

**Privacy and Proxy Services Accreditation Issues PDP WG
TRANSCRIPTION
Tuesday 14 January 2014 at 1500 UTC**

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<http://audio.icann.org/gnso/gnso-ppsa-20140114-en.mp3>

On page:<http://gnso.icann.org/calendar#jan>

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Attendees:

Amr Elsadr - NCUC
Don Blumenthal - RySG
Luc Seufer - RrSG
Marie-Laure Lemineur - NPOC
Michele Neylon - RrSG
Volker Greimann - RrSG
Carlton Samuels - At-Large
Stephanie Perrin - NCUC
Griffin Barnett – IPC
Justin Macy – CBUC
Kathy Kleiman – RySG
Phil Marano – IPC
Gema Campillos - GAC
Tobias Sattler – RrSG
Jim Bikoff – IPC
Holly Raiche – ALAC
Maria Farrell – NCUC
Graeme Bunton – RrSG
Tatiana Khramstova - RrSG
John Horton – BC
Nic Steinbach – RrSG
Tim Ruiz – RrSG
Roy Balleste – NCUC
David Heasley - IPC
David Cake - NCSG
Kristina Rosette - IPC

Apologies:

Paul McGrady – IPC
Hector Ariel Manoff – IPC
James Bladel - RrSG
Kiran Malancharuvil – IPC
Ben Anderson – RrSG
Susan Prosser - RrSG

ICANN staff:

Marika Konings
Mary Wong
Joe Catapano
Nathalie Peregrine

Coordinator: This afternoon's conference call is now being recorded.

Nathalie Peregrine: Thank you very much, (Tim). Good morning, good afternoon, good evening everybody. This is the PPSAI Working Group call on the 14th of January, 2014. On the call today we have Graeme Bunton, Tatiana Khramtsova, Volker Greimann, Tobias Sattler, Kathy Kleiman, Holly Raiche, Carlton Samuels, Justin Macy, John Horton, Don Blumenthal, Nic Steinbach, Griffin Barnett, Tim Ruiz, Luc Seufer, Jim Bikoff, Maria Farrell, Marie-Laure Lemineur, Joe Catapano, Roy Balleste and Michele Neylon.

We have apologies from Kiran Malancharuvil, James Bladel and Ariel Manoff. From staff we have Marika Konings, Mary Wong and myself, Nathalie Peregrine.

I would like to ask all participants to please remember to state your names before speaking for transcription purposes. Thank you very much and over to you.

Mary Wong: This is Mary Wong. And I believe that Don's audio has just dropped. And he's either going to call in or try to get it fixed as those of you in Adobe can see. And so while we wait for him to come back I guess I can step in for a few minutes and ask if there are any updates to anybody's Statement of Interest? Thank you all, by the way, for sending in or updating your Statements of Interest as appropriate.

So hearing none I think we should, given the time, move to the first item on the agenda. And for those of you new to the Adobe you'll see the agenda is on the right side of your screen. And thank you all again for all the discussion that's being going on on the mailing list on this and other issues. It's a really good and encouraging discussion.

And so this is about the finalization of the SO/AC invitation letters as well as the SGC input template. And just as a reminder the invitation letters go to the chairs of the different supporting organizations and advisory committees meaning outside the GNSO whereas the SGC input template, as suggested earlier, go to the GNSO constituencies and stakeholder groups for their input.

Okay I see that Don is back so, Don, this is Mary, I'm going to hand it back to you. We were just about to start the discussion of Item 2, the SO/AC letters and the SGC template.

Don Blumenthal: Okay. Appreciate it. Let me just ask, can you hear me very well?

Marika Konings: Yeah.

Mary Wong: Yes, you're coming across loud and clear for some of us at least, Don, thanks.

Don Blumenthal: Okay. I just - I scrapped my headset literally. I knew that was coming. Anyway, I appreciate your stepping in there. I did want to - well as Mary said, the first item on the agenda is to finalize these invitation letters. We - originally we were just going to kind of go through those quickly but there has been a lot of conversation on the list the last few days some related to the groupings but also related to - to the letters.

So I just wanted to, you know, give people a chance to weigh in, gauge the comfort level in going forward as we are at least on the letters. As I said in a

email that I had intended to send before but welcome to the world, I just wanted people to keep in mind that these letters are to guide our work; they don't lock us in.

And I expect at a lot of points that we've kind of made on the list and that and more will be coming back at us from the different groups. So with that said I'd like to at least see if there are any comments on where we are and where we stood, how we should proceed. I'd like to open it up.

Kathy.

Kathy Kleiman: Don, can you hear me?

Don Blumenthal: Yeah.

Kathy Kleiman: Okay great. Hello everybody. Don, as you know there are many edits - not a huge number but a number of proposed edits to this letter that have been talked about and evaluated. They include really kind of defining some terms of art so that people have an idea - reveal and relay are two of them which should definitely be defined as is proxy and privacy, service providers as is the word "publication" and what that means so a number of edits proposed on that.

Let me just go through some of the edits that are kind of pending on this letter but we can't see any of them here on the version that's shown. But, you know, adding the word, "alleged" in front of malicious conduct or illegal conduct is one, as you know in the discussion on that.

The other is a definition of what "full publication" means and, you know, telling the responders that that would be putting in the contact data of the registrant into the public Whois database, not just giving that to the person requesting the data.

By the way, I forgot the preface, which is, you know, the better the questions, the better the answers. And if we do questions, you know, kind of garbage in/garbage out. You know, I know we're going to be paying a lot of attention to what comes back from these questions and so if we can ask questions that are balanced, that, you know, don't assume secret knowledge or assume a legal background I think that would be great.

So, for example, one of the things that the edits that I put in did was break out - is the request from a private party or from law enforcement. Where the words cease and desist letters have been put in, you know, unless you're a lawyer do you know a cease and desist letter comes from a private attorney? Let's put that in. (Unintelligible) timely service of cease and desist written by private attorneys.

So anyway number of edits still pending, other - multiple forms of abuses, freedom of expression, privacy and freedom of expression are only two forms of abuses. Obviously we have the physical forms of abuses as well. If you reveal someone's physical location they could have problems that have nothing to do with freedom of expression; they could be stalked or harassed physically.

So we've expanded that just so people answering can have some idea of multiple forms of abuses. And I think you'll hear from others about the commercial/noncommercial purposes issue. There's been a lot of talk about that online.

So - an array - and also about noncommercial organizations. So an array of edits have been proposed based on the amount of information and clarification that's really developed since these questions were written - a number of these questions were written, you know, a number of years ago. And yet the discussion has gone on.

And so to have the best answers come back it seems like some edits to these questions would be very timely right now. Thank you.

Don Blumenthal: Okay. Appreciate it. Holly.

Holly Raiche: Yeah, just to repeat what I think I said on the list which is the groupings that were suggested in terms of that maintenance contact relay reveal really make a lot of sense. They actually take - because when I read the list of questions it's just - it's hard to get through them whereas if you actually have them under those headings even though none of - you know, even before all the edits that actually makes it easier to get through the list and makes it clearer what's being asked.

So if it'd be possible to group those questions as James suggested that would also be a very helpful - I think helpful from the reader's point of view where to phrase those questions. Thank you.

Don Blumenthal: I think the - and your little - I has having trouble - the question grouping exercise is something staff worked from the letters. And I think if you look the wording is quite different from - well not quite different - there are some differences because we...

Holly Raiche: Sure.

Don Blumenthal: ...massage questions more for I think our use, you know, work plan. Are you suggesting that we should be doing some grouping in the letters to the ACs and the...

((Crosstalk))

Don Blumenthal: ...stuff getting balled up on the initials.

Holly Raiche: Yes I am. I mean, I think even in those letters what that suggests to people is not just, here is a list of questions, but actually this is where - we're actually looking at the whole kind of time sequence of questions. And it does - it does help people who haven't actually read the questions and thought about them a lot. It would help in just helping people sort of understand the sorts of questions that are asked, why they're being asked.

Yes there's not a one to one correspondence between the questions and the charter but I just think grouping them together and saying these are the questions about - really the main issues but also about things like maintenance (unintelligible) reveal and so forth that just allow people to - it's got to give them a better handle on what's being asked.

So if possible just - because otherwise it's just a list of questions. And some of the questions relate to other questions but those questions are not near each other so we can at least group all of the issues together that relate to one another in some way. It just makes it - otherwise it's just a very long list of questions that are probably going to deter people from answering them as (fully) as they might. Thanks.

Don Blumenthal: Okay well we got a long list of questions so we should spare others the agony of trying to put them together. Okay, that makes sense. Okay no - I appreciate it, I see your point there.

Kathy, is that an old hand or a new one?

Kathy Kleiman: Sorry, it's an old hand. Good, so we're in a system where we lower our own hands. Thank you.

Don Blumenthal: Yeah, that's - yeah, that's a common question in every Adobe call I'm ever on, new roles. Amr.

Amr Elsadr: Thanks, Don. This is Amr. I would just to second, agree with the comments Kathy and Holly made regarding the letters outreaching to the SOs, ACs and stakeholder groups and constituencies. I also - I'm a bit puzzled about some of the objections to what have been called substantive changes to the charter questions.

There have been some folks who have expressed objection to changing these letters from the charter questions but no real reason has been given why. There have been discussions over the past maybe two weeks on the list regarding some topics we need to discuss as a working group.

And I really see no reason why we shouldn't extend an invitation to members of the community and the different stakeholder groups on what their take on these topics might be because, well, obviously working group members think that they're relevant topics and adding them to these letters at this point following these early discussions we have is really, I think, an added value to the questions.

And I would really like to hear from some of the folks who have had these objections on why they think we shouldn't include these questions. Okay, they're not in the charter but they are related to, I mean, obviously there are some of us who believe that they are important topics that need to be discussed in answering these questions. So I would really just like to hear from some of the folks who have these objections. Thanks.

Don Blumenthal: Fair enough. Are there any members of the work group that - this raised concerns and wants to respond to that?

Amr Elsadr: Yeah, please. This is Amr again. And I just - okay, you have objected; I would like to know why you object to these questions. If you could be a little more specific - anyone could be a little more specific. Do they object in principle or are there specific questions they feel shouldn't be asked to the community? Thanks.

Marika Konings: Don, this is Marika. If I can maybe provide some input from a staff perspective?

Don Blumenthal: Yeah, that was my next question, yes.

Marika Konings: Okay because it goes, I think, to a certain extent to Amr's question because I don't think it's a question of objecting to asking additional information or asking additional questions or, you know, providing further information. I think it's more to the issue of that this requirement of reaching out to SOs and ACs and stakeholder groups and constituencies is one of the requirements under the PDP. Basically it asks for - asking for early input to help inform the deliberation.

So I think one of the reasons - and I think, you know, looking back at most of the recent PDPs what typically happens is really one of the first things that is done is basically the charter questions and any relevant background information is sent out so stakeholder groups and constituencies have some time to think about it and provide input which could also include, indeed, saying we think questions are missing; we think this information is not clear or you really need definitions on some of these terms.

So to provide that kind of input to really help inform the early stage of the working group deliberations. I think that doesn't say that some of the edits to the questions or additions are not useful but I think - but at least from a staff perspective we've been thinking of that that is really a next step for the working group to start diving into those issues because that really brings us into the substance.

Because then I think we're concerned that if we start doing that now - because I think the reason why you may not have seen more edits on the list is I think that several people have indicated that they're happy for these

letters to gout as is and take, you know, looking in more depth into the charter questions as a next step in the process.

So I do believe that if we actually start going down the path of changing charter questions now that probably will take us a lot more time to come to agreement because presumably that will require really going question by question in which probably will result as well in some more substantive discussion on possible already some answers or outcomes of what are we, you know, trying to achieve with those.

So I think at least from a staff perspective if I - why we would encourage this to say look, let's maybe get this off our plate. Based on what the Council unanimously adopted which was already, you know, some edits were made to those based on the initial staff paper there was already input from the different Council members via their stakeholder groups and constituencies on those.

So it's not that these are just, you know, staff-written questions and no one had a chance to look at those. But just use those as a first outreach effort to the stakeholder groups and constituencies and the SOs ACs to provide initial input that will help inform the working group deliberations as they go forward.

And just to note as well the working group at any point in its process can go back with additional questions to any of these groups, you know, have additional public comment forums or any other ways it thinks it needs to obtain additional input.

But I think at this stage - and that at least as I understand - what is the initial objective as it is framed within the GNSO PDP manual is really get some initial input that will help the working group start thinking about the charter questions and also how, you know, frame its thinking on where additional information or where additional changes may need to be made.

Amr Elsadr: Don, if I may? This is Amr again. Thanks, Marika, for the explanation. I guess I should go back to the PDP manual and just sort of clarify whether - the early engagement what stakeholder groups and constituencies is limited to charter questions or not.

But it makes sense that typically charter questions would be sent out at this early stage. But the point I was trying to make is that I guess typically we would have had too many substantive discussions on the list during working group calls before sending this call for input out.

But we already actually have had some and quite a few points have been raised on the list over the past couple of weeks. And we haven't discussed them at length as a working group yet but there was a request - we were asked to provide edits by a certain deadline if they were needed. And we did provide these edits or suggested edits.

And we wanted to - we just - and it was provided, as far as I know, by the deadline so I was just hoping that we could have a more substantive reason of why we shouldn't accept these changes. Are these questions we don't want answers to by the committee at this point or not? Thanks.

Don Blumenthal: Okay, let me just interject there and then go to Tim. I don't think it's an issue of whether we want any given answers. I think the question is the appropriate way to get them. Tim.

Tim Ruiz: Yeah, this is Tim Ruiz. Yeah, you know, I guess that, you know, I have some issues with, you know, some of these charter questions and the way they're worded and whether they actually address issues that are actually within ICANN's purview.

But I think those are all things that we're going to debate as a working group and deliberate over as a working group. But we need to get to that point. And I don't think until we get past these questions we're going to get there. My

personal feeling is that regardless of the issues that I have with some of these questions I think that, you know, we need to get it out there and get the responses.

And maybe I'm a little facetious but I think, you know, what the responses are going to be by SO or AC or different interest group is pretty much - I could probably write them all. I think we, you know, it's pretty predictable what the various parties are going to say because I think given all these various parties have said for years now so I don't think there's going to be anything real new.

But I think it's - we need to collect it. It'll be good to have fresh information here with us to move forward on. But I don't think that by putting these questions out in any way are any of us saying that we agree in every way with these questions as they stand and that we're not going to debate or deliberate later as to whether, you know, they're actually something that should be addressed by the working group or not in ICANN's purview and all those kinds of things that we can argue about later.

So I think we just need to get the questions out. The one thing I will say is that I do think the idea of adding some definitions most of which I think the ones that we've had already, you know, already exist, is, you know, pretty much a given I would think that we wouldn't want to add those in here as Carlton says.

I think there's some that could be problematic. And I don't personally feel we should spend a lot of time trying to debate meanings to things like malicious conduct or commercial and noncommercial right now because, you know, again that's - those are things that I think we need to wait on and deal with as we get deeper into our work as a working group.

So I do agree that we need - we should add definitions for anything that already exists even if we don't necessarily 100% agree with the definition today that doesn't mean that things couldn't change down the road. And so I

wouldn't want to get too caught up on the definitions either but I would like to see them included.

Don Blumenthal: Okay, appreciate it. Stephanie.

Stephanie Perrin: Hi. My point that I'd like to make is - and I agree with a lot of what Tim Ruiz was just saying. However, there's no point in going out and looking for input on such a big complex and hotly debated subject if you're not going to go with as broad enough and accurate enough a statement of the questions you're asking as you can.

I understand the timing issue but I don't think this is going to be quick or easy, frankly, from the sounds of it. So why not get the questions right? Why not make the edits? I know it's a pain for staff but I don't think that's a reason to sort of preclude broadening the issue examination.

And if indeed, as many people could sit down and write the answers that we're going to get from stakeholders, then that makes it all the more important to make sure that the questions actually reach out and get people thinking of new input instead of the same responses that we've heard over and over again, isn't it?

Tim Ruiz: This is Tim. Let me just respond real quickly to that. I just wanted to point out that - I'm in another working group, the Policy Implementation Working Group. We sent out a similar letter weeks ago - it might be months now, I don't know. The number of response we got are exactly zero.

So this was, you know, so that's kind of what we're looking at is trying to get responses here. So I think it's always difficult to get good fleshed out responses. We'll get some at some point but we got to get it out because it takes time for various working groups and constituencies to come together on agreement on what they want to say. And this is who this is going out to: SOs and ACs.

If we were just going to put out something of a general nature to, you know, the public for all individual people to respond to that might be different. But I think that we're talking about people who are very well tuned in to ICANN and the processes and understand a lot of these questions and what we're trying to get to and the definitions and things already. So I still think that we're better off going sooner than later because all we're doing is continually delaying here getting started.

Stephanie Perrin: My only thing I would repeat is the problem with sending anything out, whether it's to a small group or a broad group, is if there's any indication of bias on things that were left out that'll come back to haunt you later. So my feeling would be a stitch in time saves nine. Get it right the first time.

Tim Ruiz: And I'm just saying that...

((Crosstalk))

Tim Ruiz: ...it isn't going to matter.

((Crosstalk))

Tim Ruiz: The responses will be the same.

Don Blumenthal: Mary?

Mary Wong: Thanks, Don. And thanks, everybody, for the comments. Not to repeat anything that was said in email in explanation or that was also explained by Marika - and of course speaking as staff not as members of the working group so it's not so much that we're opposed to changing the questions.

I think what we are trying to do as staff is to streamline the process and to try to get the working group on track as quickly as possible bearing in mind really

that the deadline that this group is facing, which is much more of a hard deadline than some of the other working groups that we may have run in the past.

Obviously it's not a pain for staff at all to do any of the edits. But the edits that were asked for I think we need to separate the edits to the letter to - that were requested as opposed to edits to the charter questions which are more of a substantive edit.

I posted the link to the council resolution in the Chat for those who might not be as familiar with the history. And I've already explained in email some of the difficulties that tend to trying to change the charter questions and obviously the question of delay that Tim has raised is one of them as those of you in other working groups will have experienced.

So one of the things that I'd like to suggest at this point is something that Holly has raised in the Chat. And in that regard what you see here on the screen is no longer the SO/AC letter but the proposed revised SG/Constituency template which if you can scroll to the end does (unintelligible) definitions.

And what we can do is a couple of things. Obviously for this template add those definitions. Do the same for the SO/AC letter. And in that regard perhaps what this group can also do is discuss the grouping of the charter questions. And, Don, I don't mean to jump ahead right now; it's just a suggestion.

But that in view of the clarity point that Holly has made that if we could at least group the charter questions to make it more approachable and easier for people on the topic headings, for example, as how Jim as it.

Then perhaps we can achieve the goal of sending it out so as to get input early. Reminding everybody that the SGs and the Cs have basically 35 days from the day that we send the note for them to respond.

So hopefully that will allow us to move forward with our work, clarify at least why we're asking and the sorts of and types of questions we're asking. And in the meantime the working group can then get on with discussing the particular questions and some of the issues that have been raised.

Don Blumenthal: Okay. As I said in the Chat, Kathy and then we'll close this out.

Kathy Kleiman: Okay. I, of course, see the advantage of moving forward. We're dealing with - Don, it's very confusing. We're dealing with a number of the same questions in different documents. And one would hope that whatever's proposed and almost agreed to in one document would percolate across.

So for this document obviously, you know, there's been a lot of talk about the word "alleged" and putting in, you know, to make it clear to people answering whether these are actually convictions or whether they're allegations. So that is definitely a change that should go through here.

I'm trying to figure out whether there's actually a definition of reveal and relay at the bottom of the document. I think so so if there is that's good. We also need a definition of publication because that's used in this.

But, you know, a number - we were asked for edits. We did provide them in good faith. And so, you know, some of the expansion of the types of abuses, some of the clarification of commercial/noncommercial. You know, there's a few things that could go into these questions easily.

Going back to the charter questions, you know, what I understand is that the working group has the ability to expand and clarify the charter questions as they come down. So, you know, I think this is an opportunity to do that before,

you know, echoing what Amr and Stephanie said before we get answers that, you know, may be based on the way we phrase the question.

But of course I understand what Tim's saying as well. So I think there are some basic edits that can go in here without too much problem. Thank you.

Don Blumenthal: Okay. Let me just summarize a little bit then wrap up (then) arbitrarily change the order of the agenda items. I appreciate what everybody has said here. I think we've got a few things running through. And I think, you're right, there has been some confusion between the requests and purposes of the question document, for lack of a better term, the grouping documents, and letters going out to the different groups.

So we need to go back and review that. But I think there's a very different purpose to the letters versus our internal documents. So I'd be careful about - I'm going to be careful in determining - in looking at how much cross-percolates and how much really shouldn't.

And I'm going to toss one thing out for consideration and happy to talk about it on the list for the next few days or in chat. And I guess the issue is we did get these questions from the GNSO. And I think part of what I've been debating is to what extent does our tweaking those questions when we send the letters out affect the debate in ways that might not be appropriate?

Is it more appropriate to just send it out as the GNSO wants the questions addressed and see what we get back rather than doing our own fine tuning which may have its own - well not bias but may have its own viewpoint that's not what the GNSO was considering.

Let me leave it at that, again, and feel free to fire back in chat - maybe not fire back but feel free to comment in chat or in email. My goal is to get these letters out by Friday. We'll do some rewriting in the next few days. And I see where it'll be me, staff, Graeme's welcome to join the party. And then move

on to getting our work done - trying to get out what we (unintelligible) in responses.

Next what I'd like to do - because we have this grouping issue - is jump to Number 4, the grouping of the charter questions. I've seen - and I really appreciate Jim's work. I haven't looked on the list to see if he's on the call. I don't see him in Adobe anyway.

Jim Bikoff: I'm on the call, Don.

Don Blumenthal: Oh appreciate it. Okay great.

Jim Bikoff: And I want to say that a lot of the impetus for the organization came from David Heasley in my office who's also a member of the group.

Don Blumenthal: Oh okay. You with a group or...

Jim Bikoff: Well we're with a law firm but we have four people who are on the working group.

Don Blumenthal: Oh okay. Can't track affiliations (unintelligible). So what I was going to say is I sent an email - I think it might have been just you. Sometimes a fresh look is what's needed to get things moving.

I've seen a lot of compliments along the way to the way you make things out. So I guess the question is - I'd like to open the groupings up to discussion. And, you know, fundamentally I think the groupings are to guide our internal work, start putting together our work plan both in terms of how we approach issues, in general whether it's best to break out into sub teams or not but fundamentally the difference between this document and the other two is to guide how we perceive and of course some coherence into all the issues we're looking at.

Okay, Kathy.

Kathy Kleiman: Okay. Interesting. So this is - these are groupings of questions that help shape the work of the working group, is that it, Don?

Don Blumenthal: Correct.

Kathy Kleiman: Okay. So I'd like to propose that we keep it open for at least a week, you know, now knowing what the purpose of this particular document is to work on it. The other - I have introduced some initial edits - you know, I like this, this is good work.

One is as an old software designer maintenance and registration policy are completely different concepts so I would break out the thick registration issues from maintenance so that we can look specially who's registering into the proxy privacy, who's using these services because it's not a maintenance issue and that's a registration issue.

And then I had some other edits that I put forward including really flagging publication in some of the additional reveal concepts. So I think if we leave this open for a week we can build on this really nice framework that Jim has provided - that Jim and his firm have provided. Thanks.

Don Blumenthal: Yeah, let me just suggest that this is a framework for going forward but I suspect it'll be a bit of a moving target at least until we get the responses back from letters. Jim.

Jim Bikoff: Yes

Tim Ruiz: Yeah...

((Crosstalk))

Tim Ruiz: Which Tim?

Don Blumenthal: Oh Tim Ruiz.

Tim Ruiz: Okay. The other - one of the questions I had - and it's not really a suggestion, just a question is to whether it's something we could do and that is looking at how, you know, what within ICANN's mission and scope should we look at or that might have a bearing on the questions here that we're looking at and whether that's something we should look at maybe pulling together individually or (its) own effort or at least it should be a part of each of these as we address them.

Looking at - and we all have our own feelings and beliefs and, you know, arguments that we're going to make but I think we need to tie it back to what actually is ICANN's mission and what's actually within ICANN's scope, not just the scope of the charter itself.

Don Blumenthal: You weren't on one of (Vince) Webinars were you?

Tim Ruiz: Pardon me?

Don Blumenthal: Were you on one of (Vince) Webinars yesterday?

Tim Ruiz: No.

Don Blumenthal: Okay. I've got - at times I wish we had video. That was not meant entirely seriously. But there's the Internet Governance panel that Fadi's put together (unintelligible) and one of the recurring issues was the stickiness of trying to figure out these days what is and isn't in - within ICANN scope so you're bringing it up today just was a little bit of a flashback.

Tim Ruiz: Got you. Okay.

Don Blumenthal: Okay, yeah, like I said I wish I had video. Anything else on this? Stephanie.

Stephanie Perrin: I don't want to repeat the points that I made in the email traffic after last week. But that particular issue, whether in fact this is - any of this stuff is within ICANN's remit, is not in this grouping, right? Or have I missed it?

Because it's a key point. I mean, I don't want to keep bringing it up but we're talking about things, hypothetically, as if we could do them when I firmly believe some of these things we can't do. And until we get the legal work proving we can do it I don't see why we would act as if we could.

Don Blumenthal: I guess it is the point - is that a specific (unintelligible) or is that something we just need to keep in mind behind everything as we move forward?

Stephanie Perrin: Well...

((Crosstalk))

Stephanie Perrin: I guess it's a question, Don. How do we address that? I mean, I think there is some agreement, not a universal obviously - I don't think we're going to see much universal agreement - but there's some agreement that there's a - it's not clear what ICANN can mandate and force registrars to do.

And the regulatory impact assessment of where this stuff is going to travel if you do get the law-abiding accredited proxy service providers to do it is another open question. So I'd love to at least have a placeholder for what I would call quasi-regulatory issues.

Don Blumenthal: Okay.

Stephanie Perrin: Just a suggestion. And I won't promise I won't bring it up every single call but I think it needs to be addressed.

Don Blumenthal: No, there's no question it's a valid concern. Again, what we're work on is whether it's an item, whether it's its own item or is just going to be working behind whole other individual ones. It'll certainly be the latter because of how we structure it.

Marika.

Marika Konings: Yeah, this is Marika. To Stephanie's question, I mean, if at least I understood as well I think that's also an overarching requirement for the working group as it works through these issues.

One of the requirements on the PDP manual as well that in any of the recommendations that the working group comes up with you're expected to look at the potential impact and that will also be one of the specific questions that's typically put out as part of an initial report to basically say, look, this is the - our most recent thinking or these are some of the recommendations we're considering putting forward.

But we will need to know or would like to understand what the potential impacts of these recommendations are. And usually it's through that conversation more insight will be gained indeed if it's something that is enforceable through ICANN contract or any other issues that need to be considered from a legal aspect.

So I think that's an automatic or implicit in the work of the working group as you work through these issues and hopefully eventually come to an agreement on potential recommendations in relation to these questions.

Don Blumenthal: Thanks. Good point. I don't see any other hands raised. Is there anybody on the phone who - or is there anybody who's not in Adobe who wants to jump in here? Okay appreciate it. We kind of deviated - well more than a little bit from the plan for the call but I think it was worthwhile.

Marika, if you could bring up the mind map so we can at least be reminded where we are. And while the answers to questions in our discussion all along are going to help formulate our work plan we need to move forward knowing that we're going to - we need to - sorry, I'm trying to talk and read chats and I really should stop that. I'll answer chat questions later.

We need to continue on planning how we're going to do our work and even start our work knowing that we're going to have to make some changes as we get comments from the public, as we get more our own (unintelligible).

This is - as you've already seen an amazingly complex area and I can foresee getting a lot of comments along the way, issues along the way that are going to affect how we proceed to the point where we're drafting.

Marika, if you could (move) something else because I can't see the whole thing.

Marika Konings: Yeah, this is Marika...

((Crosstalk))

Marika Konings: ...use the Zoom In button or full screen option here.

Don Blumenthal: I didn't get the first of that, I'm sorry.

Marika Konings: So I'm saying if people have issues in seeing it because it's too small you can either use the full screen option or use the plus minus at the bottom of the (pod) to zoom in and zoom out.

Don Blumenthal: Yeah, then I lose part of the other.

Marika Konings: Don, would you just like me to give a little intro to where we're at with this document?

Don Blumenthal: Yeah. Yeah, please.

Marika Konings: Okay so this is Marika. So just as a brief reminder this is an effort we started at the beginning of the working group because as you know one of the requirements of a working group is to develop a work plan.

So the idea was by working through the mind map approach by trying to, you know, brainstorm around some of these issues or some of the basic requirements we think need to be dealt with we will be able to draw from that a work plan mapping out the major milestones that the working group expects to achieve over the next couple of months and also help, indeed, to define how we would tackle that work.

So basically this is the version from December and it's already in need of some updating as, you know, we already actually started work on some of these items. You see here, for example, you know, under the basic requirements we're talking about, you know, the outreach at an early stage, requests for stakeholder group and constituencies' input, you know, the EWG survey is mentioned here, the survey poll of working group members - we already have that open as well.

So there are some elements that I think already started doing some work on. You also note here the working definitions of the main terms I think that's also one of the efforts that was identified that should be undertaken as part of the early effort before the working group really starts diving into the substance of these issues.

And I think what, you know, I can already start doing as well, for example, is start using the groupings for the charter question noting that these are of course still under - on the discussion and further changes may need to be made. But again it may help the working group visualize the work that lies ahead.

And I think the idea is to obtain some further input from the working group for, you know, what other, you know, what are the basic requirements? What other issues need to be addressed before we even start getting into the substance?

And once we get to the substance, you know, how should we be tackling that? Are there specific groups or individuals we should be reaching out to? Is there specific information we should be reviewing in order to be able to have, you know, the basic information at hand to delve into these items?

I think some of the more broader questions is - are there certain groupings or groupings of questions that need to be answered or dealt with before we can actually start looking at some of the other ones which will also help the working group define whether certain things may be done by sub teams or, you know, in parallel or should they all be done with the working group as a whole?

So I think that the objective of the mind map is that to try to get the working group to think about that so we can hopefully then translate that into a work plan which one of the documents we're required to submit to the GNSO Council for their information and as well for ourselves of course set out a timeline and plan our work accordingly over the next couple of months.

Don Blumenthal: Yeah, thanks for that setup. Mind maps are, you know, yeah, sometimes I go off on tangents and then realize they're irrelevant so never mind. I'm usually not as good as I was just then in stopping myself before I confuse everybody.

We're running a little tight on time so I think really get heavily into substance on this. Does anybody have any - Holly.

Holly Raiche: Yeah, just to repeat and then the grouping - I'm not sure we all agree on James's particular way of grouping. And I think Kathy has indicated there's possibly some different ways to group.

But this mind map repeats the long list of questions that some of which relate to each other; some of which are all over the place. It would really help progress this discussion if we at least start with say James's suggestion, agree on how we're going to proceed in terms of dealing with the source of issues - the groupings. I think that would just really help the discussion to, at the very least, have groupings instead of this list of questions that I just found really difficult to get through.

So I think that's where - I think that's really where we start and maybe just listening to Kathy and others to think how do we get through it and also pick up to Stephanie's point which is at some point we ask what is and is not within the scope of ICANN. Thanks.

Don Blumenthal: Okay, thanks. Yeah, part of what we want to do is start tweaking the map to inform our work and that's certainly appropriate. Any other points? Again I'm trying to do two things at once. Yeah, we can't - because of just our logistics today we can't edit as we go; normally we'll be able to do that on the mind map. But we, otherwise known as Marika, will work on making any revisions that are raised on the call today.

Speaking of which I see Marika's hand just went down.

((Crosstalk))

Marika Konings: Yeah, this is Marika. Actually you made my point that indeed I cannot make any live edits but as there are still - some updates that will need to be made in any case, you know, from - of things that happen from our 17th December meeting.

I'm planning indeed to update it with taking that into account and as well any other further comments that people may have either during this - although I know we're running out of time - but otherwise indeed push it out to the mailing list and hopefully that will, you know, give people an opportunity to provide further comments and input on this document.

As said, I really hope that this will form the basis from which we can then develop a work plan either with the working group as a whole or, you know, the working group may designate a small team or maybe the chair's group to start coming up with a first draft of that. Because I think that's one of the things before we really go into the substance of the discussion that the working group is expected to deal with.

Don Blumenthal: Any other thoughts? Questions?

Kathy Kleiman: Yeah, Don, this is Kathy. I haven't raised my hand, sorry, I can raise it.

((Crosstalk))

Don Blumenthal: Okay there you go, okay.

Kathy Kleiman: I'm still confused as to which document we comment on now. It looks like there - the mind map and the groupings document - we don't want to edit both, right? Which one? Feel free to respond...

((Crosstalk))

Don Blumenthal: So the mind map is going to be open throughout the whole process. It's going to be open as, Maria said in the chat, theoretically until the current RAA expires which is an ugly thought but theoretically that's...

Kathy Kleiman: Two thousand seventeen, right.

((Crosstalk))

Don Blumenthal: And certainly the - I mean, within a couple of weeks I would hope (unintelligible) with all the questions (padded) out. But again I can see revisions to that as we learn more and discuss things more. Yes, we do want thoughts concerning the mind map and the questions in the...

((Crosstalk))

Kathy Kleiman: Okay.

Don Blumenthal: ..groupings document.

Kathy Kleiman: Great. Thanks for the clarification.

Don Blumenthal: Sure.

Marika Konings: And, Don, this is Marika. If I can maybe add indeed exactly, like comments on the groupings that's really the conversation I think that Jim started with his document. As said, the mind map is really focused on driving what the different approaches or issues the working group needs to deal with. And of course if indeed the groupings come in there that will be translated in here.

But this is really the document that tries to capture the workload or the requirements for the working group to deal with. And what we've seen, for example, in other working groups as well that at the end of their - all their work what they will do is actually come back to the mind map and look at it and say, "Did we actually do everything we said we were going to do?"

So I think that's what we really need to see the mind map as. This is really the work plan of the working group in a mind map basically. So it's kind of trying to keep track of all the things we said in the beginning that really needed to be addressed or considered so then at the end of the day we can

come back to it and say, "Well, did we actually do everything we said we were going to do or did we forget something?"

And in certain cases like oh well we actually didn't check in on - look into this issue which we said was important so let's make sure that we cover that. So I think that's really, you know, the difference between those two documents. It's the groupings already go a bit more into the substance while really the mind map is looking at the broader picture of how is the working group going to tackle the task it has been given?

Kathy Kleiman: In that case - Marika, Don, is it okay to ask a follow up question? I know we're at time.

Don Blumenthal: I see 10:59, yeah, go ahead.

Kathy Kleiman: Okay. Marika, in that case a lot of broad questions have been raised in the edits that have been proposed to the SO letter, the AG letter, as well as to the groupings document. Is that something staff can bring forward and put into the mind map now? I mean, a lot of kind of broader questions about commercial and non commercial and publication and types of abuses that could be caused by revealing the data. Is that...

Marika Konings: Yeah.

Kathy Kleiman: ...again something staff can percolate?

Marika Konings: This is Marika. I think what we can do is indeed - I think we may need to wait until we have the groupings fixed. But indeed as part of those groupings I think indeed the next step for the working group will be and as you said, you know, that conversation has already started to identify which are some of the issues that will need to be considered as part of those charter questions. And indeed I think, you know, some of them are of course already implicit in there.

But indeed some have already been called out so I think that's indeed the next exercise the working group will need to go through. Indeed, as you have your groupings and say, look, we know what the groupings are and now we need to dive in; how do we get to the answers of these questions? And what do we need to answer in order to get - for the broader response for those questions? So we can definitely keep track of that as that comes in.

Kathy Kleiman: Great. Thank you.

Don Blumenthal: Yeah, one quick comment and then we'll wrap up. For those of you who have not seen a mind map - mind map exercise where it's really useful is that we can seed some of the things that you just mentioned, Kathy, but where it's fairly useful is to discuss this as we're going on, raise issues as we're going along and see the map take form; see where an issue flows and whether it requires a side trip things like that. So we'll do some seeding but a lot of it's going to develop just through our discussions on the (unintelligible).

I see a question from Carlton that I will answer in email. And it's 11:01 so why don't we wrap here and get together again a week from today?

Kathy Kleiman: Thank you very much.

Don Blumenthal: Yeah, thanks for your time.

Mary Wong: Thank you, Don. Thank you, everybody.

((Crosstalk))

END