
ICANN Transcription

Pre-ICANN65 GNSO Policy Webinar

Monday, 17 June 2019 at 2100 UTC

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TERRI AGNEW:

Good morning, good afternoon, good evening, and welcome to the Pre-ICANN 65 GNSO-focused policy forum update webinar taking place on Monday, the 17th of June 2019 at 21:00 UTC. This is scheduled for 90 minutes.

This webinar is being recorded and recordings will be posted on the GNSO website shortly after the webinar.

Panelists [will not be seen by] attendees. Panelists include the PDP co-chairs and staff support. With this, I'd now like to turn it back over to Keith Drazek, chair of the GNSO. Please begin.

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KEITH DRAZEK:

Thanks very much, Terri. Hi everybody. So just a note of welcome to the pre-ICANN 65 GNSO policy webinar as Terry very ably described. This session is intended to provide us as those interested in the GNSO and the work of the GNSO council and its policy development processes an opportunity to catch up and to sync up prior to going to meet face to face in Marrakech at the policy forum.

I think as everybody understands, the policy forum is an abbreviated meeting every year, and as such we find ourselves compressed in time and wanted to have the opportunity before getting to Marrakech to have this update from the PDP leadership and to ensure that if there are any more specific or substantive or procedural questions that we need to address in Marrakech, that we're prepped and prepared to do so.

So with that, I would like to also just take a moment to thank the leaders and the leadership of our PDPs. Sincerely thank you, because we understand that for all of those who participate in the PDPs, this is a significant amount of work. It's an important piece of work or pieces of work and as leaders of the various PDPs we understand at the council level how much time and effort you all put into the work of helping to run these PDT working groups and today is a good example of the extra time and efforts and responsibilities that you have as leaders.

So I, on behalf of the council, just wanted to acknowledge that and just thank you sincerely for all of the time and effort and work that

you've put into managing these PDPs to date and for the work that you'll continue to do to bring them in for a smooth landing.

So with that, if everybody can see the agenda slide, what we're going to do is we're going to go through the three active PDPs. First the new detail the subsequent procedures PDP, then the review of all rights protection mechanisms or rights protection mechanisms of all gTLDs, and then finally, the EPDP on the gTLD registration data. And what we will do is have a Q&A session after each one of these three. Terri or Nathalie might want to provide some additional guidance at the right time. But essentially what we'll do is at the conclusion of the presentation, we will pause and open up the microphones for all the attendees to be able to ask questions, we'll have a Q&A. and then we will move on to the next PDP working group update.

Let me pause and see if there are any questions at this time before we get down to business. I don't see any hands. So with that, Jeff and Cheryl, I'm going to hand the floor to you for an update on the new gTLD subsequent procedures PDP working group. So Jeff and Cheryl, over to you.

CHERLY LANGDON-ORR: Thank you. This is Jeff Newman. I'm going to start and then Cheryl will put us into, what was the word you used? Have us come in for a landing. So what you see up in front of you right at this point is the timeline as modified slightly by just the way some of the things are going. This is pretty close to where we had the timeline at the last meeting, which is getting a final report out by the end of the year. I think it's pushed back maybe a month or so

from what you saw at the last time, a month or two, and we'll go into some of the challenges and why we think that's the case. But essentially, it's still our goal to get everything done by the end of this year, which also includes getting Work Track 5 to complete its work by the end of the third quarter this year. And I know there's a lot of stuff to do, but we'll hopefully get there. If we can go on to the next slide.

So what are the current challenges and issues? I think we'll spend a little bit of time on this slide because I think the challenges are becoming evident and it's very much related to both PDP 3.0 which I know you all will be talking about, as well as the evolving the multi stakeholder model which the community is engaging in discussions on at this point.

So one of the issues that we have, as you know, is that there's an enormous amount of subjects that were put into the charter. And while we have gotten through each of the subjects and have gotten public comment on all the subjects, and have gone through the comments on each of the subjects, we're now in the process of putting together recommendations or coming up with our final recommendations. But because of the amount of material and the amount of discussions that take place, this tends to take longer, even on the things that seem very simple.

We also have an issue in the group where – and I don't mean to complain because we really like people showing up to the meetings and the calls, but we often find it the case that the working group members that show up to the meetings haven't reviewed the material that's provided beforehand or haven't –

either are new to the group, haven't shown up in a while then start to show up, drudge up old conversations on things.

And as much as we as the leadership try to steer the conversation, it's not always possible to do so and keep everyone focused and making sure people are prepared before the meetings start. Some working group members are asserting that their strong whatever opinion or passion they have for an interest that has to be upheld, no matter what or how the multi stakeholder model works and how to reach consensus. In other words, they just lack the appropriate incentives to reach compromise and they may not be accountable to an organization or they may be too accountable to an organization with no authority to change their position.

So the working group members tend to just argue over and over the same points and keep going back to it. And they won't even make certain assumptions, even on today's call, to give you an example, where we're talking about a couple of issues. For example, we're talking about the PICs, the public interest commitments, and there's one stakeholder group that is just dead set against any kind of public interest commitments. And we've noted that, it seems to be a minority view at this point, but then when we ask the next questions of, well, okay, assuming there are voluntary PICs, what actions should be taken to allow changes to those, and of course the same stakeholder group comes back and says, well, we never approved PICs in the first place, so why are we even talking about changes to PICs that we never wanted in the first place? So you get bogged down in those types of examples.

Martin, no, I'm not just talking about you. There's others. I'm not trying to pick on anyone in particular, but just show the type of example. It doesn't just happen with PICs. It happens on a lot of different examples. So I don't mean single anyone out, that's just an example.

And then the last one is despite the large number of working group members, there's really only a small subset of participants that contribute, although I'll use Martin in a positive example, Martin is someone that participated today and has not participated that much in the past but we're happy to hear from new people. But because there is a limited subset of participants, they tend to dominate the discussions and discussions on the e-mail list are limited.

So those are some pretty significant challenges. We're going to get through it. We're going to get to a report. I can't tell you how many recommendations are going to get to a consensus and whether we'll have differing views. We're trying our best, but there really needs to be something instilled in the culture and in the multi stakeholder model that gets people to want to compromise as opposed to benefiting from holding on to their existing position and not deviating at all.

So with that, I will turn it over to Cheryl.

CHERLY LANGDON-ORR: Thanks, Jeff. And if we can move to the next slide, please. So here we've got how we are hoping that council and community can

assist us as we, again to quote Keith, bring this home for landing, and that does mean at the end of this calendar year.

We certainly, and with absolute reference to everything that Jeff has just covered, would value the council, and of course our liaisons who are very much part of the leadership team and very engaged. They're a valuable resource. We're hoping not to have to escalate anything up with respect to the issues identified.

And to some extent, honestly, we could almost look at that list of issues and say, "So situation normal for bottom-up consensus building model the way ICANN runs it," and that is kind of what it is. It is almost situation normal. That doesn't mean that we shouldn't deal with this, we shouldn't try to build better models, and as Jeff also outlined, we are very aware that there are things in play to try and make things a whole lot easier for future PDPs.

But our PDP has to do with what we have, and our PDP does have these issues, and our PDP can't necessarily avoid the risk that because of the breadth and significant amount of subtopics, which is somewhat unique to this PDP, and that has put additional pressures on our volunteers and our leadership team, let's recognize these are volunteers who are now looking at for example [us to] bring this home for a landing in the predicted timeframe.

After Marrakech, we're now asking them to move from a regular 90-minute per week for the full team working meeting to twice that. So that's moving from 90-minute commitment just in the actual conference calling to three hours. I'm going to try that despite a great deal of pushback and complaint, because the alternate to

that is stifling the very valuable conversations and interactions. So we can't have our cake and eat it too, but we certainly realize that if tempers fray, if frustrations rise, if we need to escalate, we would like council to back us up. So keep that penciled into your to-do list, ladies and gentlemen.

The same goes for the next point. The co-chairs, Jeff and I, will be dealing with remedial actions as we go. We also note this is not unique to the Work Tracks one to four, there is great passion and enthusiasm in Work Track five and we're also getting to the very pointy and critical part of their work as well as we're trying to bring that in by the end of the third quarter here, so we can integrate the Work Track five work in with the rest of the full subsequent procedures policy development process.

So we would expect that similar issues may arise out of that as well, and certainly, we have had a, dare I say, near miss where as co-chairs, we would have had to have taken a formal complaint action to bring back the use of, what I'm sure was just a rush of blood to the head, but then the rush of blood didn't clear very quickly, inflammatory language which quite reasonably was being objected to by other members of one of our working groups. So Jeff and I will manage that locally, we will manage it at the time, but if we then fail in remedial actions, which would have been the next step, then obviously, we're going to need your support on those things.

We're not saying "Boo hoo, we're not managing." Far from it. We're managing, I think, more than admirably. But you do need to be aware that we are at the really exciting part of this, and it's also

at the same time where there's an awful lot of pressures on community and on our very stretched volunteers.

The other things, however, listed here are things that you definitely can assist us with. This is to make sure you don't lose sight of the fact that we are well aware of interdependencies in topics and activities, and we've listed here name collision analysis project and the string similarity and IDN variants work. We need to make sure that whilst we can put in placeholders, there are bits in our final reporting where if you want us to do more than just recognize that interdependencies exist, you will need to help us navigate that in the smartest, most productive way.

And finally, the efforts with the GDD on interoperational readiness, we're delighted to for example have Trang on our call today advise us of some preparatory work and a paper that I think we may have actually had distributed.

Very briefly to the last slide for our set. Thank you very much. That's just a listing of meetings, it's all on your schedules, and I know that you have already diarized all of those, and we would be delighted to see as many councilors as possible, as well as community in the wider context, join us in those meetings during ICANN 65. And with that, let's open for any questions if there are any. Next slide. And that's it.

KEITH DRAZEK:

Thank you very much, Cheryl and Jeff. Thanks very much for the overview, perfect in terms of timing, and we will get to Q&A right away, but I just did want to acknowledge a couple of things. One,

clearly, the GNSO council currently and moving forward will certainly learn lessons as it relates to the scope of various PDP working groups and the chartering process, and this all ties back to the reference to PDP 3.0 that Jeff and Cheryl mentioned. The focus of the council is really on trying to find ways to ensure that we are managing these processes in a more efficient and effective manner. Those are the terms that we've used. And I think that really does begin at the beginning of the chartering process for any new PDP.

So recognizing some of the challenges in terms of the breadth and the scope of this particular group, I think you've covered questions of participation at various levels, and also, referenced some possible amended or adjusted working methods, and I think the council is certainly interested in continuing to work with you through our council liaisons, and I just want to again reference Elsa and Flip who are the co-liaisons from the council to the subsequent procedures group. They're certainly always available, either for leadership or for members of the group to engage.

But from a council perspective, Jeff and Cheryl, we look forward to continuing to work with you on the issues that you've highlighted in this particular brief presentation. So with that, let me pause and open it up for questions.

TERRI AGNEW:

A couple different ways you can ask a question. You can raise your hand and we will select the option to give you the floor to speak. Otherwise, you can also type it in chat as well, just please

make sure it's a clear question, perhaps starting your question with the word "question" so it's very clear to us at this time.

KEITH DRAZEK:

Thanks, Terri. So please, anybody has a question for Jeff or Cheryl as the subsequent procedures PDP leaders, then please raise your hand now.

Okay, so Maxim says, "Please read my question from Q&A." Alright, I'm scrolling. Okay, so I'll read the question that Maxim just posted into chat. It says, "Question: how do you plan to resolve issues caused by the structure of the working group by adding more time per week?"

I think that's pretty clear. It's basically saying, do you feel like just adding more time to the meetings per week is going to resolve the questions or the challenges that you're experiencing with the structure of the group and perhaps issues around the charter, etc.?

JEFF NEUMAN:

Cheryl, is it okay if I start?

CHERLY LANGDON-ORR:

Sure, although I was just going to literally – we both answered in chat as well, and I certainly said the additional time doesn't solve it per se, but with the body of work we have, it is work we're going to be trying to see if we can at this stage bring the workplan to fruition in a timely manner without sacrificing other equally

important values to the current PDP process. But Jeff, you probably want to say more on that.

JEFF NEUMAN:

Yeah. Thanks. And then just to add to it – and I think you said it both just now and your last answer – the more time is really to allow people to be able to express themselves on each of the issues without taking away or rushing any of the discussions too much.

We believe that people will accept the outcome more if they have the ability to express their views. Even if their views aren't the ones that are adopted, at least they will believe – or not believe, at least they will rightfully feel like they have been heard. So that's really what we want to do.

But again, I just want to emphasize it's not the structure of the group that is the issue. So I don't think it would be any less of an issue if it were, let's say, representative like the EPDP. It's not really the structure of the group, it's more the culture, mentality of participants in the PDP. So you could have one participant per stakeholder group in there, but if they're not willing to compromise or come up with some sort of solution, then you're going to have the same issues that we have now. Thanks.

KEITH DRAZEK:

Okay. Thanks, Jeff and Cheryl. Would anybody else like to get in the queue? I'm waiting for hands. I see none at this point. Alright, so I think with no more hands being raised at this time, we will go on to our next presentation, and then if there's time at the end, we

can come back for a final Q&A to all of the leadership presenting. But with that, let's move over to an update from Phil Corwin on the review of all rights protection mechanisms in gTLDs PDP working group. Phil, over to you.

PHILIP CORWIN: Okay. I'm getting an echo as I speak.

KEITH DRAZEK: Phil, we can hear you okay. Not sure what the echo is on your line, maybe a couple of lines open.

PHILIP CORWIN: Yeah, the problem is I'm hearing myself as I speak.

TERRI AGNEW: Phil, did you join through your computer speakers in addition on the telephone?

PHILIP CORWIN: I've got my computer speakers muted. I don't have a mic on as far as I know.

TERRI AGNEW: Did you also join on the telephone in addition to –

PHILIP CORWIN: Yeah, I'm speaking on the phone.

TERRI AGNEW: Okay. One moment.

PHILIP CORWIN: Can you hear me now?

TERRI AGNEW: Yes. Did it clear up for you yet?

PHILIP CORWIN: No, I'm still hearing myself. I'll just deal with it.

TERRI AGNEW: One other thing you can do is on your bottom toolbar, to the tiny arrow to the right of your "mute," it's a tiny arrow that points up to the "mute," you can switch to phone audio. You can select that, "switch to phone audio."

PHILIP CORWIN: Okay, I just did that.

TERRI AGNEW: Did that help clear up the echo for you?

PHILIP CORWIN: Let me see. Okay, I turned off computer audio, and then you couldn't hear me. So I don't know what the fix is here.

TERRI AGNEW: On our end, we're not getting an echo.

KEITH DRAZEK: Terri, I'm going to suggest that we jump ahead to the update on the EPDP from Janis, and then try to work through Phil's technical issue, then we'll come back. If that's okay with you, Janis, we're going to jump ahead to you and put you on the spot. I apologize. But in the interest of time, I think we need to move on and try to work through the technical issues.

JANIS KARKLINS: Yeah, I think it's fine.

KEITH DRAZEK: Thank you, Janis. Over to you.

JANIS KARKLINS: So as you know, we started fairly recently. The first meeting of the second phase of EPDP took place on 2nd of May, and the first month was devoted to get organized and to plan our steps in the process, and also managing expectations or setting expectations for the members of the team when work should be completed.

We need also to factor in the very heavy workload of the first phase which left some traces of fatigue in members of the team, so we decided to start maybe not immediately full speed. Nevertheless, I think that during the first month, we managed to

get more or less the plan in order, and the slide you can see on the screen now represents the timeline of our activities, at least in the shape as we see it now.

We certainly are at the beginning of the substantive work, and maybe as we progress, life will bring some changes or modify this proposed timeline. And also, I must say that not every team member is fully on board with this proposal. There are some members of the team thinking that we should do everything we can to finish our work by meeting in November in Montréal. Some members think that March would be reasonable expectation, and some members think that most likely, we will go beyond March. But again, we will try to do whatever we can to progress on substantive issues.

We started our substantive activities two meetings ago, and if I may ask to show the next slide. So this slide represents the scope of our activity. So we decided to work on two priority issues. One is to develop system of standardized access disclosure of nonpublic registration data as a matter of priority, and the second is also to address issues that have been left over from the first phase, namely display of information of affiliated versus accredited privacy proxy providers, legal versus natural, redaction of city fields, data retention, [potential OCTO] purpose, anonymized e-mail addresses, accuracy, and WHOIS RS.

So with priority one, we're thinking to develop a system without prejudice on modalities of application of that system at the end when we will conclude our work.

In other words, we're working on building blocks that will constitute, if you wish, a standard of access of disclosure of nonpublic registration data for the third parties, and once we will get agreement on those building blocks, then we will see whether the proposed construct would be applicable by all as a, let's say, agreed standard, or that would be applicable on voluntary basis or that would be applicable by some – again, for the moment, we're not talking on those, but rather building blocks that would constitute that system of standardized access.

So if I may ask to show the next slide, I already mentioned that in the group, there are divergence of opinions how fast we should progress and what we should take as a target date. Nevertheless, I think for the moment, everyone is really doing their utmost to get on substantive activities, so we hope that we will be able to keep up with the expected or proposed timeline.

We also decided for the moment to work in one stream with intensity one meeting per week. We started with 90 minutes, then we understood that that is not really enough, we're now working on rule 120 minutes reserved for the call but striving to conclude business in 90 minutes.

And in parallel, we're doing some technical work on worksheets on priority two, which goes in parallel with the work on priority one topics. So whether we will keep the same pace after Marrakech meeting remains to be seen. That is something we will discuss in Marrakech, and also, that depends how we will be able to progress or advance in Marrakech.

I was told that during the face-to-face meetings, progress is the fastest, so therefore we're also planning to have additional face-to-face meetings. One is more or less in mid-September, and then we will see whether we need to meet separately also sometime in January or early February to finalize all our deliberations.

So what we can think if we go to the next slides, what we can think of counsel and community assistance. First of all, it is to make sure that EPDP team has sufficient resources, and I would like maybe to use this opportunity to thank Keith, you personally, and council, for raising the issue with the board and making sure that we have enough resources to progress and complete our task from one side, but we're also cognizant of cost implications of our activities, and we're kind of talking that we should be careful in asking for outside counsel. That certainly is costly. And from community, I would be very happy to see as many community members involved in our conversation as possible, directly, indirectly, and trying to help us build a consensus specifically when we will have public sessions in Marrakech and beyond.

What are these first substantive items that we're working on? on the next slide, you'll see the list of topics that we're planning to address during the Marrakech meeting, and these are really those building blocks of the system of standardized access disclosure that we're working on. First, that is the definition of purposes or lawful bases of access or disclosure per defined user groups. That is a system of authentication and accreditation of those user groups. Then that is in substance also what would the request of disclosure look like, and what would be the answer to all those requests, and also what would be the query policy.

That is on the substantive side, and these are the main topics that we're planning to talk through during Marrakech meeting if we will have sufficient time.

Another topic that we really need to look through is to liaise and then discuss with ICANN Org on their conversation with European data protection authorities in order to make sure that the work or the path that we have embarked on is something European data protection authorities rule or seem as feasible, and in order to avoid situation, but we do our work and at the end of that, European data protection authority says, "Actually, this is something we cannot accept."

So therefore, this is a little bit of a two-way street. We need from one side make sure that the direction we are working is acceptable. Of course, provided that the result is doable, implementable, and in compliance with the GDPR, but from other side, also to make sure that data protection authorities are not taken by surprise or do not surprise for us.

And finally, as I mentioned already, we will review our timeline and also intensity of our activities, see whether we need to increase or we can keep the same base as we're going now.

So on the next slide, you see the schedule of our activities in Marrakech. We'll have two sessions, on Tuesday and on Thursday. On Tuesday, that will be Rafik who will take chair position, because I will myself arrive in Marrakech only Tuesday late evening, so I will take the chair during the Thursday meeting.

So the resources that you can look at in case you're interested are listed on this slide, and of course, you understand that I cannot say much more because we're at the very beginning of our work, and all I can say is that we're very committed to reach a successful conclusion sometime at the end of this year. So with this, I will pause and will be happy to answer any questions if there are any. Thank you.

KEITH DRAZEK:

Thank you very much, Janis. Thank you again for stepping into an EPDP working group sort of midstream, in-between its phase one and phase two work. And obviously, the importance of phase two work to develop the standardized system for access and disclosure to nonpublic data is one that has significant importance and urgency, and I know that you are fully aware of that and are working with the EPDP team to come up with a workplan that is informed by the work required rather than simply picking an arbitrary date. And I think that the workplan that you've identified is a good step in that direction, so thank you very much for all the effort you've put into this over the last couple of months now, I think.

So with that, we do have a couple of questions that I will read. And if anybody else would like to raise their hand, feel free to do that. The first question is from Maxim Alzoba, and this question actually may be better directed to the EPDP team itself for discussion, but I'll raise it. And this goes back to a previous slide where it listed the carryover items from EPDP phase one, and the question is related to the OCTO purpose. So the purpose for the office of the chief technology officer of ICANN.

Maxim's question, "Is it possible from a legal perspective for the OCTO office to have a purpose different from ICANN's purpose more broadly?" I guess the question is about, does the OCTO office have any sort of separate legal jurisdiction or understanding or position separate from ICANN? I'm not sure if that's a question, Janis, that you're able to address now. I think it seems like it's more for further discussion within the EPDP team. But if you have a view on that.

And then the second question, if you'd like to respond to one or both, is, do you think that the team should be reinforced by other members? And this again is, I think, an observation that the current EPDP team is by design limited in size and participation and representation. So the question is, do you think that the team as currently constructed should be reinforced by other members? I'll pause there, and Janis, feel free.

JANIS KARKLINS:

Thank you. On the OCTO purpose, actually, today we had the team meeting on worksheet on this topic, and I invite those who are interested to listen to the recording of that conversation, and probably you will find the answer to your question. I would not try to take any sides, because that would be against the nature of coordination of the work of the team. That is not up to the chair to run ahead of train, because train may run over you, as I have learned in my career a few times.

So [on other question,] that probably is more to GNSO council who made the decision on the composition of the team. I understand that the decision was the team is representative and

so it would be up to council to think whether team should be reinforced, in other words enlarged, or not. I think the group dynamic that exists in the team is very positive, very constructive, so we have constructive exchanges, not necessarily immediate agreements. And whether that will be bigger group or smaller, I think that will not change the group dynamic itself. But again, I come back that there was kind of traumatic experience of the first phase, and then some team members are still remembering that and sort of cautioning of a potential burnout if we advance without taking into account human, let's say, ability of providing community service.

KEITH DRAZEK:

Thank you very much, Janis. That last question was from Chokri Ben Romdhane. Would anybody else like to get in queue at this time, any additional questions? So while people are thinking about it, Janis, I will acknowledge your comment about the request for resources. The council did submit the request letter to the ICANN board with the placeholder for the additional two face-to-face sessions if they are in fact needed, and I expect those will be considered and granted.

We're obviously waiting to hear back from the ICANN board on that, but I expect that based on the request and the conversations we've had leading up to the beginning of phase two, that this will be something that we can look forward to to help you advance and finalize the work products at the various stages and to bring the team together in the face-to-face sessions, which of course we found in phase one were the moments where the most work got done in a relatively short period of time.

So let me pause. I think I have another question. Would anybody like to raise their hand, please? And if I could ask staff to help me make sure I'm not missing anybody. I don't see any hands.

TERRI AGNEW: I confirm no raised hands.

KEITH DRAZEK: Thanks, Terri. Thanks very much. Okay, so Janis, thank you very much, and Rafik, if there's anything you'd like to say as the GNSO council liaison and vice chair, as you head into Marrakech, feel free to jump in or to raise your hand, and if not, we'll move along to a discussion of the RPM PDP working group.

TERRI AGNEW: And Keith, sorry to interrupt, looks like Chokri has a follow-up question in the Q&A section.

KEITH DRAZEK: Thanks, Terri. I'll try to read this. There are a bunch of links in there and I'm not sure exactly – the question from Chokri is, “Did the recommendations of the framework for a possible unified access model or continued access to full WHOIS data – It's chopped up, I'm having a hard time reading this – will support the development of the UAM by the EPDP team in the second phase, or will it constrain it, since neither community proposals, nor –“

You know, we're going to have to take this question offline. I'm sorry, Chokri, I'm having a hard time getting through exactly what

this is because it's got a bunch of different links and it's all chopped up, so it's just not clear to me. I apologize.

I see that it's been typed in the chat, maybe it's more clear in the chat than it is in the Q&A pod. I think we'll have to take it offline, I'll apologize. So with that, Janis, thank you very much, and we will move on to the discussion of the RPM PDP working group and hand it back over to Phil. Phil, I hope that your technical issues were resolved and that we can hear you and you can't hear yourself.

PHILIP CORWIN: So do I. Can you hear me?

KEITH DRAZEK: Yes, we can. Loud and clear.

PHILIP CORWIN: Good. You can hear me and I'm not hearing myself. That's much better, and thanks to Nathalie for helping resolve the technical problem. Okay, the RPM review working group was chartered three and a quarter years ago, March 2016. It's a two-phase PDP. I will just say for PDP 3.0 purposes, one reason why it's taken this long is because our charter had dozens of duplicative and not very clear and focused questions, and we didn't have much in the way of data collection built into the RPM program to inform us that we had to take a lot of time to create as best data as we could. And those should be instructive for not doing it that way in the future.

Phase one, which we're in the final leg of now, is reviewing all the new rights protection mechanisms creating for the new gTLD program. That's the trademark dispute resolution procedure, the trademark clearinghouse, the sunrise and trademark claims which are linked to marks recorded in the clearinghouse, and the URS DRP which is a narrow supplement to the UDRP. And speaking of UDRP, phase two, which will kick off next year, which will be the first ever review of the UDRP since its creation, [inaudible] consensus policy in 1999. We're aiming to wrap up by spring of 2020, and we are maintaining that current timeline and hope to continue doing so, and are doing everything we can to stay on track. Next slide.

Okay, so what we're finishing up now, at the end of last year we created two subteams to review the two RPMs linked to marks recorded in the trademark clearinghouse on the theory that if we double tracked, we could get the work done more quickly and efficiently. And that seems to have been borne out. Since ICANN 64, these two subteams have been developing proposed answers to the agreed upon charter questions, those were the consolidated and refined questions that the working group put together based on the original charter questions.

It's been reviewing proposals submitted by individual working group members in addition to addressing the charter questions, and we expect both subteams to wrap up next week in Marrakech, and that there's no reason to believe that they won't. Next slide, please.

Okay, current challenges and issues, and these are the questions that you as council have wanted answered. The original charter

questions were broad, overbroad, frankly. Some of them were fuzzy, unclear, they were difficult to answer, and that's why we had to spend time consolidating questions and refining them, so we could give meaningful questions.

There is divergence. The members hold different opinions. At one end, we've got members who would like to eliminate one or more of the RPMS. At the other end, we have members who would like to put them on steroids. But I think in the middle, the majority of members have been more moderate, more willing to compromise, and particularly of late, things have been working much more smoothly within the working group. But we don't differ that much from other working groups in this aspect.

I mentioned the lack of data, and we had to go out and develop more data, and of course, council supported funding for the Analysis Group to help us with a survey which has been useful. There's been a criticism that even after that, a lot of the data we have is anecdotal rather than ironclad statistically significant. But it's better than what we had before, which was virtually nothing, and it has helped guide our work.

The working methods, we've been challenged to anticipate the appropriate tools to monitor the work and make progress efficiently. We've switched as we've switched subjects and learned from past experience, but again, I think things are going much better now than in the past.

We've also, as with other working groups, have some members who want to re-raise topics that have already been pretty well discussed and decided upon, but again, I'd say we're seeing less

of that. people are more willing to say that once we've had a good discussion and where there's been wide support for proposals, whether they're in response to charter questions or individual proposals, they'll be in the initial report as recommendation. When discussion has failed to develop that kind of support, I think people felt they have gotten a fair shot. And they're not happy, but they're accepting of the outcome. And again, we are staying on the current timeline.

So notwithstanding the challenges which are not unique to our working group, we have proceeded collegially, constructively, and as expeditiously as possible to address the charter questions as we've revised them and to produce recommendations.

I want to note that I think council was aware we're having particular disciplinary problem with one member. Council took action on that after Kobe. That member decided to leave the working group and things have been much smoother and more efficient since then, and we thank council for that action. Next slide.

So how can council and the community assist? Well, we've consolidated and focused the original charter questions. That type of approach, which was basically to take every idea that had come in a variety of public comments and throw them in a charter, I would recommend personally as something to avoid in the future when starting a new working group.

On divergence, members need to understand, particularly with the high bar of needing consensus in the end to move

recommendations forward to council that we have to find mutual ground for agreement, accept disagreement and move forward.

Again, we've seen that really much more accepted in the work of these two subteams, perhaps with the self-selection of the members who wanted to join, who joined the subteams, have been doing the hard work in the subteams, but it has been going – much more acceptance of the need to find middle ground and not the extreme.

On data quality, I mentioned we had to develop data because the data collection wasn't built into the RPMs, and that should be considered in creating future working groups.

The working method, I think we're having a community discussion right now of improving the multi-stakeholder model, and I'm participating in that, I think other members are participating in that, and those of us who have been in working groups understand the challenges and the problems and have, I think, good constructive ideas for how to improve the process going forward.

Relitigating issues, all I can say here is the co-chairs of the full working group and the subteam co-chairs have been more actively pushing back against attempts to reopen topics which have been thoroughly discussed and resolved, and emphasizing the need to move on and accept the outcome, either we've reached wide support and we're putting something out for comment in the initial report, or we haven't.

And then time management, I can assure you all three full working group co-chairs are really – every discussion we have with staff

about how to move forward, we have the timeline and the necessity of sticking to it and not slipping again foremost in our minds, and we are conveying that message to working group members when they want to take paths that would slow us down or reopen closed issues, or continue debates which have really played out to the maximum extent and nothing more constructive is going to be achieved by continuing to have the same discussion on the same proposal. So next slide.

The schedule in Marrakech, I will not be in Marrakech, I'll be participating remotely. The other two co-chairs and some of the subteam co-chairs will be there. On Tuesday, we'll have two sessions. One will be the final meeting of the subteam on the trademark claims notice. The other will be the next to last meeting of the subteam on sunrise registrations.

Then on Thursday, session three will be the final meeting of the sunrise subteam, and session four will be a full working group meeting in which the subteams' co-chairs will present the recommendations which have achieved wide support to the full working group and the community as well as give the high points of the agreed upon answers to the charter questions relating to the work of the subteam.

So both subteams expect to finish their work in Marrakech and present the result at that final meeting, and then when we reconvene two weeks after Marrakech, the full working group will come back together, we'll further discuss the subteam proposals, and then by mid- to late summer, we will move on to our final substantive issues, which is whether we should change any of the standards for recording marks in the trademark clearinghouse,

and then we probably have a timeline coming up of when we expect to put our initial report out later this year. So we can move on to the next slide.

Okay. Well, those are just the links. I don't know if we have a timeline slide here. No. But we do aim to get our – staff can correct me – initial report out, I believe it's either October or at the latest November of this year for community comment, and then aim to send our final report to council, I believe it's either late March or April of 2020, and move on to phase two, the UDRP review.

And I hope that's been informative. I think I can say personally, I believe I speak for the other co-chairs, that we feel pretty good about the way this working group is operating now and about our ability to stay on the timeline going forward. So with that, I will conclude, and I welcome any questions from council members.

KEITH DRAZEK:

Thank you very much, Phil. So if anybody would like to get in the queue or ask a question, please put your hand up. Phil, I'll just say I'm glad to hear that coming out of Kobe, the group appears to be on track and is making significant and substantive progress in the Work Track, subteam approach, and it sounds like you're working towards some timeline goals here that seem to be reasonable and seem to be doable. So I'm glad to hear that things are progressing and that the working methods of the group have improved. I think there will certainly be some lessons learned coming out of each one of these PDP process, PDP working groups as the council

considers its implementation of PDP 3.0 reforms and future chartering of PDP working groups.

So we really value the input and the comments that each of you have provided to us here today. In addition to providing the actual updates on your respective PDPs, sort of the takeaways from the discussion are also going to be helpful to council as we move forward.

PHILIP CORWIN:

Thank you, Keith. I'm sure we'll face a few speedbumps and some challenges wrapping up, particularly in the wording of the initial report, but there is a more constructive mood within the entire working group now, and I think as long as people feel that their proposals have gotten full and fair consideration, they're willing to accept the outcome, whether it achieves wide support, which is the standard we've set for placing recommendations from these subteams in the initial report. If it hasn't, they've had a fair shake.

KEITH DRAZEK:

Yeah. Thanks, Phil. Would anybody like to get in the queue? Anyone at all? Questions, comments? I'm not seeing any hands.

PHILIP CORWIN:

Well then thank you for hearing me out, and I'm happy that I answered all your questions in advance. Sorry I won't see you in Marrakech, but I will be getting up very early to participate remotely.

KEITH DRAZEK: Alright. Thanks very much, Phil, and please give our thanks to your co-chairs as well.

PHILIP CORWIN: I shall. And also to our excellent staff and the work they do for us.

KEITH DRAZEK: Yeah. Thanks, Phil. It's a good point, and I should just take a moment to acknowledge the incredible work of the ICANN policy staff and the ICANN staff that support us on a daily basis, and particularly in the actual real work of these PDP working groups. It's where the work gets done, and there's just a tremendous amount of support that we get from ICANN staff, and we really do appreciate it very much. So thanks to each of you.

Let me just pause and see if there are any other questions or comments for any of the three PDP leadership. Anything before we wrap up? We're actually ahead of schedule by about 20 minutes, so we've got some time if anybody would like to ask a question.

Okay, I am not seeing any questions. If anybody would like to submit any follow-up questions after the webinar concludes, feel free to send them my way. You could sent them to my e-mail address and I'll make sure that they get forwarded and answered as needed.

So let me pause there and see if Nathalie or Terri – is there anything administratively that we need to speak to or do before we wrap up today?

TERRI AGNEW: Hi, Keith. None at this time, and I confirm no outstanding questions showing at this time.

KEITH DRAZEK: Alright. Thanks very much, Terri, and with that, we will conclude. I'd like to again thank Jeff, Cheryl, Janis and Philip for coming to present, and we'll go ahead and conclude today's webinar. And again, if anybody has follow-up questions, please let me know. So thanks again, and have a great afternoon, evening or morning.

TERRI AGNEW: Thank you, everyone, for joining. Once again, the webinar has been adjourned. Please remember to disconnect all remaining lines and have a wonderful rest of your day.

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