

**ICANN Transcription
GNSO Next-Gen RDS PDP Working Group
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Mp3: <http://audio.icann.org/gnso/gnso-nextgen-rds-24feb16-en.mp3>

The audio is available on page: <http://gnso.icann.org/en/group-activities/calendar#feb>

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the GNSO Next Generation Registration Directory Services RDS Policy Development Process Working Group call on the 24th of February, 2016.

In the interest of time today there will be no roll call as we have quite a few participants. Attendance will be taken by the Adobe Connect room so if you are only on the audio bridge, if you could please let yourself be known now.

And, Lawrence, we have you noted, you're on the audio bridge only at this time.

((Crosstalk))

Lawrence Olawale-Roberts: Yes. Thank you. This is Lawrence. I'm on the audio bridge.

Terri Agnew: Thank you, Lawrence. I would also like to remind all participants to please state your name before speaking for transcription purposes and to please

keep your phones and microphones on mute when not speaking to avoid any background noise.

With this, I'll hand it back over to Chuck. Please begin.

Chuck Gomes: Thanks a lot, Terri. And hello to everyone and a special thanks to those of you who are calling in the middle of the night. Now you know what the nine or 10 people that have to do that most every time go through. So appreciate you doing it though, thank you very much.

So our agenda is in Adobe there for those that are in Adobe. Hopefully, Lawrence, you received it and can look at it on your own computer. The - Terri already took care of the roll call part. And we have updated the membership list to only include those who have submitted an SOI. Does anyone on this call have any update to your statement of interest? Not hearing anyone or seeing any hands raised I'll assume not.

The - so we will move on. And if you do have an update for your SOI you can just update it directly on the GNSO Website. And then just let us know via email or in a situation like this, we don't need to spend a lot of time on that. But please remember to keep those updated.

Okay the agenda is pretty straightforward today. The first thing we're going to do is get an update from the small team of I think five people who have been reviewing the membership list in terms of (unintelligible) and expertise. And, Stephanie - Stephanie Perrin to give us an update. She's one of those five members and I think probably the only one that's on this call today. But if someone else is on and you want (unintelligible) raise your hand. So, Stephanie, if you would go ahead and give us an update on the progress of the small team I would appreciate that.

Stephanie Perrin: Thanks very much, Chuck. It's Stephanie Perrin for the record. And once again I apologize for my voice, I got a bad cold here. The group has been

discussing on the list how we could poll our members to find out what expertise they have and how also we could make sure that we identify any perceived gaps in what we've gone - what we've got on the team.

So we have a grid of categories, which I see has been put on the screen, thank you very much. So you can see there, there's legal, technical, data protection, operational, commercial e-business, noncommercial, not for profit, government advisory, law enforcement and individual Internet user. Now those I think we're agreed are kind of rough categories, blunt instruments if you're trying to find out what expertise people have.

We did discuss putting this into a Zoomerang or I understand it's now Survey Monkey poll. But we may need some help in trying to break those down into bigger categories or more different options. I mean, clearly you could have technical expertise that was in networking. You might have technical expertise in security. But are these the categories that we need? I think we could - we call for some help there in terms of identifying any gaps that we will need in our deliberations.

So that's pretty well where we are at. If you agree that this is a useful way forward we would ask staff to help us put this, our preliminary categories, into a survey instrument and see if we can collect from you the expertise that we have assembled on the group thus far. And then that will help us to know whether we need to do additional outreach. So with that I'll open it up for comments including whether I left anything important out because I've been the least active member I think on the group and yet unfortunately I'm the only one who could make the call tonight.

Chuck Gomes: Thank you very much, Stephanie. So I see there's an echo so somebody's - it appears to have disappeared, thanks. So the - notice in case you didn't realize it, and I'm guessing everybody realizes this, but you have the ability to scroll down yourself in the Adobe screen there. So by scrolling down you'll

see the categories that Stephanie was talking about that are the first cut of categories for the possible survey.

Let's take a couple minutes right now and give people on the call an opportunity to suggest any categories that you think may be important for us to survey on or maybe breaking down some of the categories that are there a little more finer. Now I don't think we want to make the survey too complicated but if anybody has any input for the small team now would be a good time to share it or if not now if you could in the next 24 hours share any ideas you have for the team to consider and we'll let the team make their best call in terms of finalizing this after 24 hours so that we can get the survey out as soon as possible this week.

So does anybody - if you have any suggestions now or questions please raise your hand, or in the case of Lawrence just speak up. And we will entertain that right now. While you're thinking about that staff, if we could have - if we could send out a message after this meeting just inviting those that aren't on the call to review this list, send this list out and show them and see if they have any input to it within the next 24 hours so that then the team can go ahead and finalize it and staff can send out the survey whatever tool they use.

Thanks, Lawrence, for letting us know you're in the room now. Appreciate that.

Okay not seeing any hands, so Stephanie, if you would pass it on to your - and I see that hand, just one moment while I finish my thought here. Stephanie, express our thanks to the rest of the team and if you can communicate to them that the - what the plan is in terms of the feedback in the next 24 hours.

Okay, Tjabbe, please go ahead. Hope I pronounced that correctly.

Tjabbe Bos: Yes, thank you very much. Good morning. My name is Tjabbe Bos, indeed, for the European Commission. And I have a question regarding the category on law enforcement. I see it's broken up into three categories, police, investigators and courts. I can see the difference between police and courts, what's the reason for including another category of investigators? Could you please clarify that?

Chuck Gomes: Thanks for the question. Stephanie, are you able to respond to that?

Stephanie Perrin: Actually I'm not going to be very helpful. Thanks for the question. Stephanie Perrin for the record. Because in my view I found this confusing as well. To me, we need to clarify between government (unintelligible), meaning do we mean all other departments except law enforcement? Because as far as I'm concerned the sub categories we have here police and courts are part of government law enforcement whereas investigators may refer to private security investigators, cyber crime investigators that are commercial entities but not government. That makes sense to me in which case it should be pulled out.

I consider investigators to be part of police unless they are referring to national security type investigators, intelligence investigators. So I can carry that question back but I can't answer it.

Chuck Gomes: Thanks, Stephanie. This is Chuck again. Let's go to Greg.

Greg Shatan: Thank you. Greg Shatan for the record. First to try to add my own thoughts to the question on the table, there are many agencies other than police departments that are engaged in investigation on behalf of law enforcement or at least on behalf of government agencies.

That may be what is meant by investigators and not being part of the small group I can't think. But I think that is certainly separate from the police and - which are first investigating entirely criminal activity but investigators may be

investigating regulatory violations and other things or at least working outside of police departments, and courts obviously are completely different.

Government advisory I don't think has anything to do with being in government but I think rather has to do with being one who advises governments. So there's no category here for actually for government other than law enforcement which may be an entire missing major category. And I think I do agree that investigators may be both part of law enforcement or largely, you know, or governmental activity and also part of private activity in which case they should be reflected as a skill set that we want but it shouldn't be under law enforcement.

So, you know, private investigators and threat analysts and others who are engaged in that kind of activity in the private sector should not be under law enforcement but should be a necessary skill set. And finally, picking up on something I saw here from Norm Ritchie in the chat asking whether security equals cyber security. I'm not sure that it does but I would say that cyber security is not only a technical area but there are policy sides to cyber security and legal and other sides to that may fall under data protection.

But I'm not sure that security should be looked at solely as a technical question. Of course there is, you know, a big technical security aspect. But there are also non-technical aspects to cyber security that are increasingly important. Anybody who's reading about Apple and the FBI can appreciate that. Thanks.

Chuck Gomes: Thanks, Greg. Chuck again. And Stephanie, for your benefit, the notes that are being taken are pretty useful I think in terms of taking it back to the full team. So hopefully that will be of assistance to you. Now, Greg, I have a question for you before I go to David. I think what I heard you suggest is to make investigators a separate category, not under law enforcement. And I'm assuming we might want to clarify that if we do that and say investigators,

excluding law enforcement investigators or police investigators. Is that correct, Greg?

Greg Shatan: Right, investigators, open paren, non government, closed paren.

Chuck Gomes: Yeah, okay good. Good, just wanted to clarify that. And you made some other suggestions too that I think are captured in the notes so that the team - and what I'm going to expect - we're not going to try and resolve this as a full working group but the input I think is very helpful and will let the team take the input and then take the next steps in doing a survey. David, you're up.

David Cake: I mostly wanted to just - Greg has already said quite a bit of what I wanted to say but there are definitely, you know, significant - there is law enforcement that are not police. Courts may be on occasion be trying to enforce civil judgments. And I don't think we should get (unintelligible) so I think we should not get too worried in trying to cover every single one of these within our categories.

I think if we, you know, have a few people from law enforcement, people who have experienced trying to use the courts to access information related to judgment (unintelligible) we may - we probably don't need to cover every individual category.

But I do agree that Greg is quite right that cyber security these days should probably be considered not simply a technical issue. There are some cyber security people we can call on even if they (unintelligible) don't necessarily end up in the (unintelligible). Some of these jobs of course will be split out in a phase two in more detail; we may have some of these experts coming - specifically - parts of the process that are concentrate on relevant issues.

Chuck Gomes: Thanks, David. This is Chuck again. And I appreciate the input. So I think what I heard you say is maybe - it's probably okay to have a technical security category as they do now but they may want to consider having a

security category that's not under the technical heading. And we'll let the team decide what they want to do with that. Now David makes a very good point I think and that is that we don't need to try to be too precise on this and too inclusive. We could spend several weeks just on this and we're not going to do that.

If we get an area where we do need to explore further we can always do that. So let's take advantage of the few minutes we're going to take right now to provide input and the next 24 hours and then let's let the team finalize the survey using their best judgment and then we can - staff can go ahead and get this done so that we, in the next week or so, we get some good - get some data that hopefully will be helpful in performing our tasks.

Tjabbe, your turn please.

Tjabbe Bos: Thank you, Chuck. I'm sorry for raising my hands again on this issue. Regarding the category of investigators and having listened to the contributions of the previous speakers, I would say it may indeed make sense to include that category. For instance, they cover organizations like consumer protection organizations which could indeed be public sector organizations with quite an important public policy objective. It's also one of the categories of organizations that are represented for example in GAC Public Safety Working Group.

So it may make sense to rename the category of law enforcement to public safety organizations, which would cover all of the - in the line bullets right now. Thank you.

Chuck Gomes: Thank you. Appreciate that. And again we'll let the team take all this feedback, including the points you just made, and make a decision on that. Appreciate that very much. Stephanie, your turn.

Stephanie Perrin: Yes, and I'm speaking here not on behalf of the group but as an individual. It has struck me that with the amount and size of the law enforcement and investigative presence we're looking for and that we're enumerating, the only people who fight for the accused are the criminal defense bar. And I've never seen one at ICANN that I'm aware of. And I don't think we have anyone who's identified as one on the group. It'd be great if they did.

Because the due process rights of individuals who are accused of crimes - who are being investigated - are normally attended by those folks. So I would add that but I'm not quite sure where it goes, under legal I guess.

Chuck Gomes: Probably. Yeah, this is Chuck. Thanks, Stephanie. And this has I think been a good exercise here. And again we're - anybody on this call can respond via email on the list over the next 24 hours and then a message will go out inviting those who couldn't make the call to provide that too.

Now we're - I'm making it fairly short for the same reasons I just stated so that we can go ahead and at least get a first cut on this and if we identify gaps like Stephanie just did, where we may want to try to do some outreach, I mean, we can't force people to participate but possibly criminal defenders could be a category we might want to try.

And again, we'll let the team come back with some recommendations that will be - the recommendations and the gaps they identify will - to fill those - will be considered by the full working group when they come back with their recommendations after they get the data.

Any other input on this issue before we move on in the agenda? Okay, very good. Stephanie, I'm guessing that's the same hand. Thank you. Okay this is Chuck speaking again. And so let's move on then. And thank you very much, Stephanie, for doing the status report and appreciate that. And as you can tell I think it was productive so thank you very much.

Now again, I haven't commented on all the chat that's going on. There's been some good chat between Lisa and (Rod) and others in there and hopefully that'll get into - will be used by the team to - in all of their deliberations after the 24 hour period.

Okay, so one of the things that we are looking for in this is to have as much expertise as we need, including individual expertise. Okay. So this team I think will help us identify areas where we may want to seek additional expertise if we don't have it.

Now as I think it was in our last meeting we talked about the - we can invite experts to just join as experts when we're covering a particular topic or issue in our group, okay. They don't necessarily have to become members of the working group. So remember that we're not only looking to fill gaps in membership but if we define areas of expertise that would possibly be helpful to us we can ask for support from experts in an expert capacity rather than a working group member. So hopefully everybody understands that.

Okay, not seeing any other hands. Let's go to the next agenda item and this is really the one we may spend the most time on in the call today. And that's to review and discuss the draft work plan approach that the leaders - the leadership team - sent out yesterday. Hopefully all of you have had a chance to look at that. If not it's not real long and we will go through it briefly right now, although I don't plan on reading it.

The - it is now in the Adobe screen as you can see. And is it possible to make it fit - it looks like it's getting chopped off on the right a little bit. And maybe that's just my screen here. But anyway if that is possible that would be great so I'll leave that to staff to see if that can be fixed. Looks like most of it is showing, it's just a little bit chopped off on the right. And maybe I can control it, let me see. Yeah, I guess I can pretty much center it myself can't I? Yeah, there we go I go it. So maybe each of you can control that if yours was chopped off a little bit like mine was.

Anyway so this is Chuck speaking again. I will forget often to keep saying that over and over again. But for the recording it is important so that those that aren't - that don't know the voices can know who's speaking and the scribes also can identify the speaker.

So now this particular approach is one that we'd like to find out whether the working group supports it, okay. And again because of the low - fairly low turnout today, I think we'll need to send a message out again right after this call that if anybody else has feedback we will communicate any conclusions we come to on this call but ask for feedback from others giving them 24 hours or so to respond to that.

So the - all of you can read it and so I'm not going to read it for you. But the assumptions are really important I think. So I'm not going to read those but I will, you know, just briefly mention them. We believe that the bulk of our work in phase one is going to be involved recommending requirements for a registration directory services.

Now understanding that the board, who initiated the PDP, I guess I should say the GNSO Council initiated the PDP under direction from the board, but the board said that we should use the EWG final report as the starting point. Now - and understanding that the EWG did probably one of the most comprehensive efforts to reach out to the community and to not only seek public comments, many, many times, and public meetings and otherwise. But they also, in my humble opinion, did a great job of incorporating the public input. Probably better than any effort I have ever seen in ICANN. They really did a thorough job of that.

Recognizing that and recognizing that the EWG final report gives us a good taking off point, that's what the leadership team is proposing as a starting point. And I want to emphasize starting point, okay. So we're not going to

restrict ourselves just to the EWG report so please understand that from the outset.

Now, the third assumption there, the third bullet, notice in bold there that we're going to - our proposal is to develop as comprehensive a list as possible of possible requirements, key word possible, okay. And note in bold it says "without debate." In other words, what we're proposing is we first come up with this hopefully quite comprehensive list of possible requirements for an RDS, but not - without debate so that if somebody proposes one, unless it's just totally absurd, we'll just accept it.

Later we're going to deliberate on each possible requirement and try to reach consensus in terms of whether we recommend that as a requirement or not. So that's an important point for everyone to understand in terms of this approach. Now we're going to - I'm going to ask you when we get done going through this document today as to whether or not you - you're okay with the approach and if not ask you to make some suggestions for alternatives.

The fourth bullet is that we will seek feedback at various times from SOs and ACs and constituencies and stakeholder groups in the GNSO and we're going to do that probably in several different ways. If we do it formally there has to be a 35-day comment period each time. And we're going to start off with one of those probably assuming the working group supports that.

But we probably won't do that every time because that will stretch the process out even further. And we believe that there's enough representation for most groups on the working group that we can use - expect them to go out to their respective groups and bring the feedback to us and in other cases we may actually do what we will refer to for now anyway, an informal request that doesn't necessarily require us waiting 35 days until we get the feedback back. So that's another assumption we're making that we're going to reach out to SOs and ACs periodically as needed throughout the process.

Now for those that aren't familiar with GNSO working groups, it's quite typical that there's an outreach to SOs and ACs at the beginning and then comments at the end. So we're doing it a little bit different in this. We're going to reach out periodically with smaller requests that are easier to respond to and then do it multiple times during the process.

The next bullet it's really important to understand, and the EWG makes this clear in their report, the interdependency of all 11 questions in the charter. We're going to go through them in a sequential order but because of the interdependencies we're probably going to bounce around a little bit and that's okay because we may discover when we get to question number four that we find out something about question number one and that's perfectly okay.

Now the first five questions are particularly critical because they will be the primary questions that we need to deal with to answer the fundamental question of whether or not a new RDS is needed or the existing Whois system could be modified to meet the needs. So at that point after we finish the first five questions and the requirements associated with those, we will then answer what we're calling the foundational questions with regard to phase one. And then of course that will determine what happens after that for Questions 6-11.

Now let me stop there. I went through the assumptions and hopefully that was boring to a lot of you because you already read this but just in case somebody hadn't I wanted to do that. Let me stop and see if there are any questions or comments on the assumptions that underlie the approach that we're recommending.

Thanks, Marika, for the tips in the chat, for using Adobe. I need those myself as you could tell.

Okay, going - okay yeah Stephanie, go ahead please.

Stephanie Perrin: Thanks, Chuck. Stephanie Perrin for the record. I just wanted to raise a couple of questions here. And I do fully appreciate that you're just trying to figure out the best way to move forward. But a couple of concerns. Number one, when the EWG report was finished, we didn't have a comment period; we released it and sat on it for a year and so it was released in June of 2014. Been a long time, I'm not sure anybody's read it in the meantime.

Yes, it's been referenced as an input document but we never did receive final community comment on it except in so far as they commented on the issue report but the issue report for this group was much broader than the EWG report. So I'm a little unhappy at least I'd like to throw out a few caveats on using it as a starting point because there are, you know, we didn't get community input. And there was, as various people said, there was a big difference between the Buenos Aires report and the London report - the London version where a lot of the fine detail was added. So that's concern number one.

Concern number two is the idea of moving forward on basically the reasons to have a Whois or an RDS directory before we figure out the purpose. And I realize it's a chicken and egg question but we started the EWG process by voting on use cases and some of us refused to vote because it wasn't clear at all that when you don't know the purpose you can have a bunch of uses and consider them valid use cases. So I think that we're stuck with that same kind of conundrum here. And I'd just like to flag it.

Chuck Gomes: Thank you very much, Stephanie. This is Chuck. First of all, and I think it was last week in the meeting that I pointed out that question number one deals with purpose and users. And so I think that will give us the opportunity to dig deeply into purposes. And then out of that see if we come up with some recommended requirements with regard to whatever system is ultimately recommended. So no argument at all on the critical need to identify the purpose as well as the users and the use cases as the EWG did.

As far as starting out with the EWG it's a - it's a very comprehensive document. I'm not saying that it's all right that we should accept everything blindly. We should not. But at least this gives us a starting point. Now I think you will see, and I want you to comment on this later, after we go through the outline of the approach, that we're not stopping there. We're starting there to give us a first list of just possible requirements and - but then we're going to add to that. So come back to us after we go through the outline and see if you're at least a little bit more comfortable. Okay?

All right, so and I'm just looking at the chat real quick. Thanks, Lisa, for confirming you probably said that before I did on the purposes. And Amr, for your comment as well. Thank you for that.

Let's - any other comments or questions? Okay let's take a look at the outline then, okay? The - one of the first things we're going to need to do is to review the rules of engagement from the charter. We don't need to talk about that now but what the leadership team is proposing is that we do that early in the process.

And then develop a comprehensive list of possible requirements. Again, I'll emphasize without debate and know though that thorough debate will happen in what we're proposing as step four. And when I say we I mean the leadership team, okay?

A couple sub items under step two are identify all possible requirements in the EWG report like we were just talking about with Stephanie. And the leadership team is already working on preparing a first draft of that list. And there's nothing special about the leadership team that makes us better at doing it than anybody else but because we are the leadership team we thought well, let's provide a draft again as a starting point and then provide that to the full working group for their input to create a second draft. And that's just based on the EWG final report.

Step 2b, though, is really important. The next thing then is to identify possible requirements from sources other than the EWG final report. And do that in several ways, Number 1 is have the full working group suggest additional possible requirements. And I can probably - I'm going to pick on Stephanie because we've worked together in other working groups and I think she'll be fine with it. But for example, she submitted a minority report to the EWG report.

And as I reviewed that again, I hadn't looked at it for a long time, to me there are probably several possible requirements to come out of that. And I'm expecting Stephanie to submit those as possible requirements. And then Item 2b-2 we're going to reach out to SOs and ACs and probably - my guess is right now, and this is my own personal opinion, is that we'll probably do that informally maybe through working group members or maybe an informal request, ask the SOs and ACs and their sub groups like constituencies and stakeholder groups to suggest possible requirements that are included in the third draft.

And then finally once we get that input we'll create a draft four and hopefully at that point we will have a pretty comprehensive list. We're not going to shut the door at that point in time but for new other requirements - but hopefully we have a pretty complete list. And if we discover some other ones we will add as we go.

Going then to Step 3, we want to develop a methodology for debating that - we now have this comprehensive list so now we start systematically going through it. How are we going to decide whether a particular possible requirement should be recommended? How are we going to decide apply the debating methodology that's in the charter to our individual deliberation on each requirement versus when we get to an end and we have to make some consensus recommendations.

We don't need to debate that right now but Step 3 is really critical because it's going to guide how we do our deliberation in this long list of possible requirements that we're going to work our way through, that's what Step 3 is.

Including, 3c, one of the things in the EWG report, one of the statements made is that the whole package should be taken and not broken up because of the interdependencies. Well, whether we're going to accept that or not we don't need to debate it but it's something we're going to have to keep in mind at least understanding that if we don't recommend a particular requirement that comes out of that report, does it have any fall out impact in other parts of it? And that's something we'll just have to evaluate when we get there.

Going on to Step 4 then, and I'm going through the whole thing because I think it's helpful to see the whole picture and then I'll open it up for as much discussion as people want to contribute to. So the first deliberation, as I already indicated when I was going through the assumptions, will be on the requirements that may be associated with Questions 1-5.

And we'll discuss them, we'll modify them, we'll determine the level of agreement of any possible requirements related to questions through 5. And in doing that, we need to understand that deliberation on some requirements could end up being deferred to later in the process like for Questions 6-11 or Phases 2 and 3. We're not going to be rigid about - we want to be deliberate, we want to be systematic and thorough but we don't want to be rigid. Our ultimate product when we get through with Phase 1 will be much better if we all remain flexible while at the same time organized and effective.

Four B then we need to discuss maybe modify, determine the level of agreement on - just like we did for the requirements associated with Questions 1-5, the possible requirements for any other fundamental requirements, for example, requirements that are expected of any - of any

registration directory service but may not be associated directly with Questions 1-5.

Going on then, Step 5, is when we get to deliberating on the foundational question in our charter for Phase 1. And that is a new registration directory service needed? Or can the existing Whois system be modified in some way to meet the requirements that we're recommending for the first five questions? And of course at that point we will need to go back to the SOs and ACs to not only comment on our recommended requirements but the answer to that question as well.

And then the rest of the outline is pretty sketchy intentionally because depending on how we answer the foundational question in Number 5, will directly impact what we do in Steps 6-10. We may need to expand Phase 1 work pan to - depending on the results of Step 5. And that means - possibly mean deliberation on Questions 6-11 then we have to produce initial report for Phase 1 and then go on to take public comment on that which we use to create a final report for Phase 1 and then it goes to the GNSO Council to see if there's a Phase 2.

I apologize for doing so much talking on this, but hopefully and especially for those that haven't read this yet, you get kind of the picture of the approach that the leadership team is proposing. Now I want to open it up to totally open discussion. You can totally disagree with the approach. You can pick it apart in pieces or just certain elements. All I ask is that you be honest and constructive. And so what feedback do you have on this approach?

And again, I want to get to a point at the - when we're finished this part of the agenda, whether we as the leadership team have a good understanding whether you support the approach or whether you think it should be modified and if so in what ways? And silence is okay for a while. So be patient with the silence and hopefully we'll get multiple people commenting on this.

Stephanie, you're first.

Stephanie Perrin: Stephanie Perrin for the record. And I do apologize, I've already talked enough tonight. But the one thing that I was pondering when we were figuring out the expertise we were missing, whenever somebody is trying to sell me something I'm always asking, what's it going to cost? What's the installation cost? What are my maintenance costs? You know, how long is it going to last? What's the renewal cost?

And I just wonder who could come up with that costing? We did some work on the EWG on costing but I wouldn't bet the farm that that costing was reliable, you know, in terms of trying to figure this out. So I wish we had someone who could just say oh, and by the way, what you just described is going to cost you this sitting there the whole time. I wonder what your thoughts are on that, Chuck, and when we get to the costing.

Chuck Gomes: Thanks, Stephanie. This is Chuck again. And that's something I've thought quite a bit about, as you might guess, as a registry, a person who's from a registry. And in fact this is jumping ahead a little bit but looking at what the GNSO Council is supposed to examine after we finish Phase 1, one of the - you know, one of the things they're supposed to look at is cost information. And yet in my mind, I don't know how you can estimate costs very reasonably at all until you get into Phase 2 and 3.

Hopefully we can get some general ideas and maybe at a high level identify this could be pretty expensive or this might not cost too much. But you can't really do that thoroughly until you see what the policies if there are any new policies develop what they are and what it's going to cost to implement those. So your question is great. It's a critical question in the whole PDP, all three phases, but I think it's going to be hard to deal with completely in Phase 1.

Michele, you're up.

Michele Neylon: Good morning. It's Michele for the record. And sorry if I sound terribly course, it's rather early. The cost thing, I mean, speaking to Stephanie's point, and to yours, that's a complex issue because it's not just a question of how much it would cost registries and registrars, there's a cost impact across the entire ecosystem.

If for example, speaking as purely as a registrar, if my costs to implement something go up by oh I don't know, let's just say that it costs me an extra €2 per domain registered for - that's hypothetically - be that as a cost coming from the registries, from ICANN or from somewhere else, then I can't just suck up that extra cost. I have to pass that on.

So that means that the cost has an implication in a much broader spectrum. So if you - under the current pricing regime, if you look at the average retail price for say registering a dotCom domain name, that's going to oscillate between say \$10 and maybe \$15 or thereabouts. You'll see higher, you'll see lower.

If the costs for operating within the ecosystem as a registrar or as a registry go up significantly then that means that the cost that the end user, the registrant, is going to end up will be impacted, which again has an interesting impact on, you know, the accessibility of domain registration to - and people and organizations throughout the globe. I mean, you do have an issue there with respect to, you know, developing economies, etcetera, etcetera. I mean, it's not a simple question.

Now answering it isn't easy either, because without having a full view of what the actual system, I'm using the term "system" to cover both technical, policy, everything, is it's pretty much impossible to calculate those costs. So I don't know how to answer Stephanie's question. And I'm not sure at what juncture one can provide a reasonable answer to it.

And also bear in mind that even doing the costing itself isn't free. That itself comes with a cost. Thanks.

Chuck Gomes: Thanks, Michele. And thanks, Stephanie, for initiating this discussion. It illustrates lots of things. One of it is the interdependencies of all three phases, not just the little elements within each phase. And it illustrates also the challenges of what's in front of us as a working group and as a community as a whole.

Now there are some really good discussion going on in the chat and I want to call attention to some of that. Lisa pointed out that Phase 1 identifies what costs must be made. Phase 2 may ballpark these costs. And even then we probably don't get, if I can add to what Lisa said, to say what I already said, is that once we get into Phase 3 and look at implementation hopefully we'll get an even better idea of the costs.

But still, like Michele said, it's going to be - it's going to be a tough task but hopefully we can get some good ideas. Now, Greg asked the question - or makes the statement that we need to identify who's paying. I had a smart-aleck response to Greg that I thought the IPC should pay for it but for those who don't know me I'm just kidding, okay? And Greg and I have worked together a lot so I can do that with him.

Norm asks the question, "Can costs be specified as a requirement?" Well we're kind of tasked with developing requirements for Question 9 which deals with costs, if I remember the right number. But, you know, I don't know. We'll find out, Norm, whether we can specify it as a requirement or not. I think probably it's not unreasonable to think that we might end up recommending that the benefits need to justify the costs. Of course then we need to determine how that happens and how we determine that.

So and yes, Greg, agreed and especially since for you the time is even - is much worse than mine. Mine's just late at night, yours is the middle of the night so I understand that.

Michele, you're up again.

Michele Neylon: Thanks. Michele again. I mean, I think this kind of goes back to something that I'm going to channel Stephanie here a little bit because Stephanie and I spent so much time together during the EWG that I can probably get away with that to a certain degree. It's - one of the issues that policy development in ICANN is problematic is within respect to impact. I mean, the impact assessments, the impact both in terms of pure cost versus other costs and, you know, how that flows across everything.

You know, by changing certain requirements, by obliging people to do different things, by displaying certain data or not displaying certain data, by granting access or denying access is an entire impact on all the players and some of the players we probably haven't thought of.

Now when it comes to certain players like for example, spammers, for - you know, we obviously don't really care if we make their lives more difficult. But if we're making, you know, the standard small business's life more difficult then that has a flow through across a whole range of other things. So I think, you know, the impact assessment, the pricing and all that, these are important questions. Thanks.

Chuck Gomes: Thanks, Michele. Who else wants to jump in? Is there anybody that is really just doesn't like the approach at all? I'd love for you to speak up if there is anyone like that. Tjabbe, your turn.

Tjabbe Bos: Thank you, Chuck. Tjabbe Bos for the European Commission. It's certainly not that I don't like the approach. I thank you very much to the leadership team for preparing this document and the approach. I can certainly agree on

the importance of reaching out to some of the other SOs and ACs. And on the other hand of course I wanted to stress that if we reach out to those SOs and ACs that may also involve them to reach out to their constituency, to their community.

And if we take into account it may take them a bit more than 35 days to fully consult their stakeholders, their constituency, in case we are really going into the details of the questions that we are supposed to answer. I'm not sure how much that would take but 35 days may be a bit strict for that. So have you considered that?

And I suppose one of the options may be one of the things that may help them could be to already develop something of a rough planning where we would set out what the timing would be for delivering the draft report - draft report Number 2, Number 3 and Number 4, for example.

Chuck Gomes: Thanks. Great questions. And we have done some thinking about that and we'll have to do more thinking about it. But I think there are several things there. Your - the points you're making I think illustrate why we're proposing going out to the SOs and ACs with smaller requests more frequently than one huge request. Imagine if we went through all 11 questions and all the dozens and dozens of requirements that we might recommend all at once, and they might need six months to really go through it.

So hopefully by breaking it up into smaller pieces that will help. But your point is still taken. Even on a smaller subset of issues that we want feedback on, it's tough in a truly multistakeholder model to do it quickly in the diverse and global nature of our groups.

So one of the things - one of the ways I think we need to deal with this and so right now I'm going to talk to all of you as working group members. All of us need to regularly be communicating with our groups and communicating not only in telling what's going on and raising issues that we're grappling with in

the working group but listening to them and bringing that information in on an ongoing basis.

If we were to allow 35 days on everything that we want feedback on or even smaller subsets of things, I don't have to explain to you how long Phase 1 would take, let alone Phase 2 and 3. So the points you raised are really valid and we're going to all have to regularly communicate with our groups so that they're not surprised six months from now with something. Hopefully they've already heard about it.

And it'll still take time but I think we're going to solve those problems through a combination of approaches. One of them smaller requests for feedback, more frequent requests, using working group members to serve as liaisons between the working group on - and the SO AC constituency, or stakeholder group. And not just when we do formal or even informal requests, but on an ongoing basis. So not a very simple answer by any means but I think if we all work together we can help deal with that problem.

Michele.

Michele Neylon: Sorry, put myself on mute there. Yeah, just on this point around timing and everything else, not sure which hat I'm wearing in responding to this. But I think one of - one of the issues we've run into in the past with various ICANN working groups is dealing - we do a very bad job in many respects of dealing with timing around government entities. I mean, picking on the European Commission, since I am a European and a European taxpayer I feel I might as well and I do love you dearly.

You know, if the European Commission is to engage with this working group formally then it's going - it probably has to deal with engaging with multiple groups within the European Commission, the various TGs and everything which means that a 35-day period for them might - while it might be long

enough for other stakeholders, it might be a bit short for them. I'm not saying that it is short for them but it might be a bit short for them.

I get the impression from previous conversations I've had with the Commission that, you know, there is no real sane way for them to respond informally to things and it has to be quite formal. So I suppose the thing here is if there is a group that feels that they need longer than the standard period to respond to something, you know, if they can actually say to the group, well look, you know, we want to respond but it's going to take us an extra 10 days or something like that, then maybe that's one way of dealing with it.

I mean, Marika can speak to how that works within the ICANN policy regime. But it would be remiss of us to exclude a group's input simply because we're inflexible around timing. Though obviously that's a two-way street, I mean, if they don't actually say, you know, we need more time and then just turn up like a month late then that's a bit of a problem as well. Thanks.

Chuck Gomes: Thank you, Michele. David.

David Cake: Yeah, I just - and I think (unintelligible) sort of problem in discussions on the leadership about how we might have to tailor certain SOs and ACs, early outreach (unintelligible) how we can deal with maybe discussing how we can deal with their individual ways of working and take account for it. Sometimes it's, particularly the government group, it may simply be that the timeframes are very long and if we want their input they're just sort of going to have to adapt to it, hopefully not too much. And (unintelligible) a little easier if we know certain specific inputs that are coming in late and we explore it at least better than just having them turn up, you know, well past the time we've already discussed something.

And also (unintelligible) we are going to have to work to sort of feel our way out particularly with some government groups as to when can we use - when it is appropriate to sort of discuss things informally, when we do have to wait

for formal things, what we can do to facilitate getting that formal response fairly quickly and so on. It's not going to be that straightforward and I think it mostly is going to be the sort of issue that the leadership team will be dealing with.

But of course any member of the working group that is involved with a particular organization I'm sure we would be very happy to help - very happy (unintelligible) help facilitate that how to better to interact with them. And it may be that we discuss certainly that it should be formal and maybe need to be informal and formal at once for some organizations. That's it. Thank you.

Chuck Gomes: Thanks, David. And remember what I said about flexibility that we're not going to be rigid on this, we want this to work well. We don't want it to drag on forever. And there are things we can do to facilitate it, not just the leaders but everyone in the working group. But let me put Marika on the spot if she's willing, and share a couple points about the 35-day requirement and the flexibility as we need it. Marika, would you be willing to share a couple thoughts on that?

Marika Konings: Yes, thanks Chuck. And I thought you were actually going to say if Marika is still awake. And I am still awake just for the record.

Chuck Gomes: Wanted to make sure.

Marika Konings: I just posted in the chat as well that the 35-day requirement is a minimum that is set by the GNSO PDP manual. You know, from my recollection I think past PDP working groups have either started it at 35 days requirement and then waited for feedback from the groups if that sufficient time or whether more time was needed. In certain cases they would already start out with more time, you know, factoring in that there might be, you know, ICANN meetings in between that, you know, would prevent people from developing that input.

But I think in all instances working groups would always entertain any kinds of request for more time especially if, you know, specific deadline could be provided by groups preparing input as it of course helps with the planning of the working group in reviewing and addressing the input that has been received.

Chuck Gomes: Thanks, Marika. And I really wasn't worried about you being awake. But thanks for that, appreciate it. David, is that an old hand? Okay, Stephanie, your turn.

Stephanie Perrin: Thanks, Chuck. Stephanie Perrin for the record. And if I may just put another one of my favorite issues on the table, that would be competitiveness, competition. And I realize this would be the - well I tend to think in a government way, I think it is (unintelligible) I trust the registrars and the registries can manage their own competitive interests. And they will have a pretty good take on something that is going to make them uncompetitive.

But the implications of the costs, which we understand are difficult, and will have to be computed back and forth recursively as we go along, they vary region by region depending on what other resources you have available. If in a particular jurisdiction the Whois is going to be a lot slimmer because of data protection law that may have competitive implications for your people. If your traffic moves to another jurisdiction because of that, that has competitive issues for a whole pile of different players.

So I don't know how, if you're not following this and thinking it all through, and I don't know how to think it through, I don't know how you respond quickly on that. So if you have an answer I'd love to hear it. If not, I think it would just like to flag it as an issue that we need to seek feedback on every time we go out to the community so that they make sure they think that one through.

When I saw advisory bodies under government, I thought okay good, we're talking about the competition bureaus, not in their investigative role but in

their sort of policy role of keeping an eye on fair competition. But that may not be what we had in mind. I think it's a good one if we didn't have it in mind.

Thanks.

Chuck Gomes: Thank you, Stephanie. And I do not have an easy answer. This is Chuck speaking again. But we definitely need to keep it in front of us and to be diligent about that. Now, what I'm going to do now is open it up to anyone who hasn't spoken in the meeting whether verbally or in chat. And I'd really like to just hear what some of you are thinking besides those who've already actively participated.

And I'm not minimizing the participation, the contributions made by those who have been vocal in writing and/or in voice. But it would be great to hear from some of the rest of you. Is any of this making sense? Are you relatively comfortable with the approach? Are you uncomfortable with it? And if you don't want to - certainly I encourage you to speak and raise your hand if you'd like to do so but also in the chat is okay.

Thanks, Nathalie, that's appreciated. It can be as simple as what she just did. And look what Amr did, a checkmark. If you don't know how to use the checkmark go up there where you see the person with the hand raised and there is a pull down menu that allows you to agree or to disagree or to clap, various things. So just - let's just take a couple minutes. There's a clap. Michele, you already spoke, I wasn't talking to you, remember? So the - oh, got an X from Michele on my last comment I presume. So that's okay, I can take it.

So anybody else like - there's several people in the chat. Let me just follow - let me back up a second because I was too busy talking, which I've done way too much of in this meeting. Some great comments in the chat. Thank you for those. I won't read them all but all of you can - you may have to go back because they're coming a lot.

That's appreciated because we really want - the leadership team really wanted to come out of this meeting with a sense that, you know, there's reasonable support for the approach. Is there anyone that doesn't like the approach at all or that thinks that some part of it is - needs to be changed a lot? So far I haven't heard or seen that.

On Susan's comment and Alex, absolutely, keep in mind that this is just the approach. What the leadership team is working on, and we didn't want to finalize it until we made sure there was support for the approach that we were proposing is a lot more detail especially for the first five questions that we're dealing with, the detail on the other six will fit better once we get to that point. But totally agree on the need for detail. So, you know, I'm really encouraged by all the responses in the chat.

And I don't know if I - does anybody think I ought to call on Michele again? I guess since I've talked so much I have to let him too? Go ahead, Michele.

Michele Neylon: Chuck, it's Michele. Part of the reason I put up my hand was to give your voice a break.

Chuck Gomes: Thank you. That is appreciated.

Michele Neylon: You're welcome. Now just speaking as part of the leadership team, just because I see people asking about details, deadlines and everything else. I mean, as Chuck mentioned, this document that we've been discussing is a kind of a high level approach to things. I mean, it's very, very high level. We have been working on a far more detailed work plan which goes through - well kind of administrative steps that are, you know, pretty straightforward and then delves much more deeply into specific questions, specific inputs, specific requirements and breaks those out.

And for some of the earlier steps in that process, you know, we've set what I'd call kind of working deadlines. And then for ones further down because

they're obviously going to be impacted by the earlier work within the entire process, you know, that - those kind of deadlines are left - are kind of blank for now because it's impossible to set a deadline on them at this juncture. All we can really do is look at, you know, these are the sequence of things that need to be done, these are obligatory things we have to do within - because it's a PDP. So that will go into a lot more detail. So that will hopefully address people's concerns. Thanks.

Chuck Gomes: Thanks Michele. And Tjabbe, I totally agree with you that Step 2b is very important. The fact that we're starting with the EWG final report should not at all detract from what we do in seeing what other requirements might there need to be that the EWG didn't uncover. So thanks for that point.

So I'm - our time is quickly getting away and we have a couple brief agenda items beside this one. I'm going to draw the conclusion unless somebody objects or corrects me, at least those on this call are supportive of the approach so that the next step then would be, again after this call, if staff would please send out a message to the full working group stating that those on the call were supportive of the approach, and of course attach the approach, and provide the opportunity for anybody that was not on the call to provide their feedback on the approach.

Now I suggest we have a little bit longer window than the 24 hours I gave earlier on the - developing the survey that the small team is working on the makeup of the working group. And - but I would like to say let's give 48 hours. And the reason is I think it - I want to give a little more time for those who aren't on the call to respond including the rest of you. If you have something else that you want to add you can do it too.

But I think it'd be really helpful if the leadership team can send out hopefully by the end of this week, a first cut at a work plan. And then that can be talked about on our meeting next week on the 1st. So if there are no objections I'll ask staff to do that. And then hopefully by Friday then the leadership team will

be able to send out a draft first cut of a work plan that'll get into more detail than we have right here.

And the purpose of putting that out there will be to discuss, like we've done today, and we'll probably stretch that discussion over a couple meetings, and hopefully conclude it if everything goes well, in our meeting that occurs in Marrakesh. So and again you don't have to be there in Marrakesh to participate in that. There will be remote participation as always. So let me bring that agenda item to a close.

And very quickly go to agenda Item 4 which is just a brief one, it's kind of a - it's more of an update. The leadership team has been talking a little bit about the first outreach. And you'll see it in the work plan that we send you hopefully by the end of the week. And we're looking - we're required to send a formal outreach at first. And that will require 35 - a minimum of 35 days.

But we're looking at a fairly general type of input, not even getting into specific requirements yet but asking for feedback on the approach we're taking and a few other things. And we will send you - when we get a little further along an outline of what the message might look like to them.

Now one of our outspoken members of the leadership team, I won't tell you who he is but his initials are MN, and he pointed out very rightfully that we probably don't want to send out anything to the SOs and ACs and constituencies and stakeholder groups until after Marrakesh. There's a huge amount of stuff going on and they'll be busy even after Marrakesh. But so the plan is to send something out probably shortly after Marrakesh as a first request. And that'll be a formal request and they will have 35 days to respond.

And I don't - our intent isn't to make it real complicated and time consuming but hopefully it'll give them a perspective and what we've done so far, where

we're going and how they can participate. Any questions or comments on Agenda Item 4?

Okay, jumping to Agenda Item 5, I don't think we have to spend too much time on this. We'll know the agenda of that meeting in Marrakesh, it is scheduled, it's on Wednesday and bear with me a second and I'll pull up my calendar and tell you the exact time unless somebody spits it out before I get there. So it's on Wednesday the 9th at 11 UTC, which is I believe the time zone of - in Marrakesh in room Diamant, if you're there in person. And of course the call-in details will be provided for everyone.

And if it goes like it's looking right now, we hopefully will be trying to finalize a work plan. Now the work plan won't be detailed all the way through Phase 1 because it's pretty hard to detail what happens with regard to Questions 6-11 until we deal with the foundational question that we have to answer after 1-5. So but it'll be pretty detailed before then.

And so hopefully we'll get that to you by the end of the week and then in our meeting next week and the meeting in Marrakesh we will hopefully be able to finalize the work plan. Now if we can't, we'll allow more time. But let's see how it goes.

Marika, did you have anything else - Marika or Lisa or Michele, anything - and David - anything else to add on the meeting in Marrakesh? I better get back over to Adobe, I got out of it so I can see the hands.

Marika Konings: Yeah, this is Marika. I have my hand up. Just to clarify that is actually four o'clock local time - 4:00 to 6:00 which is equal to the UTC time. I believe you mentioned...

((Crosstalk))

Chuck Gomes: Yeah, okay thanks. It's the way I do my calendar, so yeah thanks. Appreciate that correction. Okay and for some reason - oh there we go. I lost my - I have too many windows open and I lost my Adobe Connect window. I found it again so all right. So now I think then we just need to confirm the next meeting which will be the 1st of March at 1600 UTC. Our regular time. We will have one of the - the last meeting of the month in March at the time we're having it today too for those that are disadvantaged at all the other meetings.

And so I think I've kind of sketched out what might happen in the next two meetings. I will let you know, as I think has been communicated on the list, I will not be able to participate in the meeting on the 1st. Susan has volunteered to chair that meeting. I of course will listen to the recording and will still stay closely involved on the list.

Anything else before we close? Well thanks, everybody. It's been a very productive meeting. And that's because of all the contributions that each of you made. So have a good whatever is left of this day. Actually I still have an hour and a half left on Tuesday so some of you are - it's very early on Wednesday, some of you it's later in the day. But whatever is left in whatever day it is have a good one and thanks again. Meeting adjourned.

Terri Agnew: Thank you. Operator, if you can please stop the recordings. Once again the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines and have a wonderful rest of your day.

END