ICANN Transcription – Abu Dhabi
GNSO ICANN Working Lunch with the Board
Sunday, 29 October 2017 12:00 GST

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On page: https://gnso.icann.org/en/group-activities/calendar

James Bladel: Okay. Good morning and welcome to Abu Dhabi. Welcome to ICANN60 and the Sunday GNSO working session. The folks that you see around the table for the most part are GNSO councilors. To microphone, yes.

It doesn't seem like it's carrying very well. How's this? Craig, good, better? Can we get a little more boost from the tech guys? Just one second. How's that? Okay, great. Thank you. Thanks for pointing that out.

So welcome to Abu Dhabi. Welcome to ICANN60 and the GNSO working session. The folks in the back usually have to give me a thumbs up when the recording is beginning or ending. So I will get - there we go. There's the signal.

And I would just ask, perhaps we can very quickly go around the table with brief introductions and then we can go through both the audience and the folks who are participating remotely in Adobe Connect, and then we can start

to move into our agenda. So let's start down here with (Jeff), if you don't mind.

Jeff Neuman: Sure. Jeff Neuman. I'm one of the co-chairs of the subsequent procedures PDP Working Group.

James Bladel: Mary. Good morning Mary.

Mary Wong: Good morning everybody. Mary Wong from ICANN staff. Sorry.

Marika Konings: This is Marika Konings, ICANN staff.

Tatiana Tropina: Good morning everybody. Tatiana Tropina, Non-Commercial Stakeholder Group.

Rafik Dammak: Okay. Rafik Dammak, NCSG.

Susan Kawaguchi: Susan Kawaguchi, WC.

Man 2: (Unintelligible) non-com appointee for now.

Stefania Milan: Stefania Milan, Non-Commercial Stakeholder Group.

Stephanie Perrin: Stephanie Perrin, Non-Commercial Stakeholder Group.

Rubens Kuhl: Rubens Kuhl, Registry Stakeholder Group.

Darcy Southwell: Darcy Southwell, Registrar Stakeholder Group.

Heather Forrest: Heather Forrest, Intellectual Property Constituency and noting that my co-councilor, Paul McGrady, is unable to be with us in person this week.

James Bladel: Thanks, Heather. James Bladel from Registrar Stakeholder Group.

Emily Barabas: Emily Barabas, ICANN staff.

Michele Neylon: Michele Neylon, Registrar.

Keith Drazek: Keith Drazek, Registry Stakeholder Group.

Wolf-Ulrich Knoben: I'm Ulrich Knoben. I'm the Chair of the ISPCP Consistency.

Tony Harris: Tony Harris from the ISPCP Constituency.

Ben Fuller: Ben Fuller, liaison to the ccNSO.

Eric Harman: Eric Harman, selected by the non-com.

Martin Silva: Martin Silva, on behalf of the Non-Commercial Stakeholder Group.

Carlos Gutierrez: Carlos Gutierrez. Looking forward to my new house.

Cheryl Langdon-Orr: Cheryl Langdon-Orr, ALAC liaison.

James Bladel: Thanks everyone.

Phillip Corwin: And Phillip Corwin, BC.

James Bladel: I heard Phil, but I don't see him. Oh, hi Phil. Welcome. We're also missing Donna Austin. She had a conflict, but she'll be joining us here shortly as soon as she can wrap that up. As Heather noted, Paul McGrady is also unable to join us, but I think he's on the remote bridge. Paul, can you hear us?

Paul McGrady: Yes. Good morning everyone.

James Bladel: Great. Thanks, Paul. And do we have any other councilors, either absent or participating remotely? (Emma Relia), but I don't know that she's participating remotely today. Okay. We also have a number of folks in the audience. And just as a reminder, this is not a council meeting. This is not a council session.

There are various times throughout our agenda we will welcome questions and discussions from the floor, from the remote participants. And if there's room, you can also join us up here at the table. So thank you for that. And we do have a microphone working on the floor mic.

We just ask that if you approach the floor mic, that you give us your name and affiliation. Some of you are recognizable, but some of you may have, you know, changed your hairstyle or something.

So with that, we'll get started. Our first few sessions here are focused on updates from the active PDPs. We have several PDPs ongoing, one of which is nearing its conclusion. The others are, I guess you might say right in the heart of their activities.

So for the first one, we'll look to the subsequent procedures PDP which is chaired by Jeff Neuman - co-chaired by Jeff and Cheryl, who's very recently been named as the second co-chair.

Cheryl Langdon-Orr: An anointment.

James Bladel: There was an anointment. Like there was white smoke or something, however that works. But so for this, we know you have a few slides and we want to leave plenty of time for questions. So Jeff, if you don't mind, go ahead and take it away and give us your update.

Jeff Neuman: Thanks. Sorry. This is Jeff Neuman. I'm a little loud here. So I'll try to go through some of this really, I guess relatively quickly because the slides,

everyone's got copies of those and they'll be posted, but save most of the time for questions.

I guess you covered sort of the first item, which was that there's now a new co-chair, Cheryl Langdon-Orr from the ALAC, or now I guess GNSO council member as well. She joined us when Avri went to the board. So that was a pleasant - it's good to have Cheryl on board. And thank you for - I guess you had to prove that by emotion on the last meeting. So thank you for that.

Up here, you have a timeline, but just to remind you, this policy development process was started in January 2016. And really our job is to review the new gLTD process and to make recommendations on what changes, if any, should be made for - to the existing gTLD policies.

And so right here is the last, in May 2017, this year, we closed a comment period that we called CC2, which was really a set of very specific questions on each of the - at the time, four work tracks. And we have been spending the last several months evaluating those.

And by December, we'll have completed all the evaluation of those comments. And our goal is to get out a initial report or preliminary report. I forgot the exact term, even though I should know because it's on the PDP. The initial report in April 2018, and our hope then is to have a final report in early Q4 of next year.
So I just want to move to the next slide. Great. So as we talked about, we had initially organized within four work tracks with a large number of subjects. And in addition to those work tracks, we had earlier on created three drafting teams to look at some overall issues.

And as you all know, we have just started a new work track, work track five on the use of geographic names at the top level.

And for that, just a reminder, we had to ask each of the SOs and ACs, so the four of them to provide a nomination for a co-leader of that group. And so we have gotten from the ALAC, Christopher Wilkinson, from the ccNSO, Annebeth Lange, from the GAC, we've had a nomination of Olga Cavalli, and from the GNSO that was selected from within the group, I'm proud to say we had a number of volunteers, which was great.

Ultimately, Martin Sutton, who you may know as the chair or the executive director of the BRG is the GNSO co-leader.

Just as a reminder, the co-leaders are intended to be neutral co-leaders. They're not intended to advocate the positions of their individual groups. They're there mostly to make sure that the opinions and positions of their respective groups are being represented.

So if they feel like their particular groups are not getting - being heard, they can give a nudge to their respective groups to make sure that those groups provide the inputs that they want. I see Heather.

Heather Forrest: Thanks, Jeff. Heather Forrest. How do we do that based on the two statements that you've just made, the immediately preceding statement or the one before that? They're meant to be neutral, but they're meant to make sure that their group's position is being advocated.

Jeff Neuman: Right. So just like things that Cheryl and I do is that when we know positions of certain groups, if there's a call for example or emails on a mailing list, we will make sure that those positions are being presented by the people that have those. So for example, a few weeks ago we had a call on closed generics and we knew that there were several people in the Non-Commercial Stakeholder Group or NCUC. I'm sorry, I forgot which one, had a position on it.

We knew that the person who normally is there from that group, was not going to be there. So we then went out of our way to make sure that someone else was there to represent that point of view. We don't represent that point of view. We just try to facilitate those discussions to make sure that we're not missing any of those particular issues.

So again, we're not advocating for anything, but we just try to facilitate the discussions and to make sure that we can help build consensus and not have at a later point in time, a group saying we weren't heard or, you know, our position wasn't out there. Sorry. Keith?

Keith Drazek: Okay. Thanks, James Bladel. Thanks, Jeff. Keith Drazek. So Jeff, you may be getting to this point in your last bullet on the slide, but I'm curious about sort of the thinking of the leaders as it relates to the GACs conditions that were sent as it relates to their participation in work track five. So I apologize if I'm jumping ahead, but I'm curious how the group is thinking about that.

Jeff Neuman: Yes, thanks. You jumped ahead, but I think that's probably one of the main things we're here to talk about. So it's not just the GAC. There have been letters sent to us and or the council directly from the ccNSO. There was an email I guess sent from Alan Greenberg with ALAC, and a letter, as you referenced, from the GAC with conditions.

The way that we would recommend, we being Cheryl and I, and the leadership of the working group, is more of an education aspect, to educate them on the GNSO policies and procedures. It's my personal view that many of the conditions are actually subsumed into the GNSO policies anyway.

For example, you know, one of the conditions is that they reserve the right to provide advice, even though they're participating in this group, which is something that they have the right to do anyway under the GNSO policy.

So it's not - we don't need to jump through hoops to accommodate that. There are a couple of conditions that we do need to have a discussion about with the council which, you know, are outside the norm of the GNSO processes, which for example the GAC has said that they want to make sure that they sign off officially on the, they say the charter, but we're calling it a terms of reference for the group, which sets out the scope of the group.

Again, I think that and I'm leaning on the co-leaders to make sure that they are (liaisoning) - liaising is the word I guess, with their respective groups to make sure that they are keeping them in the loop.

But it's not our view at this time, at least my personal view, that there needs to be any kind of resolution or anything from the other organizations that needs to officially approve the terms of reference.

But that's - from what we owe them back is a letter talking about the conditions. And again, the approach is really to educate on the GNSO process and then to talk about how it will be handled under the GNSO, and hoping that their concerns are addressed through what we already have built IN.

James Bladel: So there were a few other questions I think relative to the conditions or prerequisites for participation. Another one was the way that the subgroup in the broader PDP arrived at decisions. How compatible is that with the PDP operating manual? Or are we really coloring - being asked to color outside the line?

Jeff Neuman: So this one I think is part of the education that we need to do, both Cheryl and I, with the co-leaders and the co-leaders back to their groups. What I've - what we've explained to them is that we generally within PDPs don't actually vote, right? We do - we measure things by consensus.

And if you look at the working group guidelines, there are specific definitions of consensus in there. And then discussing with those groups how we arrive at those decisions, that there's no - I think one that may have - they didn't say a veto, right? But essentially I think the GAC was asking for some - any group may prevent the work product from going to the GNSO Council.

Obviously that's not how we operate, but we make sure that all positions are represented. So if there was one substantial group that was recommend - that was objecting, let's say to the work track findings, obviously there'd be no way for us to find a full unanimous consensus.

If it was one group, there still may be a rough consensus with a minority view. That's what we call it. Or if there are a couple of groups that object, then obviously, you know, there are other categories within the working group guidelines.

And so to the extent that there were objections, what they're worried about, the way I interpret it is that, you know, we are just going to ignore their views. And by virtue of the fact that they participated, they're going to be associated with those views that come out of the work track, no matter what.

And what I've been doing this week and will continue to do, what we've been doing is to educate them and say, that's not going to happen, right? We're never going to associate your names or your group with a position that you don't hold.

And that's given them some comfort, plus reminding them of the fact that nothing prevents them after we send the report to the council and let's say the council approves it and sends to the board, nothing prevents the GAC from providing advice afterwards.

Nothing provides a ccNSO from issuing its own opinions or going through its own PDP, and nothing prevents ALAC from providing advice. So there's

nothing - the GNSO PDP is the most flexible of all of the policy development processes that are out there within the ICANN world.

So once they're educated on that, you know, it's not - they're not going to find it perfect. They may still raise issues, but again I think it's a matter of education.

James Bladel: Thanks, Jeff. Cheryl?

Cheryl Langdon-Orr: Thanks, James Bladel. Cheryl Langdon-Orr for the record. Just to follow on and support what Jeff is saying, I think it's also important to the council to note that at our three hour session for work track five coming up this week on Wednesday, at - I'm struggling from the time.

James Bladel: In the morning.

Cheryl Langdon-Orr: 8:30 in the morning. We're all going to be struggling for that time. At 8:30 in the morning. These are areas that we will be discussing, workshopping and ensuring that there is a shared and common understanding on. And I think that will go a long way towards settling down some concerns as well.

James Bladel: Tony?

Tony Harris: Just one question, Jeff. Do you have more slides? Because I have a couple of questions and I don't want to jump the gun. Or is this your last slide?

Jeff Neuman: We just have one more slide after this, but the main point is to deal with these questions. So I'd rather go through the questions, then the slides.

Tony Harris: Okay, fine. I have two. The first has to do with the timeline you showed. The work of this group ends at the end of 2018, which to my mind means 2019 will go very quickly with discussions, with foreseeable opposition as there

was in the last round. And that may take between one and three years to solve. So we're quite away from any idea of a launch in my opinion, if we look at history anyhow. And it's more of a comment than a question.

And another thing which concerns me is, I didn't see much said about the distribution arrangements that we have for new gTLDs. As everybody knows, we have to - I'm speaking from experience by the way. If you become a registry with a new gTLD, obviously you have to sell your TL D through the registrar chain of distribution, if we can call it that.

And with all due respect, three or four companies hold a market share of sale of new, of let's say generic top level domains. And three or four companies have two thirds of the market. If they don't carry your TLD, if they don't offer it, you're in trouble.

This compounds when you have a TLD which has to do with a third world country, or a developing country would be probably a better term, which are not markets that are particularly attractive to large registrars because there's not much volume there.

So these markets are usually handled through a chain of resellers. Resellers would be local domain names, and domain names sellers are people who set up websites in continents like Africa and Latin America for example. The problem is that the resellers mostly have their softwares provided by the three or four companies that dominate the two thirds of the marketplace.

So essentially, if you get a new TLD and you're in a developing country and the Big Four say, we're not interested, you don't get the resellers in those territories either. Now, I'm not saying that registrars are doing anything wrong. They're business companies. They have a right to decide, you know, what merchandise they want they want to sell.

But has this issue been considered, because if you're thinking of ways to do this better next time, and I'm sure there are a lot of people who want to apply or entities who want to apply who may not be particularly wealthy or set up to do business without the help of registrars, has this been considered or? That's my question.

And again, before David McAuley gets on my back, I'm not criticizing the registrars. I understand the position. Thank you.

Jeff Neuman: Thanks, James Bladel. Can I respond to that? Okay. This is Jeff Neuman. On the first point on the timeline, I understand your concerns. One of the unique things that we've built into our work is that what was traditionally called implementation in the past, otherwise known as the building up of the guidebook, has actually been subsumed into a lot of the work that we are already doing.

So it's our view that we - because we are discussing these issues and they'll be covered in the initial report and ultimately the final report, that we will cut down the implementation time by a substantial amount. Obviously if there's opposition, which we know that there will be, you know, those are outside of our control.

But in the sense that we know of opposing opinions, this goes back to the question that Heather asked I believe, which is if I know that there are opinions out there that disagree with what, the way that the working group is going and have not been considered, as a chair, a co-chair, I or Cheryl, will make sure that those are thoroughly discussed, so that hopefully we are armed in our final report with the rationale, so that if this, or when this is passed to the board, the board can say yes, it looks like the GNSO considered it and here's what they said.

So as our role as co-chairs, this is very important, and hopefully will cut down on implementation time. On the second point on distribution of registrars, I'm

so glad you brought that up, but for a different reason because it gets me to hammer home something we hammer home in our group all the time, which is that when you talk about new gTLDs, you're actually only thinking of one model of a new gTLDs, which is the traditional distribution model.

In fact, half of the new gTLDs that are delegated are brands and don't have any distribution at all, other than to themselves. So we need to be very careful when we generalize on top level domains to put everything in the same category.

But that said, on the specific points that you raised, yes. those items both the use of registrars, so registry registrar separation plus non-discrimination of registrars, those are both topics in work track two that have been discussed. Comments have been received on them.

I won't say that we're anywhere near finalizing any of those yet, but certainly to the extent that you have feedback like that to make sure that those are presented to the work track, is essential. Now, I'll say the - what you've expressed has been expressed already within the work track. So those thoughts are not missing.

But to the extent that you feel strongly or anyone else feels strongly, it's just a plea for participation in the group.

James Bladel: Thanks Tony and Jeff. Yes, quickly.

Tony Harris: Thanks for clarifying that and I understand about brands. But hey, there are other people who are going to apply and I think they need to be aware that it might not be all that easy getting the TLD on and just into the distribution chain. Thank you.

James Bladel: Thanks, Tony. Thanks, Jeff. Donna, go ahead.

Donna Austin: Thanks, James Bladel. Donna Austin. Don't know who Jonah is. Tony, just to your question, was that picked up as well as part of the CCT review team work? Do you know? I don't know if Tony is listening to me. Sorry. The question that you raised with Jeff about distribution, was that picked up by the CCTRT? Do you know?

Tony Harris: Are you asking me would have to do with ccTLDs?

Donna Austin: No. Competition Consumer Trust Review Team work. It sounds like that's something that …

Tony Harris: Well, I'm not too sure, but it might be going in phase. Somebody will finish.

Donna Austin: Yes, because I mean that's something I'm facing to the subsequent procedures work as well, what the review team that comes up.

Tony Harris: Yes.

James Bladel: Jeff, do you want to respond and then I have …?

Jeff Neuman: Yes. Just on that point, this was brought up in front of the C - or with the CCT review team and Avri and I, when Avri was one of the co-chairs, have brought this up very early on when they did their - again, I forget if they called it terms of reference or charter, and this item was not in there.

They went back. We had asked them to consider this item because we viewed this as an important competition discussion. And they came back and passed on that and said that they had to prioritize items, and this was not one of their priority items. And so they specifically said that they were not going to address that subject and really passed it on to the subsequent procedures PDP.

James Bladel: Okay. I have Maxim.

Maxim Alzoba: Maxim Alzoba, dotMoscow. I wanted to add now from the perspective of gTLDs, they represent quite large number of people, actually citizens of the mostly capitals actually. And what I can say that they are - almost all of them are locally oriented.

So not being represented in other parts of the world is not very important from economical perspective. And since most - almost all of them have big registrars are created and local registrars are created, they cover interests of the citizens of those areas who are interested of the companies via channels with the outside registrars.

So in case there are some - where a person wants to register the domain, most probably he will be able to do so. And if he's in very distant region of the planet, most probably he's not very interested in those TLDs. Thanks. Just a note.

James Bladel: Thanks Maxim. David McAuley?

David McAuley: Thanks, James Bladel. David McAuley for the record. Thanks, Jeff. Just going back to Tony's comments, well first off, I'm a little bit confused as to what he's actually asking for that isn't already addressed. The - if you look at the new TLD landscape of open available TLDs, never mind Jeff's pet thing about brands, there are plenty of new TLDs which are run by entities that are vertically integrated.

Uniregistry has about a dozen TLDs, runs both the registrar and registry. And as they're able to do and able to follow the rules, are able to offer domains how they wish, playing within that set of rules.

And they're not the only ones doing that. There are several other registries operating under a similar model.

Now, if you're trying to say that by - because there are certain companies that have been more successful in the market, but they're somehow manipulating the market, that's a totally different thing and you can take that up with your government.

If you're saying that because people offer storefronts and APIs and other methods for selling domains, and people are incapable of integrating with them, then that's a totally different problem. But saying that just because a storefront is operated by a registrar and offers the top 10 or top 20 most popular TLDs, does not mean that they can't offer other TLDs, because they actually can.

Now if you're asking or demanding that the rules are changed in such a way that registrars will be forced to sell particular TLDs, that's a totally different discussion I don't think is going to go anywhere.

James Bladel: Okay. Thanks, David McAuley. And I can see we could probably spend a lot of time on this, but there are probably some other aspects of this PDP that other folks would like to discuss as well. The queue is clear, but Jeff I think - did you have any other - you had another slide, correct? So let's go through this and then we'll see if we pick up any new …

Jeff Neuman: Well, just one. Well, I guess this might be - yes, let's go to the next slide because I think it's connected to the biggest issues. I'm just looking through this real quick. So yes, I'll cover the second bullet point first. I think this slide really is what the council, what we would ask as the Policy Development Process Working Group for your help on, is to really help us where there are dependencies with other groups.

And so we have dependencies within our PDP on the Rights Protection Mechanism PDP. So as well as the IGO-INGO PDP, as well as the CCT review team. So there are areas where although I think that we are coordinating somewhat with the Rights Protection Mechanism Working

Group, there is a different philosophy I would say amongst the leadership of the two different groups as to how dependent they truly are on each other.

So some clarification from the council on a couple of different items. Number one is and our assumption has been that regardless of whether the RPM Working Group is done with phase one or not, that we could still or would still be working on our timeline of producing a preliminary report and final report of everything that we can.

But ultimately, according to our charter, it is to - we are to incorporate the findings or the recommendations I should say of RPM PDP into our processes and kind of fill in any gaps that might be there because of the recommendation. So any kind of processes that may be impacted by the recommendations of the RPM PDP.

So while we started initially on relatively similar timelines, I'll note that I think both the stated new timelines of the RPM PDP and the expectations are that they've diverged, the two timelines. And so help to understand what dependencies there truly are is going to be important.

Also, I think establishing a sense from the community as to whether they are comfortable with proceeding if one of the PDP, let's say the subsequent procedures PDP is completed, but the RPM phase one is not completed, we need some feedback from the GNSO community as to whether that is a disaster hold up the next call for now around of new gTLDs.

So these are things that are sort of beyond our work, but something that I think the council and the community very much need to consider probably pretty soon, because this is one of those issues that could drag on if we didn't address it head on.

So I think that's going to be important. I think the CCTRT, at least with the preliminary recommendations that we saw, most of that work didn't seem to

stand in the way - either we were covering it already or it wouldn't stand in the way. They were longer term issues that could be incorporated at a later point.

And the IGO-INGO, my assumption has always been that they're going to be done fairly quickly or hopefully one way or the other that it'll be done certainly within our timeline. And help in educating the GAC and the ccNSO and other groups on the GNSO PDP processes, is going to be instrumental.

I know you have a meeting later on. I wouldn't be surprised if work track five comes up. So to give them comfort as to what we're doing and to give them comfort about the GNSO PDP processes is going to be essential. So that's what we'd ask.

James Bladel: Thank you, Jeff. Thank you, Cheryl. We're right up against our time for this agenda item. I think a very useful conversation. I'm just trying to summarize and capture everything that we've covered.

And I think the two big items here are to help you identify the dependencies with other work activities going on within the GNSO and outside of it. And then the second thing is to help you kind of do that outreach education and advocacy with the other groups regarding work track five and how that's going to operate.

I think we should respond to the letters that were sent to us, emails in some cases. So perhaps one of the action items that we can take away is to put together a team to look for your help and Cheryl's help as well to help us draft that.

So maybe if Marika, we can capture that as one item for follow up. And I think from our perspective, and I hope I'm not speaking way out in front of the rest of the group on this, is that as long as we're operating within the existing

PDP framework, I think we're allowing the - or we're acknowledging that the PDP kind of organizes its own work and structures itself.

But if you and Cheryl are being asked to change the PDP, change or do something that you believe in your assessment is incompatible with the PDP framework as it currently stands, then I think that's definitely some - an area where the council needs to be notified and potentially intervene.

So I think that's probably a good place then. Heather, did you - you had your answer? Okay. So I think that's a good a place as any to stop this. Thank you again. I know this is quite a bit of work. And thanks again for - Cheryl, for stepping up and taking this on.

And thanks to Avri who put in quite a bit of work before departing for the board. Is she here? Okay. Well, just pass that along. Please let her know that we acknowledge her contributions up to this point, and we hope that she continues to stay interested in the topic in her new role

So with that, we'll pause the recording and we'll get situated for the next agenda item, which is an update from, I believe it's one of our favorites, yes, RDS. So if we can pause the - they're all our favorites, you know. It's like how you play with the, you know, the favorite children. Everybody's our favorite children. So we'll pause here just a second and let Chuck get situated at the table.

Okay. I'll wait until I have a green light from the tech table. All right, thank you. So the next update will be from Chuck Gomes who is chairing the PDP on next generation gTLD registry - Registration Directory Services, RDS. I'm sure there's nothing interesting to talk about in terms of RDS at this meeting.

That was sarcasm by the way. It doesn't come across in transcripts. And so of course there's always something interesting to discuss here. So with that,

I'll turn it over to Chuck and his slides and then we'll leave as much time as possible for questions. Chuck?

Chuck Gomes: Okay. Thanks everyone for taking the time to listen about to things about WHOIS. We've been doing that for a few years. I'm not going to spend much time on the slides because I think the more important thing is to let you ask questions.

On this particular slide, we've - there's really only one new thing on this slide. We've moved the target date for our first initial report. And keep in mind that we planned for two initial reports in phase one. And if you look at that last balloon there, March 2018 is what we're projecting for starting to work on our first initial report.

We had naïvely projected that to be right now. It didn't work. So we didn't make the progress we needed. And what we're viewing now is we're estimating March 2018 to start working on our first initial report for phase one, phase one being the work on requirements, okay for a new RDS, if we decide to go that route.

Let's go to the next slide. Okay. This brings us right up to where we're at now. There were 11 questions in phase one in our charter. And the four - you can see the questions there that we've been working on. Now, I think I shared this at the last council update. And that is that minimum public dataset is what we know today as thin data, okay?

I won't spend a lot of time on that. But those questions that you see there, who should have access to registration data and what steps should be taken to control the data? What should be collected, stored and disclosed? What steps are needed to protect data and privacy and so forth? So we've covered a lot of that already and for the minimum public dataset.

And we've been working for several months now on trying to get beyond the minimum public dataset to other data, the thick data as we know it today. And we have actually reached 45 initial points of rough consensus. There's a link there if you want to see what those are. They're not huge, but they're little bits of progress.

The - you'll see in the third main bullet there, the - one of the challenges to overcome fundamental disagreements. And it's the same ones. Those of us that have been in the ICANN community for a while, same ones we've been dealing with all along, okay? So there's nothing new there.

And we were - I was - maybe I'll blame it on me. I was cautiously optimistic that after we got our second legal advice that we may be able to move on and really start working on some how to deal with new requirements. But we're essentially still - we've still got quite a few members in the working group who haven't yet accepted the fact that we need to do some new things to deal with regulations in certain parts of the world, in particular Europe, although it's not just Europe.

Next slide please. So the challenges, again most of those are familiar to those of us who have been around for a while. Burn out complexity, how long it's taking. Although, we were pretty clear it was going to take a while from the beginning, still I don't think people really believe this in the working group I'm talking about.

The - I'm going to - I already talked about the minimum public dataset. So let me just go on to the second sub bullet and I talk about that as well. So what we've done now is decided to focus just on purposes. So our session yesterday was all on purposes and just trying to make sure everyone in the working group understands the nine purposes that were in the expert working group report.

And I think the feedback I obtained from a variety of people I've asked, I think that was fairly successful yesterday. But we haven't gotten into whether or not - any discussions about whether or not the purposes are legitimate. That'll be tougher, okay? That's where - but we're focusing on communication and understanding right now.

We will continue that focus in our face to face session on Wednesday afternoon as well. You heard me say in the next to last bullet there, what's in the next to last bullet, which says that the - our legal analysis didn't help us turn the corner with some of our members like we had hoped.

What we found is ICANNs legal analysis in its - and what we've seen so far, pretty much confirms what the data protection experts told us in two ICANN meetings ago. Pretty much confirm what was in the Wilson Sonsini independent analysis that we got.

And so we're continuing to see the outside expert advice confirming what we've already been told. So - and so we're working on communication right now. Again, it seemed to go well yesterday. We'll finish off those exercises on Wednesday and hopefully then get to a point where we can actually start discussing okay, do we think these purposes are legitimate? And if so, of course have to go on. Okay, who should have access? Should there be more public access than the minimum public dataset, et cetera?

Next slide, if there is one. Okay. This question we ask every time. Communicate, you know, as far as the council is concerned. Talk to your reps on this working group, to the people that are representing your interests. Certain - you know, find out if - get their impression, not just mine or the leadership team.

The - it is - the last bullet is probably the most important one here. Councilor, as the policy development management body, the more you can do to

emphasize the importance of reaching some consensus on critical decisions, the better.

There are no magic solutions. I don't know that you can do anything that will help us turn the corner. It may actually help a lot right now if ICANN, the organization make some decisions and some definitive statements. And I have - James Bladel and I both have met with (Yurin) and Chris and Becky and Theresa and we'll continue to be open to working with them.

So there's pretty good involvement from all interest groups. The GACs been kind of missing lately, but other than that, there's pretty broad support. For those from the ISP constituency, that's probably one area where there hasn't been a lot of participation in the working group, them and the GAC. Everybody else, you have pretty good representation there.

Next slide. Okay. We can just leave that as far as links, if people want to see those. And I assume this presentation will be posted publicly, so you'll have those. Let me stop there and let you fire away with questions.

James Bladel: Thanks Chuck. I put myself in the queue, but I'll take questions from the floor first. So we have Erika and then Tony. Erika, go ahead.

Erika Mann Thank you so much. Erika. I have some issue by the way on Adobe. I don't know why. So maybe somebody can have a look at this. And I hear you as well? So I'm not alone this time. Two issues which I think would be good if you would evaluate this as well and take this into consideration in your working group, because these topics are always missing.

So one is actually when you look into the debate, the current debate about what kind of data will be allowed to be stored and will be allowed to be circulated. There are two discussions which are overlooked. One is about data flow and this is typically the flow of data which between different countries.

This is not an automatically captured in national regulations, definitely not automatically in the GDPR, but it's a different arrangement which made between countries. So that's one thing you, which I think is important for registrars and registries to look into it and to have this data and information available.

The second is about trade agreement. So what you see more and more, that trade agreements between countries, they try to capture, they're not there yet, but that's what they want to do. They want to have capture in their trade arrangements language about how data can be, or shall be captured and what kind of regulation should be considered as valid.

It's early days, but I think it's good for everybody involved in this exercise to be aware about this and to follow it, because at the least for the commercial players, it will be relevant and important in the near future. So I don't think - so you need to do much on the data flow definitely. This is already serious issue. So you want to definitely look into it.

The second one, you just need an awareness raising so that the players in the future maybe know about it.

Chuck Gomes: Thanks, Erika. We will. We're not to that level of detail in our requirements yet, but those are on the horizon when we do get there. And there have been little - people point out those kind of things. And of course the contracting parties are ones that do especially, because they're impacted by those and especially the short deadline they have.

James Bladel: Thank you. Next is Tony.

Tony Harris: Tony Harris for the record. Chuck, we go back a while on this. Actually I was chair of the first WHOIS working group back in the year 2001, which was set

up in Montevideo at the ICANN meeting that was five days before 9/11 happened in New York. You probably remember that time.

And you probably also remember, we had offline group discussions at one time, just trying to find a way around this. From the ISP perspective, it's true we haven't been very active recently, but slide - the previous slide, I agree explicitly showed that we're at exactly the same position where we were I think in 2001 in a certain way, because you have two opposing views which are very logical.

And here I really - I hope David McAuley doesn't take this as criticism. It's actually in favor of the registrars. I think they have a very solid argument. They don't have the revenue from the sale of a domain name to get involved with any kind of issues such as accuracy or validation of registration data and things like that. It's a very good argument really and an economic argument.

So basically I think it's going to be difficult to come to consensus because there's an economic problem. Intellectual property have good reasons for what they asking about WHOIS data. And then you've got these new regulations coming out in Europe, which are another complication.

But basically from our industry side, we use - if we have to look up something, we would use the WHOIS on IP numbers more than the names WHOIS. But anyhow, we are still interested just, if that was the comment. But we find it difficult to wade through all this very intense email exchange.

And I participated in some meetings and they really scaled into very hard arguments and it wasn't something we saw going anywhere very fast. Thank you.

Chuck Gomes: Thanks, Tony.

James Bladel: Thank you, Tony. I put myself in the queue just because I have a question. Chuck, you referenced the legal advice that the group sought and received, and it didn't move the needle with some of the positions in the working group. And I think there was also recently, ICANN sought legal advice on not exactly the same, but similar questions.

And my first question is, you did you - I don't know if you've had time to do a comprehensive analysis to compare and contrast, but do you spot any incompatibilities or inconsistencies between the two legal memos? Are they working against each other?

And then the second one is, just recognizing for this body that manages the PDP process, that seeking outside legal help is very expensive and introduces three, four, six months into PDP timeframes and if it's not - and I beg the forgiveness of the lawyers at the table, as one of the minority non-lawyers, but if you ask a lawyer a yes or no question, most likely the answer you get is, it depends.

And so if the answer from these legal - or maybe or it depends on, you know, the circumstances. So do you see value in the exercise of going outside and getting legal advice? Or was it a function of the legal - the questions being posed to the legal advisers were too broad and maybe need to be more specific?

Or what are just your general thoughts on that experience? And do you see this as being valuable in - are the two legal advisors kind of propping each other up and reinforcing what they're saying or are they going off in different directions?

Chuck Gomes: Thanks, James Bladel. Well, first of all, let me answer that last question. I already said this, I think. All the external advice services so far is complimentary. We haven't found any disagreement, huge disagreements in terms of what they're suggesting. So we can - I can put that question to rest.

Let me though go back for those that don't remember or are unaware. When we received the advice from the data protection experts from Europe when we were in Copenhagen, there were members of the working group that said well, they're biased. So we need to get some independent advice.

So we did that and it didn't really cause delays in our work and it didn't even - it didn't take six months either. It took about three months probably. But it didn't delay our work. We kept working, okay? We got the independent legal advice from the Wilson Sonsini law firm.

That's where I was naïve, thinking that we could - this should put it to rest. We've got to do some things. Let's start working on the things instead of debating whether or not change is needed. That didn't work and that's why we regroup now.

Now, when the first part of the ICANN legal advice is received, again confirmation of things that we need to do, but not acceptance yet by a large percentage of the working group. Plenty accept it but, you know, two major interests areas have not really accepted that in my opinion, okay? And they're important areas.

They do - there are people that do good things and there are people that I respect in the industry. But until we get past that point, it's tough to really get down to the nitty gritty where we need to be and could start making progress. I don't know if I - if I didn't answer everything, James Bladel, we can follow up.

James Bladel: I think it was good. I think mostly my biggest question was the first part is, are there discrepancies? At least your initial response is no. So just noting that we have proximately 10 minutes left in this session. We have - you're shaking your head, Marika. Is that right, 10 minutes? Yes, 10 minutes, now nine.

We have a very long queue. I put myself at the end to kind of just as a backstop. We'll close the queue off where we have. So that will be David McAuley, Stephanie, Heather and Susan. And then we'll move on to the next session. So David McAuley?

David McAuley: Thanks. David McAuley for the record. Just to remind those of you, there are several of us who are helping to share the burden of trying to manage this PDP Working Group. So myself, Susan and David Cake and trying to keep up with Chuck because if it wasn't for Chuck, nothing would happen.

Just a couple of things. I mean Chuck did mention this kind of - I'm trying to think what the word we're looking for. It's kind of a catch 22, I feel like one of these small, little animals stuck in a wheel going round and round and round and not actually moving forward.

Hopefully there is finally a bit of a shift and people are beginning to realize that these legal opinions, data protection expert advice, et cetera, et cetera is real and challenging it constantly doesn't help progress things. The other thing was, I think a lot of people seem to be assuming that if you somehow fix WHOIS, that means it fixes your GDPR problems.

And just for the record people, if you think that you really are going to end up in a world of pain, GDPR is not restricted to WHOIS. It covers a hell of a lot more.

James Bladel: Thanks, David McAuley. Stephanie is next.

Stephanie Perrin: Stephanie Perrin for the record. I would just like to add that there's not much in the new legal opinions that was not all already presented by the Data Protection Commissioners in 2000 in their common position on WHOIS. So what we have here is a failure to come to grips with this reality in my view. And there is now liability accruing to various players in the system.

And unfortunately the folks that are refusing to accept the - whether they like the GDPR or data protection regulation in principle, is kind of irrelevant. It has passed parliaments and it's there, has been there for 17 years now at least. I think there has to - if this multi-stakeholder model is going to work, we have to have a way to close off ridiculous fractious discourse.

And I mean no disrespect to anybody who's chaired any of these groups, and I'm looking at Tony. You know, the kind of rhetoric that we heard way back in 2001 was actually kind of better than what we're hearing right now in the debate. So, you know, it's not - the tone of discourse is going down, not up as we learn more.

So there's something desperately wrong and Chuck's doing everything he can to get people to be reasonable, but honestly this is a stupid discussion that we're having, you know. Those of us who've tried to present facts are being accused of everything under the sun.

The innocent parties that are stuck with contracts that make them break the law, are going to be fined. The guys who are getting free data are not being held accountable, nor do they accept any suggestion that they should be authenticated and accredited and held accountable, even though the technology exists and we have RDAP and we have systems that could do that.

I just, I would love to know what those who've been here a lot longer than I have, would suggest as a way to curtail this spinning, because I wish I could be optimistic. David McAuley said we think we're getting somewhere. I don't know. They're just not here at the moment.

I'm expecting this to start up again as soon as we have the next call. And frankly, I'm getting a bit tired of it, you know. Thank you.

James Bladel: Thanks, Stephanie. Just for fun, one time I clicked through all the footnotes that reference all the previous meetings, and the far back - the furthest back I could go was 2006. So it's good to know that there were instances even that predate that. Next is Heather. Go ahead, heather.

Heather Forrest: Thanks, James Bladel. Heather Forrest. So I'm going to raise a question that we raised wanting to say I guess for clarity. James Bladel and Donna and I met with each of the PDP Working Groups prior to this meeting to get a sense of what help they might need and what we could do, and how we could help the council to facilitate that happening.

And a question that I asked in that context, Chuck, forgive me for asking it again is, you know, we're in a situation, and I would say facetiously we're in it rather often. Any time that we go looking outside for outside input, in addition to the cost issue which James Bladel has acknowledged, we're not asking let's say where there are concerns about asking the right questions.

What can we learn from RDSs experience? Chuck's is probably the most recent in this situation. But I can think of other PDPs and efforts where we're in a similar bind. How can we improve in terms of asking the right questions? Thanks.

Chuck Gomes: Thanks, Heather. Whether the questions are right or not, and there was a lot of criticism of the questions that the working group came up with for the independent legal analysis, but it depends what the answers are. If the answers are not what you like, the questions weren't right.

Now, so my question is, tell us what the right questions are. And I'm not saying that for the council but for - to those who are criticizing the questions that were asked. One of the things that I provided input to for this panel that's going to happen on Thursday on the GDPR was, one of the great things to explore in that, what are the right questions? If we haven't asked the right questions, what are the right questions?

There's plenty of room for criticism of questions asked, but for those that are claiming that, I suggest they tell us, what are the right questions that need to be answered? But don't use that excuse again once you get the answers that you don't like.

James Bladel: Thanks, Chuck. Susan is up next.

Susan Kawaguchi: So Susan Kawaguchi for the record. And I'm sure you're not going to be surprised I have a different opinion on how this all worked out. You know, we received legal advice from Wilson Sonsini late September. So people had a little bit of time to absorb that, not a lot.

Then the Hamilton memo came out in the last few weeks. I've looked it over, but have I absorbed it? No. Now we've got the Council of Europe letter that just came out, somebody - literally some - Michael Palage handed it to me in customs walking through the airport today - on Friday night. So read that really quickly.

And so I think this is more about having the time. Some people looked at the Wilson Sonsini memo and went “See, this is what I've been saying. This proves my point.” Others in the group have said, wait a second. Let’s give us some time. Yes, we've been talking about this for almost 20 years. So can we have another week or two to sort of absorb this and figure out how this impacts our businesses?

And I'm talking of businesses from a, you know, a brand protection, you know, Facebook, eBay, you know. I mean those are my relevant experiences. But all the brands out there that are being tarnished and all the users that are being defrauded that will be hard to protect without access to WHOIS data or some sort of contact data, contact ability.

So I just think that it was a little bit pie in the sky to think okay, we got the memo, we're moving on. You need time - people need time to absorb things, to talk about them, to come to agreement. And I'm going to take a little bit of note your perspective, Stephanie, you know.

I mean there's definitely times when we've listened to your point of view over and over again. And so, you know, and you make this point that now it's a different group that's doing that. Well, that's discussion and yes, it's a pain and would we like to get this done? And I get that the registrars and the registries are facing a critical deadline.

But at the end of the day, you know, some of these memos are saying, ICANN is either joint controller or controller. So ICANN, why weren't you here getting all of this information two to three years ago minimum? This is no - nothing new to you. Why didn't you do your job so that the working group had the resources to do their job?

And I think we, you know, we sort of made a little bit of a turn in the last few weeks and said let's stop with the big group because it's hard to discuss, and we put together small teams and we talked about purpose because that is the primary thing that's coming out of these numbers for me is if we haven't defined purpose, then we don't have - we can't move anywhere in coming up with a process to handle all of the data.

And so in that, you know, we had one representative from each part of the community and then you could hear each other. You could listen to each other. You could go back and forth and go wait, I don't understand. And I think the small teams worked well. Now we'll see how that works when it all comes back to the big team.

But I think one of the notes in our presentation today was, the legal analyses have raised more questions. We need time to look at those questions. But we're running out of time because of the GDPR. It's a hard balancing act.

And I think as a community, we need to step in and try to talk across the room to the people that are segmented and facing a critical juncture here. So that's my thing for the day.

James Bladel: Thanks, Susan. And I think, you know, some ideas on how we can get past some of these things and start to move forward constructively, those are welcome. And thanks for reminding us of the Council of Europe letter, which is something I didn't raise because I think I'd forgotten about it. But it dropped on us as many of us were heading to the airport to come here.

So it's - again, things are moving fairly quickly. And from a contracted party perspective, we also see - we want more time. We also see this cliff edge coming up. And so it is an unnerving exercise. So we are out of time for this session. I think Marika, you had a quick point or did you put it in the chart or?

Marika Konings: Yes. This is Marika. I pointed out in the chat as well, because the working group's charter does foresee further legal analysis, but later in phase one. So once the group has developed requirements and recommendations to verify or validate that these are not in conflict or contradiction of GDPR or the existing laws.

But that was already - originally already foreseen. I think that this specific legal analysis resulted from a specific request or demand within the working group, and that's why that was undertaken. But it wasn't the objective that that would solve all issues or confirm whatever the working group was doing was in conformity with GDPR. So I just wanted to make sure that people were aware of that.

James Bladel: Thank you. And Chuck, we'll give you the last word.

Chuck Gomes: Yes. It will be short. I don't want to leave just to a negative impression, okay? I can tell you, the leadership team met an hour and a half later. We're still plugging away. We're still hopeful that we can make some progress. So

let me end it with that. We haven't given up hope. It's hard, but we're hanging in there.

James Bladel: Thanks, Chuck. On that note of optimism, this is probably a good place to put an end to this session. So thank you for that. There are some links here, some materials if you haven't caught up on the various legal memos we're referencing, well if you're not alone, including myself, you can get those on your reading list maybe for the flight home.

And just I guess, keep working on this and if there's more that you're looking for from council in terms of intervention, you know, don't be shy. Come and raise a hand there. So we'll go ahead and end this session, and pause until the next session. We'll get set up here with Phil and I believe J. Scott and Kathy are not in Abu Dhabi. So it's going to be Phil Specifically.

I did receive a request for folks at the table from the tech folks, is not to move the microphones. When you speak, the cameras, those things are like calibrated to aim at the microphone. And so if you move the microphone and start speaking, then the camera points to like an empty spot on the table or something like that, or just get someone's shoulder or something. So I don't know. It's - there. Natalie, I did my job.

Okay. So we'll just wait until we have a green light from the back. Thank you. There it is. And a couple of minutes behind schedule, but we'll turn it over to Phil for an update on the next PDP, which is an update of the Rights Protection Mechanisms review in all gTLDs. And as the lone co-chair that is here in Abu Dhabi, we'll turn it over to Phil. Phil, go ahead please.

Phillip Corwin: Thank you, James Bladel. I'm here in Abu Dhabi. My body clock is somewhere else, but it's catching up slowly. And I am one of three co-chairs of the working group. The others are J. Scott Evans and Kathy Kleiman. I don't see them in the chat room, which is understandable given that it's in the middle of the night back in the US.

This is the - here's our timeline. And we were chartered by the council on March 2016. We completed our review of the Trademark Post-Delegation Dispute Resolution Procedure in October 2016. That was a bit challenging because no one has ever used that dispute procedure, but nonetheless we had a good discussion of it and we'll probably have one or two recommendations for tweaking it.

This spring we began a review of the Trademark Clearinghouse, which is the basis for two of the three of the most used RPMs of the Sunrise registration right for trademark holders and the generation of trademark claims notices to potential registrants when they are registering a domain that's an exact match of a mark in the clearinghouse.

And likewise the trademark owner gets a notice if that registration goes through. And if they continue to keep that mark in the clearinghouse, they get those notices even after the 90 day - the mandatory 90 day period in which registrants get those notices. So they can take a look and see if they have any concerns about the activity at the domain that's been registered.

As of June, we had pretty much completed our initial review of the Trademark Clearinghouse. We were collecting community feedback on Sunrise and trademark claims review. Questions throughout this process, we have officially used sub teams.

We have many - we have dozens of charter questions, non-exclusive list that we required to consider. So we've set up these sub teams through volunteers. And what they do is they review all the charter questions relating to a particular RPM. They look for which ones are duplicative and which can - and can be combined.

Then they look at are the questions biased in one way or the other. Were they seeking a particular answer? And they try to make them more objective. And right now in October, we're continuing the data collection work.

We have a new sub team, which noting that the council at the September meeting, approved our data request for about 12 different subject areas where we're looking to collect more data, because frankly, one of the things that no one remembered to build in to the RPMs or other aspects of the new TLD program was ongoing data collection. And with the 2015 council mandate to base policy recommendations to the extent feasible in data analysis, we're trying to meet that requirement.

So we got that council approval. We're working with staff now to prepare the RFP for professional survey assistance in the six areas where we need outside help to survey various community groups, to get their feedback on these questions, while staff continues on their own in the other six groups to collect and analyze data.

And in order not to - to reduce delay as little as possible because of that need to do those surveys and then collect and analyze the data, we've moved up and accelerated our consideration of uniform rapid suspension, which is the last major RPM in our phase one work.

And we began that discussion yesterday with a review of the URS, the basics of the URS, the many elements of the URS, which are similar to, but somewhat different and additive to the UDRP. And we're holding another session this week to collect anecdotal feedback on the use of the URS from members of the community. So looking forward.

We aim to complete phase one of our work by the end of the third quarter of next year, which puts us on a pretty similar track to subsequent procedures. You just heard from them a little while ago. And we hope to put out our initial phase one report in late spring.

And during the 40 day period for community feedback on initial report, we will probably begin the review of charter questions for the UDRP because the second phase of our work is the first ever comprehensive review of the UDRP consensus policy.

I would note that the launch of a subsequent round of new TLDs is only dependent on the completion of phase one of our work. Phase two doesn't hold anything up if and when we recommend any changes to the UDRP for council and board consideration. That will happen, but it's not holding anything up in terms of subsequent rounds.

So can we go to the next slide please? So what have we gotten done to date? We've completed our initial review of the trademark PDDRP. We've completed our initial review of a significant number of Trademark Clearinghouse related charter questions.

We very effectively use sub teams to advance and manage our multiple work tracks. The co-chairs have an excellent working relationship. We've really had no problems working together and administering this workgroup as efficiently as possible, I'm happy to report that.

And so far as timeline management, our intent is to commence the initial review of URS, and we've begun that at this ICANN meeting while we're simultaneously moving forward with the data gathering and analysis related to Sunrise and trademark claims.

And the initial - as I mentioned, our initial review of charter questions for phase two, the UDRP review, we're probably going to commence that during the public comment period on our initial report next spring. There's no sense just sitting around and doing nothing for 40 days. We're going to use that period. So we're trying to be as efficient as possible.

Next slide. I'm just seeing blank on my screen here.

James Bladel: How many more slides do we have here? I just want to make sure we leave enough room for questions. Okay. Three? Okay.

Phillip Corwin: Yes. For some reason, the slide isn't in the Adobe chat. I can read it off here, but it would be easier to read it off my screen. All right, I'll just work off the big screens here. So what are challenges? Well, the extensive data collection needs we've identified to give knowledgeable answer to the charter questions relating to the Clearinghouse - not the Clearinghouse, Sunrise registrations and claims notice. That required some extension of our timeline into the third quarter of next year.

We're currently working to refine the specific details for a data survey and members of the work team working on that, reported at our meeting yesterday that they believe they'll be finished with that task with one or two more meetings. So we're very close to completion on that.

We're working with staff on the RFP, which we will get into ICANN shortly, I think in the next few weeks to get that professional assistance on disseminating and designing surveys. The staff is working on the other data collection aspects where staff alone can do the work.

We're going to - we're looking forward to reviewing the final report from the CCTRT when that's published. And in fact at one of our meetings here, we're meeting with the members of the CCTRT to get their input on what they've concluded so far regarding the efficacy of these RPMs. And I already touched that, commencing our URS work.

Let's go to the next slide. Okay, challenges with data collection. While there's some data available such as monthly registry and registrar reports to ICANN and data from the clearinghouse and URS providers, there's currently no single comprehensive or unified source of data on RPM.

So I expect that our initial and final report will recommend various types of data collection be built into the program going forward, so any future review doesn't face this type of data collection challenges, certainly not to the same extent.

But the staff is collating and compiling current data from various sources, but this is going to need regular updating because this is an ongoing program. So it's never - it's dynamic, not static.

And already talked about council wishing to recommend that ICANN do this type of data collection on a going forward basis just to stay current. There are some strain on staff resources and budget because of the data requirements. This is not unique to this PDP and it's part of the overall push by the council toward metrics driven policy making -

I think metrics driven policy making personally is a very sound idea, but there has to be recognition that it entails some cost and some additional time to get the data collected and analyzed.

There's - we're always facing a challenge in - and we understand the economics and the staff constraints on contracted parties, particularly the smaller ones. But, you know, we put these requests out there. We can't force anyone to respond.

And so if we don't get responses from members from contracted parties, and if community groups don't give responses on a wide basis, that somewhat negates the purpose of the whole data collection at enterprise when you get a very small sample in terms of returns. But we'll - hopefully we can encourage them.

We're going to try to design these surveys to be as - to pose the least burden to the groups they're targeted to so they're as easy as possible to respond to, while still yielding meaningful data.

And next, and I believe could be the final slide. Yes, we're dealing with very complex issues of trademark law and other aspects of the law. Lots of different parts of the community are very interested in these issues, and frankly have some very divergent views on some of the issues and what should be done with these RPMs going forward.

And hitting our milestones is affected by the time and resources required to complete the data collection effort. Making sure that everybody has the same basic knowledge and can respond with that knowledge, and allowing time for the various strongly held views to be aired and worked out where we're not in the business of suppressing views.

And we get into some pretty vigorous debates in some of our calls. I do - and we're dealing, if not on here, we're dealing with a huge working group. We have over 150 members. I think close to 100 observers. On any given call, we'll have anywhere from 40 to 60 members engaged in a 90 minute call.

So if everybody wants to say something, that takes a lot of time and then we're not in the business of telling people they can't provide their views. Some members have dropped out or eased off on their participation. There's a large number and volume of emails on these topics. There's no way to get around that in a working group of this size and complexity.

We've had - I don't want to put too much emphasis. We've had some behavior that working group members have objected to. We had one member early on who was fixated on one issue, which was only related to phase two of our work.

It was really a UDRP issue and this person repeatedly would intervene and try to hijack the working group to dealing with his pet peeve, and ultimately had to remove that member after continued dilatory and disruptive behavior.

We've had complaints about one other member of the working group who I have to say makes many valuable contributions, but sometimes people are put off by the volume and tone of some of this person's input. We've had - issued an informal, not a formal warning to that person and seen some change in that behavior. But really this working group is proceeding on a pretty amicable and cooperative basis. So I don't want to push that point.

Basically the main challenge is that we are very - we have dozens of questions to look at. These are complex legal issues involving trademark and other aspects of the law, and we have lots of interested parties with significantly divergent opinions about the RPMs and what should be done about them. So that's both good and bad.

Is there anything else or was that the last slide? Okay. So that's basically my report. We've got two more sessions, one on Monday. I believe that's the one where we're meeting with the CCTRT to get their input. And the one on Thursday will be to get community input on use of the URS.

We're looking for good anecdotal input on what people like and don't like about the URS and their experience with it overall. Staff went through data yesterday and there's been close to 800 URS cases filed since the beginning of the program. The majority, over 90% resulted in suspensions.

Although we've had some complaints that were not upheld even in default cases where no response, which indicates that the examiners are taking their job seriously. About 90% of the cases have been heard by the National Arbitration Forum in Minneapolis, Minnesota.

There's two other providers who had between them, the other 10% of the cases. So that's our session for the rest of this week and there's links to other important background information and documents in our charter.

So I'll stop there and I'm pretty positive about the way this working group is proceeding overall. We just have a lot of - we've done a lot of work. We have a lot of work to complete, but we're going as fast and as efficiently as we can. And I'll stop there and welcome questions. Thank you.

James Bladel: Thanks, Phil. Appreciate the update. Just a note that we have about 10, seven minutes for Q&A. We've been asked to respect the coffee breaks, a.m. and p.m. So we will use the remainder of that time for questions and currently in the queue we have Heather.

Heather Forrest: Thanks, James Bladel. Heather Forrest. So two points really just for the purpose of the record. I'm - Phil, we might have misheard you. We're not sure if it's us or you were on the jet lag, but you said something to the effect of, in order to avoid not introducing delay, and I made a comment in the chat.

So just in case that is what you said, we understand that you were trying to avoid delay. Yes. All right, good and …

Phillip Corwin: Excuse me for misspeaking.

Heather Forrest: Good. Staff said, you know, hey, make sure that it gets into the transcript and doesn't just live in the chat. And likewise on the same spirit, I think that it would be a good idea, in light of your slide that notes that the timeline may slip and you've got there for example to third quarter 2018, given that this PDP is yoked to the subsequent procedures PDP, it seems it would be a very good idea to sit down.

I know you have a liaison that serves between you, but it seems it would be a very good idea to sit down, the co-chairs of both of those PDPs and perhaps

come to council with a revised time - overall timeline, because Sub Pro is impacted by this PDP. So to the extent that maybe we can have some higher level thinking about our work, and I would encourage us to do that as well in our strategic session in January.

Indeed that's going to be one of the big questions for us on the ground at that session is, what do we want to achieve in 2018 and where do we want to be by the end of the year? So I think it would be great if you could have that discussion with Sub Pro before that happens. So thanks.

Phillip Corwin: Thank you for those constructive remarks, Heather. First, let me assure you that the last thing we're going to do is try to introduce any delay into this process. I think the co-chairs are very committed and will move heaven and earth to complete phase one of our work in 2018.

We don't want to see this splitting into the year beyond that and we hold regular coordination calls with the co-chairs of Sub Pro and we'll continue to do so.

James Bladel: Thanks, Heather. Thanks, Phil. Quick question. Do you - I'm just looking. I don't think J. Scott or Kathy are in Adobe. So we don't have to leave any time for them. Is that correct, they're not able to join remotely?

Phillip Corwin: No. I'm noting it's 2:10 a.m. in Washington DC, and which means it's 11:10 p.m. in California where J. Scott is. So I'm not surprised at their absence.

James Bladel: Okay. My question was, relative to the data collection request, the data gathering request that we approved at our previous council meeting on October 12. Do I have that date right? And the question was, I think that - and you may have covered it and touched on it and I missed it, but were we going to see any kind of a finalization of the questions or the data that the group was going to submit as part of that DMPM request?

There was I think a sub team or something that was working on architecting those questions. And can you give us just a little bit more detail on how that's going to go?

Phillip Corwin: Yes. That sub team, as I reported, part of our session yesterday was discussing that refinement sub team and the members at that meeting. Three of them were at the meeting and reported that they believe they'll be completed with that task after just one or two more meetings.

So we're very close to completion on that. We'd be delighted to share that with council members. We're completely transparent. So no problem sharing that. And we're - staff is working to develop the RFP to submit to ICANN for both budgetary and identification of professional purposes.

We have excellent staff support, but as you know, they are very stretched on a number of projects, and particularly we're getting ready for this big annual general meeting. So - but that'll be done in the next few weeks as well.

James Bladel: Okay. Thanks, Phil. And the last question will go to David McAuley

David McAuley: Thanks, Phil. I suppose my question again is related to the questionnaire, but just I suppose the concern I have really is that since we never looked up this when, you know, we were given these obligations to enact various parts of the RPM.s for new gTLDs. I was wondering, how much data do you realistically expect to be able to get out of it, or are you going to end up with a kind of semi empty days assessed?

It's like for example with some of the RPMs, because it was so - well, how can I put it? A challenge. Let's just go with that, to integrate them early on. A lot of registrars, you know, took a particular approach to kind of get around those, what was remaining complying with contracts.

So for example my own company, you know, we just returned. Domains has not been available for a period of time. If there was any - there was one claims notices against them. So I just wonder, you know, how much data will be available for people to give you?

And also bearing in mind of course, for those of us who do collect data about various different things, we wouldn't - we would be doing that for own internal use, not for external use further down the line. I suppose the questions are being asked and how much you're going to get back from that. I would be interested to see.

Phillip Corwin: I can't give you a black and white answer to that question. All I can tell you is that the members of the sub team refining the questions, are aware of the challenges. We have members of the working group who are familiar with registry and registrar operation and what it's realistic to expect.

So we're going to try to design this to get as meaningful results as possible. But you're correct since some of the data we're looking for was never designed into the program, extracting it will be a challenge, but we're going to do the best we can.

It's, you know, it's somewhat - and there's different sources for it. I mean we can survey both registrars and registries and trademark owners in regard to, you know, how many Sunrise registrations were there and how did that part work. Claims notices, it's more difficult. I mean it's not clear that registrars really kept track of when a claims notice was generated to a registrant and what happened after that, whether it went through to completion or not.

So those are the kind of challenges we're facing and we're trying to come at this from different angles. For example when you look at the URS, one of the things we're going to look at and where we can determine it is, was the domain that the URS didn't match or mark in the clearinghouse.

We can do that without violating the confidentiality of what's in the clearinghouse to find out to what - you know, and then we're going to have to make a value judgment as to whether if a URS was brought against a domain that generate a claims notice, whether that - what that means for the deterrent effect of the claims notice.

So we're doing the best we can and we recognize there'll be not all the data we'd like to get, but we need to make the effort to get better data before drawing some conclusions. I wish I could give you a clearer answer, but that's the best I can do.

James Bladel: Well, thank you, Phil. And that brings us to the end of our queue and look at that, right on time. Maybe about 30 seconds so - for the end of the session. So let's go ahead and stop the recording. I just want to acknowledge Phil and your two co-chairs who aren't able to join us here in the room, that you guys are doing fantastic work and this is tough subject.

Phillip Corwin: Thank you so much.

James Bladel: With that note, I did want to make - before we break for coffee, I just want to remind two things. One is that this is an open discussion. So folks from the floor, if you have questions or want to participate, please just come on up to the microphone at the table. And then I was also asked to take the temperature of the room. That's not a, you know, parliamentarian question. Are people too warm or too cold? It's a little too warm.

I mean I know a lot of the guys have lost their jackets, but I don't want to assume that's just - yes.

Tony Harris: I'm neither warm nor cold, but I would like to have coffee in the room during the meeting. We usually do.

James Bladel: In this meeting?

Tony Harris: Yes, right through the day. Some of us have jetlag and it helps you a little bit.

James Bladel: I agree. I know that's something we've talked about and I think maybe it's something we can aim for, for the afternoon session. So, but I know ICANN also wants to encourage. The coffee breaks in the morning and in the afternoon is something that we use to mingle and to network.

So let's break now for 15 minutes. When we're done there, we'll come back with our last PDP and then move on to the afternoon sessions.

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