ICANN
Transcription
ePDP Charter Drafting Team
Wednesday, 11 July 2018 at 12:00 UTC
Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: https://audio.icann.org/gnso/gnso-epdp-initiation-11jul18-en.mp3
Adobe Connect recording: **https://participate.icann.org/p50s3r606t2/**

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Operator: The recordings are started.

Nathalie Peregrine: Thank you very much. Good morning, good afternoon and good evening everybody. Welcome to the EPDP Drafting Team call on the 11th of July, 2018. On the call today we have Heather Forrest, Donna Austin, Rafik Dammak, Keith Drazek, Pam Little, Rubens Kuhl, Michele Neylon, Susan Kawaguchi, Tony Harris, Tatiana Tropina, Ayden Férdeline, Arsene Tungali, Martin Silva Valent, Julf Helsingius. We received apologies from Marie Pattullo, Darcy Southwell, Philippe Fouquart and from staff, Julie Hedlund.

From staff on the call we have Marika Konings, Caitlin Tubergen, Berry Cobb, and myself, Nathalie Peregrine. I'd like to remind you all to please remember to state your names before speaking for recording purposes and also that an audio cast is up and running for all EPDP Drafting Team calls. The two URLs, should your members request to listen in, are posted in the pod on the right hand side of the Adobe Connect room. Thank you ever so much Heather and over to you.

Heather Forrest: Thanks, Nathalie, very much. And thanks very much to everyone for joining the call. I know it seems really like just moments ago that we were all together in Panama. I hope you've traveled home safely, are over jetlag. I'm still dealing with the backend of mine. But here we are again and this is an opportunity to come together as EPDP Drafting Team and work through some of the remaining issues that we have with a view towards finalizing the charter in the time for our 19th July meeting which is coming up next week.

Look, we have a very rough proposed agenda in there right hand note box of the AC room and for those who are not in the AC room it's very high level, which is to say start with an introduction and a welcome, a bit of a summary on what's happened in the small team since we all left Panama. We'll talk about team composition, which is a matter that has been discussed within the small team and then brought up to the list.

I think you know, in talking to Donna and Rafik, and we've put in extensive time trying to prepare for this meeting, with a view towards, you know, supporting us and facilitating us in the discussion, I think we envision spending the bulk of our time in discussing scope and then to the extent that we have time would deal with the outstanding charter issues.

By way of introduction, what I think we can say is this, I think we've had, as I understand it, in listening in on the small team discussions, not all of them but a few of them, and in reading through the posts to the list it seems to me that we've made considerable progress in relation to composition and we'll come back and talk about that explicitly and what that means for the rest of our efforts in a second here.

But I think the thing to say about composition at this point is that, you know, it's a bit indicative of and symbolic of the effort that we've engaged in up to now and certainly what is to come, which is to say that not everyone walks away from that effort, you know, the conclusion of the discussion of composition, to the extent that, you know, I think we agree in principle on

where that's landed. Not everyone's come out with their first choice or their ideal or their, you know, this is 100% perfect for me. But at the same time I think we've come to something, at least it seems to me, that we've come to something that works for – works for everyone in some variation of the word "works."

Unquestionably there have been changes along the way. If we were actually to look at a sort of track changes, redline of composition over time we'll see that that's shifted a whole lot. And that's' fine to the extent that we you know, to the extent that we get something that we can all agree to and not just live with but feel like, you know, it's an okay, it's an acceptable outcome.

You know, I recognize this at the outset because it is, I think, I think it's a win. I mean, that'll depend on what we discuss today but I also think it's important to note that there have been compromises and you know, agreements made along the way and it's not perfect but the outcome appears to be a good one. And so let's not lose sight of the goodwill that's gotten us to that point. And if that goodwill can carry us forward I think that's a great thing.

The other thing that I wanted to introduce here just in the beginning is the task for us today. It's so easy to lose sight and in discussions with Donna and Rafik, you know, we remind ourselves every once in a while too, our job is not to hash out the actual issues; our job is not to answer questions about for example, you know, all of these things that are coming up in questions about what the team is meant to do. We're simply here to set the charter. And I think as tempting as it is to look backward and to look forward, you know, leadership sees its job at this point in keeping us on track for simply producing a charter and, you know, producing a charter is challenging enough, never mind trying to answer the questions that are in there.

But let's not try to do the work of the team, you know, give them the benefit of the weeks ahead to do their work and let's not try and jump ahead and do that. And it's difficult; it's super difficult but I think we have to try to stay on

track. So to the extent that Donna, Rafik or I, you know, interject to the point and says, you know, we might be going down the path of substance and let's try and pull it back to the charter, you know, my personal request, please don't be offended by that; we just see it as an important thing to try and focus our efforts on the charter because if we try and move beyond the charter to answering the questions that will come out of the charter then, you know, we're going to have difficulty moving past this point.

So with that as an introduction, and a welcome and a, you know, sort of morale booster before we get going, because I do think that all of that positive feedback we received at the end of Panama was entirely warranted and very much deserved. With that, let's turn to what's happened since Panama. I know some folks have been on holidays, some folks have been away or taking a break or so on.

So we did convene a small team in the course of meetings in Panama. And if I might turn to Donna, although it's very early in the morning for the West Coast folks, and this is a big ask for Donna, but Donna has sort of informally facilitated those small team discussions and so I'd like to turn to her if she's willing to give us a bit of a summary on what all the small team has been up to just so we get everyone caught up to speed on that. So with that, over to you, Donna.

Donna Austin: Thanks, Heather. Donna Austin for the record. So the small team, I think we actually put the small team together as a result of the call that we had after Panama. And so far we've had three phone calls. And the first one was primarily a discussion around the composition of the work team. And as Heather said, you know, we've reached agreement on that which was, you know, really good progress because it was a little bit (tense) going into the discussions.

Most of you would have seen that hopefully and had an opportunity to review it. It was provided I think to the mailing list on Saturday. And I think in addition

to the composition I think it's important to understand that what we've tried to do there is identify some of the responsibilities so what's the member responsibility, alternates, liaison and the liaisons are really the Council liaison and the Board liaison, and then observers. So you know, hopefully folks have had an opportunity to review that.

I think one of the questions that we had, and I think it came from Heather via Manal, was, you know, what's the expectation of the alternate with relation to access to the mailing list. And Marika's response I think was, you know, consistent with certainly my thinking, it may be not something that folks have focused on but I think as far as the alternate is concerned, they're a drop-in to the mailing list and will have full access to the mailing list only in the event that the member is going to be absent for some period of time.

And that a request has to go to the chair or at least a notification to the chair requesting access to the mailing list. So I think that's the one area of comment that came out as a result of the composition discussion. On the – I'll just pause there. Does anybody – is everybody okay with what I've said? I just want to turn to the small group in particular to make sure that they're okay with that. Okay good.

And the scope has been where we've focused primarily for the last two calls. And just at a high level, I think what – the key points that have come out of the discussion, and I'll just focus on this at a high level, is, you know, concerns around, you know, this idea of whether there should be a phased or parallel effort or, you know, the – I think it's a perception that, you know, confirming whether the – confirming the temporary specification is more important than the access by non – sorry, third party access to the registration data.

So I think we've come to understand that ultimately what needs to happen with this PDP is the temporary specification needs to be confirmed or not. But the – in saying that, the third party access discussion is also important. So

the way that the scope is now being framed is that rather than talk about phases in the way that the work will be done is a recognition that there are a set of questions that are gating and what we mean by "gating" is that we need – the answers to those questions need to be understood before discussions can start on an access model. So I think there's recognition or at least agreement in principle to that in the drafting team and that's where some of the efforts have come from.

So I think Heather, I think that's the basis of my summary. I would say that, you know, we've spent a lot of time, you know, talking about the concepts and trying to understand where folks are at in order to develop the scope in terms of the word smithing of the scope. I'm not sure because it's early for me, I'm not sure whether the latest iteration of the scope document has been provided to the wider group, so I'll need to try to catch up on my emails but I'm sure somebody else has that information.

So I don't know if – and just to recognize that it was Paul McGrady, Keith Drazek, Stephanie Perrin and Susan Kawaguchi that were part of that group of four. So I'll hand it back to you, Heather. Hopefully that wasn't too incomprehensible. Thanks.

Heather Forrest: Well fabulous, Donna. Thank you very much for your willingness to do that and also for your willingness to facilitate that team. The feedback that's come back to me about having a facilitator just someone to push the discussion along was super helpful so that's great that you were willing to do that.

On the point of scope, I'd like to say let's park that for the moment and let's – if we can do, let's focus on composition and tidy that one off if we can. The reason is say that is we have already made our EOI for – or published the EOI for a chair of the PDP. And the next step, let's say, in terms of practical logistics would be announcing to the broader community, GNSO and beyond, the need to begin to think about selecting members and as the question that came into me from Manal clearly indicates, this is something that the

community is really keen to know about. So I think the sooner that we can – the sooner that we can identify the composition you know, our in principle agreement let's go ahead and – let's go ahead and do that.

And I think what we want to do is if we can pull up – and staff have a zillion documents in the background and of course I'll speak a bit to the multiple set of documents here for a second before we turn to composition, because I think it's probably a logical place to do that.

So you'll notice that Caitlin, and many thanks to Caitlin for doing so, Caitlin has circulated to the EPDP Drafting Team list three versions, if you like. There is a – the version that we've had running for quite some time, since, you know, the close of Panama of Google Docs, you know, lots of comments, lots of edits, lots of highlights, and it's become very messy. Now some folks are keen to work with that version to get the full story; others found that distracting. I'm picking up on comments made in the small team and again, I don't know if I've said this, but with the small team's indulgence, I sat and listened in the background to some of the small team discussions just to try and get a sense of where folks were and anticipate this call.

So there were certainly some requests, you know, to work with the full document. On the flip side, there were requests to work with something much cleaner and so we have actually two versions of something cleaner. One is really just a clean – completely clean version for the folks that want to see something that is, you know, exactly where we are at this point in time and not so much wanting to be distracted by how, you know, how we've gotten there. There's that version.

There's also a halfway house version which is the, if you like, the equivalent of a simple markup in MS Word, which shows places where changes have happened without showing all the detail of those changes so it really just flags or highlights this is an area that's had work done to it and then you can follow up with the broader document. I'm going to propose that we largely work with

the sort of middle of the road document but you have access to, by virtue of the emails that Caitlin sent about 12 hours ago, you have access to both the clean and the – and the messy, if you like, to sit in the background for your own reference.

So with that as a bit of explanation, what I would like to propose that we look at is the latest text on composition that was circulated to the list, now actually it's about a week ago because the small team has turned its attention to scope since then. And I think that that's captured in the current version that Caitlin has just circulated. But, Caitlin, I'm going to check in with you, do you recall that that's the case that that charter that was circulated, does that have the most recent information on composition in it? Marika, please, your hand is up.

Marika Konings: Yes, this is Marika. I can confirm that all three versions that were circulated contain that latest information. So the question is which of those three would you like up to show that?

Heather Forrest: Thanks, Marika, that's super. Could I suggest that we look at the kind of middle version, if you like, that'll – although I suppose in this instance it doesn't really matter whether we see the clean or the middle version in essence, you know, because it's a table let's say. I think it's going to be pretty clear to folks where the changes were made so whichever one you come to first I think is going to be fine, Marika.

Okay, so – and thanks very much for putting us to where we needed to be. You can see that we have language here that takes on board the feedback that we've received from the Board in terms of their liaisons. We've got language here around members and alternates and I think the small team spent a fair bit of time on this in relation to the different roles of members, alternates and so on. And Donna, I wonder if you might be willing to step in here and give some explanation of that to take us through where these changes have manifested? Thanks.

Donna Austin: Yes, thanks Heather. So from memory, I think where the main changes were, so obviously going into the small group discussion we still had an outstanding question about composition as it related to the Commercial Stakeholder Group and the NCSG so that was resolved and, you know, sincere thanks to the IPC for, you know, their agreement to get us over the line on that. So the Contracted Party House opposition hasn't changed. The NCSG is six plus three and the CSG is broken down further two members plus one alternate.

What was within this section originally was a reference to liaisons so obviously there had been some thinking early on whether these folks would be members or liaisons or whether they could be swapped out. So the reference to liaison is gone because we think it's appropriate that it's members and alternates.

The ALAC, SSAC, ccNSO were invited to – will be invited to appoint two plus two. And this is – bearing in mind this is an invitation; nobody has to provide people to this effort. And I think we probably need to make that clear particularly for the ALAC, SSAC and ccNSO when we send this out so two plus two on that. And the GAC was three plus three.

I think our – the thinking of the small group for the ALAC, SSAC and ccNSO was that the two was comparable with what was in the breakdown of the CSG, I think originally we had three, it might have been three plus one on that, so that number has come down and the alternate has gone up and we thought it was appropriate to keep three members from the GAC, so that's what remains there. So there's a, you know, just in terms of the composition numbers there are the main changes that the small team agreed to.

And then if you scroll down to the latter part, that's where the explanation of, you know, the expectations of the members, alternates. There was a reference in there to SO/AC liaison, that has come out because it's no longer relevant so I think that was the other – the other main issue as well. And I

think you'll see highlighted here that we did put out as part of the call for expressions of interest for the chair of this working group that there was some concern about some of the text within that document.

And I think we still need to resolve this issue about vice chairs for the effort and who does that selection and also the who does – who selects the chair; there's some discussion about whether that is GNSO leadership or whether it should be the SSC so that's outstanding as well. But that's not something that we discussed or that was discussed as part of the small group. Thanks, Heather.

Heather Forrest: Thanks, Donna, much appreciated. So let's open up the floor. There have been, you know, numerous positive comments on the drafting team list about this document or about this text, which has now been consolidated into the charter template. I would also just say particular note there of the language on Page 5 that describes each of these roles and that in directly and perhaps indirectly deals with the question was raised to me from Manal about alternates and what their role is.

So you see the roles spelled out there for each of those members, alternates, observers, the Board liaison called out as a special sort of category of liaison, likewise for GNSO Council liaison, makes good sense given the actual description of those roles and the ICANN staff liaison. So any comments, let's open the floor, any concerns about this because I'm conscious that even though some folks have made very positive statements about this on the list there may be folks who haven't had an opportunity to do so, so here's a good opportunity. Donna, please.

Donna Austin: Thanks, Heather. Donna Austin. One thing that is not captured in this but has been captured in the suggested text for us to send to the SO/ACs seeking volunteers for this effort is the statement of participation and that's a separate document that was crafted. And I'm not sure that it's included in the charter per se but it's actually part of the description that's going out to the SO/ACs.

So what the statement of participation is, is what we – there's a number of references to it in the charter as well I believe, it's kind of an expectation that if you are going to sign up to this – to this effort as a member, this is what we want you to adhere to.

So it's a little bit different from the ICANN Standards of Behaviors in that you acknowledge that you're agreeing to adhere to a number of things during the course of the discussions and also acknowledging that the chair of the working group has the right to – I'm going to use sanction because I can't think of a better word at this time – has the right to kind of restrict your participation if they don't believe that you're adhering to the statement of participation and, you know, the intent. So I just wanted to make that point as well because I think it's something new that we're introducing to this as a result of our discussions on our PDP 3.0. Thanks, Heather.

Heather Forrest: Thanks, Donna. And I was scrambling to make a comment in the chat there in case anyone's on audio-only. We do have a basis for that idea of, excuse me, of sanction in Section 3.5 of the GNSO Working Group Guidelines but I think as Donna has rightfully pointed out, this is very much channeling some of the feedback that we've had in the context of PDP 3.0 and giving us a – given us an opportunity to, you know, to adopt that – that methodology, let's say, that option here in the charter.

So let's open the floor again, is there anyone that has a concern about this text? I'm conscious that there were concerns that maybe didn't get expressed in Panama and I would hate to think that we walked away from this call and someone said, I felt like I didn't have an opportunity to say what I wanted to say and now I feel like it's too late. So I think in the interest of moving ahead with doing our call for volunteers or call for members for participants, this is an opportunity to do that. So Rafik, please.

Rafik Dammak: Okay, thanks Heather and Donna. Just I want to maybe about highlights regarding the number of vice chairs, so I mean, just maybe to sense what

people here are having vice chair, I think the role is just to support the chair in some case or situation that he or she not able to attend a call or something like that, so to keep the leadership simple, but just to check here if people support just one vice chair and to keep the whole, I mean, (unintelligible) the leadership and the team small.

Heather Forrest: Thanks, Rafik. We'll note that in the context of the vice chair. Anyone feel strongly about that point on vice chairs or any of the other points? Here is an opportunity to raise that. Paul.

Paul McGrady: Thanks, Heather. I put this in the chat that I feel strongly that we shouldn't feel strongly. I think we can leave this issue to the working group, we can just say the working group can choose between one and – one or two vice chairs and then can decide who they are and I don't think that Council needs to get in the weeds on this one. By the – once we have our chair selected and the working group is formed and they have the first meeting, they will have a sense of how much work there is and whether or not that chair needs one or two assistants in essence. So I think we should just, you know, write it in a way that they can make the decision and we can, you know, we can move onto what appear to be only a very few number of little nits remaining on this section. Thanks.

Heather Forrest: Thanks, Paul. And I'm just noting that I've seen a number of points of agreement there with what you've said, Paul. Does anyone disagree that – or does anyone feel strongly, let's say, that the matter of vice chairs is something that needs to be dealt with by the Council – by the drafting team as opposed to by the EPDP team? Tatiana.

Tatiana Tropina: Hi, hi, everyone. Tatiana Tropina for the record. I don't feel strongly about this particular point but I'm just wondering how the neutrality of the vice chair is going to be addressed, if this vice chair has to replace a chair and chair the meeting, so does it have to be – maybe we want to mention this that in case of replacing chair the vice chair has to be neutral and not represent the

interests of particular group because I think it might be a problem or at least we can flag it for the EPDP team to address this issue somehow when they're going to appoint vice chair. Thank you. This is just a point I really want to make because I don't see the answer to my question. Thank you.

Heather Forrest: Thanks, Tatiana. I think that's a helpful point of order and I think, you know, what I would suggest in the document is, you know, that the document very clearly states that the chair must be neutral and I think it would then – if we turn this over to the EPDP team to determine what it wants to do with the vice chairs and Rubens, I see your point there and we can communicate that as well to – oh I see, you're agreeing with the idea of the working group to decide, okay.

What I think, Tatiana, we could do is say, you know, just put the team on notice to say okay, we've turned this issue over to you, but for you to communicate to anyone who puts their hand up for vice chair, that, you know, in so far as they end up fulfilling the chair role during the chair's absence, then that would need to be, you know, under the same rules that apply to the chair normally and as long as that, yes, okay good, so you're on board with that.

All right, so that makes good sense, good point of order, and I see a number of points there of agreement so that's excellent. So if we're able to agree on this text on composition, that's a pretty significant milestone for us because it means, you know, not only our own communities but the other SOs and ACs can start to work out, you know, how they want to fill these positions with a better understanding of what it means to be a participant, a member, what it means to be a liaison, what it means to be an alternate. So I think that's, you know, a milestone that not only resonates with us but it resonates with everyone.

Do we have any objections to this text here? And I see lots of folks typing. I don't see any hands. No objection from Keith, no objection from Donna.

Ayden's typing. And I don't see anyone's hands, no one's screaming, which is brilliant. If that's the case – if that's the case, you know, sincere congratulations to the small team for working out what was a pretty complex issue and again, I think this is pretty symbolic of what we can manage to do and in a pretty short period of time.

So let's then instruct staff, we have some language in the call for volunteers, we've got a sort of running draft in the background, we need to put in this language around, you know, what each of these parties means and we might make a special note there on the points made about vice chairs that whoever steps into role of vice chair, I mean, that's something that could also be communicated let's say in terms of instructions from the Council to the EPDP team or the Council to the chair even on vice chairs to make sure that whoever puts their hands up acknowledges that they need to fulfill the role as it's stated here. But let's communicate this.

With that said, I think we can move forward to making our call for volunteers soon after this call. So I haven't heard any objection to this text. Does anyone object to publishing the call for volunteers, you know, call for members, I suppose we can call it, soon after this call? Ayden, please.

Ayden Férdeline: Hi, Heather. Hi everyone. This is Ayden. I don't object actually. I'm okay with this call for volunteers going out and I'm really comfortable with the language. There was just one comment I wanted to make, in Annex A, there was one point that I wanted to – which was – and I'm not sure if we're discussing this just yet but I feel like it is part of the – of this section as it's referenced, but in Annex A the third point is that the chair should be familiar with the subject matter including but not limited to the GDPR in trademark law. And so I just wanted to suggest that and trademark law be replaced with "and applicable laws." And that was the only comment that I wanted to make.

That aside the composition that was just discussed I think thank you so much to everyone and especially the small group who helped reach that compromise, thanks.

Heather Forrest: Thanks, Ayden. And thanks very much for explaining that and indeed your comment is captured there on Page 6 in yellow, which we have in the AC screen in front of us. So I do think, you know, this is something we could make a choice about whether this hinges on the call for volunteers going out. I think it would be helpful if this participation statement could go at the same time so I would suggest we spend a bit of time here to knock this one out. Michele, please.

Michele Neylon: Yes, thanks. Michele for the record. I have to disagree with Ayden. Applicable laws is way, way, way, way too broad. You'll never find anybody who actually has knowledge of all applicable laws; that's insane. The other relevant topic suggestion that somebody had put in the comments there makes a lot more sense to me because that's – that means, well it means, you know, something relevant and stuff like that without asking for a unicorn that you're just not going to get. Thanks.

Heather Forrest: Thanks, Marika – or thanks, Michele, pardon me. And Marika's noting in the chat that this language is in EOI, not the call for members as that is about appointing members. So this language that we're looking at here is in relation to the chair and the EOI has gone out for that with the understanding that we have this power, let's say, to select the chair. And to Michele's point about unicorn and to Ayden's point about capturing something broader, I think what I understood from our discussions in Panama was that that ability to select a chair, that control that we had over that enabled us to not get, if you like, unnecessarily hampered in by looking for a – for a unicorn.

So Michele, if this in relation to chair, why are we editing it? It's a good question. It fits in that that annex which is the broader expectation of things but I think the – as Paul notes, you know, we – I will say I – suggested

following the wrap-up sat down with staff and suggested that we move forward on the EOI and I think there was some language that, you know, probably hadn't thought all the way through before it went out. So t has gone out.

The – it is in essence closing the door after the horse has left the barn. But again, I'm not – while I recognize that procedurally that wasn't optimal, I'm not convince that it's fatal in the sense that, again, we have that choice of – that power to select the chair so I don't think we've let's say shortened our options on anything. And Michele says cool in the chat and we've agreed on it.

And Ayden agrees to other relevant topic. So I think we can – yes, good okay. So I think we can probably clean this one up just as a point of order more than anything else. Does anyone have any objections to just cleaning this as a point of order? I'm just waiting for Paul and Michele to type. I don't see any hands. Okay so Paul's happy to make the change and move on and I appreciate that, Paul. And there's a bunch of other folks typing but I think we'll carry on, all right. So good stuff.

So brilliant, let's then – I note the action item that's been captured in the notes pod. Staff will launch the call for volunteers shortly after this meeting. We will go ahead and make that happen and we can go back after this call to our own SGs and Cs and advise them of the progress that we've made here and you can do so with the clarity of the actual numbers around the composition and the – underscore the effort it's taken to get to this point. So great to hear, you know, everyone acknowledging the work of the small team, which has been not inconsiderable, so that's brilliant. Let's move on then.

What I would suggest that we do is I think we've got two paths forward at this stage. There is the – if you look in our high level agenda at the top of the notes pod there is the outstanding matter of scope and then there are other matters that are sitting in this charter. If you have had a chance to open any of the versions, whether it's the clean, the middle or the messy one, you'll see

that there are places where things are still under discussion or still to be resolved. There's a laundry list of sort of other issues, scope remains the big one. It is the case that the small team had a call that focused entirely on scope. That call was roughly, what, 14 hours ago. And things were still very much under discussion at that point.

So on reflection, leadership is of the view, and Donna and Rafik will correct me if I've misstated here, that we could usefully spend our time on scope rather than go through the laundry list because I think the scope is the stuff that we probably want to deal with in discussion as opposed to some of these other points which could be dealt with in, you know, some of them maybe even by Google Doc, some of them on the list and so on.

I'm of the view that I think our time is best spent together talking about scope but to the extent that anyone disagrees with that, you know, by all means we can focus on the laundry list. All right, I don't hear anyone screaming. Donna and Tony are typing. And now not typing. All right, let's say this, is there anyone that objects to spending our – to starting with scope? We can see where we get to. Yes to scope from Tony. Okay. Anyone disagree? Anyone feel strongly that they'd rather not tackle scope at this point?

All right, let's jump on it then. Here's what I would suggest, I want to turn to start this discussion with a question to the small team and I want to begin by acknowledging, we've already acknowledged the effort of the small team has done to get us across the line in relation to composition. Scope is even more challenging again, it is still under discussion.

And it is very much the case that the progress that we're making in relation to all of these things, but, you know, I think it's obvious in the context of scope, is happening up against summer holidays and family holidays and jetlag from Panama and everything else and it's been very difficult, I know, for the small team to keep track of what document we're in and which version are we at

and did I see the old document or did I see the new document, and this sort of thing.

It's been super challenging, not to mention the fact that these calls have been largely speaking, back to back with not a whole lot of time to think about things and to work on alternate text. There's been a lot of you know, two, three, four-way discussion within the small team to try and get things to a point that everyone can live with and this is a pretty monster effort.

So the fact that scope isn't perfect is not surprising in view of all of these circumstances. Nevertheless, I agree very much with the comment that Keith has made in the chat, I think they're making very good progress. Now, there are all sorts of challenges that I know only too well being the queen of jetlag and time zone differences. There are challenges to getting feedback in quickly when members of the small team are spread across multiple time zones. So it's always the case that somebody's seen a version that somebody else hasn't because it came in over their night.

We had some discussion, as I said, 14 hours ago, about scope. And there are some comments out there that I'm not sure that everyone within the small team has had a chance to view. So I'd like to turn it over to the small team, which is Keith, Paul, Stephanie, and Susan, and ask you guys for your input here, what do you think we should be showing on the screen at this point to talk about scope, bearing in mind that the drafting team has not seen anything on scope since we last talked about this in Panama. Is this something we want to talk to? Is this something – how do we want to deal with it? Paul, your hand is up, over to you.

Paul McGrady: Thanks, Heather. Paul here. So with the caveat that I've not been able to go through it with a fine tooth comb, Keith produced yesterday what I think is the latest and greatest version of the scope document which shows various compromises that have been made, tightening up of language, all those kinds

of things. And so unless the others in the small group disagree, I think that's the most modern document.

And so I don't know if Keith is willing to, you know, have that be what we use and sort of be the Sherpa to the document this morning, but if he's willing to do that I think that's the best starting point rather than going back to older documents and then trying to reconstruct what we've talked about and what issues we think are – should be, you know, are fairly settled, at least from a small group standpoint, we understand the larger drafting team hasn't seen, you know, the documents we worked on nor necessarily been able to listen in on the calls that we've made. Thanks.

Heather Forrest: Thanks, Paul, very much. And I really love the image of Sherpa, so Keith, forgive me if that image sticks in my mind, over to you.

Keith Drazek: All right. Thanks very much, Heather. And thanks, Paul. This is Keith Drazek. So, yes, I agree with Paul. I think the latest version that I circulated based on my consolidation work over the last 36 hours I guess now, and incorporating Paul's replacement language for the Section J that we can talk about, I think is the right place to present to the bigger group at this point.

And while we're pulling that document up, what I would suggest, you know, just as a high level introduction is that, you know, I think the small group took on the task of trying to, you know, do the sausage-making behind the scenes on your behalf and so I think the document that we're going to share is the result of quite a bit of discussion and compromise and a very compressed period of time.

And essentially an effort to try to streamline the document so it was clear and concise for the working group once it's established, setting out some clear parameters for work, some clear timelines for the work and to essentially, yes, Heather, yes, please the most recent version, the one that I circulated

that includes Paul's replacement language for J. and if you need me to recirculate it, I can.

So what we've got here is what I think is getting close to being a stable document where most of the big questions have been answered and where at least the small group has agreement in principle on sort of the structure and the path forward for the working group. It's worth calling out at this point – and I think as Donna noted at the outset, one of the things that we had decided or at least were leaning towards in Panama was this concept of a phased approach, you know, using the word "phased" where the trigger for the pivot from the temporary specification focus would be the publication of the initial report on the temp spec and then there would be at that time, at that date, certain, there would be a pivot towards focusing on access and, you know, potentially the things in the annex and accreditation model.

I think where the small group has come to at this stage is a recognition that some of the key questions related to the temporary specification that must be answered to be able to properly address the discussions on access could be completed prior to the finalization of the initial report on the temp spec. And so the concept of gating questions, as Donna mentioned earlier, is now essentially the trigger for the pivot to be able to in an informed way, talk about access.

So that was probably at a high level one of the changes that we've made in terms of our thinking. And I think it's a reasonable compromise in the sense that, you know, the conversations on access are important and we don't want to hold them up unnecessarily by picking a particular event or, you know, deadline in terms of the date. What we want to do is make sure that the questions that are necessary to be answered, the gating questions, once those are answered then it's reasonable to be able to begin the discussions around access.

So I'll pause there and see if anybody has any, you know, further input. I want to make sure that Paul, Stephanie and Susan have an opportunity to weigh in here as other parts of the small group. If anybody in the drafting team broadly has any questions or concerns about that, let's at least address that now and then I'm happy to take folks through the document at a bit of a high level. Thanks. Okay, can you all hear me?

Heather Forrest: Thanks, Keith. This is Heather. The floor is open, anyone who wants to raise any points now I think particularly anyone on the small team, otherwise, Keith, at the moment we've got no hands so.

Keith Drazek: Okay. Going once, going twice. Okay. All right so through the documents and again, this represents my best attempt, best effort to consolidate all of the various points that have come in. There will be some continued I think probably at this stage fine-tuning in terms of some of the language so what you see here is certainly not final. I did receive some comments from Stephanie just this morning as this call was starting, and I'm sure that there will be others from Paul and Susan and probably from staff as well. And so this is far from final but I think it's, you know, headed to being a stable document.

So the first section here as you see on the screen is the background. I think that's fairly straightforward. It acknowledges the reason for this EPDP, the temporary specification that was imposed by the ICANN Board. I don't think we need to talk a lot about the background statement but the expectation is that we will ideally approve this at our meeting on the 19th of July next week.

Okay, so getting into the next step of mission and scope, it talks about that the EPDP team is being chartered to determine if the temp spec for gTLD registration data should become an ICANN consensus policy as-is or with modification while complying with GDPR and other relevant privacy and data protection regulations. And that the group has considered to, you know,

considered the certain elements of the temp spec and answer specific questions.

Okay, and so what we then have underneath that lead-in paragraph are a series of very specific and detailed questions related to the temporary specification. So if you scroll down we've got, you know, Part 1, questions about the purpose for processing registration data; Part 2, required data processing activities and, you know, it goes on and on.

And we don't have the time on this call to go through each one of these line by line, but I think what it focuses on is are the questions that are necessary to be answered to either in an informed way be able to confirm the temporary specification, to amend the temporary specification, or replace or reject the temporary specification? So these are the questions that have to be answered to be able to focus on whether the temporary specification should remain in force as-is or with amendments.

And then secondarily, these are also the questions largely that must be answered in order for informed discussion about an access model and the term that we're now using is standardized access model, lower case, as it relates to trying to figure out how we as a community can ensure that access, you know, to nonpublic Whois data for legitimate purpose is to be accomplished in a predictable way.

And that predictability is important for obviously the users of that data, law enforcement, intellectual property, security researchers and all of that but also for contracted parties in terms of having a process that can be, you know, predictable and scalable as it relates to, you know, the interface.

So let's then keep scrolling. And again I'm going to pause here for a moment and ask for any further input on this from the small team or any questions. But you'll see in some of the – underneath some of the questions it clearly

identifies that those questions above are the gating questions for the discussions of access.

Okay, so let's scroll down. You know, questions of data retention and applicability, data processing requirements, transfer of data from registry to EBERO, I mean, so there's a lot of detail in there but it is all tied directly to the language in the temp spec that needs to be assessed by this group.

And then you'll see in the red text down below some replacement language from Paul. Thank you very much, Paul, for taking this on yesterday on short notice. This is the discussion about some of the access questions and this is the focus of the group once the gating questions will have been answered.

Okay, scrolling down further, you know, we've got some focus down below on the annex and the system for standardized access and so I'm going to pause there, you know, and at the very bottom we've got objectives and goals, deliverables and timeframes, I worked with Marika to, you know, to sort of streamline some of this language so thanks to Marika for that.

So let me pause there, see if there is any initial feedback, any other contributions from the small team or questions from the broader group, thank you. Okay, I'm not seeing any hands. Please, folks, feel free to speak up, jump in, weigh in, this is our opportunity to flag any issues or, you know, provide your input because essentially this is going to be largely the document that we focus on in our vote next week.

Okay so I see Paul and then Heather, if you want to jump in. Paul, go right ahead.

Paul McGrady: Thanks, Keith. Paul McGrady for the record. So I just wanted to thank Keith for presenting this. It is kind of funny when Keith represents it, it sounds kind of – I'm not sure how to describe it, but there was – Keith makes it sound so

orderly but there was a lot of back and forth and a lot of give and take in this document.

I do think as – I think it's a stable document. I think that, as Keith indicates, it really is a good basis for us to do some final tweaking on and so hopefully as the drafting team has the chance to look through that, you guy will see areas where compromises have been made as the small group has done its very best to put something forward that we, you know, that we think will, you know, will ultimately get us across the finish line, so thank you, Keith.

Keith Drazek: Paul, thanks very much. I really appreciate that, and you know, thanks for your – as I said, for your input and everybody's input on the small team under challenging circumstances. So Heather, go right ahead. I think you're going to read a comment from Rubens.

Heather Forrest: Thanks, Keith, very much. I'm just mindful that we have Arsene on audio only and we've got a few folks on audio cast and poor Rubens is suffering construction in his neighbor's home so doesn't want to give us an earful of construction noise.

So Rubens has made a comment in the chat, the – "I believe the third deliverable should be edited to reflect its nature, it's currently a replica of the first deliverable." And then I believe Rubens said he's referring to Page 8. The third deliverable of the EPDP team, he has copied out that language which you'll see there on Page 8 and notes, "While full consensus was assumed a requirement for the first deliverable, because it was a triage, it's too high a bar for the whole."

And I have a feeling that is a – probably an oversight in terms of just tidying up the drafting, but thanks to Rubens for pointing that out. And if I've misunderstood, maybe, Rubens, but I think that's something that's pretty easy to clean up. And no problem, Arsene, glad to see that you're on AC as

well. Let's open it up. Rubens is typing – yes, good, probably copy paste issue and I think so too, Rubens, and thanks very much for noting that.

Keith Drazek: Heather, if I might?

Heather Forrest: I want to encourage – yes, yes go Keith, yes.

Keith Drazek: Okay, yes thanks for interrupting but this is Keith for the record. I just wanted to note for everybody this is an eight-page document and I know this is the very first time most of you are having the opportunity to see this. So I'm not expecting or, you know, none of us are expecting that, you know, silence at this point is to be taken as consent or agreement. But I think this is now an opportunity – this document I think is stable enough in terms of its concepts and its overall structure that now is the time, you know, in the next, you know, day or two for folks to review this and to give us feedback so we can continue to fine-tune it.

So, you know, if you have feedback, any sort of high level concerns, please raise those now, you know, in structure or in terms of process, in terms of where this is leading us. Feel free to raise then now but also raise them as soon as you can after having had an opportunity to look at this in a little bit more careful detail. Thanks. Heather, I'll hand it back to you.

Heather Forrest: Thanks, Keith. And in fact I think you and I just mind melded because I – typed in the chat almost exactly what you said. Look, on behalf of the leadership team I want to encourage folks, I know that this is – I know that this is the first time that you've seen this text and as we've said a few times now, it's really been – it's really been a work in progress up to just moment ago, frankly. The small team has really worked nonstop on this for the last three days.

I would encourage anybody, if you have a sense here at all even that kind of inner sense of, I'm not so sure, I look at this and I just don't understand it,

you've got the drafters of this language here on the call that can answer right now and maybe provide the context and say here's what was on our minds or I didn't notice that to, yes I think that's a typo, here's an opportunity to seize that and Stephanie's noting in the chat, you know, the small group chewed over this much that they might be missing things so fresh eyes are good. Indeed, everybody now is fresh eyes so don't hesitate you know, to raise something and say now, I just don't understand what this means or I'm not so sure about this.

So Ayden's made a point in the chat, Ayden. Ayden, we do have a few folks on audio-only, are you willing to speak to that one just folks can hear it? Thanks, over to you, Ayden.

Ayden Férdeline: Sure. Excuse me. Hi, everyone, this is Ayden Férdeline. I was just reviewing the scope and I'm on the final page and on Page 8, and where it is talking about the third deliverable, and there was a referenced to providing accredited access to nonpublic registration data. And so I was just suggesting at least for this reference but there may be other references within this text to what is called – what it has been termed registration data. And while I understand the sentiment behind it, I think we should call it, what it is, call a spade a spade, it is the personal and sensitive information of domain name registrants.

So when we are talking about this data, I would suggest that we use that term, personal and sensitive information of domain name registrants. That was the only point I wanted to make. Thanks.

Heather Forrest: Thanks, Ayden, and thanks for speaking to that point. Donna.

Donna Austin: Thanks, Heather. Donna Austin. So I guess my concern with introducing a different concept is consistency. So I'm – I guess I hesitate to agree to the language when what's been used in other quarters is something different. So I just – if we're going to introduce a different way to describe something that

folks already have a kind of understanding of then we would need to explain why we're doing that. So I think yes, Keith, I think that's the point that I'm trying to make is I think we need to keep the language consistent with what's in the temporary specification. Thanks.

Heather Forrest: Thanks, Donna. Michele.

Michele Neylon: Thanks. Michele for the record. Also, well my problem with this is, is one around accuracy. Personal information could be public so where the discussion within the EPDP is going to be around nonpublic registration data, in other words, what is not viewable to the public; it doesn't matter whether it's personal or not. I mean, I could theoretically, and possibly practically, publish my personal information in the public Whois if I absolutely wanted to. What we're talking about is nonpublic registration data.

Now I do understand the personal and sensitive information concept that Ayden is talking about, I just don't think where he's putting it is the correct place. Thanks.

Heather Forrest: Thanks, Michele. Stephanie. Stephanie, it's Heather. We heard a burst of sound but not really you and nothing since.

Stephanie Perrin: How about now? Any better?

Heather Forrest: Bingo. There we go. Stephanie, over to you.

Stephanie Perrin: Can you hear me now? How very odd, Adobe wants to be toggled twice now with this latest update. Anyway, my apologies. Stephanie Perrin for the record. I apologize, I made the comments on sensitive data in my insertions last night, I'm not wondering if we shouldn't leave this to the definition and stick to, as Keith says, the language that's in the temporary spec. My objection is that there are things in the temporary spec that in my view, are not correct. It's not as if we got to review it.

But the concept of nonpublic registration data, as Michele says, does cover personal data that somebody may choose to release or it also covers data that belongs to a company or an organization that is protected in other related law and therefore also covered by the GDPR, because there are references in the GDPR to charter protected data because of the linkage with the charter fundamental rights.

That's what we're getting at here. And we can't narrow the scope; we have to make sure that we catch that, if you follow me? So an explanation in the definitions, yes, I know we're getting into the weeds but we can't – we've got to make sure that the scope doesn't narrow this out because it's an important subgroup. If we cover in the definitions and explain that for the purposes of this document this could also mean this, this and this, I think we're covered. So I'll try and volunteer a draft here. Thanks.

Heather Forrest: Thanks, Stephanie. Michele, please.

Michele Neylon: Thanks. Michele for the records and what have you. Stephanie, I know what you're driving at. If it's covered by GDPR, which I think you said to me either here or somewhere else that it was, the fact that we've referenced GDPR on multiple occasions should be sufficient to cover it. My concern is if we start going down this route of carving out specific very detailed language like this at this juncture, then my fear would be when the actual EPDP itself launches, the likelihood of it finishing when my great grandson is still alive is slim to none. So can we please try to stick to the more general and get out of the overly specific? The GDPR stuff that we've got here I think is very clear.

Heather Forrest: Thanks, Michele. Keith.

Keith Drazek: Sorry, had to get off mute. Apologies. Heather, I think it might be helpful if we're ready to move on, if we're not that's fine but to review the end of the document that includes objectives and goals and deliverables and timelines.

It might be helpful just for me to walk through that for the broader group and so if that's appropriate I'll go ahead and tackle that now just let me know.

Okay, very good. So let me zoom in here on the documents. So I think it's important for everybody, you know, as we move ahead and look towards a vote next week to just be on the same page as it relates to the objectives and the goals. And so I'm just going to skim through this as I read it to you.

"The goal is to develop at a minimum, an initial report and a final report regarding the team's recommendations on issues related to the temp spec as well as regarding the team's recommendations for a system for accredited access to nonpublic data." And then, you know, it covers some of the language about references.

And it says, "Work on recommendations for the system for accredited access should not commence until all the gating questions have been answered," we referred to that earlier. "Similarly, delivery of the final report on the team's recommendations on the temp spec should not be held up by work that may be ongoing in relation to the team's recommendations for the system for accredited access."

So to summarize that point, the key here is for everybody to recognize that the EPDP focused on the temp spec has a hard deadline of May of 2019 for forwarding a final report to the ICANN Board in time for them to be able to act on it because if we don't, if we miss that deadline, the temporary specification will go away and all of the protections that exist in the temporary specification could go away.

And so the key here is that the group has to be primarily focused on meeting that deadline while not holding up discussions or work on other things but making sure that there's, you know, that the temporary specification has priority because of the essentially an artificially imposed deadline. Okay?

And I'm happy to take questions at the end of this but let me just keep going through this. So deliverables and timelines, the first deliverable of the EPDP Working Group will be a triage document of the temporary specification which includes items that have the full consensus support of the team that should be adopted as-is as consensus policy.

So the key here is to try to segment the work in such a way that if there's agreement broadly across the working group that a certain percentage or certain items within the temporary specification should be recommended as consensus policy, then let's identify those first and leave the rest to be the work of the you know, the sort of the harder work of the group, you know, on the issues where there is perhaps not consensus or where there are challenges to the existing language in the temporary specification. And so that would be the first deliverable, if you will, will be the triage document of those questions.

And, you know, it would be focused on the temp spec not including the annex at the beginning within the picket fence as it relates to the contract clauses, not obviously in violation of GDPR, assumed to be compliant and consistent with ICANN's bylaws. So this is essentially sort of the marching orders for the group and that the deliberations on the first deliverable should include at least one round elimination of clauses if appropriate and the second would be full consensus approval of the whole set of clauses.

And then it goes on to talk about second deliverables and so I don't want to go into all the detail here but just wanted to flag this for people and that we actually have some parameters established for the group as it relates to priority and focus and timelines. Thanks.

Michele Neylon: I thought we switched over.

Keith Drazek: Michele, I heard your voice. Donna, I see your hand. Go right ahead.

Donna Austin: Thanks, Keith. Donna Austin. So I think it's important that folks understand what Keith is talking to here. One of the things that I think doesn't accurately reflect this is the timeline that we've been looking at, you know, that we have up on the screen because there's a lot of focus on, you know, the initial report, so that timeline that we look at is really focused on this – the first piece and that deliverable and meeting that 25 May deadline.

But I think we need to find a way in the timeline to reflect that that is only one potential part of this PDP so it doesn't – that's not all we're dealing with here. So I think you know, for me that we need to look at the timeline because a lot of people just go to the timeline and have a look and say oh, well, that's what they're doing. But I don't think it shows the complete picture so we need to I think rethink the timeline to make sure that it reflects what Keith has just talked about in terms of the deliverables and the timeframes. Thanks.

Keith Drazek: Thanks, Donna. Agree completely. And I think Marika had sent me some language that may be not – may not have been incorporated into this document sort of a timeline but I'll make sure that that gets captured. But, yes, the point there is that, look, this working group focused on this initial phase is going to ideally deliver an initial report on the temp spec by Barcelona so once we get this group stood up it won't begin its work probably until early August, once the appointments have been made in coordination.

But that really leaves, you know, about eight or nine weeks for this group to deliver an initial report and that's really the rationale for trying to, you know, prescribe the focus of the group so it can meet a, you know, it can deliver a manageable document in a very, very short timeframe.

So let me pause there, see if there's any other questions, any other input, anybody else from the small team before I hand it back to Heather. All right, so as I hand it back to Heather I'm going to again just call for everybody, please, please, please, take an hour today and review this document in detail and send any questions, comments or suggested edits to us because we're

going to be trying to finalize this and, you know, do the fine-tuning over the course of the next several days so the document is stable well in advance of our meeting on the 19th, so thank you very much. Donna, over to you.

Donna Austin: Thanks, Keith. I just wanted to flag for folks as well that we've also included language in the scope that speaks to, you know, what happens, you know, the 90 – the Board will be reconfirming the temp spec every 90 days and, you know, what the EPDP work team is recommended they do in those circumstances. But in the event that that reconfirming the temp spec results in something significant that might have an impact on the timeline that the work team is working to then that – the Council needs to be informed.

So I just wanted to note that that is now something that's been included in the scope as well because I think it's a very important variable that could impact the work of this or particularly the timeline if the – if in reconfirming the temp spec the Board decides to change it, then that has a serious impact on the – potentially has a serious impact on this work team. Thanks.

Keith Drazek: Thanks, Donna. This is Keith. Excellent points and absolutely correct. It's unclear at this point that a change to the temp spec – we don't quite know how that will be treated in terms of timelines, in other words, would it have an impact of if the changes were substantial enough, would it be considered an additional temp spec and, you know, restart the clock or would it simply, you know, cause the group to have to refocus its work on the current timeline, so some – perhaps some unknowns there.

And Rubens has typed into chat that the European Data Protection Board letter, July 5, has already suggested some changes to the temp spec so we should probably anticipate some potential changes that the working group will have to deal with so thanks Donna for that I think also for you know, suggesting the language that you did for the charter document itself to call that out. Any other comments, questions, input, anything at all? All right, Heather, I'm going to hand it back to you at this point. Thank you.

Heather Forrest: Thanks, Keith, very much. That was a Herculean effort and extraordinarily well facilitated by you. So I would like to suggest, you know, scope has been the most challenging concept that we've had to get across. There's a tremendous amount of goodwill in the bank coming off of what we've already done.

And I'm going to express a very personal view here, if you'll indulge me, which is to say I'm really hopeful and I hope I'm not naïve, but maybe I am, I'm really hopeful that when we look at this on the 19th and it comes to voting on a motion of whether or not to approve the charter, I'm hopeful that we can between now and then get to a point where we have a charter that we can all agree to and move in as one on this because I just think to the extent that the GNSO can't stand together on this at this stage we're setting ourselves up for trouble in the EPDP – in the actual EPDP.

I realize that that's not easy but given the – where we are now and what we've managed to do in a pretty tight timeframe to the extent that we can get this thing off on the best possible footing, I'm hopeful, very sincerely hopeful that we can do that, which is why, you know, I'm going to make another push here and say if there's anything here that you feel, you know, you're not sure about, that you want to ask the drafters about, that you think I don't understand how that impacts me, here's an ideal time to raise that.

And as Keith has said, now the silence here communicates any sort of, you know, of ascension at this point, I understand again that we're all dealing with seeing text fresh and this sort of thing, but to the extent that you've looked at this, and I understand the time zone is pretty rough for APAC and West Coast US so all of that taken into account, you know, this is a great time to put up your hand and say I'm just not sure.

What I want to suggest is we really, you know, we have the motion on the agenda for the 19th, which is a bit more than week away from today. As Keith

has said, you know, we have an opportunity after the call obviously to make further comments on this after folks have had a chance to digest it. I can't underscore Keith's comment enough, I think he used exactly the right words, can we all try to take 24 hours to look at this text?

I hesitate to put a hard and fast number on it because there'll be somebody that says I need 26 or so on, but to the extent that we can say in the next day, you know, we'll do our very best to look at this, the rationale here being this, we're going to undo a lot of good will if someone comes forward with even very well meaning and rational sensible comments, if those come up 48 hours before Council and folks are scrambling to try and understand them, it's just going to set us back. So the small group has bent over backwards over the last few days and really since Panama to work round the clock and I think we owe it to them to put in, you know, a good hard day of having a chance to look at this and see where we want to go.

And I think the very best possibility would be, so it's now very nearly Thursday but it's Wednesday night here in APAC, it means most of you guys are in the start of Wednesday, you know, I would – I think it would be optimum if we could get to Friday and have things in a, you know, a pretty good state that we knew what we were going into next week. I think that would be super helpful, so that even gives us a bit more than a day. If that's at all possible to do that, then I think that would be brilliant. And that puts us into the Council meeting knowing what we're dealing with rather than surprises.

I know, you know, some comment that comes up last minute won't be intended as a ninja attack but it could well be interpreted as a ninja attack. And let's try and avoid ninja attacks. Anyone feel like that's unreasonable as a plan forward? Go back, digest this and try and make comments by the end of the week? So I see a number of folks are typing. So Donna's asked a good point, so Keith made a comment as well, close of business on Friday is good,

Keith says. Donna's asking, can we in principle agree on no changes to the charter after Monday?

So if we say, you know, comments go in there by Friday, that gives Keith and I'm sorry, it's summertime where you are, that gives the weekend for the small team and Keith's taken the pen on – that gives them the weekend to kind of turn that around and by Monday it's in our inboxes in a stable state. Pretty generous offer, Keith.

And Tony's asking, can the document be reciruclated? I think absolutely in fact it needs to be circulated never mind recirculated. So we'll take this task that what you see on the screen here as an action item that that needs to be – that needs to be sent around to the drafting team. Thanks, Marika, for noting that.

I see no screaming objections to the plan, and Paul has summarized, comments by Friday, close of business, whatever your time zone is, Keith finalizes the draft by Saturday, small group looks at it on Sunday and the final to the drafting team on Monday. That works for Keith, that's committed, Susan and Stephanie, so let's just make sure Susan and Stephanie, are you okay with that?

Stephanie has a resounding yes with an exclamation mark and Susan says, yes that works for me. That's brilliant. And our small team gets the case of Mountain Dew, Keith, first before we start handing those out to the EPDP Drafting Team. So that gives us a plan on scope. And what an effort here, what a milestone.

Let's seize the – let's ride the wave a little bit further. We have a few outstanding items in the charter that we could usefully come to now and potentially sweep up even while we're on the call because I don't think they're nearly as let's say in play as scope or composition. They're issues that we looked at and simply parked to focus on other things in the triage that

happened in Panama. And in the meantime we're selecting a mascot which is likely going to be a ninja dragon drinking Mountain Dew.

Marika, could we pull up the middle of the road version of the charter text that flags the stuff that we need to pick up please? Thank you. Okay, so you remember the front page looks a little bit funky because that's just the way that the formatting looks in the AC room so don't panic about that.

Objectives and goals and deliverables and timeframes you'll recall we just discussed in the context of scope, and Keith has taken us through that text, which we've already got down as an action item and will work that through to Monday so that text we can shift forward from there, I'm referring to the bottom of Page 2 of the charter in the version that you see on the on the screen.

Group formation we've discussed in the start of today's call. That takes us through Pages 2, 3, 4, which takes us to the middle of Page 5, which is EPDP team leadership. You'll notice that there's a comment captured there at the bottom of 5 that deals with leadership, vice chair. We've said we'll fix that text to make it clear that the matter of vice chairs is one for the – for the EPDP team to work out. And that takes us to the question of who reviews the EOI applications. And we had some discussions around this in Panama in the wrap up which was on the Thursday at noon I think.

Donna wasn't able to participate in that because she drew the short straw and went to ICANN 63 planning. We've had some comment in – on the list about this and more than happy to open this discussion. I expressed my concerns in Panama but really defer to the group on this. What do we want to do with this question of who reviews the EOIs? Anyone have any let's say burning thoughts on this?

And I note Rafik's put in the chat perhaps Tuesday rather than Monday would be more workable. Just bear in mind that Tuesday bumps us up to sort of 48

hours before Council so I think to the extent that we, you know, that we need to go to Tuesday, we just all have to be mindful in Council and nobody gets, you know, nobody get blindsided by the fact that we've only got 48 hours after that.

So back to this question of – we have a bunch of EOIs coming in, I think we might come to the point about the timing of the EOI deadline as well. But let's park that for the moment. We have a bunch of EOIs coming in, or we have some, we hope. Who do folks want to review those EOIs? Is that something, do we want to try and action the SSC very quickly given that as Keith has noted by the time we, you know, we're just putting out the call for volunteers, the call for members now, it's not absolutely critical that we have a chair in place in time for the Council meeting, for example.

We could potentially, based on the comments made by Susan, we said maybe we could get the SSC to do this within a two-week period. The current timing deadline is Friday on the EOI, but again, it's not – we had that in place thinking that we would have already launched the call for volunteers so the timetable has slipped a little bit. Keith is putting in the chat, "Heather, Donna, Rafik, Susan, and Maxim, the GNSO leadership team and the Standing Selection Committee co-chairs." That is a possibility that was discussed in Panama. And indeed I will note that Donna, Rafik and I have a call tomorrow, I think it's with both Susan and Maxim but I'm not entirely sure, to talk through the questions around, you know, their experience on the SSC.

But we, let's say, turn that into a, you know, a later call that deals with, let's say, the selection. Keith notes in the chat just noting for the folks on audio cast is that gives some flexibility in case someone needs to recues themselves due to a possible conflict or at least enough fire power to share the load. I think it's a fair point, Keith, and I'm also very keen to capture the experience that Susan and Maxim have had on the SSC, I think there's a number of lessons that have been learned along the way of that group and indeed that is why we have the group. So, you know, to the extent that that's

the overarching principle, you know, perhaps this is something better for the SSC to do.

So Ayden said the SSC should not be involved in selection but as said it makes sense to have the co-chairs speaking with Council. Stephanie, I'm just noting your comment in the chat. I have a feeling you – oh, Rubens has lost audio too. And my phone line appears to be on. Let's see, see if others type in. So Nathalie is on the bridge, Rubens is going to reload AC, okay, folks on the phone bridge seem to be okay so if you've been relying on AC, you might need to fire up AC again. Okay, thanks folks.

What are your thoughts here? I think the three clear options are SSC, SSC leadership plus Council leadership, and Council leadership, those are the three basic options. Donna.

Donna Austin: Thanks, Heather. I noticed that Ayden had some resistance to the SSC being part of this process and I'd like to understand why that is. You know, because if we understand what the resistance is then maybe we can – resistance might be too strong a word but we can understand the issue or maybe we can deal with it.

You know, personally I have a concern that it's down to three of us, and I know Council leadership has undertaken, you know, the GNSO Council liaison to the GAC but I think we've now handed that off to the SSC. We did put the SSC in place for this specific reason to do selection so I think it's appropriate that it be there, but I understand that, you know, we have some – we may have some challenges in timing. You know, the composition of the SSC is not strictly Council, it goes beyond that so that may be a concern, but, you know, I think we do – it would be better to have more than three of us involved in this. Thanks.

Heather Forrest: Thanks, Donna. I'm just mindful that the folks who are on AC can't hear us. And Ayden's having trouble logging back into Adobe and in fact, Donna,

you've just raised a question to Ayden. I wonder if we might just usefully take a two-minute pause here. Nathalie, can we lean on you and Michele, haven't forgotten you, can we lean on you to tell us when you've got – audio's back on AC as well. Super. Okay. Good stuff. Nathalie, we don't have to lean on you I think we've got it sorted.

Ayden, can you just confirm for us, are you back on audio? All right, doesn't look like we have audio just yet for Ayden. Donna, when we get audio back for Ayden, are you willing to repeat your question?

Donna Austin: Yes.

Heather Forrest: Super. All right, Ayden, I'm going to have Donna repeat a question as – I'm sorry, it was directed to you generally and it was raised the moment that your AC dropped so I'm going to turn it back to Donna.

Donna Austin: Thanks, Heather. So, Ayden, I noticed that you identified a resistance in chat to using the SSC for this process and I just wanted to understand what was the basis of that concern because if we understand what the basis is then we can address it and see if there's a path forward. Thanks.

Ayden Férdeline: Thanks for that question, Donna. Hi, everyone, this is Ayden. I'm okay with using the SSC to learn best practices and to understand how they evaluate candidates. I think that's reasonable. But given the importance of this particular issue and the need to have a chair that we agree is someone who is neutral and who meets these very specific criteria that we have, I think that the Council should really be keeping a tight grip on this process and it's for that reason that I would prefer that Council leadership be responsible to making the decision here. I hope…

((Crosstalk))

Heather Forrest: Thanks, Ayden. I think we lost a few packets at the very end of your – at the very end of your intervention there. And Donna has said thank you. Donna, I'm just going to check back with you, anything you want to follow up before I turn to Michele?

Donna Austin: No thanks, Heather, I'm good for now. Thanks.

Heather Forrest: Okay. Thanks, Donna. Michele.

Michele Neylon: Thanks. Okay, so I'm just trying to see how I can put this. The GNSO Council and all stakeholder groups that are represented within the GNSO Council are following this process very, very, very closely. And in some respects possibly a little bit too closely because I think it's taken over far too much of everybody's time, but that's neither here nor there.

So I think if Council leadership are more comfortable with leveraging the standing committee in order to help with these choices, then that's fine. Like we as Council could always turn around and reject or dispute or do something if we found that the choice that was being made was completely unacceptable. I mean, I don't know what like process for that is but I know there has to be a way of doing that.

So I think you know, just whatever works is the – should be the way forward with this and as others have mentioned earlier on this call, we have a deadline, the timeline on this is short, it is limited, we're doing a very good job of showing how dysfunctional and how overly bureaucratic ICANN can be and that is not a good thing.

Heather Forrest: Okay thanks, Michele. Keith.

Keith Drazek: Thanks, Heather. Sorry for that. Yes, so Keith Drazek for the record. So I typed into chat earlier, and I think there was some support for it, you know, that we have a hybrid solution of our leadership team, Heather, Donna and

Rafik, and the SSC I think it's co-chairs or is it chair and vice chair, I'm not sure, of Susan and Maxim. I think that like I said in the Adobe chat, I think that provides a well-rounded group that provides us some flexibility and a little bit of additional, you know, additional bench strength, if you will, to make sure that it's – that, you know, we're not single-threaded again.

I will note though that if there's concern about some potential imbalance there, then, you know, we have the flexibility to decide to appoint somebody else or another person from the SSC. But, you know, I've heard some concern from the leadership team that relying only on the leadership team is sort of not their preference. We've heard from Ayden that relying only on SSC is not the right path forward and I tend to agree with that just in terms of the timeframe and as I typed into chat a while ago, you know, the Council has taken a very hands on approach to this whole process and I don't think that we should sort of change that at this time.

So I'm looking for sort of a middle ground here that would include our Council leadership team, the chairs of the SSC and if we need to augment that somehow with another person I wouldn't be opposed to that either. So let's – but let's try to make a decision on this and you know, this is going to be an important process we need to get started. Thanks.

Heather Forrest: Thanks, Keith, very much. And I note Donna's comment in support there in the chat. I think compromise is the right word here. This is a good merge of the various options that are on the table. Tony.

Tony Harris: I just want to say that I agree with Keith and the concept of the hybrid. That's the way we should go since the Council leadership is comfortable with that. I see no problem with that. Thank you.

Heather Forrest: Thanks, Keith, that's helpful. And I note Ayden's typing a comment. Michele says, "Let's move on." Great. I think we're all keen to have this one behind

us, just make sure – Ayden, you raised some concerns, make sure that this addresses your concerns before we move on. Ayden.

Ayden Férdeline: Thanks. Hi, everyone. This is Ayden. I just had a thought, is it possible that we can have the Council and the SSC leadership develop a recommendation and then the Council ultimately votes on whether we want to confirm them as chair? Just an idea to throw out there and maybe that would not work for practical reasons such as the time constraint that we're working with.

I suppose one of my concerns around having Council leadership plus the SSC co-chairs, and only this small group determining the representation – of determining the chair is that it would see some parts of the community with more representation in choosing the chair than others. For instance this would see the Contracted Party House and the Commercial Stakeholder Group both have one additional member voting or choosing the chair than the NCSG would. And I appreciate that the chair is supposed to be a neutral figure, so I have issues with that. But I'd be very comfortable with a final vote that was the case then Council leadership and the SSC co-chairs would be sensible I think. Thanks.

Heather Forrest: Thanks very much, Ayden. So what is in the charter at present, and I think it's because this is such a moving puzzle, if you like, you'll note that what is written here in the text at the bottom of Page 5 in the paragraph that says "Staff has published," so it says, "Staff has published a request for expressions of interest for the role of the chair." At the moment it says, "Council leadership." "The GNSO Council leadership will review the responses and propose a chair to the GNSO Council which will then either affirm the selection or reject the selection and send the process back to the GNSO leadership."

I think we were looking at the language here, "affirm" to try and move us off the formal mechanics of a vote which is fairly procedural, if you like, and we want to make sure, you know, that the intention was never the selectors, you

know, travel ahead with this without Council input into this. Are we comfortable with the word "affirm" here? And we work out a, you know, an informal process for doing that or do we need to vote?

As Paul has noted, we do not have time to put a vote on the agenda for July unless we go into the extraordinary processes around things that come in after document deadline. So that means we need to think about the mechanics here that don't necessarily involve the July 19 meeting.

And Keith's got an alternate suggestion that actually goes about the members on the committee – on the review committee rather than what happens after the committee. Donna.

Donna Austin: Yes, thanks Heather. Donna Austin. So I guess I have a concern about what happens if the candidate is not affirmed by the Council, what do we do then? You know, I'll be an optimist and suggest that it will be affirmed, but this could be, you know, could get a – become a contentious decision because we will know the candidate pool, everybody will know the names of the candidate pool. So, you know, on what basis could the Council reject a candidate selection by, you know, whether it's the SSC or the Council leadership? So I think it would be important to understand that going in.

Either you know, this is a really tricky one for me. I want to be an optimist and say that there's not going to be a problem with the selection but the fact that we're discussing this suggests that there might be. So I'd like to understand on what basis the – any selection could be rejected.

Heather Forrest: Thanks, Donna. Tony.

Tony Harris: Yes, Tony Harris. Can you hear me?

Heather Forrest: Yes we can, Tony.

Tony Harris: Okay, just want to be sure I was off mute. Can't we solve this by having, let's say the Council leadership plus the SSC leadership when a selection is made this would be by full consensus so everybody has somebody involved there. Doesn't matter if it's one or two or five, but if it's full consensus then the NCSG person who's part of this small team has the right to, you know, to be in disagreement and it won't go any further. So doesn't that solve the problem?

Heather Forrest: Thanks, Tony, very much. I think that's a sensible suggestion that reflects the intentions behind the structure of the Council leadership. Rafik.

Rafik Dammak: Okay thanks, Heather. Just about the approval of confirmation by the Council, if I understand correctly we have some text in the current motion that is stated to – where in one of the resolves that the Council is confirming the chair, so that was the ascension. I guess if we are going to do that we will have some discussion or as I say something as maybe just postpone that confirmation letter just here to try maybe to kind of have a clarity about the process regardless how we will do the selection and by when.

Heather Forrest: Thanks, Rafik. Let's come back to those after Susan. Susan.

Susan Kawaguchi: Just a short note. The Registrar Stakeholder Group is not represented in this mix if we go with the leadership and the SSC leadership. So we might want to add one of those councilors.

Heather Forrest: Thanks, Susan. And so Ayden is suggesting we go back to leadership and I suppose you know, if I channel the ISPs and the BC, Susan, I don't represent you guys. So I suppose, you know, that argument can go out a bit further. Rafik, your hand is still up, old hand or new hand? Old hand.

                    Okay, we've got five minutes to go. I wonder if we can come to a close on this one. We had a view in Panama, we reopened I think it would be helpful in view of the fact that our EOI closes on Friday for chair, this is one we want to

decide now and not punt to – pardon me – for next Thursday. I think the concern here, and why you're hearing leadership hesitate is exactly the Council leadership – is exactly some of the stuff that's being fleshed out here about what happens if the person we select you know, gets kicked back and what if the insinuation there or the express charge is, you know, you're not being neutral or you've chosen badly or so on.

I think Council leadership, and I'll say I, not to say that that problem necessarily goes away with the, you know, the more people we add, the more people we add doesn't mean we're not going to get a challenge or a question. But I suppose on the one hand I can understand Donna's reticence when we hear from you guys, we trust you but then we hear, you know, what do we do if. So I think maybe inarticulately as it's midnight here, gives you a summary of where we are.

You know, I have no problem with answering questions, I have no problem with providing a rationale, you know, why did you choose that person and I think it's an expectation on us for transparency and accountability purposes whoever "us" is to give a rationale and say this is why I chose that person. But I don't – I don't think we want to open ourselves up to bad relations on the Council that, you know, that we sow the seeds of mistrust if we can possibly avoid it.

So I'll say again, we have three options on the table, we've heard the context for each one in addition to our discussion in Panama. We have the SSC, we have the Council leadership and we have the leadership of the two with the variation of full consensus of whoever that group is. Where do folks want to go understanding that we need to carry that trust forward whichever one we decide, because it's not going to change, you know, whether it's five or eight or who they are, we're still going to have an element of trust here.

So Keith has noted in the chat for those on audio cast, that Tony's suggestion of Council leadership, SSC leadership and full consensus addresses most of

the concerns raised. I'm inclined to agree that Tony's suggestion is, and Keith has articulated it nicely it addresses most of the concerns. I don't think anything is going to address all of the concerns.

Is there anyone that objects to Tony's suggestion? Paul agrees with Keith. And I see no hands and multiple attendees are typing. Ayden objects. Okay. All right, how can we find a path forward on this one? Ayden, you have made your views, let's say, clear in relation to the SSC as a whole. Is there anything we can do, Ayden, let's say the addition of the chair of the SSC and the vice chair of the SSC, is there anything we can do to resolve that, Ayden? Ayden, please.

Ayden Férdeline: This is Ayden. And I do appreciate that desire to come to a compromise here. And I do like Tony's suggestion of full consensus, I think that is very important. I would – I still feel that this too closely resembles the (unintelligible) and so I would prefer that we have this only Council leadership running on a basis of full consensus. I think that is the best way to deal with something as important as this. The Council needs to keep a tight grip on what is happening. But I appreciate – I seem to be a minority here, I'm not sure what others think as to how we move forward. But I just wanted to sort of formally note that I do object. Thanks.

Heather Forrest: Thanks, Ayden. And that's noted. I appreciate you being willing to stick to that. In terms of Council maintaining control, I will note that for all intents and purposes while Susan is the chair of the SSC, Susan is also a Council member so I'm not convinced, let's say, that – I personally don't feel that there's a risk of Council losing control. I wonder if what we might do is let's just take a temperature-taking. This isn't a formal thing, this isn't set in stone, we don't do this in the GNSO very often, but at times it's helpful just to get a sense of where we are.

Can anyone who objects to Tony Harris's suggestion of the GNSO Council leadership, the SSC vice chair and chair come to full consensus, if anyone

objects to that can you show your little red X in – the red X, the disagree in Adobe Connect? So for the record I don't see, and sometimes if it's slow to update in Tasmania, but I don't see any disagrees. Is there anyone on audio only that would like to disagree with the suggestion of Council leadership plus SSC leadership plus full consensus?

Okay, I don't hear anyone. Michele makes clapping hands. It seems to me that this is where we are, that that's the solution we're going to run with. I would suggest that having decided that we can leave our EOI close date of Friday and go from there. I think the only thing that would change that is we'll come back to the Council if the – excuse me the drafting team – we'll come back to the drafting team if we don't have any EOIs received by the deadline. But I think we'll hope that that's not the case.

So to note formally for the record of the call, we've come to a view that there are no objections to the proposed solution of the Council leadership, the SSC leadership reaching full consensus on the chair. I would offer Rafik and Donna and opportunity, since it implicates the three of us, if they specifically, let's ask them, Rafik or Donna, do you have any concerns about the direction that we're headed? Rafik says no. Donna says no.

Okay, great. We are out of time. We have a few items left but you'd be delighted to know that they're really more just a call for objections on this. So as Keith has noted, what we are going to do is we will leave everyone with a task, prioritize scope for now, we're going to point out in the charter documents the few remaining items to get swept up, the clock is ticking to the 19th, we need to get, you know, ourselves in tidy order as soon as possible before Thursday so that we're not going into Thursday with text sight unseen.

We're in an absolutely fantastic place; tremendous amount of credit goes to the small team here. And I agree with Paul, I think we're 95% there. And all credit to everyone who's pulled the oars so hard since Panama, during Panama and before. So with that, I will make a final call for interjections.

Plenty of typing. Hooray. Good stuff. With that I'm pleased to close the call. Thanks very much to everyone for your incredible efforts here and to be continued. Thanks very much.

Tony Harris: Thank you. Bye-bye.

Nathalie Peregrine: Thank you very much, everybody. This concludes today's call. Operator, you may now stop the recordings and disconnect all lines. Have a good…

END