know, I know that was one of, you know, that's something brought to us and, you know, I, you know, for (Kurt) that worked great but I think that's a decision whether mediators are facilitation is, you know, is going to be something we use in Phase 2. I think it will depend a lot on who the chair is for Phase 2. So, you know, I think that's a decision I think that that ultimately needs to be made by the new chair so I'm a little hesitant about making that decision now.

And then I want to just sort of call out one thing that's not on here is, you know, I guess it says face to face sessions at ICANN 65 but there's nothing on here are about interim face to face sessions. We had a, you know, we had one in, you know, in Toronto and LA and I think those were very effective. You know, and I, you know, I don't know our, you know, on Saturday my particular breakout session group I don't think we particularly talked about

the, you know, whether or not we should or should not have, you know, a intersessional face to face meeting if you will but I'm curious what are other people's thoughts on that? I know it was very useful for us in Phase 1 but is that something we want to ask for or think is important to have in the Phase 2 work? No preconceived notions here. I'm just curious whatever else's thoughts are on that?

Rafik Dammak: Okay thanks Marc. Just I want to comment about the facilitator. I think that's already in our charter. And so the question is maybe to get the budget. To use that or not maybe is still the decision or when to use it. That's the decision of the chair. But here in term of budgeting we need I think to make it beforehand and then see how we can use that. Okay so before we going to Alan we hear from Marika.

Marika Konings: Yes, thanks Rafik. I just wanted to respond to Marc because that's basically covered in the second bullet because indeed several people have commented on, you know, the usefulness of a face to face. But at least from a staff perspective I think that really needs to be informed by the work plan and the timeline. So it is something that you may want to call out in that immediate request but also communicate very clearly that, you know, that request for a face to face will be clearly tied to the expectation of where that as the most value because I think at least for the for Phase 1, you know, those face to face were very carefully kind of planned, you know, very specifically in relation to the delivery of initial report and delivery of the final report.

As you look at your timeline, you know, indeed face to face may fit perfectly in there or maybe the timeline aligns in such a way that it actually makes sense to do that work at a ICANN meeting or maybe even attached to a ICANN meeting. You know, we've had groups as well that have met, you know, just before or just after a ICANN meeting. So again I think it would be really helpful to have that informed by the timeline and the delivery of expected

milestones to make sure that you're able to justify, you know, the rationale for why something is needed.

Rafik Dammak: Okay Berry, you want to comment. Please go ahead.

Berry Cobb: Thank you, just to that as well, really two points. First as you'll note on the first bullet about the request from the GNSO council and so to be clear or as you'll recall the ICANN board had given the GNSO 590,000 at the very beginning of the effort. In terms of the actuals that have come in we didn't use all of that pending the final – some of the invoices from Bird & Bird for the legal advice. Whatever funds are remaining are being returned back to finance or to org and so this is a fresh new request. So, you know, we - I want to make sure we're clear about that.

Secondarily in the next couple of weeks I'll be meeting with finance to square up our actuals from, you know, we basically kind of keep a draft tracking. And that's what the fact sheet is but eventually then we need to square up the actuals with that. So I'm hopeful that maybe by the big ending of April we can provide the group a little bit more detailed analysis about what was spent and where it was spent and how those funds were used.

Lastly I'll also say in terms of the continuation of legal support when that aspect was initiated by the group we had committed I think \$50,000 for that. We blew through that. So do note that legal advice is not cheap but hopefully like I said we'll have some better actuals to prepare the group or present to the group later. Thank you.

Rafik Dammak: Okay, thanks Berry so will wait for this analysis. I think we have (Ashley) and then (Margie) and Stephanie.

(Ashley): Thanks. So just to kind of round out some of the things that have already been said at least from our perspective if cutting cost is it an absolute necessity definitely shrinking the time that we get the transcripts and if we

have to rely on some recordings. From what I understand in our group is that the reliance has largely been on the recordings. Also I would – I recognize Marc's point about a facilitator but just to restate here I found it incredibly invaluable to have a party that we know is unbiased at times. If - I mean their third -party kind of character and not having kind of preconceived notions about where things should go I think helped with if nothing else the trust of the group and the conversations. So I would hate to see that somehow. It sounds like it's going to be in the budget but just that's my understanding that's budgeted for.

Face to face sessions it sounds like there is a push to happen alongside ICANN which I support but not – I hope that's not going to – there is – it sounds like there might be reluctance to have them more intersessionally. I think those have been very, very helpful. I hope they're budgeted for. I recognize that it makes more sense to work them in to a work plan. But I found that the face to faces to be much more productive than the conference calls. I know we can't rely on face to face but I think at least having to if not more would be the best.

I think it would also be very helpful that we have a face to face very shortly after we get a new chair because I think it would help the – I think it would help the new chair to like see us work in person as opposed to having just jump right into conference calls. I don't know how that worked for (Kurt) but it took us quite a while to get together face to face and I think it would help communication and getting to know the group to try and have a face to face.

But I just wanted to stop there. It wasn't clear to me that if we're at a point now where we have to really be concerned about cost but in terms of prioritizing face to face third-party facilitators and legal I think's is really critical to this.

Rafik Dammak: Okay, thanks (Ashley). Yes Berry?

Berry Cobb: Berry Cobb just to respond to two of those. We do need to be cost-conscious because this is being funded out of contingency. And then the second thing you'll note whether the group decides about face to faces. Toronto cost us close to 60,000 more than going to LA and we even had more Visa issues in terms of going to Toronto than we did to the US. So I'd like to keep that in mind as well. Plus I - and I'll maybe try to speak for Amr that the further out that we can plan for a non-ICANN meeting face to face the better off we are because there are extensive Visa requirements for several of our members so that'll be helpful. Thank you.

Rafik Dammak: Okay thanks. So (Margie) and then Stephanie and (Georges).

(Margie): This is (Margie). Yes (Ashley) said pretty much everything I wanted to say about mediation. For us it was really important and we felt that we made the most progress then we had the mediation support. Agree with the intersessional idea the one that (Ashley) mentioned about as soon as the new chairs and, you know, named to be able to get together and start developing our dialogue so that and relationships, so all of that I think makes sense.

The thing about the funding for travel Marika I think in one of the meetings I think it was we funded folks to travel who didn't otherwise have funding. Is that still a possibility to address for example what Alan was mentioning because I recall there weren't very many of us that actually needed that special funding for the ICANN meeting so I wanted to explore that? Thank you.

Marika Konings: Yes thanks (Margie). That was basically part of the funding were allocated for Phase 1. As Berry explained, you know, we need to make a new request now. So if the group wants to put that in, you know, they can. I think we did have some challenges. We didn't have many applications but, you know, the assessment of whether someone otherwise would not be funded would not be able to come is a difficult one.

So but I think that's one for the group to decide. And I think it's again, you know, my concern is, you know, from a GNSO staff support perspective is that, you know, we are creating, you know, differences between PDP working groups, you know, that are maybe very good reasons for doing so. But I think that the council leadership and counsel will need to give careful consideration to this because I don't really see how, you know, they can then make the rationale that others shouldn't get the same treatment.

And other groups have also had mediation upon request so, you know, it's not something that only this group can ask for additional resources and for the council to consider those. It's also something that other PDP working groups have done. But I think this one is one where, you know, other groups could equally argue that, you know, they have members that need to be in attendance and that they are doing important work and trying to finalize their deliberations. But again it's really a council consideration at this point.

Rafik Dammak: Okay, thanks Marika. So I think just on time check we have till 10:50. And so want really that we go on - we will finish with this queue but we need to also to move to the last part of our agenda. Okay so we have Stephanie then (Georges).

Stephanie Perrin: Stephanie Perrin for the record. Just following up on Berry's remarks about giving the legal budget back and then asking for it again far be it for me to sound like a spendthrift but I'm sure we could generate more legal questions that need to be answered in the intervening period while we wait to get started again and effectively use that money rather than shuttle it back and forth. Thanks.

Alan Greenberg: To be clear we easily spent well beyond what we budgeted for legal. There were remaining funds from other buckets that are helping to cover that. And I don't have actual invoices or anything yet but preliminary understanding is that we even blew through what we had remaining. Like I said it – give me till

about the beginning of April and we'll be able to give them more precision about how those buckets were consumed.

Rafik Dammak: Okay, thanks. So yes Thomas okay but I will close the queue and we'll go with (Georges). Alan I'm not sure, (Margie) that's an old or and then Thomas just okay.

Thomas Rickert: Yes very briefly on the couple of points we just discussed. On the face to face meeting I understand also the value to get the face to face meetings in parallel with ICANN 60 whatever. But this has to be very carefully considered compared to the milestones that we will establish later on and the deliverables that we will have in our mind. Also I would like to say that although it is useful this type of face to face that we have now some of us are having – have to jump to other sessions in parallel so it makes our life a little bit difficult and not as effective as it is when we have a dedicated face to face meeting like in Toronto or Los Angeles. And maybe there are other venues I'm - as I said I'm quite new to this ecosystem, other than venues or other events that are happening that may be suit and maybe many of us are or many members of the constituencies are traveling to and they are equally suitable. So but this is again when we put the milestones on the table and the deliverables then we can see what advantage more or less suitable for this type of meetings.

With regards to the transcripts I believe that I personally I use them as a search tool. So it's much easier to use a transcript and then put a search on the transcript I think if I do not see or then confirm this with the audio. So for me to synchronize what I want to - how I use the transcripts so it doesn't matter if it is 24 hours or 70. If this saves money then it's okay with me if we do it like this. Thanks.

Rafik Dammak: Then (Georges). Alan?

Alan Greenberg: Yes just a very brief comment responding to Marika on the competitive – the relationship of this PDP to other PDPs a very major difference is is we have fixed membership, not open ended membership. So in a regular PDP when you ask, you know, who wants free travel and it's an unlimited membership in the PDP that's an open-ended thing. This one is not.

Thomas Rickert: Thanks very much Rafik. Berry you mentioned that the legal costs have exceeded what has been budgeted for and when we originally discussed having external counsel the hope was that by using an independent law firm that this could save the org some funds by not being forced to reach out and obtain advice on their own on the matters that we have to get answers to. So (Trang) and then did you see a reduction or less spending on the side of the org that would potentially make up for the expenditures that we incurred here because that was at least what I had hoped we would achieve that, you know, by using synergies going to independent counsel that we could save money on at least one side of the, you know, for either the EPDP team or the org?

Man 1: Thanks Thomas. I think I want to kind of tread carefully there and take up back and think about how to respond. That's a little bit dicey. I think we followed up on the recommendation from the team to try to save money by using outside counsel, the same counsel both for ICANN org advice and for EPDP team advice. So and it just gets a little touchy when it gets into like privilege and like Berry said I don't have all the invoices in front of me. I don't even know if even looked at them yet so...

Thomas Rickert: Presently understood but I would just hope that we can materialize synergies by - and if we didn't, you know, then I think it would be beneficial to know that.

Man 1: I'm also a big fan of materializing synergies. Thank you.

Rafik Dammak: Okay materializing many things. So just putting suggestion here because hearing several comments, one way maybe kind of a workaround here is to

have maybe meeting before an ICANN meeting. So I think that we can have one or today before. I'm not sure how it would work and what approval we need but something that it can be possible and we can look if it's doable.

Okay, so let's move to the next, yes Marika?

Marika Konings: Yes thanks Rafik. This is Marika. So yes in that regard, you know, there is an option to request having maybe, you know, a day before ICANN 65 and then still meetings throughout as well. But that is dependent on specific approval. I think that has to go through a number of steps but and there's as well a very tight deadline tied to that so that's probably something we, you know, need to consider or discuss on the mailing list if that is something the group would like to pursue.

Another notion is as well for the product topic of face to face meetings that, you know, there is I think a 90 or even 120 day deadline that needs to be a respected especially if support is needing from the ICANN meetings team and securing hotels, finding meeting space and things like that. So that is something the group will need to factor in as well as it develops its work plan and if there is indeed a request for face to face time outside of an ICANN meeting.

Rafik Dammak: Thanks Marika. So let's move to I think the last slide and because here we need for your input and we have some question for discussion so Marika?

Marika Konings: Yes thanks Rafik. So this is Marika. So basically after we had originally hoped that, you know, the Saturday the brainstorming would have given us a little bit more to go on in developing the kind of a draft work plan and timeline but, you know, looking at some of the input we didn't think we had enough and we would love to hear further thoughts specifically on these questions. You know, we hope that we can maybe start this already a bit today but I think this is also something that we can continue on the mailing list.

So, you know, one question and, you know, we already heard various comments on that so maybe that one has, you know, to a certain degree been addressed is in relation to, you know, factoring in the discussions here this week, you know, how should the PDP team tackle the system for standardized access to nonpublic registration data? Are there any dependencies that need to be factored in? I think people have already expressed their views on the TSG work but maybe there are other aspects that we should be looking at as we look at the work plan.

Are there any topics that should be prioritized? You know, we realize that there are some dependencies that even though there are priority, you know, they may not be able to start until that dependency has been addressed. But if you look at the list of items, you know, is there a clear preference for, you know, where the group should focus first? You know, what are the next steps in relation to dependencies identified? And we already identified a couple of action items there so I think there we already have a kind of a plan of how to move forward for those dependencies that have been identified.

You know, what should be the next step in relation to the legal guidance that has been provided to date? I think we have, you know, one clear path on, you know, looking at what has been received but also like identifying future questions. And then, you know, is a very broad question, I know it's a very difficult one but, you know, off the top of your head, you know, what will be your target date for publication of the initial report because that will also kind of help us build the work plan.

And, you know, I know that question is a tricky one because, you know, there are dependencies. It all depends on, you know, how quickly we progress and the group can agree on some of the questions but in an ideal world, you know, where do you think it's, you know, realistic that the group will be able to publish initial report for public comment? So those are some of the questions that we wanted to throw out. There may be others but again this is really focused on helping inform the development of the work plan and giving staff

some guidance so we're able to produce a first draft or drafts that align with, you know, the perspectives of the group.

Rafik Dammak: Okay thanks Marika. I think even we'll - maybe we'll hear today some comments. We will continue on the mailing list but maybe using some Google doc for - to collect input -- something like that. Okay I'm not sure Alan is it an old card? Okay. Don't see anyone in the queue so and with the time left I guess we won't have really enough time to discuss anyway but this is we have it as an action item that we will follow-up in the mailing list. And for all those items we have on our list we will continue there. So we expect with more interaction and more response. Yes Marika, please go ahead.

Marika Konings: Yes and this is Marika again. If I can maybe get a bit more specific and again I think that's something we can do as well on the mailing list. You know, the charter identified a number of questions in relation to the system for standardized access. It would be really good as well if the group could start looking at those and determine, you know, are those still relevant? You know, have we may be already answered some of those through the Phase 1 work? You know, is there a certain order in which we should tackle those questions indeed are there any, you know, legal question that need to be answered?

I think and in relation to the legal question I think it is, you know, by the legal committee will be able be able to help as well there is already a lot of legal guidance that has been provided so we may not ever time need to go to Bird & Bird for a response but it may also be already, you know, captured in the many documents that have been written on this topic. You know, start already thinking, you know, about that as well because I think that will really help then inform as well the work plan and the approach for tackling that topic.

Rafik Dammak: Okay, thanks Marika. Yes Stephanie?

Stephanie Perrin: Yes Stephanie Perrin for the record. I'm just following-up on Question Number 4 there. Did I hear correctly that ICANN is using the same counsel

for their legal advice? And if so could we encourage you to get separate counsel? Otherwise it's not really independent because our interests are not aligned?

Man: Yes so as we just discussed that was a recommendation from this team. I don't know if it was the legal committee or the full team that we look into exploring kind of synergy and not having to reuse twice. And so I mean there is an issue there but we did - I think the team in the end got a lot of bang for the buck for its 50,000 budget since we were able to use both. And I think everybody was almost universally happy with what we got from Bird & Bird. We could revisit that but I agree with you there are - I haven't used the word independent there. We definitely did use Bird & Bird both for ICANN or legal advice and for team advice. Thanks.

Rafik Dammak: Okay thanks. So we have I think that's (Margie) and then (Ashley) yes.

(Margie): This is Margie. Related to the publication dates we talked about possibly having two reports, one for Phase 1 or Phase 2 is that - I'm sorry not Phase 1, Phase 2 the things that were carried over from Phase 1 and that the standardized access was there an agreement on that or because if that's the case I think it might be easier to, you know, when we do our scoping figure out how – what issues are still pending from the Phase 1 report that are more policy related and then the standardized access and then come up with, you know, the dates once we kind of identify what those issues are.

Rafik Dammak: Okay, I think yes Marika?

Marika Konings: Yes, thanks Rafik. To respond to (Margie) that's definitely an option. I don't think there's anything preventing the group from separating items out and especially in the context, you know, where you have dependency that may, you know, otherwise delay your other work. So I think that's definitely at least from the staff side that we can look and maybe for so I think we now have currently kind of three strands although that third strand has kind of individual

topics in it. So I think there's a way of looking at, you know, which things should be bundled and are maybe less a priority or dependent on other things happening and what are things that, you know, are clearly within the groups control to progress on it where you want to set a specific target for your publication for your initial report.

Rafik Dammak: Okay thanks Marika. So I was asked by (Dan) if she wanted to have a be any other business or any other matter...

(Dan): Yes, yes.

Rafik Dammak: ...so go ahead.

(Dan): I wanted to take this opportunity to and this meeting on a great note. Myself and Emily Taylor and (Zoe) have helped organize gifts for (Kurt) to thank him for his amazing work and to staff for their amazing work. So we'd like to take this opportunity to thank you (Kurt) for your incredible leadership for the patience that she showed all of us, the professionalism, the respect that you generated in the room. We should treat each other and our viewpoints with consideration and your thoughtfulness in always trying to think through the issues carefully and with deep consideration and humanistic touch. So thank you for being so great and we know that it was an incredible difficult journey and very labor-intensive so we just can't thank you enough for your commitment and continued diligence as the chair of the Phase 1 of the EPDP team.

And also to everyone on staff for their absolutely incredible detailed continuous follow-up every single day. I just don't even understand how you did it in just was such a meticulous way very, very thorough and constantly following-up and just really being so supportive of all the different members and their schedules and considering all of their viewpoints and making sure that everything got properly taken into account and really as a newcomer like just your depth of knowledge of the process is just absolutely incredible and

was invaluable to this team and will be going forward. So thank you so much. So everybody's chipped in for gifts so (Zoe) and I want to hand them out now and signed cards.

Rafik Dammak: Okay thanks. And I was also asked to remind whether – remind you that we will have a team photo at the end. (Debbie) will probably give more details.

(Debbie): Thank you everyone. We're going to get a quick team photo for those that are left in the room. So I'll come up - and if you could just quickly come up and get organized so we can get your photos. Thank you.

Woman: Thanks.

Rafik Dammak: Thank you everyone. The meeting is adjourned.

END