

**ICANN
Transcription
EPDP on the Temporary Specification for gTLD Registration Data
F2F Meeting - Day 3
Friday, 18 January 2019 at 18:30 UTC**

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Gina Bartlett: Okay, can we get started? Let's see. Okay. Thank you for turning on my mic. So I just want to give everybody an update because we are now winding down. We have 90 minutes. Terri, if you want to put 90 minutes up on the screen to remind us how much time we have left as a full plenary, so we had said this morning that right after lunch we were going go to implementation and the transition. There was a bit of a miscommunication with JJ and he's on his way, so we need to just keep working and when he gets here we'll wrap up what we're doing and go to that.

((Crosstalk))

Gina Bartlett: We'll try to immediately wrap up. So what we want to do - I just want to, one, is reset. Right? Things got a little hot this morning and I think part of the reason - we think part of the reason for that is the stuff we're working on this morning is kind of a yes/no, right? There's not a lot of room for creativity of like how to solve things. So we just want to acknowledge it's a yes/no and that's tough. Like these are hard things to resolve.

But we also want to reset and try to hear people's proposals and take them seriously and eliminate, you know, outbursts, laughter, we're professional colleagues and let's hear people out and take them seriously and try to

consider their proposals. Okay? So just a quick reset. Hopefully now we all have full bellies, we're all feeling good.

So what we would like to do is revisit email information. We want to touch on legal versus natural and see if there's anything new that has emerged through the public comments or if anybody has shifted their thinking and then we want to tackle implementation when John Jeffery gets here, and then I think, you know, we'll see if we get any further. Right?

I'll start and then you can jump in. So the ideas before lunch on email, I just wanted to absolutely confirm because we went back and forth on this. Everyone agrees that redacting email is necessary, right? We're just going to be super clear. Nobody was arguing any other way than that. There's a recommendation to the GNSO to look at ways for contacting registrants that still considers and protects privacy, right, to go more in on that.

David Plumb: And a clear concern and objection around that that we can work on and see if we can work through that objection.

Gina Bartlett: There's a rejection to that...

David Plumb: Yes, there's a recommendation yes.

Gina Bartlett: Okay.

James Bladel: So just for clarity and as a kind of a noncombatant here in this particular issues, the GNSO doesn't do that kind of thing; the GNSO Council can form a policy development council to do that so I think we should capture that somewhere in there because the GNSO doesn't take on issues like that.

Gina Bartlett: So it's to direct some type of PDP - to recommend to the GNSO to direct a PDP to look at ways or consider - okay. One idea that Ben floated was to consider some type of log or some device that wouldn't be readily accessible

but that for folks who were trying to reach and not getting any kind of response that they could at least have some way to explore and think about how to get - see if their email was even going through to see if there was a piece, yes.

Ben Butler: Sorry, just wanted to clarify to make sure we're clear, what I was proposing is that we consider putting some language in a recommendation - it doesn't have to be its own, it could be tacked into a - whatever our recommendations are around email or something like that - just some brief language that says, contracted parties, registrars, registries have to maintain logs similar to the way they have to do for abuse, and that if a party feels like they're not doing their job and they're not delivering the messages through these Web forms, they can through the existing compliance mechanism to get - to - and the logs then get produced.

Benedict Addis: No.

Ben Butler: Well, I'm sorry, the logs then get sent to Compliance who will verify that they actually did their job. They don't share the logs with the supplicant.

Benedict Addis: Whether the email was delivered or not?

Ben Butler: Right.

Gina Bartlett: Okay. Thank you for clarifying that, Ben.

Ben Butler: Sorry, I know that's kind of long but...

((Crosstalk))

Gina Bartlett: No, no, no it's important clarification.

((Crosstalk))

Alan Greenberg: Can I ask a clarification?

Gina Bartlett: Yes, go ahead, Alex...

Alan Greenberg: Yes.

Gina Bartlett: Alan, sorry.

Alan Greenberg: Is that something we're saying should be done now or incorporated as one of the things the PDP will look at which might not happen for 10 years?

Ben Butler: I mean, from an SSAC perspective and I think the recommendation should be in the final report that registrars, registries should do this. As a practical matter I dare say at least all the reasonably well acting registrars and registries already do keep those logs. It's just I don't think anyone's using the Contractual Compliance mechanism to try and verify it yet.

Alan Greenberg: Just wanted to - this is not something for the GNSO to consider in their PDP but something more immediate. And that's what I heard but - that isn't where I saw Gina writing it.

Gina Bartlett: So, "Consider recommendation in final report that contracted parties would maintain a log," which it sounds like they're already maintaining, "that someone could go through the existing compliance officer to see if a contact went through." Right?

Okay, the other thing I heard, which I forgot to write, is to continue the temporary spec but to consider whether a registrant could consent to publish the email. And I don't know where we landed on that; if that was an opening that folks were comfortable with, if a registrant wants to consent to publish their email that that would be acceptable. Is that acceptable, Non Commercial? It would be acceptable if they consent. So that would...

David Plumb: Yes, voluntary consent.

Gina Bartlett: Voluntary consent would be fine, so we would continue the temporary spec but we discovered that this is not part of the temporary spec, so the recommendation would be that the registrant could consent to publish. Okay.

David Plumb: So just to be clear, it sounds like we're fairly close, although I'd love to hear from the contracted parties on Ben's particular language, right, we're pretty close so let's hear from folks. The issue about this recommendation to form a PDP in the GNSO, we're not that close, right, because Milton, who stepped out for now, was like listen, this doesn't seem like something we should be studying, okay?

So he and I had a quick conversation before he went back, hopefully he'll be back in a second we can continue that but let's quick start with Ben's language just from the contracted parties. Any concerns with having that language in there where we are recommending that contracted parties keep logs and then you can go through compliance to ensure that messages get sent? Yes, please go ahead.

Matt Serlin: Yes, it's Matt. I think conceptually we're fine with it but you can't ask us to be okay with language we haven't seen yet so I'll just reserve the right to...

David Plumb: Absolutely...

Matt Serlin: but I think conceptually that's fine from our standpoint. Thanks.

David Plumb: That's great. Thomas, did you want to add on that?

Thomas Rickert: Do we need to create an extra workbook for that because retaining logs, you know, for every other data element we've discussed we talked about retention periods and stuff like that and if you keep the logs that would

contain personal data as well. So I'm not - you know, I don't want to complicate things but maybe just keep a placeholder that - it needs to be done, you know, so that we don't forget discussing this at a later stage.

David Plumb: Okay. So that implies there may be a data workbook for that issue, okay. All right. So now...

((Crosstalk))

David Plumb: All right, guys. All right, so just to summarize - just to summarize where we are on email, and I want to weave Milton back into the conversation too, where we are is to keep the temp spec language, just as you recommend in your initial report, that is email is redacted, however, you create an opening, which is this item down here, so that on a voluntary basis people could request to have their email published, okay, so that would be a small change from the - or a change, I don't want to qualify it, a change from the temp spec as it is which requires redaction. Okay.

Next we have this thing that Ben has suggested that in principle, the contracted parties feel okay with, which is maintain logs from those Web forms, and you can use the compliance - existing compliance mechanisms in the contracted parties to see if messages went through, okay, that may require a separate data workbook. Okay? Good so far, guys?

Hadia Elminiawi: Hadia Elminiawi for the record. So my understanding that those logs files don't include any personal data. So why would we need Web books? But I might be wrong.

David Plumb: I have no idea there. I don't know if someone wants to quickly answer that question or - James, you want to answer that?

James Bladel: Just that we would, I mean, I think take a look at that and see if they do and see if they're sensitive and whether or not we design a new purpose, I think

it's possible but we're doing this for a lot of other functions right now, we have policies about sending reminder emails, we have policies about sending - so whatever we're doing for compliance seems like this could roll up into it.

But I just want to correct something you said for the record, David...

David Plumb: Thank you.

James Bladel: ...you said "keeping logs to ensure that those messages went through." In all cases we've determined that it's impossible to determine whether a message went through; it's only possible to prove that a message was sent.

David Plumb: Oh thank you. That's excellent clarification.

James Bladel: Because Compliance will challenge us on that.

David Plumb: Yes, yes. That the message was sent, right. Okay. Great. Okay, all right so we're putting a flag that we don't know if you need a data workbook or not but that's something to explore but in principle the idea seems to make sense, okay. And then the final piece, and then we'll run to these comments here, is this idea of a recommendation that GNSO put together some kind of process to look at how this contacting thing can work better, particularly using the Web forms and the like.

And that's just before the break, folks in the Non Commercial group were like, that doesn't really work for me and so I want to make sure if we can come back and see if there's some parameters that get set so that it does feel like it's sensible and it's not a waste of everybody's time. Okay? So I want to check with that. Let's quick go to the hands that are up here and then we'll move over, Alan and then Thomas and then Marc, yes.

Alan Greenberg: As I've said a few times, I'm starting to get really worried about the number of things we're tossing over to the GNSO. The reality is they're not going to

undertake another 12 PDPs in the next year. And I'm wondering, is this one of the - something that perhaps is not a PDP but is a small workgroup goes off and does some best practices or something like that?

David Plumb: Great.

James Bladel: Let's hold onto that for the transition discussion.

David Plumb: So, Alan, to be concrete there, what you're saying is, first of all, let's not talk about this as GNSO and PDP; let's talk about it as potentially some process which may be a small working group or something else like that, that's what you're saying?

Alan Greenberg: I guess I was rolling to what the words there before James intervened before, and the GNSO does not do it but the GNSO can instigate something like that.

David Plumb: Great.

Alan Greenberg: PDP may not be the right word is all I'm saying.

David Plumb: Great. So this is really - might be workgroup, something else. Okay. Wonderful, let's really register that and not use that. Thomas, did you put your thing down? That was an old one. Okay great. Marc and then Ayden, yes.

Marc Anderson: Thanks. Marc Anderson for the transcript. I just want to clarify a couple things just to make sure there's no misunderstandings here. So the - the first thing I wanted to clarify that the obligation to provide the Web form and - or anonymized email access is a registrar-only obligation, not a registry obligation, so I think that's clear in the temp spec but just want to make sure that that's what we're talking about here so we're passing the buck onto our friends over there.

And the same thing on the - on consent to publish data, no registry concerns if it's consent to publish from the registrar. But, you know, we would have heartburn over transferring of that consent to the registry level. So again as long as it's clear that it would just be registrars publishing that information and there would be no, you know, no expectation that registries are publishing that information then we're okay with that.

David Plumb: That - just as a quick pause, does that make sense to everybody what Marc just said about not transferring that consent over to the registries and that stays in a registrar place? Does that make sense? Do you want to comment on that particular thing, Alan, and then I'll come...

((Crosstalk))

Alan Greenberg: Yes, my assumption was always certainly that if there's an anonymized email address it's created at the registrar level so it just gets - if it's a thick registry it gets passed onto the registry. I'm not quite sure how one does it with a Web form, do they provide a URL for the - the registrar provide a URL in place of the email address or...

Alan Woods: So in the Web form, Alan Woods for the record, in the Web form it's specifically in the temp spec that we have to put a specific text within the email field of the output that says you must then -what is it - check the Whois output of the registrar or check with the registrar to get that particular Web form access. So it's - there is a specific thing that's in the temp spec.

Alan Greenberg: Couldn't the registrar just put a URL in that field?

Alan Woods: Not my call.

Alan Greenberg: No, I'm just trying to understand. Yes.

David Plumb: Can I pause on that? Because that seems like that's not going to affect what we got here hopefully. Ayden, you've put your card up.

Ayden Férdeline: Thanks. This is Ayden. And I actually just wanted to speak to the second point because you're correct that before we took a break for lunch, the NCSG did have some concerns about recommending that the GNSO Council take some action.

David Plumb: Yes.

Ayden Férdeline: However, we would like to withdraw those concerns and we would be happy for there to be a recommendation for the GNSO Council to consider looking at ways; we would not want to be so prescriptive as to say what action the GNSO Council should take right we're happy for a recommendation to go forward to the Council.

David Plumb: Okay, wonderful. Wonderful. Okay, that seems like a pretty good step forward. So let's say we have it, it's a little bit messy on the flip chart...

((Crosstalk))

David Plumb: Gina's trying to make a nicer version. But to be really clear what's going on, everybody, it's essentially are continuing what's in the temp spec on email, okay, right? We are adding to that by offering the ability to voluntarily opt into publish your email, okay. We are making a recommendation that registrars should have logs and that you should be able to access their compliance systems, I won't use that word "access" go through their compliance systems to use those logs to see if messages were sent.

And finally there's a recommendation to the GNSO to explore these issues through some mechanism, whether a working group, or God forbid a PDP, but potentially, right, so that we recognize these are issues that could be explored further, okay.

So in the spirit of Day 3 literally an hour and 13 minute to go, sorry to be like pressure, but does that seem like a pathway forward even though we recognize you have to look at the actual text and you will react to that text once you see it? In general does that feel right? Yes? Okay.

So we can - if that's okay, then we'll walk forward with that pathway on email, which addresses Recommendation 10 concerns in the public comment, and Recommendation 8 concerns. Okay. Great. So let's call that our victory on email.

Do we have John? No. No John.

James Bladel: Can I ask, do we need John?

David Plumb: I don't know.

((Crosstalk))

David Plumb: You guys tell me. Apparently he...

Gina Bartlett: I heard "yes" we need him.

((Crosstalk))

James Bladel: Because we're getting pulled back on our leashes by our ExComms as well about how far we want to go down this here. And so I just want to kind of tee up the problem.

David Plumb: I am perfectly comfortable with teeing up the problem, recognizing that the person who you really want to talk to at ICANN Org is John. So if you all want to tee it up and we can prep that up, that's great particularly if it takes some of the pressure out of the room to talk about it.

James Bladel: Yes, I mean, I think if it's something that he can, you know, that we can capture and that we can come back to...

David Plumb: Yes. Love it.

James Bladel: Because I don't think we have all of our ducks and kittens in a row right now either.

David Plumb: Yes. Okay.

James Bladel: Based on what we're hearing. But so let me know when we're ready to transition.

Gina Bartlett: Well I just want to say - I'm sorry, David, you weren't part of the conversation, I heard pretty strongly I thought from Kurt that he really thought John needed to be here. So, Kurt, any thoughts? And Trang, what time do you think? Two-fifteen. Okay go ahead, Kurt.

Kurt Pritz: This is Kurt. John wanted to be here for the discussion.

James Bladel: Oh okay, we'll wait then.

David Plumb: Yes. Okay. Okay. If that's the case, what Gina mentioned would be the next thing to talk about would be where we are with legal versus natural. This is a conversation that we've gone around on a couple times, right, there's been conversations, there's been public comment, I believe there's a small group that - was there a small group on legal and natural? Yes, okay. And we have that captured somewhere, yes?

So, Gina, do you want to tee us up to do legal/natural and we're going to see - we've got a few minutes to work on it and let's see where we are and take advantage of us all being here.

Gina Bartlett: Okay so I'm going to attempt to frame up the question. Marika, I want your attention because Marika may want to - she and I helped frame this up - in case I don't get it right. So I think on legal versus natural we've talked about it multiple times, and I think we know what the issues are. What we'd like to talk about, is there anything from the public comments that you feel merit group discussion on legal versus natural?

And also, if you've been part of that conversation, has anything changed where your stakeholder group shifted that you think would be helpful for us to discuss in the group? Is that it, Marika? Those are the two questions. Anything in public comment that sheds some new light? And any shifts within your stakeholder group that would be helpful for us to hear about?

David Plumb: So in doing that, Marika, what documents do we have to document where this group has gotten to so far in the public comment? What do we have?

Marika Konings: Yes this is Marika. I just posted in the chat the PCRT for this topic. We didn't develop a discussion table as, you know, there was no recommendation so it wasn't really focused on, you know, concerns about the recommendation but the PCRT basically provides the overview of the feedback that people provided on that topic.

David Plumb: So let's do our usual routine of spending five minutes to look at this. We don't need a new timer; we know it's 1:09 now so let's take five minutes off that, let's work on this. Speak among your groups please.

Alan Greenberg: What's the Rec number or the question number?

((Crosstalk))

David Plumb: Question 3.

((Crosstalk))

Gina Bartlett: Five minutes, okay?

((Crosstalk))

Gina Bartlett: It's five minutes. So can we get started? I'm going to see if I can grab folks from out there.

((Crosstalk))

Gina Bartlett: Can we restart?

((Crosstalk))

Gina Bartlett: Yes, thank you for the reminder. Okay, I'd like to get started if we can please. Milton and Benedict and Diane and Marc and Thomas, can we start please? So there's two questions - I've further refined my questions. The first question is, is there anything new from the public comments that we haven't discussed that we need to discuss on legal versus natural? And the second thing that I want us to discuss is that the charter notes that legal versus natural should be gone - go into more depth in Phase 2, okay? So that's what your charter notes or request in there.

So Question 1, is there anything new - it's in the charter - it is in here. Maybe we can - or go ahead, Marika.

Marika Konings: Yes thanks. This is Marika. The charter foresees that for Phase 2 in addition to other standardized access - well don't call it access, but that you also consider the issues that are in the annex to the temporary specification which includes "distinguishing between legal and natural persons to allow for public access to the registration data of legal persons which are not in the remit of

the GDPR.” So it’s already called out there as an issue to receive further consideration.

Gina Bartlett: Okay. So is there anything new from the public comments that you reviewed that we have not discussed that we need to discuss on legal versus natural. Thanks, Alan.

Alan Greenberg: Yes, question, is there - are we also looking at geographic in Phase 2 or is that one solely in Phase 1?

Marika Konings: This is Marika. I don't think it's specifically called out but of course that doesn't prevent you from recommending to add it there.

Gina Bartlett: Okay, anything new from the comments? Ayden, do you have something new from the comments? That's okay. Anything new from the comments on legal versus natural?

Alan Greenberg: I'll follow on to what she said; there are comments here on that - on geographic and I would suggest that that too is something that we are not going to finalize today.

Gina Bartlett: Okay. Hadia.

Hadia Elminiawi: So I do acknowledge and realize that it's - that the discussion for legal versus natural is in Phase 2. However, I wanted to ask if it's possible at this place to have a field that requires the registrant to determine if they are natural or legal persons. I just wanted to...

Gina Bartlett: So you're proposing that the team recommend that there be a field where the person - I'm sorry, where the registrant could distinguish if they were legal versus natural? Is that your recommendation?

Hadia Elminiawi: Exactly, but not to act upon it, just collect the information.

Gina Bartlett: Kurt wants to speak to that and then I'll come back to you, Mark, if you don't mind?

Kurt Pritz: To give the team a reset, we spent quite a bit of time on this issue, actually, a lot of time on this issue. And I think where we had narrowed down the issues was whether or not we were going to recommend that a study commence immediately into the feasibility of whether legal and natural person distinctions could be economically and effectively made on the registrar Web site, and that I think that we had a set of legal questions about that.

But at the end I think we circled around regardless of the set of legal questions we realize it's a very complex issue no matter what the answers to the legal questions are and so that's where we're stuck and that's why it's still an outstanding issue. Do we want to look into the feasibility further or...

((Crosstalk))

David Plumb: Why don't you put something out to the group right now? How to move forward.

Kurt Pritz: You know, I don't really think it's for me to come up with that language because I'm naturally setting parameters around the study that kind of might skew it one way or the other and be interpreted as such. So I'd ask somebody to come up with that language.

Gina Bartlett: Go ahead, Mark, thanks for waiting.

Mark Svancarek: Mark Svancarek. I'm not sure how much new stuff there is in the public comments, however, James, I guess James has stepped out, James did earlier today ask if the org field solution could somehow be applied as a partial solution to the natural versus legal thing, and so I think that is a new

concept that's been put forward today, not in the public comments but in plenary.

Gina Bartlett: Okay and the org proposal, just to remind you all that it would basically, for existing registrants would put them on notice that there was this new development; if they didn't respond or you know, request you would take the conservative approach which it would be like in this case you would assume it was a natural citizen, right?

Mark Svancarek: Yes.

Gina Bartlett: But otherwise unless they selected it they were a legal entity, something like that.

Mark Svancarek: Something like that.

Gina Bartlett: Okay.

Mark Svancarek: But, you know, so we haven't really discussed what the details of that would look like...

Gina Bartlett: Yes.

Mark Svancarek: ...but whether it might be interesting to work on those together.

Gina Bartlett: Thank you for that. And yes, my recap was just to remind people what it was briefly. Benedict. Okay. So it sounds like - I'm not hearing anything really new coming out of the public comments; nothing new out of there. I understand there was a lot of them and they were lengthy. And we have the charter notes that legal versus natural go deeper on that in Phase 2. We also had the idea of maybe exploring something in the interim similar to the organizational proposal.

And then the third thing we have on the table is a study - considering some type of study that looks into how one could implement and look at sort of feasibility and cost but that would have to be framed up. Those are kind of what I'm hearing is three considerations.

Emily, would you like to make a suggestion or a proposal for how to move forward?

Emily Taylor: I think it's helpful that the charter is noting that this can be explored further in Phase 2. I know it feels at the moment like we're throwing a lot over the hedge into Phase 2 but these are, you know, we're not perhaps having the perspective of remembering all of the things that we have actually come to consensus on. So more exploration in Phase 2, great. Maybe that could be - I really like the idea of the study into the feasibility and costs and perhaps also whether there are exemplars from other industries where this distinction has been made successfully.

I don't know, Ruth, or - whether there's any examples that you can think of. I don't mean to put you on the spot but maybe this is something that could come through in a study or be something. I don't think we should do the terms of reference for the study at this stage, but we could just put that marker down to say, you know, we've probably reached the end of the road in terms of how far we're going to get with this particular topic; we probably need a bit of evidence to base our further policy deliberations on.

Kurt Pritz: So to put a - thank you very much, Emily. To put a further point on my recap, one part of the recommendation would be to start it now rather than wait until the end. And I also remember it being sort of a Phase 2 study where it sort of answers some of the preliminary questions that you mentioned, Emily, before then, an in depth work on the feasibility of this and potential implementation could be accomplished.

And so the - there was a recommendation that was supported by many I think that we could spin off that study now and get it started, some of the legal and technical and cost implications of trying to solve this complicated problem. So that would be a way to like avoid throwing it over the hedge to Phase 2 but rather start some work on it independently and now.

Gina Bartlett: I think Alex wants to get in on that.

Alex Deacon: Yes, just - I mean, I agree that we're not going to define the terms of reference now. But I just wanted to point out in the IPC comment, and also the BC comment, in response to Question 90, there's a pretty extensive analysis of all of the registries that exist now that are doing this and so that could be a start of kind of wrapping our head around what's going on and how others are doing it, so we're not starting from scratch; we have spent some time doing that so take advantage of that if we can.

Gina Bartlett: Emily, are you okay with Kurt's modification that that moves sooner rather than later so that it can inform the Phase 2 and noted that BC did put some comments in there that - and reflects some of the research that they've done? So is it - anyone have a concern, you know, flagging this as moving to Phase 2 and kicking off and moving forward the study? Any concerns with that? Phase 2 but the study sooner, right? Like the study sooner but then recognizing it's going to still have be grappled with in Phase 2. Yes, Alan.

Alan Woods: Alan Woods for the record. A very simple - and I've said this before and I just want to say it, about the study, can we just be clear when we are thinking about the study that just because people are doing it does not mean that they're doing it correctly. So I just want to be on the record for that. Thank you.

Gina Bartlett: Study what not to do and what to do, there you go. And then, you know, it's on the Internet. Okay, Milton, to you and then I'll just check on one other thing. Go ahead.

Milton Mueller: Yes, I'm a little bit confused about whether we're only talking about legal versus natural, kicking that to Phase 2 or not geographic differentiation.

Gina Bartlett: We're just legal versus natural right now.

Milton Mueller: Okay.

Gina Bartlett: Yes. Okay. So it's my sense of the temperature in the room that we are not in a place to carve out a proposal like we did for org on legal versus natural given that we've had four - this is I think our fifth conversation on legal versus natural; there might have been more, I'm sure. I know this is my fourth. So that we're not going to try to tackle that today at this point. Is everybody concurring with that? I know, I'm sorry.

So what we would put forth then on legal versus natural, we didn't see much new in the - anything new in the public comment that we felt merited group discussion. We're going to follow the charter recommendation that we go deeper on this in Phase 2 and we are going to sooner, rather than later, put together the terms and conditions of a study to look at how legal versus natural could be implemented, feasibility, cost and a starting point would be to revisit the BC's research which is in their public comment. Yes, go ahead, Milton.

Milton Mueller: Just you're talking only about feasibility and cost of this differentiation; I think we also want to look at privacy risk to registrants.

Gina Bartlett: Okay.

David Plumb: So, Gina, if that's a wrap on legal/natural, we're done on that? I think that does beg the question, and what Alan said, and I think Milton alluded to, should we have essentially somewhat similar if not identical approach to geographic? Having carefully reviewed those comments, should - is

essentially the reaction let's do something similar? Alan, do you want to weigh in on that?

Alan Greenberg: I wanted to weigh in on the other thing closing but I couldn't find my card.

David Plumb: Oh.

Alan Greenberg: I agree on Milton's suggestion, but at the same time I think we want to look at risks of not differentiating.

David Plumb: Great. So you wrap both things into it. Okay, wonderful. Okay. Okay. Okay. So let's then say how about all those comments on geographic that were in the public comment and the previous conversations you had on geographic differentiation, prior to the initial report, should we essentially make a similar arrangement of what we just said here? Does someone have a specific way forward so that we know what we're going to do on geographic going forward? Milton, you want to help out with that?

Milton Mueller: Yes, I think I would like to try to see us deal with the geographic issue in Phase 1; I think it's a critical background to figuring out how we move forward particularly since the temp spec does not require geographic differentiation. So it seems to me that we can decide or try to reach agreement, maybe we won't, but we can try to reach agreement on whether it's required or not.

And to me this is very important and is actually at one point got the American representative to GAC to agree with me, is that the whole rationale for ICANN is to be global in its governance of the domain name system, and once we've generally always viewed the fragmentation or separation or alignment of the Internet along national jurisdiction lines to be a bad thing and that's why we created ICANN to do this.

So geographic differentiation is facilitating a kind of approach to domain name governance that is fundamentally at odds with the whole ICANN model.

So I hope that we could quickly dispense with that actually. I know that may be controversial but if the parties who want geographic differentiation realize that they're going to be possibly also getting legal/natural distinction and they're getting the org field in there, maybe it will become acceptable, I don't know.

David Plumb: So thanks, Milton. And to be clear, you're recommending essentially continuing what is in the temp spec on this which - because temp spec does not require differentiation. Right?

Milton Mueller: So I would...

David Plumb: Correct me.

Milton Mueller: ...of course that's my preferred outcome...

David Plumb: Yes.

Milton Mueller: ...but I would like to have a positive or affirmative decision that we are not going to require differentiation...

David Plumb: Got it. Okay. Perfect, okay. So Milton's putting it on the table, folks, that why don't we just try right now right here amongst ourselves having read the public comment on this. Does this group feel comfortable, having read that comment, to say let's move forward and make a statement saying differentiation on geographic basis it not a requirement, if I'm paraphrasing you correctly, Milton? Okay. Alex, is that a new card or an old card? Who's that? Diane, is that old? Okay.

So, Mark, do you want to react to the question and then Alan and then anybody else who wants to react to this, can we deal with geographic right now, take a moment to have a conversation about it?

Mark Svancarek: So actually my reaction is a question for contracted parties. So when you think of geographic - sorry - when you think of geographic distinctions, do you differentiate that from the things that you have to do to conform to local law? Because that's part of the way that I think of it, you know, that there are different requirements in privacy regimes and other disclosure regimes and stuff that are in different regions that of course you already follow and will continue to follow even as they change.

And so I had always thought of this conversation as being part of that. And I hope that our public comment had like reflected that, that we always think, you know, you have to follow local law; local law does not necessarily, you know, even the, you know, GDPR, there could be things that are not subset, supersets but intersections or even contradictions. And so that - so this is really a question to you to clarify what you think of it in that framing.

Matt Serlin: Yes thanks, Mark. This is Matt. Let me try to take a stab at it. So you have to follow local laws in places where you're operating - where the registrar is operating. And a registrar that's operating in one jurisdiction can take registrations and have registrants from multiple jurisdictions, so I don't necessarily think it's exactly the same as what you described, but I could have been missing something.

David Plumb: Does that clear up your question, Mark? Yes? Or do you want to jump in? Okay. Maybe - we'll have Marc jump in and then Emily, yes?

Marc Anderson: I'll take a stab at that. So I guess the, you know, so I'll start just by saying like the existing - the existing language is good and we think that's - that gives us the flexibility we need. And I think this touches on where you're going with that one is that contracted parties have different, you know, different sort of profiles with how these things apply.

So, you know, taking the GDPR case, a, you know, a contracted party, you know, physically located within the European Union is going to have one use

case; a contracted party outside of the European Union but has customers inside the European Union is going to have another use case. And you have some contracted parties that, you know, just don't, you know, are, you know, target very specific markets that are not the European Union, right? And I'm sure there's other edge cases out there.

But, you know, let's, you know, looking at those as sort of the three main cases, you know, we know from talking to our colleagues contracted parties in each of these three major scenarios, you know, make their own assessment on how to apply GDPR, you know, to their user bases. You know, some, you know, make the determination to apply it across the board, you know, some don't apply it at all because they don't think it, you know, it applies to their customers and others, you know, apply only in cases where they think it's applicable.

So has sort of a long way of saying, you know, we think the existing language gives us what we think we need and it's basically the flexibility to make the determination as to when and how to apply a particular local law in this case, GDPR. So is that...

David Plumb: Okay. Great. Emily, do you want to add to that?

Emily Taylor: I don't really have much to add to Marc's very clear explanation that I think - so the most operators' terms of service will determine which jurisdiction and which laws they are - their customers are subject to. The twist with GDPR is that it has long-arm jurisdiction so it reaches across national borders. And if you are all offering service, you might not be in the EU, this is why we're all here, you might not be in the EU but if you are offering services to an EU resident, then bam. So that's that.

The reason I put my flag up was actually to support Milton's suggestion that, you know, we might put this to bed.

David Plumb: Okay. So is that a new hand, Alan? Okay, let me go there and then I'll come back over to Kavouss. So, Alan, why don't you go ahead and then I'll go to Kavouss.

Alan Greenberg: Thank you very much. I have great respect for registrars, among other things. My registrar figures out which tax rates to charge me and they charge me different rates depending on which address I have and which domain because I actually manage some US domains and some Canadian domains. And they manage to do it. And we have a country field in every registration and I guess I really don't understand why one cannot turn on and off a switch to say redact or not redact based on the country.

Now I understand that you may well have multiple privacy rules from multiple countries going forward, you will, but they're not all going to be nested, you know, that start at GDPR and go better; there may be some that are more - less restrictive. You're going to end up having table-driven rules-based things to decide how to handle this. You're living in a complex world. If you choose to be multinational with multinational customers, you're likely to have - be in a complex world.

And I really don't understand why it is not as simple as looking at the country - if the person self-declares they're in. Now that might mean you over-redact, for instance, because GDPR does not require you to redact European data if you're not targeting their services and you yourself outside of the European Union. So fine, we will over-redact in cases like that.

David Plumb: Okay.

Alan Greenberg: But I'm not quite sure why it is a lot more complex and why there is so much risk associated with it when the organization self-declares where they are.

David Plumb: Okay so there's a specific question, Marc, you want to answer that?

Marc Anderson: Thanks. Marc Anderson. Good question. I mean, you know, I'll answer it two ways. First I'll say some contracted parties do exactly that; others, you know, but there are complications, you know, one easy example of that is resellers. Right? A lot of registrars, for example, work through a reseller market where it's not that straightforward. You know, but there are some registries and registrars that do exactly what you described, make a determination based on that information as to whether or not to apply it.

And there I just think, again, I have to, you know, I have to advocate, you know, we've got different contracted parties with different models with different, you know, jurisdictions applying and, you know, there I think, you know, again the language that exists in the temporary specification you know, gives us the flexibility to make that determination based on our own legal analysis.

David Plumb: Okay.

((Crosstalk))

David Plumb: Not right now because I've got to go to Kavouss. Kavouss, you've got the floor.

Kavouss Arasteh: Perhaps better you give the floor to reply to those because my question is a general question...

((Crosstalk))

Kavouss Arasteh: I think yes. Thank you.

David Plumb: Okay thanks, Kavouss. Yes, so, folks, Alan, do you want to quickly come back? I know, Milton, you wanted to jump into this specific issue. Alan.

Alan Greenberg: Yes...

David Plumb: And we've only got about three minutes and then we're going to switch gears into the implementation whether or not John is here, yes.

Alan Greenberg: Okay. I'm well aware of the difference, one of my domain names, if I go to my registrar, they give full information; if I go to the registry they say nothing. So yes, I'm aware that different people implement things differently. And that's one of the problems. And I really would like to understand the risks associated with simply listening to where the registrar - we talk about accuracy all the time, if we can't believe the accuracy of the country, I'm not quite sure where we are in this whole business.

And since we are going to have file...

((Crosstalk))

Woman: This is the manager (unintelligible). We are currently experiencing an alarm and we are investigating (unintelligible) lobby level and we're going to (unintelligible) service. Please stand by for further update. I repeat, all elevators (unintelligible) to the lobby and will remain out of service for the duration of the alarm. Please stand by for further updates. Thank you.

Gina Bartlett: Should we open our door so just in case there's something happening out there we can at least see it?

((Crosstalk))

Gina Bartlett: Yes, so we can flee out the door if we need to? Okay. Go ahead.

((Crosstalk))

David Plumb: Yes, okay guys, we - yes...

((Crosstalk))

David Plumb: We've only got two minutes left to work on this issue - we've really got like two minutes left, I want to make sure Kavouss comes in on this. Milton, do you want to jump in?

Alan Greenberg: Can I have 30 seconds to finish my intervention...

((Crosstalk))

David Plumb: Yes.

Alan Greenberg: ...I was interrupted?

David Plumb: Yes.

Alan Greenberg: We heard...

((Crosstalk))

Woman: ...attention please. This is the manager on duty speaking. We are currently experiencing an alarm and we are investigating. All elevators...

((Crosstalk))

Alan Greenberg: I'll...

Woman: ...the alarm. Please stand by for further updates. Thank you.

Alan Greenberg: The last half of my sentence, if I can try and get it out, is someone the other day mentioned - talked about a registrar in China with only Chinese customers. And in the interest of having Whois available to those who need it, I believe we should not be redacting stuff where clearly GDPR does not apply

and nor do other privacy legislations. I mean, going forward it's going to be a worse world than it is now; it's going to be complex but I really would like to see the differentiation. Thank you.

David Plumb: Okay so...

Alan Greenberg: I'm speaking on behalf of ALAC, by the way, not personally.

David Plumb: Yes. Milton, let's talk for a second and then I want to give the floor to Kavouss and then we wrap up and set where we are, okay.

Milton Mueller: So, Alan, you really didn't address the point I made which is that we were created to create a global system of domain name governance. Now the absence of GDPR in other world jurisdictions does not mean we are required to not apply its privacy standards there. There's no - as far as I know there's no jurisdiction in which it is illegal to protect the privacy of registrants.

Woman: May I have your attention? May I have your attention please? This is the manager (unintelligible) speaking. We are currently experiencing an alarm...

((Crosstalk))

Woman: ...all elevators will be to the lobby (unintelligible) and will remain out of service for the durations of the alarm. Please stand by for further updates. Thank you.

David Plumb: Okay.

Alan Greenberg: The gods are trying to speak to us.

James Bladel: She has to repeat that in French too I think. By law.

((Crosstalk))

David Plumb: Right, so Milton, you're saying you have - you had a point and Alan went on a different point about sort of the practicalities of it.

Milton Mueller: The assumption is the - behind Alan is that we should have the old Whois as much as possible, where it's not illegal. And that's a problem, number one, where it's illegal will change; there will be privacy laws in other jurisdictions. And number two, ICANN is supposed to have a uniform and globalized system of domain name governance and that's its purpose.

David Plumb: Okay.

Woman: May I have your attention, please? May I have your attention, please? The fire department is now on site. (Unintelligible).

David Plumb: Come back...

Woman: ...for the duration of the alarm the (unintelligible) further updates. Please stand by for further updates.

David Plumb: We're in standby. Yes, John Jeffery's in the elevator somewhere. Guys, hey...

((Crosstalk))

David Plumb: Yes right, seriously. Yes.

((Crosstalk))

Gina Bartlett: So I'm just going to do a time check for everyone. We said we would allocate 30 minutes on implementation and we're down to 32 minute and I think we're going to have interruptions. So I would just say we probably - I don't know

where we are on this but I think we need to wrap and I'm not sure where we are. Can you summarize, David?

David Plumb: My summary is that we weren't able in the time, very short time we had, to reach some shared unanimous agreement on, as Milton had suggested in one of the suggestions. I would encourage you to push this into your Phase 2 conversation would be my recommendation.

Woman: May I have your attention? May I have your attention please? The fire department is now on site and (unintelligible) of the alarm. (Unintelligible). The alarm has been determined. Please remain alert for further updates.

David Plumb: I think, folks, I'd encourage you to not think you're going to get a resolution on this before your final report. I would encourage you to think about continuing this if you want to continue this conversation in your Phase 2. However, you guys make that decision. Kavouss has been trying to say something for a while so I want to make sure I'm responsive to Kavouss. Did you want to say something?

Kavouss Arasteh: Yes, I have some general questions. I think some issues or some cases were not possible to be treated at this meeting because of many reasons, time constraint, information was not available, we need more study and so on so forth. So the first question is that is there any time frame that this thing to be done before 25 of May 2019 or not? This is Question 1.

Question 2, you referred or some distinguished colleagues referred to a study. What is the nature of that study meetings and so on so forth? Is open to particular person, to all interested parties? And the third question is, does it come back to the main group to decide on that or that will go elsewhere directly? And the last question is that if these are no answered, what will be the fate of the temporary specifications? We continue temporary, another temporary which does not allow - oh my god.

Woman: ...attention please. The fire department is now on site and is investigating the source of the alarm. All elevators will be out of service for the duration of the alarm.

Kavouss Arasteh: We are delighted by all these announcements, thank you very much.

((Crosstalk))

Kavouss Arasteh: Yes, so what happens at the situation is that because bylaw does not allow more than one year so what will be the situation? These are not question to be answered but question to be considered mainly by our chair. Thank you.

David Plumb: Great, thanks. And the chair is out trying to grab John but I think we can make sure those questions get answered. Right. So folks, I think we need to switch gears, even if John's not here to talk about the other thing. But before we just close off and say, we honestly didn't get much farther on geographic, we have a plan on natural versus legal, we got a great plan in place on that. For geographic we don't really have such a plan in place except continue in Phase 2. Right? So if there's any objection for that we need to sort that out and like super quick because we're out of time to deal with implementation, okay.

So, Mark, do you want to say something about that?

Mark Svancarek: Yes, we'd like to take back to our constituency the "may" language and based on that kick it to Phase 2.

David Plumb: Okay. Sorry, which language?

Mark Svancarek: The "may" versus "must."

((Crosstalk))

David Plumb: For geographic.

Mark Svancarek: Yes.

David Plumb: Okay. Great. Okay. Anything else before we wrap up on that? Okay. My understanding, guys, is we are set - effectively pushing it to Phase 2, yes we're pushing it to Phase 2. Yes, okay. Phase 2, okay.

Woman: May I have your attention please? The fire department is dealing with - on investigating the source of the alarm (unintelligible) the source of the alarm has been determined.

((Crosstalk))

Gina Bartlett: Okay...

Alan Greenberg: It's really disturbing that we're missing half of every emergency message.

Gina Bartlett: I know.

David Plumb: It's all right, I think we get the gist. Okay, folks, so we have a plan on natural/legal - oh, look at you guys. Oh.

((Crosstalk))

Gina Bartlett: Fresh recruits, we've got fresh recruits.

David Plumb: Okay. So natural and legal we got a plan. We are going to push geographic to Phase 2, there will be some checking with colleagues, okay. Folks, we need to start this conversation right now about implementation and John will have to weave himself into it. All right? Okay.

So, okay - deep breath everybody. This is super important.

Gina Bartlett: Deep breath and a donut hole which they call tim-bits.

David Plumb: Yes. Okay. So I know James, you had put something on the table.

((Crosstalk))

David Plumb: Oh great. James had put something on the table. Stephanie had said, oh that sounds like a great idea. So let's - literally we're walking in the door right now. Are we? Is John walking in the door? Oh you saw him? Okay.

((Crosstalk))

Woman: May I have your attention please? The fire department is still working on investigating the source of the alarm. All elevators will continue to be out of service and the bell will continue to ring until the source of the alarm has been determined. Please stand by further updates. Thank you so much.

David Plumb: Okay.

Gina Bartlett: Okay.

David Plumb: Here we go.

((Crosstalk))

David Plumb: Yes, no, we can't - but there's no place to go to, right. All right, guys, so we're going to get going. Hey, welcome, John, we're getting going right now on this conversation of continuity, or implementation, transition, excuse me. Okay.

((Crosstalk))

David Plumb: Yes.

Gina Bartlett: Okay, so John, I mean, James, do you want to set this up? I think you made the initial proposal, maybe you kick it off and then we'll have others add in and welcome, John, we'll hear from you as well. Go ahead.

James Bladel: Okay thank you. James speaking until the alarm goes off again. So thanks for a little bit of time here at the end of our three days to talk about a concern that's paramount for contracted parties and probably ICANN as well, which is this air gap between the time that the temporary specification will expire and the time that whatever this group puts out, whatever output results from this group is in force and that's what we're trying to bridge right now.

You know, obviously a couple of very bad scenarios and options and like one is that this expires and nothing takes its place and for some period of time we have a free for all and nobody wants that. I can see I'm - I'm trying to scare you first and then walk you back so, okay. So that's the one we don't want.

The second thing is, is we were talking with folks, and I can just - I can give you as much or as little gory details as possible, but there was a lot of resistance to using the temporary spec mechanism in the first place in response to GDPR amongst contracted parties. Our contracts, if you've looked at them, and why the heck would you, they are very, very specific in what and cannot be a temporary spec, and I think the existence of VeriSign and dotCom is a pretty good example that this is not an issue for...

((Crosstalk))

Woman: ...your attention. May I have your attention please? The fire department has discovered the source of the alarm. It is on the east side of the building. We are working on it. Please be patient. All elevators will continue to be out of service (unintelligible) update. Thank you so much. We really appreciate your patience.

James Bladel: Okay I think that would be more helpful if we knew if we were on the east side of the building or not. But so with that said, the idea that a new temporary specification would be adopted or that this one would somehow be renewed by the Board past its one-year, you know, allowable window is something that our constituencies, let's just say, the torch is in the - and the feathers and the tar and everything come out and we start throwing the whole thing into arbitration and it gets really nasty.

So what we are proposing - we don't really have a lot of concrete proposals but some bridge between the temporary spec, which everybody hates, so it must be working, to whatever we decide has to kind of be in place. And we're looking at different ways that we can cobble something together in - either in this report or in a separate report that kind of fills that gap.

I can tell you in good faith that we don't want to rewrite our stuff twice; we would love to kind of keep this thing on cruise control until we write it once, which is for what's coming out of this PDP, so we're not interested in monkeying around, adding or taking out things of the temporary spec, even if we might - might be in our hearts and want to do that it's a lot of work for nothing.

So what we're looking for I think - and we don't even have to go into too much detail - but we're looking for an acknowledgement from this group that this is a problem, that it's specific to contracted parties and ICANN, that we have a green light to in good faith and full transparency, yada-yada, engage with ICANN staff to figure out what our options are and what we can do and then we'll bring that solution, proposal, whatever that gap looks like back to this group.

Woman: May I have your attention? May I have your attention, please? The fire department has already discovered the source of the alarm. Please note that...

((Crosstalk))

Woman: ...further update. Thank you so much for your patience with us.

((Crosstalk))

James Bladel: Please note that Godzilla's coming.

Gina Bartlett: We now have our limit on our interventions. Okay.

James Bladel: So I guess we can even actually, you know, if folks have questions, you know, let's fire away the questions. I think I'm just trying to kind of tee this up as something that we wanted to cover. We thought we had a proposal, our ExComm yanked us back; I hear ICANN staff is kind of saying, you know, time out, we need to look at this a little bit more closely because you're straying into unchartered waters, I get that.

And so we don't have an answer yet. I think what we're asking for is permission, acknowledgement to go off and get some answers and bring them back to this group and hopefully fix this.

Gina Bartlett: Okay so bridge proposal that would not be the temporary spec but you're not sure what it would be and that ICANN and the contracted parties work that out and bring it back for everyone's consideration and do that with transparency.

James Bladel: Yes, because the key here is we don't want to be seen as unilaterally or bilaterally, trilaterally, whatever, engaging with ICANN Legal on something because we don't want to do this twice.

Gina Bartlett: Okay. So I see a lot of people jumping in. I've got Alan, Alex, Chris and Milton. Marc, are you in or no? And if we could just pay attention to the time that would be great, recognizing we have inter-announcements. Go ahead.

Alan Greenberg: Thank you. First, one question and then a comment. When you say you only want to do it one time, that is after the Board approves what comes out of Phase 1 or Phase 2?

James Bladel: So we don't - we want to do the work once, which is for Phase 1 once.

Alan Greenberg: Okay.

James Bladel: We may have to do other work for phase 2; that's not what I'm talking about. I'm saying we don't want to do some work for some interim and then do it again when Phase 1 becomes enforceable. We want to do Phase 1 once and then possibly Phase 2 once.

Alan Greenberg: Okay and clearly Phase 2 may go back and do some tweaks but so be it. Okay. Look, if we do everything on time and the Board approves everything on time, you may have some number of days between the time the Board makes the decision and May 25 - 29 whatever, okay. You reacted to the temporary spec really, really quickly. There's no reason that you need to do that again in my mind.

So I think it is completely reasonable to say something like, and I'm not trying to prescribe what you're recommending, but something like the temporary spec stays in, you know, the GNSO recommends to the Board that the policy that was implemented through the temporary spec be implemented as a policy for some period of time...

((Crosstalk))

Woman: May I have your attention? May I have your attention please? The fire department has discovered the source of the alarm. We are working on the system. Please be patient with us. All elevators still continue to be out of service and (unintelligible) until further update. Thank you.

Alan Greenberg: So I think it's completely reasonable that - and I would suspect it will be the temporary spec because you don't want tweaks, stay in place under some appropriate name for a while until you have time to leisurely and properly implement whatever it is comes out of this process. I think that's completely reasonable.

Gina Bartlett: Okay. Do you - I was going to hear everybody's thoughts and then maybe get a reaction...

James Bladel: Well that was our idea, Alan...

Gina Bartlett: Yes.

James Bladel: ...and that's what we're looking at but it's not as simple as we originally thought. That's all I'm going to say. And the second thing is days -we should have started working on this...

Alan Greenberg: Nothing ever is.

James Bladel: ...last summer.

Gina Bartlett: Okay so I want to go ahead and hear from folks and let's try to be - get the issues in the room. Alex, Chris, Milton and I'll come back to Thomas.

Alex Deacon: Yes I think it's important that something is in place. I don't think we have a - or I don't have a strong opinion as to what it looks like. It seems to be there's lots of options including the one that James describes. I think the reality is is that we will be under this kind of temp spec or whatever next spec regime for a little bit longer and we'd - I'd like to push on this concept of tweaking things that I think Alan alluded to. Would there be the possibility of making clarifications, not changes in the temp, but clarifications for example to Recommendation 12 on reasonable disclosure, at the same time? I think

we'd like to work and see if we could get to a point where we can make those updates.

((Crosstalk))

Woman: May I have your attention please? The fire department has already discovered the source of the alarm and are working on reset for fire - the alarm system.

((Crosstalk))

David Plumb: She'll be back.

Alan Greenberg: Critical message right now...

((Crosstalk))

Woman: Please stand by for more information. Thank you.

Chris Disspain: So I just have a question, if I understand it correctly what we're talking about - seems to me there are two scenarios, one scenario is that the recommendations are completed Phase 1, recommendations are completed and the chances of implementation by the time you get to whatever the deadline date is not going to be something that happens so we need to find a bridge.

And the second alternative is that you're not finished. But in either case I would ask a simple question, which is, is it actually the role of this EPDP to be discussing and deciding what happens next or is it actually a GNSO matter that should be discussed in the GNSO and they should decide the way that they recommend it goes forward. I don't know the answer, I'm just asking.

Gina Bartlett: Thank you. I'm going to stick with my thread. Can I...

((Crosstalk))

Gina Bartlett: Okay, then I think Alan wants to answer as well.

James Bladel: Okay well the answer is, Chris, in a normal PDP we would convene an implementation review team to convert the policy recommendations into contract language; we simply don't have time to do any of that, so we're skipping a lot of steps that would be in a normal PDP and we're trying to find alternatives that also don't break the model.

Chris Disspain: Can I just - I acknowledge completely and I understand that. But I think my question still stands which is, who should be doing that? Should it be this PDP working group that's doing that or should it be the GNSO? And I don't know the answer, I'm just - I just don't want to step on anyone...

((Crosstalk))

James Bladel: That is one of the questions and I think one of the responses is, first, this group would need to ask the GNSO that question.

Gina Bartlett: Alan, anything to add on that piece before I go back?

Alan Greenberg: Yes. The GNSO Council a long time ago determined it doesn't build policy, PDPs do. This is a PDP, it's not within our charter, it would have to be added to our charter but, yes, I believe it comes from us and then the GNSO decides to ratify or not.

Gina Bartlett: Thanks for that clarification. Milton, thanks for waiting.

Milton Mueller: Yes, I thought that was an interesting question from Chris about whether the Council does this or the EPDP has the right to do this. If we're just talking about extending the temp spec, which is what I think we ought to do...

Woman: May I have your attention? May I have your attention please? The fire department has determined the source of the alarm. We are working on reset the alarm system. Please note all elevators...

James Bladel: Noted.

Alan Greenberg: Clearly her rules are she must make an announcement every 60 seconds.

Woman: ...we do apologize for any inconveniences. Please remain - stand by for further updates. Thank you.

Milton Mueller: Okay so, yes, if we are - first of all trying to avoid doing this work twice, or having another PDP that fills in for the gap, then the simplest thing is for the GNSO Council, which has already accepted the temp spec to simply extend that for a certain period of time. But I'm very leery of making any changes in the temp spec because again, you are duplicating or triplicating the amount of work that's involved and creating a lot of controversies about what those changes will be when it's not clearly even within our authority to do that.

So I'm unclear as to - when James said something about what is so complicated about extending the temp spec or what are the complications that you learned about that would just say instead of expiring on May 28, it expires six months later.

((Crosstalk))

Gina Bartlett: I want to - so what I was going to do was go to Thomas and then go to John and hear from him and then I saw Stephanie's card go up, so Thomas was next, then I was going to go John next. Thanks.

Thomas Rickert: Thanks very much. First of all I think that it's actually not the EPDP team's decision to be made, so I think we can discuss it and go on record with an opinion on this. I think that if you look at ICANN's bylaws the way the rules around temporary specifications have been framed, that was for a reason. Those shall be emergency policies that only last for a certain period of time. Having said that, I think that it's...

Woman: May I have your attention? May I have your attention please? The fire department has determined the source of the alarm and we are still working on reset the fire alarm system. All elevators...

Thomas Rickert: She's coming back so I'm...

((Crosstalk))

Woman: ...further update. We do apologize for any inconveniences this might cause. Please stay alert for further information.

Thomas Rickert: So I guess my...

((Crosstalk))

Thomas Rickert: ...my suggestion would be not to extend the temp spec but have the Contracted Party House confirm by way of a moratorium or whatever that you will stick to the rules of the temp spec until such time the - well you can unilaterally say that you will stick to what we have and not deviate from it. And ICANN will then not do anything...

((Crosstalk))

Matt Serlin: Sorry. First of all, not every ICANN-accredited registrar is part of the stakeholder group so even if we wanted to that wouldn't cover...

David Plumb: Yes, let John...

Gina Bartlett: Yes, so I think - thanks, Thomas, for your thoughts. John, we'll go to you and let's hear what ICANN Legal is thinking about this.

John Jeffery: Yes, so I think there's a couple of big issues here. One is the existing temp spec under the rules ends on May 25. So there is no ability to extend it under the rules. So I think if we're going to use a temporary specification model it has to be a new temp spec. Now I don't think that's the only option you have to go to but - and I like Thomas's idea but I don't think it'll work; I don't think you could get all of the contracted parties to sign a waiver; you're going to have outliers, you're going to - we have outliers right now that are not doing what's in the temp spec now, why would they sign something that says they're going to continue to be bound by it? So I think that's probably not going to work.

And just the constituency group would have no binding effect on the contractual process. So if you look purely at it from the contract standpoint the mechanism that we're using to keep it in the contract right now is the temp spec, that temp spec is set to expire. There is no provision for it extension so the only way that you could utilize the temp spec is either violate the bylaws, change the bylaws or start a new temp spec. So that's just the remedies available.

Then - but it doesn't mean you can't approve...

Woman: May I have your attention? May I have your attention please? The fire department has determined the source of the alarm and working on resetting the system.

James Bladel: She's coming back.

Woman: ...please stand by for further information. Thank you.

John Jeffery: The other option is probably what you can do and what this group is tasked and able to do is actually make a policy recommendation. So if you're able to turn where you are into a policy recommendation and that policy recommendation says you will hold in place at the temp spec or whatever that designated spot is and then when implementation work is done you move into implementation, then that is a policy, right? And so I think there's meaningfulness to that and that's probably the best possible way because then you have it going that way.

What I'm leery of is one thing in that though, and I think at least in the discussions I heard with some of the GNSO Council leadership last week, there was a discussion about sun setting that policy and I'm worried about the sun setting of that policy, I think the Board would likely be worried about that because we could be left then with a situation where we had it in the contract, the contractual provisions ended or are illegal, however you want to look at it, and then you moved into a policy that was sun setted and if the policy doesn't work out at that point then you have no policy and you have no contract so Whois is very difficult to enforce.

Gina Bartlett: John.

John Jeffery: So that's the only concern I would have.

Gina Bartlett: I'm so sorry, I just want to make sure I understand what you're suggesting, that the temp spec expires and without changing the bylaws you - that would have to expire; it cannot be renewed?

John Jeffery: That's right.

Gina Bartlett: But you're suggesting that the team make a policy recommendation to do a bridge temp spec or to do a implementation...

John Jeffery: I think whatever you want to call it you'd be making a policy and you'd be laying out in the policy how that would work.

Gina Bartlett: How what would work ?

John Jeffery: How you would go from the temp spec or whatever it is you're holding in place until you move through the implementation to the new policy.

Gina Bartlett: Okay.

John Jeffery: But it's tricky to say "new policy" because that is the new policy that you would do that.

((Crosstalk))

James Bladel: So, Gina, very quickly. That is - John, I'm so glad you came back because that is exactly what I was essentially trying to walk through is like we hit a couple of dead ends and what we decided was we could wrap the existing obligations under a new name, transition policy, send it to the GNSO as part of a policy recommendation. They would adopt it along with whatever the outcome of this group is, and that that - we do have precedent for sunset in the temporary Privacy Proxy policy so that's - there is something that nobody likes that we can reference.

But I think that there is still - we're trying to work with our ExComm and figure out what they want. There's still a little bit of heartburn about going that route because you know, there's concern that we're setting some precedent here for the Board to unilaterally pass some new policy in response to some political sensitivity 10 years from now when we're all retired on a beach and then kind of ramming it through indefinitely using this process. And I think that that's the concern which...

Gina Bartlett: Okay.

James Bladel: ...but we're working through it.

Gina Bartlett: So I think just as a clarity I'm going to go to Stephanie and then I have Alan - I'm sorry, Stephanie, Marc and then Alan. What the request is here is to have ICANN and the contracted parties develop the policy for EPDP consideration so that it could be a recommendation that would go to GNSO, I think that's what I'm hearing, correct? Okay, Stephanie, Marc and Alan.

Stephanie Perrin: Stephanie Perrin for the record. I don't think you heard that from us that the contracted parties would get together with...

((Crosstalk))

Stephanie Perrin: ...ICANN and develop...

Gina Bartlett: I said that was the proposal that James made. I'm just trying to clarify what's been proposed so far and...

((Crosstalk))

Gina Bartlett: No?

((Crosstalk))

James Bladel: Yes, no, go ahead.

Gina Bartlett: Yes, please.

Emily Taylor: Can I just clarify and also it's really to try and repeat back what JJ said...

Gina Bartlett: Yes, great.

Emily Taylor: ...and please correct me if I get it wrong.

((Crosstalk))

Woman: May I have your attention? May I have your attention please? This is the manager on duty speaking. I repeat, this is the manager on duty speaking. The fire department is still working on to reset the fire alarm system. All elevators is still out of service and the (unintelligible).

Gina Bartlett: Okay, David just corrected me, it's the whole team that would make the proposal...

Woman: ...for more information.

Gina Bartlett: The whole EPDP team would make the proposal to GNSO. So I stand corrected, sorry about that. Stephanie, thanks for waiting.

Stephanie Perrin: Thanks very much. Stephanie Perrin. I was going to suggest that Plan B, which some of us have been thinking about, was exactly that, to come up with a policy that incorporates what we have in the temp spec - call it a policy, don't call it a temp spec because a temp spec cannot be extended. And add into it the crumbs of agreement that we have so far.

We're not going to start fighting over what people don't like about the temp spec because the terms of - and conditions - the charter of this group was not to redline the temp spec so that's off the table as far as I'm concerned. And we might also add a list for the GNSO Council's consideration of some of the other policies that need to be revised in order to be compliant with GDPR.

Gina Bartlett: Thanks, Stephanie. Marc A, Alan, and Kavouss.

Marc Anderson: Thanks, Gina. Marc Anderson for the transcript. You know, and thanks, James, for teeing this up, JJ for coming back. You know, I want to reiterate what James said at the top, you know, this is, you know, we're a little bit on shaky ground because, you know, we don't have a constituency consensus position here so this is still something that's under discussion. You know, so I have, you know, sort of caveat that. While we're all here we wanted to have this discussion, tee it up, because sort of as we outlined, there are sort of two scenarios; one is where we - that we're concerned about - one is where we produce a policy but there's a period of time between when that policy has been produced by this group and when contracted parties are ready to implement it.

And the other is that we just don't finish our work on time and in either scenario we may have a need for a bridge to get us from where we are now...

((Crosstalk))

Woman: May I have your attention? May I have your attention please? This is the manager on duty speaking. The fire department has discovered the source of the alarm and we are now (unintelligible) panels. Please stand by for further updates. I repeat, please stand by for further updates.

Gina Bartlett: Yes, everybody, could you just finish your thoughts?

Marc Anderson: Okay. Where was I? Okay so either, you know, so we're looking at two scenarios where we may have need to bridge where - from where the temp spec expires in May 25, 2019 and when we're ready to implement, you know, our Phase 1 recommendations. And so this is what led to this discussion and James bringing it up today. You know, John, I think you did a great job sort of, you know, explaining one of the options being considered. And I just want to take a...

Woman: May I have your attention? May I have your attention please? The fire department has determined the source of the alarm and has (unintelligible) the fire panels. Please note that...

Gina Bartlett: Bye, guys.

((Crosstalk))

Gina Bartlett: Welcome, Sarah. Okay so...

Marc Anderson: So...

Gina Bartlett: Please, go ahead, back to you.

Marc Anderson: This is real important, you know, Alan, you know, made the point that, you know, the GNSO Council, you know, approves the policy but it's up to us to recommend the policy which is why the discussion you know, must in some part occur here.

Gina Bartlett: Yes.

Marc Anderson: And our mission and scope, this EPDP is chartered to determine if the temporary specification should become an ICANN consensus policy as is or with modifications.

Gina Bartlett: Okay.

Marc Anderson: Okay so something like this based on that, could be interpreted as within our scope.

Gina Bartlett: Great.

Marc Anderson: Okay? So I want to highlight that for everybody and just emphasize that this is not a constituency position and merely something we're raising at this juncture.

Gina Bartlett: Thank you so much. Alan G and then Kavouss and then I think I'll check in. I see Hadia and Milton back in. Okay.

Alan Greenberg: Thank you very much. So what Marc just said is we have been asked, should it continue or should it change? And therefore we have a simple answer; the answer is yes, that we recommend it continue as a policy - a formal GNSO-approved, Board-approved policy for some period of time to be replaced by what we decide. Now the order of how we do it, if we don't come to closure by the deadline, is not at all clear to me because then we actually have to come with two different policies to the GNSO at two different times. But I'd like to think we will come to closure.

And in terms of sun setting, it sunsets at the date that we believe we can implement the real policy in a leisurely and proper way so I'm not sure sun setting is an issue. So I guess the next step is for the two stakeholder groups to feel comfortable with it and then go to the GNSO and make sure the GNSO doesn't think we're violating the charter or - that maybe an informal discussion.

Gina Bartlett: Thank you, Alan G. Kavouss, thanks for waiting.

Kavouss Arasteh: Yes, I think we have listened with all these but this is not our decision. We have been working established by a charter by the GNSO Council and our terms is limited to that.

The issue should be raised or need to be raised by the chair of the group together with some other people to the GNSO in one hand how to do the things whether we go with the original PDP or otherwise and also with respect to the bylaw, the two Board liaisons kindly raised that from the time

that we agree to modify to the bylaw, to the time that bylaw is modified it takes time, is not an easy issue, is a very complex issue and so on so forth. We have done it once for a very small thing and it took three to four months. So all of these things yet to be discussed so we cannot continue this discussion (unintelligible) raise whatever ones they want to say and comment in some sort of communication with the chair of the group and then communicate it to the GNSO and the other hand the Board liaison take it and discuss it at the Board to what to do but is not so easy. So many things are interconnected. Thank you.

Gina Bartlett: Thank you, Kavouss. Hadia then Milton, John and then James.

Hadia Elminiawi: Hadia Elminiawi for the record. So based on what JJ said and others said...

Woman: May I have your attention? May I have your attention please? The fire department - the fire alarm has been silenced. The fire department...

((Crosstalk))

Alan Greenberg: It's just the manager is...

((Crosstalk))

Woman: ...out of service. Please remain calm and stand by for further updates.

((Crosstalk))

Hadia Elminiawi: Okay so based on what we heard, so we need to - this group needs to come up with a new policy that is a transitional policy and so my proposal would be so let's say that this group recommends a transitional policy and this transitional policy we put exactly the - what's in the temp spec. So we put exactly what's in the temp spec, we call it a transitional policy and now we

have a new policy called a transitional policy and we go forward with that?
Would that work?

David Plumb: I think that's what...

((Crosstalk))

Hadia Elminiawi: Yes.

Gina Bartlett: I think it's considered but there may be some...

((Crosstalk))

Gina Bartlett: ...refinements.

Hadia Elminiawi: What we heard from JJ we can't simply say let's extend the temp spec, that's not possible.

Gina Bartlett: I'm going to - so let me ask Milton ask his question and then we're going to John and we'll hear what he has to say.

Milton Mueller: Thank you. Yes, I really am getting very interested in what happens if the temp spec expires with no replacement so I'd really like to hear that from a legal point of view.

John Jeffery: It ends. We're left with the contractual provisions in the current agreement if you don't have a policy that's replaced it or there isn't some reason to create something else.

Milton Mueller: And what do registrars have to do with respect to Whois or RDDS or whatever you call it?

John Jeffery: That would be about enforcement and so it's a really good set of questions but we'd have to have at the community level before that occurred. Right? So we would probably treat it as there are some enforceable provisions left in the agreement. I'm sure that some registrars would arbitrate that there are none because it would be too difficult to do going forward if you had to pick out which ones were legal and which ones weren't. So we don't want to get into that scenario. The better scenario would be all of the different options we've talked about so far either a policy, which is the best possible option, call it whether transitional or not, or a recommendation for a different temp spec, not the same one being renewed because it couldn't be.

Gina Bartlett: So it sounds...

Woman: May I have your attention? May I have your attention please? The fire panel that been silenced. The fire department has...

((Crosstalk))

Woman: ...will continue to be out of service. Please remain calm and alert for further updates. Thank you.

((Crosstalk))

Gina Bartlett: Okay so we've got - it sounds like everyone is in support of developing the transitional policy. I've got James and then Kurt and then I'm going to see if we can wrap this up. James and Kurt.

James Bladel: Yes, I think I want to get us out of here and away from this stealing lady as much as anybody else. So I think John basically said if this thing expires and nothing takes its place the industry effectively goes on the honor system. We have existing contracts; I think the question is how much of them is legally enforceable, I think a lot of us would say very little. And so it's definitely a scenario we want to avoid.

We're trying to do this, but here's something that I'm hearing and I'm seeing in some of the chats and I just want to be clear. Even if we decided right now in this room exactly what the new policy was going to look like and we agreed on it and we got the GNSO on the phone, they agreed on it, Chris and Leon called some emergency meeting of the Board and they approved it before we left for dinner today, it would be months for this industry to, you know, so I heard, well you've got a few days, you've got a few weeks, what if we hurry? No.

We were working on the temp spec in parallel that were developing it with ICANN for several months and we still missed by months. Now we don't Compliance that and we don't point fingers and name names, but there were still a lot of gaps that we were scrambling to close. So I just want to be very clear that there seems to be kind of - I'm going to just be gentle and diplomatic, a lack of appreciation for the operational challenges of taking the words that we create on paper here and bringing them to reality for hundreds of millions of domain names. It's hard and it takes time.

And so that's kind of what we're trying to close that gap. I think some of you guys come from industries that get it, but some folks are asking why we have this problem in the first place; can't we work harder? Can't we work faster? And the answer is doesn't work like that. Thanks.

Gina Bartlett: Okay, Kurt, take us home on this.

Kurt Pritz: I'm not going to take us home. So I have - so it sounds like we have an agreement on an approach. I have two questions to help manage it. One is what's the timing of this recommendation? Is it something we include in our final report? Is it something we have to do in advance of that? Or is the final report adequate time for doing that? What's the sense there?

And when we put our pen to paper, we have to - I think the hard part's going to be about selecting a, you know, I assume it's the final report but I just want to check. In putting pen to paper we'll have to select a time frame for the transition specification so we should start thinking about that so we have it in hand. Otherwise, I think we could start drafting that policy recommendation.

Woman: May I have your attention? May I have your attention please? The fire panel has been silenced. And the fire department has determined the source of the alarm and are working on clearing the incident. Please note that all elevators do continue to be out of service and please remain calm and alert for further information.

Gina Bartlett: Can staff speak to the timeline issue for the policy development from the team? Is it the final report or - Marika.

Marika Konings: This is Marika. Ideally yes, is that, you know, the final report is due in two weeks so I think what people said before in timing if we follow with that timeline it seems to make the most sense because that's in any case probably the first possible timeline that the Council could consider anything anyway as their next meeting is next week and you don't have anything lined up before that. But again it becomes a different question if that timeline is not met and then you may need to look indeed at alternatives.

But looking at John, my assumption is that if indeed that is the path, you know, the timeline for that is as well that it would need to be adopted by the ICANN Board before the 25th of May so to a certain extent you're working on a similar timeline as what we've been doing so far.

David Plumb: As a way of closure, Gina, I think you know, Kurt, you had said you think there's an agreement on the pathway forward, can you just quickly summarize your understanding of where folks are in agreement on the pathway forward here of the text you would draft as a recommendation?

Kurt Pritz: Right. So I think we could start drafting in advance of the contracted parties continuing to consult with their group and fashion a recommendation that says, you know, with the appropriate preamble that recognizing here's the problem that James put so well, to in order to address that, you know, we recommend the adoption of the temporary specification or cut and paste it in, as a...

David Plumb: Transition policy.

Kurt Pritz: ...yes a transition policy to the implementation of the - until the implementation of the work that...

((Crosstalk))

Kurt Pritz: Yes, just let me finish my sentence. The work that we've done. So that was really my second question was in drafting that, the one blank is the date that we need to fill in for that. So if we want to talk about that date for a few minutes I think that'd be helpful. But if there's no input at this time then we can go ahead. Go ahead, Marika.

Gina Bartlett: I think Marika wanted to clarify.

Marika Konings: Yes, no, just a suggestion on that and maybe that will help inspire - this is Marika - the conversation because I know there will be nervousness picking a fixed date because as James said, it may be difficult to predict how long it may take and at the same time, you know, what John said, that there may be a gap if it expires. One option might be that you tie it to the announcement of the implementation effective date of the new policy.

So in that way you will not have a gap and may - it may also be then an incentive to move as quickly as possible to have that announcement on the date and that may be a way to avoid that there's a arbitrary timeline while

there still is a very defined moment by which the interim policy expires and the new one starts. Just a suggestion.

Gina Bartlett: Berry. Oh we have Kristina on the phone. Okay I see - Stephanie, Alan and James, do you all have your flags up? You do, okay. Stephanie, Alan and then I'm going to come to Kristina online, yes.

Stephanie Perrin: Stephanie Perrin for the record. Marika has made the point I wanted to make. I don't think we should have any deadlines here because it's just too risky, so I don't see why we can't have an interim policy that is in effect until we have a new final policy and there's a (unintelligible), you know, an activation date.

Gina Bartlett: Okay.

Stephanie Perrin: Second point is as much as I'm sure we are difficult on a frequent basis in slowing things down and making our points, I think it's extremely important that the GNSO Council and this team - how can I put this delicately without sounding like I'm making things up out of whole cloth? I'm not going to bother. Put a positive spin on the results of this committee, it was completely unrealistic to think that under the current pressure we would come up with something. Some of us said that from the get-go. Turns out we were right even if we worked in good faith. So we should consider anything we get in an interim policy as success.

We've got a lot more mapping done. We've got a lot more of the issues out. This is a slow process, correcting 20 years of inattention. And I think one of the most important products that we can include in that interim policy is a list of things that we've already identified as needing revision to be compliant with GDPR. Thanks.

Gina Bartlett: Yes, I've captured that here. Alan and then we'll go to Kristina.

Alan Greenberg: Thank you. Alan Greenberg. A question was asked that - don't remember if it was Marika or at Marika, does this have to be in the final report? Well, it has to be in a report that goes to the GNSO which goes to the Board in enough time to approve it before the end of May. That in fact should we choose to have two final reports, a preliminary final and a final-final, that takes the pressure off of us a little bit to finalize everything if we wanted to use it.

I'm not sure we want to use that because once we - once the Board approves that the interim spec becomes some new policy for some period of time, that gives us a bit of breathing room if we need it. But we do need to get a report to the - we need to get a report to the GNSO in time for it to get the Board, including the public comment before the end of May, that's the real constraint.

Gina Bartlett: Okay, Marika, and then I'm sensitive Kristina's online. Go ahead, Marika, to clarify.

Marika Konings: Yes, this is Marika. Just responding to Alan, one thing I think we will need to look into because if it's a kind of separate report if that still meets then the PDP requirements, so of course if you now - because this issue was touched upon in the initial report, it was kind of flagged as something that the group was thinking about. And if you include it with your final report, you know, you've met all your requirements. If it would become a separate report it's probably something we need to check to make sure that as it is a policy recommendation that all the checks and balances have been met and we didn't miss any steps.

Gina Bartlett: Thank you. Kristina.

Kristina Rosette: Hello? Hi, it's Kristina. A question for you all, and I apologize for the echo. I think it would be helpful if we're not going to talk about it in the future but before start really leaving for the airport, could we get some sense of the timing of when we can start seeing the first draft of the final report?

Gina Bartlett: What was...

David Plumb: Answer that?

Marika Konings: Yes this is Marika. I'm happy to answer that. We already have a first draft, I think as we shared before we've basically already made kind of the administrative changes. We added a chapter on the public comment period and our plan or my plan is here to - when I leave on the plane basically start inserting the recommendations that have been agreed upon or where no one has objected to. And then we can immediately kind of push that out to the group.

You know, several of you have already made suggestions where we may want to look in, you know, reducing some of the language or moving some things into the annex so, you know, please come as well those that want to talk about it, come here and we can already show you what we have.

I think we would like to follow a kind of similar approach as we did for the initial report to keep kind of the edits and suggestions manageable, so we'll have a Google form where people can fill in, you know, the relevant sections, page, line numbers, what changes they're suggesting.

I think again we'll work on a similar basis, you know, anything that's, you know, grammar issues or enhancements, you know, that we'll go ahead and apply those of course in redline format and anything that's of a more controversial nature would be taken back to the group to review.

Of course we also took note of some of the recommendations or, you know, possible approaches forward that have been taken here. I think we'll try at the end of this meeting to kind of turn that around and into some kind of proposed recommendation language that we can send separately to the list so you can again, review if that aligns with what you've agreed here.

So again and as soon as we have confirmation on that we can then start inserting that into the final report. So that's at least from a staff side the thinking and expected timing and hopefully that aligns as well with the group's expectations.

Gina Bartlett: Okay. Okay I'm sensitive that a number - thank you, Marika. A number...

Woman: May I have your attention? May I have your attention please? The fire alarm has been silenced. The fire department is working on (unintelligible). We are working to put back the elevator service. It's now (unintelligible).

((Crosstalk))

Gina Bartlett: Okay so just - thank you on the final report, Marika. So it sounds like having just on the - the transition policy everyone supports doing a transition policy from the EPDP team to make a policy recommendation. It sounds like the final report would be preferable because it closes out the body of work and is responsive to the charter.

And that would look at how the temporary spec moves towards implementation, what happens during that transition, consider other potential policy considerations that you all have flagged, identified with GDPR where you can, take that - would go to the GNSO, it was part of the final report that - but either way it has to go to the GNSO. And the timeline would be...

Woman: May I have your attention? May I have your attention please? The fire alarm has been silenced. And the fire department is still working on (unintelligible) in the building.

Gina Bartlett: ...the implementation date of the new policy, that's the plan for the timeline.

Woman: Please remain - stand by for further updates. Thank you.

Gina Bartlett: The timeline would be the implementation date of the new policy so you didn't run into a sunset issue but it's a definitive milestone that you would do the transition. Kurt, you wanted to say one more thing on that?

Kurt Pritz: I think there's one clarification about including some of our policy conclusions in that. So I think what Stephanie was saying, not to make changes to the temp spec that becomes the transition policy but she was saying we're doing this not because we're late or slow; look at all the work we've done, we're doing this because, you know, way back when they wrote this bylaw they thought policy could be created in a year which, you know, is now impossible by any standard.

Gina Bartlett: Great.

David Plumb: That brings us to end. And I think we need to provide some closure for ourselves, those of us who are left, right, about what has actually happened on these three days. This doesn't need to be long and we certainly need to get out of this room asap, at least take a break from here.

I'm going to wrap up real quickly and then we're going to close and then Gina and I are going to be here and we recommend that if people can stay, we can do another hour's worth of work, right? But the formal meeting will have closed, it'll be more like a small group kind of work to do some bits and bobs here that we can make some progress on. We recognize that some of you may not have the mental bandwidth for it but we are here to help and we're physically here and we can do some small group work after we finish up now.

((Crosstalk))

David Plumb: Right. Let's start working so, yes, go to your room. Yes. Okay, but folks, as an extremely high level summary, and not to go into detail, but it's important to say look at all these things over here in which we've effectively agreed to move forward, all right? Some have changes some of what was in the initial

report but there's a whole set of issues here that you all made some really good solutions to, some things were painful to agree to, but effectively all of you said I can live with this; we're going to move forward, we've responded to the public comment, okay.

There's other things that we did today which we managed to get some agreement such as how to handle the email, and there's things where we really didn't like the issue of the redaction of city. So this is like pending and we need to find a space to - and a solution to that. Okay. We're going to capture sort of the temperature of the room of where it was and that can go in the notes. But we don't have a solution for it right now. Okay.

There are some pending bits and bobs here that some of them are - this is here because we don't have a solution to - this is 8 - we don't have a solution to city yes so it's still stuck on the to-do list. Reasonable access we have not yet dealt with. There's a final round on Purpose 1 to ensure that we have the right language around if we're talking about rights or rights and obligations and the split as well. And then there are some other bits and bobs on Recommendation 13, which we didn't quite finish up but we're very, very, very close. And we didn't get into contractual compliance, Recommendation 7. Great.

Then we also have 4 and 5, which are the data elements to be collected by registrars and the data elements to be transferred. And we feel like there - and Berry has spoken about how we need to pull together some small group work in the coming days, right, to really do that dive. And I think this is something else that Alan mentioned - Alan Woo mentioned about. We really need to go in and do some better work on going back to our data elements workbooks. Yes. Okay.

So and Berry, you want to say a word about that?

Berry Cobb: Just real quick, within this room, can I get a quick show of hands of who would be interested in being on this small team and we'd be targeting a meeting Monday or Tuesday at the latest to go through this. And we're not going to be talking anything about purpose statements; we would essentially just be reviewing the processing activities to make sure those make sense and line up with the purpose and then more importantly looking at the data elements as they are assigned by each processing activity. So I have three over there, anybody else, four.

David Plumb: Yes.

Berry Cobb: five.

David Plumb: There we go. Okay, Alex is in too, okay.

Gina Bartlett: Stephanie.

Berry Cobb: Right. Right.

((Crosstalk))

Marc Anderson: I'll just note Monday is a US holiday so that's...

((Crosstalk))

David Plumb: Okay.

Marc Anderson: Remote in the US?

David Plumb: Okay folks. So that's what we got to. We made enormous progress in some of the stickiest wickets which is...

((Crosstalk))

David Plumb: Great. Let's do that. So we made enormous progress on a whole bunch of things including some really difficult things like Purpose 2, okay. So I think that's an incredible achievement and I know it's so frustrating, we had this annoying woman speaking at us from the - at the end of our meeting though the speakers, so even in that context this was, you know, potentially very successful meeting and put you on track to finalizing your report.

To finalize you need your meetings, and so who wants, from the staff or Kurt, do you want to talk about the schedule of what's coming up?

Marika Konings: Thanks, Kurt. So this is Marika. So as you all know, you know, we have in principle two weeks left, that's a little time and still quite a few topics to go. I think first of all we'd like to encourage everyone to do as much work on the mailing list as possible, you know, things that we can resolve or address on the mailing list, we don't need to spend time on the call zone. I think we do have a clear list of topics that we need to address. If there are items that are missing there, you know, please identify those as soon as possible because we will try to, you know, make a plan for the meetings going forward and how to address them.

I do see it as kind of inevitable that either we need to add meetings or extend meetings and I don't know if there are specific preferences there on extending our meeting time to three hour calls or adding additional meetings. You know, it is the reality of trying to get this done. So it would be good to get some input on that.

David Plumb: And if you have a strong feeling about that, let Marika know.

Marika Konings: Oh and Berry just wants to add onto that.

David Plumb: Yes, go ahead, Berry and then Milton, yes.

Berry Cobb: Just to be more specific, calendar invites have already been sent out so right now Tuesday and Thursday they are three hours whether we use them all we'll see whether or not. We also have legal committee meeting on Wednesday for two hours, that's also been scheduled the following week for at least one hour and we may need some interim sessions there. And as I mentioned there will probably be a few small teams scattered around that as well.

David Plumb: Thanks. Okay. Milton.

Milton Mueller: Yes, so I think the premise that we accomplish more by adding more time to our meetings and adding more meetings is probably a faulty one. Certainly some level of these meetings - it's simply impossible for those of us who are not being paid to work on this full time to take three hours a day twice a week out of a business day. But even if it were possible, it's pretty clear that the productivity of these meetings starts deteriorating after 90 minutes, maybe certainly after two hours. And it's not clear that you're going to get anything but diminishing returns from that kind of extension.

I think the thing we have to face up to here is that it's not more time to keep doing things the way we have been doing them; it's we have to change the way we're doing things, we have to get people to stop picking over little things and to understand that we need to reach agreement quickly and to, you know, really just enter into this with an attitude of getting things settled and not thinking that you're going to pull some magic rabbit out of a hat and magically get what you want to the exclusion of every other stakeholder group. It's just not going to happen. So think about how you are going to change your approach in such a way that we can actually come to an agreement quickly.

Kurt Pritz: So this is - I want to respond to Milton.

David Plumb: Yes, yes please.

Kurt Pritz: So, Milton, I disagree and agree. So I really appreciate your comment about our attitude and how we come into the meetings with a spirit of compromise and to reach solutions. But to your first point, I think the longer meetings can be productive. I think it's up to me as the manager to sense when we're like crashing as we did yesterday towards the end of the day.

And similar to just before we published the initial report where we did have a series of really productive three-hour meetings, we'd have a break in there. So while I kind of disagree with your comment, I fully take it on board and I'll certainly be sensitive to the tone in the room and where people are going and also read anything in the chat that says we're hitting that - not that place of diminishing returns but that cliff.

David Plumb: Okay great. Thanks. Stephanie, Kavouss, like I don't know if that's a new Alan thing or...

((Crosstalk))

David Plumb: Okay yes.

Stephanie Perrin: Stephanie Perrin for the record. I just wanted to say in terms of us being productive, a very huge thanks to Ruth. I think that her interventions have been exactly as we had wanted. It's very useful to have a neutral independent counsel to just sort of bounce some facts. It cuts down on the number of annoying times that I jump in and try and make a point. So for that reason alone, can we please have Ruth on as much as she's prepared to help us? There was...

Woman: May I have your attention? May I have your attention please? This is the manager (unintelligible) speaking. Please note that the fire alarm has been silenced and the fire department is still on site to clear the remaining smoke. Please note that...

Stephanie Perrin: Why? Why there?

Woman: ...need to be out of service. The fire department is working to rectify the situation as fast as they can. Thank you so much for your patience. And please stand by for further updates. Thank you.

David Plumb: Thanks. Great.

Stephanie Perrin: So there was discussion about how we would just send her questions but I really think particularly in the heat of what we've got to do over the next two weeks it's really handy to have her right there with us. Thank you.

David Plumb: Great. Thanks. Kavouss.

Kavouss Arasteh: Yes, I think my comment is partly answered. But increasing the working hour does not increase the efficiency. Two hours would be maximum for and maximum possible. I don't think that we could extend beyond that. This is very, very difficult. So we have some problem with the working more than two hours even from the beginning we started to be less than two hours but it was not accepted so we could agree maximum just to two hours but not more than that. Thank you.

David Plumb: Thanks, Kavouss. Did you want to add something, Georgios?

Georgios Tselentis: Yes, I wanted to add that...

David Plumb: Bye, Leon. Take care.

Georgios Tselentis: Bye.

David Plumb: Yes.

Georgios Tselentis: I just wanted to add in terms of the questions that were sent to Ruth, I would like also to see some timeline on the...

David Plumb: Answers...

Georgios Tselentis: ...expected answers and because this I think would help us also to put this in a more structured way when do we expect to close each one of the chapters that we have left open and we have left a lot open so far.

David Plumb: Yes.

Georgios Tselentis: So one thing is that. The other thing I believe the time again we have again to find a way to prepare the meetings instead of - and give sufficient time for the people. I mean, it's not enough to block the three hours and I appreciate what the staff is doing to help us to prepare those meetings, but also we need to find also the time for us to be prepared for those meetings. So this is a very difficult situation particularly for the GAC, I have to say now we are also 33% minus-ing in our group, so please make an effort if possible to the preparation of the items that we have to discuss to be as concise as possible. Maybe this is requiring also from the staff even more effort and I appreciate in advance what they're going to do.

David Plumb: Thanks, Georgios. With that, Marika, you had some things you wanted to mention.

Marika Konings: Yes, thanks, David. This is Marika. One suggestion I had for those - I think most of us had planned to be here until 6:00, I know some people had to leave early. There is still some time left; there's still quite a few recommendations where we haven't done the kind of public comment analysis that we did in the small teams. So I'm wondering if, you know, those that are willing and still have some brain power left, to maybe kind of look at those items and kind of identify even if it's just identifying the concerns that

need further consideration as again that will help us plan the agenda and focus on the items that we still need to discuss.

David Plumb: So in that spirit, I would like to call this meeting to a close, although, Kurt, you're probably the one to do that formally. And let's take a break, let's take a 15-minute break. There's some food outside, I see it's already making its way in...

Alan Greenberg: Really good sweets out there.

David Plumb: Yes, really good sweets out there. So let's take a break and hopefully all this will clear up and then we invite everyone to come back in for another hour of work or a little more potentially but at least another hour of work to do what Marika says and to make some progress of small group work to push the ball forward and prepare ourselves better for what's coming in the next two weeks, okay? So Kurt, any final words to close us off here?

Kurt Pritz: Well if the meeting's closed I'll reopen the meeting and you know, urge everybody to come back after the break and let's continue to work for another hour or so.

David Plumb: And I always have to end with a round of applause. Congratulations, everybody. Good meeting.

END