ICANN79 | CF – GNSO: IPC Membership Work Session
Tuesday, March 5, 2024 – 1:15 to 2:30 SJU

BRENDA BREWER: Welcome to the IPC Membership Work Session at ICANN79. My name is Brenda. I'll be the participation manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

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I will now turn the floor over to IPC chair, Lori Schulman.

LORI SCHULMAN: Hello. Welcome, everybody. And for those in the room, thank you for showing up. It's already been quite a long Constituency Day. And it's actually, for many people, day four or five here at ICANN. So, hopefully, we're getting over the hump with this meeting, and we can take it a little easy after this.

Although I do want to remind people that later this afternoon, we do have the Commercial Stakeholder Group session with the Board. And I strongly encourage everybody to show up to that meeting. It's at 4:15. I don't remember the room. But if, Brenda, you want to put the room number for the CSG Board session in the chat, that would really be appreciative. So please, please come.

And you'll see on the agenda, we have a pretty good schedule. We're going to have a discussion about Public Interest Commitments and the [Registrar] Voluntary Commitments for next rounds. And then we also have a follow-up to RDRS, I believe, underneath that agenda.

But I do want to give you a brief president's report about three top-of-mind issues. Michael Graham's in the room, right? Because I'm going to very quickly put you on the spot as part of my update. Yeah, I know. You've been voluntold. Actually, I'm going to start with Michael. I'll just ask him the question. And then I'll go to the other two issues that I want to discuss.

Yesterday at the executive Q&A, Michael raised a question that he rightly identified when we were looking at the strategic planning and budget for ICANN. We noticed there was not even a deficit. There was no recognition for expenses related to RDRS after two years. We know that the data that's being collected from RDRS is data that will be captured in a two-year timeframe.

I hear from the contracted parties side, and we saw in a slide with the joint meeting, that there's messaging going out that this RDRS system is only happening for two years only. When I asked about that to the contracted parties side, they said, "Oh, no, no. It's meant to go on." But I wasn't exactly sure about that, so I asked Michael to raise the question to the executives. And I'm very curious to know what the answer was in that room yesterday.

MICHAEL GRAHAM: So the question and what I identified was that in the budget, there is a specific provision for two full-time employees for 2023 and 2024 to oversee and handle the RDRS program. There was no provision for any employee in 2025. And as you know if you can do addition, two years from the beginning of 2023 is going to end up somewhere in the early part of 2025 after which, although they're doing it as they go along, there would presumably be a report on the results of that pilot.

So I asked, and Teresa and Xavier both answered from the Org—this was a question to the ICANN Org—did answer that it was intended that there would be funding for that study; that they would go back. And Xavier basically said, "We'll go back and take a look at it and make sure that it is covered."

And that was my understanding, that they will make sure that there is some funding for it. And in terms of the actual money allowance for it, that may be built in, but it wasn't something that you could see separately accounted for in the budget as I looked for it.

LORI SCHULMAN: Okay. So just so I understand the response. One, there will be money for evaluation. And, two, there's the expectation that this is an evergreen project until the Board says it isn't. That's the second part of the answer that I don't have clarity. Do you feel that that was clarified?

MICHAEL GRAHAM: Not entirely.

LORI SCHULMAN: Yeah.

MICHAEL GRAHAM: It was, "We will see." Damon.

DAMON ASHCRAFT: Yeah. I mean, I felt that answer yesterday. I think, Michael, your question was excellent. And I felt that you got a very politician's answer, which is, "What do you want the answer to be?" And it could be anything people wanted. What I'm coming away from the whole RDRS system is I think it's going to be a two-year campaign, and we're going to have to continually show the need for it and show how it's better for everybody to keep using it.

So I worry that they will cut it off after two years, and I think it's incumbent upon us just to keep at it. Talk about it in Kigali. Talk about it in Turkey in the next meetings. Talk about it at INTA and just keep it up for two years, or I think it's dead. I don't think there's any other way.

LORI SCHULMAN: All right. So I think it may be dead anyway. Okay? That's what I'm worried about. I'm worried that we're going to put all this effort in, do what we've done. And that's part of my next report, so I'll slide into that. So my next part of the report is this morning we had a joint CSG open meeting on RDRS and what we were calling RDRS stories. Although Thomas Rickert doesn't like it. Sorry. I know we're recorded, but I just thought his comment was kind of funny.

With all that being said, if we're going to keep pushing this and have these meetings and use these resources just for it to go dark, I think that's unacceptable, quite frankly. And I think there is a solution, whether it becomes SSAD, evolves from RDRS. I think this idea of just setting the switch and that's how it's going to be without any guarantees is problematic.

Yes, Michael.

MICHAEL GRAHAM: A quick question. And I wasn't involved in any of the planning for the RDRS or the SSAD, but my concern is—and we have been directed to think of RDRS has nothing to do with getting information—it's only whether or not the process for requesting the information is effective. So I wonder at what point do we start saying, "Well, now you know we can request information, and there are problems with how you do it. How are we going to now get access? Is that going to be another two-year program?"

LORI SCHULMAN: Right. And again, my concern there is, with the Board's past pronunciation of the expense involved in SSAD and why this study, this two-year project was endeavored just—again, to your point— to look at demand, not necessarily look at supply, the supply side.

But that being said, I'm really interested in what other IPC members feel in terms of some policy interventions. And we don't have to make big decisions today, but I am very interested in knowing are we wasting our time? I don't think we are. I think we do need to push use. I'm not saying that, but I think at the same time, there may be a way in parallel to say, "Look, we're pushing use. We're pushing requests." But since we see in the budget the black hole, how is it that you can promote a system that will shut off. Even if you don't go to the SSAD level, I think there should be at least an assumption that we'll keep some kind of RDRS level in terms of centralization. That's what I'm concerned about.

And if you think I'm being a little over-reactive or skipping a beat, I want to know that. If you support this thinking, then I think we have to work on messaging and perhaps some correspondence to the Board on this exact issue.

I'm not going to ask the Board today, but I think this question needs to be put forward quickly. And we need answers. And if we don't get answers, I don't know—taking off IPC hat, putting on INTA hat—that I can keep pushing because my members want solutions. And even if the solution is a request without a guarantee of information, that's understandable. There's no guarantee of information. That's true. But there should be some predictability and information based on following prescribed procedures.

Which, again, if you guys have been following the conversation this week, we had a program that Chris Disspain, a panel of the DNS abuse outreach, focused on this issue. And there's this assumption, I feel, on the contracted parties side that, "Yeah, this will go away. That's okay." It's not okay.

So here we are. Does anybody have any comments? Is there anything in the queue, Brenda?

BRENDA BREWER: [inaudible].

LORI SCHULMAN: All right. Well, I'm just throwing this out there. It's part of my president's report. Think about it. I'm not saying we should shift to any other strategy now, but I do think this is something we have to consider.

And I do want to let you know, please, if you did not attend this morning's RDRS session, the combined CSG workshop, please listen to it. There's a lot of really good information there about how it's going for RDRS requesters where we've identified room for improvement from day one. And I think it would be very helpful, especially for those who have not used the system yet. I think there's a lot of helpful information there about how to use the system.

And I really want to thank our storytellers from the IPC, John and Patrick. And Margie is not here today. I did an intervention on behalf of INTA, and I think we got a lot of really good responses. Eleeza Agopian from ICANN staff who's running the program was very supportive and thankful after the meeting. So I think it's all good.

I want to give a very brief update on our Request for Reconsideration.

SUSAN ANTHONY: [inaudible] before you—

LORI SCHULMAN: Sure. Susan, please. Recognizing Susan Anthony for the record.

SUSAN ANTHONY: I just wanted to say, unless I'm misreading the tea leaves, that this two years is to determine whether there is a need for SSAD.

LORI SCHULMAN: Yeah.

SUSAN ANTHONY: And I think that's what it really comes down to. But what bothers me is the repeated, "This changes nothing about our ability to provide or not to provide you with information."

What has also bothered me is the fact that, of what I have seen from a number of people—and thank you, Lori; and thank you, Patrick and a few others—the answers from the registrars have not been consistent, as Patrick has pointed out. And I'm not sure that there is a very good understanding of what is to be revealed or not.

And I'm also troubled, too, about the privacy proxy argument because it seems that privacy proxy gets thrown up to bar just about any and every request.

All of this is to say what worries me most of all, having been in this space for 30 years now, it bothers me to think that we come to the end of the road, people on that road have become more and more discouraged and saying, "Hey, if they're not going to respond to me, or they're going to respond to me in this way," or, "This is a stupid template, and I can't even figure it out. And I can't get any help."

Because that's probably true for a lot of people. Not the Verizons of the world, but many smaller companies. They're just going to say, "To heck with it," and then ICANN is going to turn around and say, "See."

LORI SCHULMAN: Well, that's what I'm saying—and you walked in a little bit late—about strategy. I think right now we're walking a tightrope when it comes to strategy. Right? On one hand, we want to push use, push the demand statistics high. We need that. Right? There is a demand for information. That should not even be questioned.

But then the issue goes to, yes, this is supposed to figure out whether or not we need an SSAD. But whether or not we need an SSAD or an SSAD-level approach, I think it's clear that this centralized system is something that our community would highly welcome as a continuing service.

So the question is, really, SSAD's an enhancement of this service, so I always thought that it was a little wacky that this was always put out there as, "Well, we're just going to seed demand, and then we'll figure out SSAD," as opposed to, "Let's start up something light, see how it works, and then see if it makes sense to evolve it."

That, to me, would have been a healthier message than what we're getting now. So I would at least like us to be on record, if people agree, to message that that way because there's a lot of flexibility here. This is something ICANN put up. It's not part of a policy development process. There's no recommendations that they're, from the Bylaws, bound to follow. This is iterative.

This is the optimal way to iterate a program. They built it. They want us to come. We're here. Don't take it away. At least start here, which doesn't mean we'll concede that we don't need SSAD or privacy proxy or anything else. But you started with baby steps. We are seeing uptake. We are seeing some disclosure. Why would you take a huge step backward and just turn the lights out in two years? That's what I'm concerned about.

Michael and then Susan. And then we'll go on. [That's my two cents].

MICHAEL GRAHAM: Yeah, real quick. I think there are a couple of messaging things that we need to do. One, when we talk about encouraging a hundred different registered requesters to file 50 different requests, I think we have to be sure that in front of that is valid or actionable somehow because, otherwise, we're going to get back the, "Oh, you're just trying to pad [your books].

LORI SCHULMAN: We already got that back, to your point.

MICHAEL GRAHAM: Yeah, exactly.

LORI SCHULMAN: Reg Levy went right after me in one of the meetings.

MICHAEL GRAHAM: Yeah, I heard that.

LORI SCHULMAN: So thank you for bringing that up. But I don't back down.

MICHAEL GRAHAM: The other thing I think, and we can message this through other organizations. I know I've communicated with one of the outside counsel that I utilize at Expedia, encouraged them to do RDRS. And they basically said, "We did it a couple times. It's not working for us. We're not going to do it anymore."

I think those sort of responses, we need to get them to tell the story so that they're on record of, "We handle this many requests outside of RDRS, and we didn't do RDRS because it isn't efficient." But I think we need that message as well as, "We use the RDRS."

LORI SCHULMAN: I agree. And it's very convenient that you're chair of INTA's Internet community because that's what we're trying to get at with these RDRS stories. That's a perfect submission to the mailbox. Perfect. So please do that.

So I'm going to move along the agenda because we do have another 20 minutes set aside for talking about RDRS. But I did want to put it upfront of my report just so I don't lose it. John will be chairing that part of the discussion. But that's all I have for updates.

Oh, the RFR. I want to do something really quick. I got interrupted. So with the RFR, John and I, representing the IPC, had informal meetings with senior ICANN staff, which includes Xavier, Giovanni, and [Shayna] from the Finance Department to talk about how things are working out with auction proceeds for those who need a refresher.

The Board passed a resolution last winter at some point, at the beginning of the winter, that basically said, "We don't want to risk the auction proceeds of getting caught up in litigation or in the community mechanisms Dispute Resolution Process, like an RFR," which could cost hundreds of thousands, if not seven figures, depending on how intense the request is and how far it goes, if it goes to court.

And so they decided, prudently, I think, to protect those funds by saying, "Hey, we're going to contract around the community mechanisms. So if you apply for a grant, you are going to waive your right to community mechanisms, remediation mechanisms." And while that seemed very nice, it also opened the question up to, "Wait a minute. These mechanisms are part of the Bylaws, which were intensely negotiated."

Even the recommendation from the auction proceeds team said, "We're suggesting to protect the funds, but the only way to protect the funds is to do a fundamental Bylaws change and exempt auction applicants." So the IPC took real issue with this. It's a complicated governance mechanism that we shouldn't be ignoring and we shouldn't be contracting away.

And although this is not directly related to IP, I do believe it's directly related to our functioning inside of the ICANN community. It's important, and we took it very seriously.

We had two experts—three experts if you count together Flip and Jan and Mike Rodenbaugh—who put together an excellent, excellent, excellent request. Yeah, you did good. You did good, guys. It was so good that we were able to get support from the GNSO Council for the principles that we were arguing, if not all of the facts.

So believe it or not, I got some messaging from the Board yesterday that essentially said, "We take your point. Two weeks ago, we put out another resolution that's going to fix this problem with the Bylaws. It's not going to be what they called a 'Christmas tree ornaments of exceptions.' We're going to try to fix this institutionally and hopefully forever. You won."

However, there's winning and there's not winning. There is a deadline for response from ICANN. They've missed one of their deadlines already. There's another deadline coming up for a final decision. And that deadline, we were told, if we could very politely withdraw, then—and this happened to the Registries Stakeholder Group at one point—that would be great. But then that undermines the message, "You won."

So that's all I can say now, but the way the Board sees it is that by issuing this new resolution, they've responded to our complaint. They've noticed the point. I've even had Becky say to me, "Yeah, we messed up the drafting. We get it. We get the point."

Which was great. A win. I mean, I took it for that, and I said, "Thank you." And we're going to read the text of the Bylaws very carefully. We absolutely are going to consider whether or not withdrawal is or is not in our interest. You know?

And we were also told, "Well, if you don't withdraw, there's a very strong, highly likely possibility you'll get a decision you don't want." But we won, in a nutshell. Okay? It's confusing.

With that being said, going back to our experienced counsel, we were going to have some internal discussions about what we think may or may not be the best ways forward. So on principle, we've won. On procedure, we haven't. That's how I'm going to state the update for now.

Flip's like [inaudible]. But, again, we have highly qualified counsel here. We want to get the advice of counsel. These developments are brand-new, and in the interest of transparency, I'm giving you a very high-level overview.

John, if you want to add anything. If not, we're going to discuss this as a leadership and then get back to the membership about how we see things proceeding. And of course, we're going to do that on advice of counsel.

Anything else? Yes, Jeff.

JEFF NEUMAN: Susan can probably better say it, but there was a meeting between the Council and the Board—yesterday? My days are mixed up. And I believe, Susan, you were the one who reminded the Board of what they wrote. So if you want to just—because that's also part of it. And then I'll come in and just give you my experience with reconsideration. Again, it's not advice, but I can—

LORI SCHULMAN: Okay. And then we'll get on to Council right after that. So Jeff will be the last intervention on this topic for now, but we'll have Susan go now.

SUSAN PAYNE: Sure. So in Council, it was one of the questions that we had for discussion with the Board anyway because, obviously, Council had written that letter sort of supporting the principle of the RFR that the IPC had submitted.

And so we were not there to talk about the RFR, but we were there to talk about, you know, we see that there's this new Bylaws amendment being proposed. And we wanted to get clarity on whether that is an indication that the Board accepts that it cannot contract around these accountability provisions and that it actually does need to do a Bylaws change.

So that's the first part. And it required a few questions and restatings of the questions, but we did get a clear confirmation that that's the case that they have accepted that they couldn't do this by contract and that a Bylaws change is necessary.

LORI SCHULMAN: That's the win part. Okay, just—

SUSAN PAYNE: That is the wind part.

LORI SCHULMAN: Yeah.

SUSAN PAYNE: We did also ask about the actual Bylaws change that's been proposed as well because it is broader than the carveout that the auction proceeds recommendation had been requesting. Because it's a much more general carveout [inaudible] auction proceeds, we're saying we don't think that these accountability mechanisms should apply to auction proceeds matters. You need to change the Bylaws to allow for that.

But the Bylaws amendment proposed is much broader. It's like if there's ever a CCWG that says that there shouldn't be accountability mechanisms, and so-and-so—x number of chartering organizations approved, etc.—then it can just be done. So it's removing the need for any Bylaws change in future.

So we did ask about why the Board felt that that was needed. And, honestly, I didn't think the response was particularly strong. It was like, "Oh, it's cleaner." But this is the first time this has happened in nearly 10 years that we've even needed to change the Bylaws to disapply accountability mechanisms.

I don't think any of us think that there are a thousand other changes in the pipeline that require the Bylaws to be changed multiple times in the future. So there's a really big question of, like, why are we making this umbrella Bylaws change? When, on the face of it, we're all saying we think this is an extremely rare occurrence, and we're not really expecting it ever to happen again. So, why? And I'm personally very suspicious.

LORI SCHULMAN: Okay. So I'm going to respond to that because I think we got some answers to the why. Yesterday morning we had a breakfast with the GNSO councilors. We had Becky from the contracted parties side, and we had Chris [Tumbridge] from our side, the NCPH side. And what Becky said was really interesting.

She said, "Look, when we—gaming this, testing it—we realized it's not just about the auction proceeds. It's also about contracts with vendors, contracts with bidders." Let's say somebody's bidding on taking the garbage out, etc., and we'd like to be able to exempt them from certain remedies. Which, if you look at the Bylaws on their face, they could [inaudible] access.

Now, I haven't sat down to think that through because, really, those remedies were about community powers, and vendors are not—it would be a huge stretch to say a vendor is a member of the community, I think, unless you're planning to hire consultants out of the community. Or, in this case, you're taking applicants that also might be members of the community.

So you're right. And I recognize your hand, Susan. Yesterday, John, and I said, "Thank you for recognizing the point. Thank you for having these meetings. We appreciate the openness. But we're not going to say yes to anything until we've sat down and looked at that Bylaw and gamed it out."

This needs to be analyzed, and it needs to be analyzed correctly. And asking me to do it—and I was personal about it—so quickly before a full ICANN meeting is crazy, and we're not going to respond that way. And Becky, again, conceded that, yes, that's prudent.

So we're not going to just jump off and say, "Oh, we won. This is great. It's moot. We're done." We're not so sure. So just to acknowledge is that the point here is we made the point. The point was well taken. Now, what do we do about it? And I'm not necessarily saying sending a letter to the Board tomorrow saying, "We withdraw. Thank you very much" is the answer, because I seriously believe it's not.

Brenda, I see your hand.

BRENDA BREWER: Thank you, Lori. We have a remote participant with a question. It's Anne Aikman-Scalese.

LORI SCHULMAN: Okay. So further queue, I'm going to go Susan then Anne Aikman.

SUSAN ANTHONY: So I take that point about the vendors and so on. I think in most situations, the vendor would have to be insane to use the IRP rather than going to court. I mean, it's a relatively weak remedy you get out of the IRP. Why would you not go to court? So that would be my response to that one. They'd have to be insane.

But even so, is that actually—then there's a bunch of other types of contracts that the Board is considering exempting from the accountability mechanisms even though we just had a conversation about how this—"No, no, there's nothing in the pipeline."

LORI SCHULMAN: Right. Well—

SUSAN PAYNE: I don't like it.

LORI SCHULMAN: Right.

ANNE AIKMAN-SCALESE: We can't hear anything now.

LORI SCHULMAN: Sorry, Anne. I apologize.

ANNE AIKMAN-SCALESE: Yeah, I'm sorry [inaudible].

LORI SCHULMAN: So what I was saying is the answer we got to the breakfast isn't very different than what Susan got in the meeting, a different meeting, which goes to your point, Susan. If your intuition is telling you something, trust it. So we're taking all of that into account, and that's why I think it's very important to the extent that these meetings are not closed or confidential; that we're sharing this kind of response because it helps us determine how we ourselves might respond.

So, again, while we appreciated the acknowledgment, I don't know that the story is really over.

Flip, I recognize. I'm going to go to Anne and then to Flip and then to Jeff. Oh, so it's Susan, Jeff, and Flip. And I'm going to write that down.

UNIDENTIFIED MALE: It's Anne.

LORI SCHULMAN: Oh, Anne's next? Okay. Anne, Jeff, Flip.

ANNE AIKMAN-SCALESE: Thanks so much. As far as the meeting with GNSO Council, Becky did say openly to Council that one of the things that the Board was considering was to do with vendors. I think that's very problematic for a couple of reasons. One is I'm not sure how this proposed by law would be justified in the multistakeholder model. In other words, what is the Board's rationale for top-down deciding, now that they've acknowledged that a Bylaws amendment is necessary, what is the top-down process they've followed that's not an MSM process to decide that they're going to want to control risk in this way?

Another thing I think that's very bothersome here is they say in the language that the CCWG develops a recommendation against the use of the accountability mechanisms. But what we know from experience is that when a final recommendation comes across from the CCWG or from Council, the Board can decide, "Well, we don't think that's in the public interest for this to move forward."

I'm concerned the Board could later on say, with such a broad amendment, "Well, the CCWG needs to take another look at this because we think the accountability mechanisms shouldn't apply. And if the CCWG will come up with a recommendation that the accountability mechanisms don't apply, then we will approve that recommendation.

I think it's a potential future loophole that the Board could twist. And so it's not in accordance with the multistakeholder model for them to broaden this. Yeah, I know, everybody's under this time constraint about the grant program, but they should have narrowly drawn the Bylaws amendment.

I think that we should maybe draft one for them when we public comment on this. And I wonder whether there's any way for the parties to extend on the Request for Reconsideration and agree to a mutual extension.

LORI SCHULMAN: Well, this is, again, the part where we're going to consult with counsel. And I don't want to jump the gun because we have not had a private—and I don't want to compromise our confidentiality.

Everything I'm telling you now, it's proposals that were put out there. There's nothing in it in my view that is confidential to the extent that it goes to privilege. But once we have these strategy talks, privilege will apply. So I'm trying very hard not to cross the privilege line right now.

And when we have our recommendations, we will take that into account, Anne. And I may get back to you so you can help me draft part of that because whatever we translate when we find the loophole, we're going to identify the loopholes upfront and definitely put them in the comments.

If we think language changes need to happen, I was told we could feed them even outside of the comment box; that I could directly contact León, Becky, and Sarah Deutsch. We're going to have to play this. We're going to have to roll with it a little bit.

I will say this. We asked for an extension last November because we were literally in the middle of the INTA leadership meeting. I explained all that. Our counsel explained all that. We got a big fat no, which was surprising because, generally, ICANN has been flexible and it was not flexible in this case.

So, unfortunately, I don't think, given our previous history with requests for extensions, that we can count on that. On the other hand, I think for the Board, after publicly recognizing the principle, publicly offering a new resolution to just hit us with a refusal is very bad optics.

So that's all I'm going to say on that. And then I'm going to go to Jeff and then Flip. And then we're going to close the subject.

JEFF NEUMAN: Yeah. I mean, ICANN's going to reject the reconsideration based on some procedural ground. They always do. Whether it's something like, "Well, you're really complaining about the "whereas" clause in the resolution as opposed to the resolution, and therefore it's not an action." Right? They're going to make some stupid thing up. Right?

[LORI SCHULMAN]: Mm-hmm.

JEFF NEUMAN: At the end of the day, you ask yourselves, did you accomplish what you wanted to accomplish from filing the request? And if the answer is yes, then you withdraw. I've filed several reconsideration requests in my time and for different purposes. Usually not because I expect to win. It's usually because I expect to get attention focused on the matter. The last one I did was for the assignment of .hiphop because nobody was paying attention. And it was going month-by-month, and nothing was happening. And I filed the reconsideration request.

And all of a sudden, I got a lot of attention. I got Board attention. And then the day before they were going to send out, essentially, a rejection of the—I pulled it back, and I did it on my own terms. And I put out a statement along with it saying, essentially, "I'm withdrawing because I've already achieved what I wanted to achieve, which is getting attention to the matter." And I'll just say that one Board member called me and said, "Well played." Right?

So the question is, do you want a loss on some stupid procedural matter where your wins kind of get buried, or do you want to shape the story and withdraw it, knowing it's not going to succeed?

LORI SCHULMAN: Funny you should mention that because one of the things I did say is, "If we decide to withdraw and we write a letter to that effect, I am 100% acknowledging the win." If you can't pony up and say this has been accepted—which I think you should be able to do. And I asked that question directly. I said, "Why can't you just accept it? Accept the request?" "Oh, well, we have all these procedures that we want to stick to, etc."

Okay, that's your answer. Move along. So to what you're saying, it was floated. Whether or not that's what we do, again, I don't know. I don't want to be here talking about the solution.

JEFF NEUMAN: See, right now, if you withdraw, you control the story. [Inaudible] go out there and you tell them it's a win. You tell the world it's a win. You tell them why it's a win. And they can't—they won't do anything about it.

LORI SCHULMAN: Okay. Thank you, Jeff. And then I'm going to go to Flip, and then I'm going to close the discussion for now.

FLIP PETILLION: Thank you, Lori. There is quite a lot of new information. I suggest that you consult with your counsel because I'm convinced that they have probably not had an opportunity to consult with each other because this is all brand-new.

LORI SCHULMAN: Yes.

FLIP PETILLION: And then come back to the group. And that's not going to be this week because there is no other meeting. But that's going to be in the mail string, I guess.

LORI SCHULMAN: Yes. That's every intention, Flip. And one of the things with this case that's a little challenging from a leadership perspective is that we're committed to transparency with the members, but we also want to preserve the privilege and our options. So we're trying to balance that tightrope right now.

So in the interest of transparency, some paths have been opened. They will be discussed with counsel, and then we will make a recommendation on paths. That's, I think, how we're going to play this. And I want to, again, thank everybody who's been involved with this—our legal team. You guys really—I mean all across the Board, from other constituencies, from the Board itself, we've got a lot of compliments on the drafting and how well done it was. So I just want to say thank you.

So let's move on to Patrick and the participation report. And what I'm going to do, I'm going to adjust the time. Patrick, I'm going to give you until the top of the hour.

Sorry, did I miss somebody again?

UNIDENTIFIED MALE: [inaudible] Council.

LORI SCHULMAN: Oh, shit. Sorry, I just said "shit." Sorry, I said it again. All right. So why don't we do this? Let's do Council, five minutes; participation, five minutes. That's 10 minutes. And then we'll divide the two topics 10 and 10 because we just spent longer on this. But I'm glad we did because people had good questions. So we're just going to cut everybody's time a little bit. Okay? So Council update.

DAMON ASHCRAFT: Sure. A couple updates. I guess the one vote that we have at our meeting later today is pretty simple, and it's basically a motion to adopt the Communication Small Team final report.

And the summary of that is that there was a small team that was established to better enhance Council's communication with the community, including this group. That was presented to us at our Strategic Planning Session back in November. Susan and I think that it makes sense to go ahead and to vote yes on that. So absent any concerns on that, that's our plan to vote yes on that.

The other thing that I think was interesting that came out of Council this week was that we had a very informative prep session a couple of days ago with Council, and we went through—and me being new to it, it was very illustrative to me—we went through like a 50-page slide deck of all the projects that were stalled in different areas, mainly kind of stalled at the Board level. And so we're working on and getting that cleaned up and deciding which ones are going to advance and which ones are not going to advance. So that's that.

And also, the discussion we had with the Board, I think, are the salient issues that we've handled. Susan, I'm sure I've missed a ton in that, so do you want to fill in the gaps?

SUSAN ANTHONY: You haven't missed a ton. But I will just mention if you're interested in issues like PPSAI implementation and where it's going, I circulated my notes from the update that we were given in the second working session on Sunday. But if it's of interest to you, you may well want to actually look at the transcript or listen to the recording of that session.

We also got an update on the universe that is IGO name and acronym protections. I say "update." There's still a lot of uncertainty as to timelines and exactly what is going on. But we got a sort of overview of the various things that are still outstanding on that. And there is an IP element to that because at least part of that is the development of the curative rights solution and also a notification process for domain names that are matching those names. So that was also in that same session, that second session on Sunday.

As I say, if you're interested in either or both of those topics, that's probably quite a good one to listen to or look at the recording for.

LORI SCHULMAN: Thank you, Susan. And thank you for the quick report. Really appreciate it. Patrick, please go ahead.

PATRICK FLAHERTY: Thanks, Lori. So far this year, in terms of filed comments, we submitted a big one relating to the PICs and RVCs request. So this was obviously a little different compared to normal common filings with the way we were asked to [both respond] to the various questions and how we were going to submit it.

And it was not an easy comment to prepare. It was quite difficult. But I wanted to say a special thanks to Susan, Griffin, Margie, and Mike for doing the hard work and putting together something really comprehensive and very specific that met all of our needs. And also, a special thanks to Susan who filed it for me while I was traveling for work. So thank you to everybody for that.

More recently, we filed comments in connection with the Draft Name Collision Analysis Project, the NCAP Study 2 Report. We filed short comments in connection with that that were prepared by Anne, Mike, and Tom. And thank you to Lori who did the filing after her final review of those comments.

Now, in terms of what's currently open, there are many proceedings open that are seeking public comment. First, the Phase 1 Final Report of the EPDP, the Expedited Policy Development Process on Internationalized Domain Names. So the deadline to submit comments in connection with that is March 12th. We don't have any volunteers yet for that one, so I will send around another reminder with more details about that comment after the meeting.

The next one up is Proposed Language for Draft Sections of the Next Round Applicant Guidebook. So Mike has volunteered to help with drafting comments in connection with that. If there's anybody else who would like to help, please let me know. I'll send around a reminder after the meeting. The deadline for those comments is a little bit later, March 19th. And already there have been three comments submitted in connection with that one.

The next one is Proposed Top-Level Domain String for Private Use. This is for the .internal. There have already been a lot of comments submitted in connection with this—29 in total. It seems to be very popular. The deadline for submitting comments in connection with this is March 21st. And we also don't have any volunteers yet for that one, so please consider it. And I'll send around another reminder.

LORI SCHULMAN: Which one is this again?

PATRICK FLAHERTY: This is for the use of .internal for private use.

LORI SCHULMAN: It's not the 21st. If we don't have a team now and it's the 6th, we've got two weeks. If someone who has grinding interest in this and has to write, write. But other than that, I'm not sweating this.

PATRICK FLAHERTY: Okay.

LORI SCHULMAN: That's my opinion as leader. All right. And then I'll recognize Paul. I'm going to just note, because of the time limitations—and I want to make sure we get to our two substantive topics—that, Patrick, once you're done with this, we're going to not do lightning updates from representatives. We'll have to do that at another meeting, virtually, if those don't mind. I usually like to do that at this meeting, but we simply are running out of time. So are there any other opportunities you'd like to mention now?

PATRICK FLAHERTY: I've got three quick ones.

LORI SCHULMAN: Sure.

PATRICK FLAHERTY: Really quickly. So string similarity. There is a review for guidelines in connection with that. Phil has offered to help with drafting comments in connection with that. Again, this is for the next round of gTLDs. The deadline for that is the 27th of March.

There's also a review of the Draft Applicant Support Guidebook. The deadline for that is April 2nd, and Mike, I think—did you, for this one?

MIKE RODENBAUGH: Which one? I'm sorry.

PATRICK FLAHERTY: This is for review of the draft—oh no. You did the other one. Sorry. This is for the support program for the new round [in] gTLD. So we don't have any volunteers yet for this one. I'll send around another reminder.

And then lastly, which we've already talked about, the Proposed Bylaws Update—this is a new one that just popped up recently—to Limit Access to Accountability Mechanisms. We have a lot of volunteers who have agreed to help with drafting. The deadline for this is April 15th. Right now we have Jeff, Paul, Jan, Lori, John, Susan. Anybody else who would like to chime in, let me know. And I will send around a reminder for this one as well. So, more to come. Thank you.

LORI SCHULMAN: Thank you, Patrick. And we'll be asking people to be leaders of these groups, so stay tuned. We're not above voluntelling.

Paul. And then we'll move on.

PAUL MCGRADY: Just because I'm a troublemaker. I wonder if the IPC wants to write to Console Corporation, the owner of the registered trademark Internal for covering software as a service featuring software to rapidly deploy a console tool for enterprise customers' teams to access, modify, and act on enterprise application data for purposes of enterprise customer service operations and efficiency, that their string is being taken out of the New gTLD Program to be used by ICANN exclusively. I don't know these people, but maybe someone does.

LORI SCHULMAN: Well noted. All right, Mike. Like, seriously, 10 seconds.

MIKE RODENBAUGH: It's not supposed to be used by ICANN exclusively. It's not one of those. This is one that anybody in the world can use for their internal networks, so it's a little different.

LORI SCHULMAN: Okay, well noted. And I am moving on. I'm exerting my executive authority, you little troublemaker. With that being said, we're going to take the entire time that's left. I'm not even doing AOB. If you have AOB, send me a note, and I will make sure it's included in the next membership meeting.

UNIDENTIFIED MALE: [inaudible] [25] minutes.

LORI SCHULMAN: Yeah. We have 25 minutes, and we have two 20-minute slots. So what I'm going to do is take 12 and 12. Susan, you have 12. John, you have 12. And I will wrap up for one minute. Thank you.

SUSAN PAYNE: Maybe I'll be quicker than 12. Nice. Yeah, Patrick already mentioned the comment that we put in. I won't go into it in detail. I mean, those people who are following this are certainly aware of it. And a version of it was posted on our mailing list, so even if you haven't previously seen it, it's there for you to see the comment that we submitted. And, then, essentially, our position really was, in large part, there.

It's a discussion and consideration about the extent to which Public Interest Commitments or Registry Voluntary Commitments can be put into the Registry Agreement for the next round that address matters that are related to content issues.

Obviously, the ICANN Bylaws have certain prohibitions on ICANN, regulating the content and the services that are run off websites. I can't remember off the top of my head the exact language, but the exact language is actually very important—what's, specifically, the language in the Bylaws.

It's been a discussion, and it's an ongoing discussion about the extent to which a registry might voluntarily put something in its contract that veers into that space and that level of regulation.

And I think our comments are very much aligned with what most of the panelists in the session yesterday were saying, which is really that there's a bit of a distinction between ICANN regulating this and a registry saying that they wish to regulate it, and that they then are being held to that promise by ICANN.

But it's a very different thing to be calling that ICANN-regulated content, although it's nuanced. And there are definitely differences of opinion on this. So that was one of the main points that we tried to get across in our comment.

And another point that we tried to get across in our comments was around the fact that the Bylaws language is very specific. It's not an outright prohibition. It's [accepting in] the furtherance of ICANN's mission, and then ICANN's mission is set out and includes some items in some annexes, G1 and G2, that identify aspects of regulation, which are viewed as within the mission.

And—and this is the more challenging part, I think—there is also what's called the grandfathering provisions in the ICANN Bylaws whereby everything that was in place or in effect before the Bylaws changed in 2016 was grandfathered over. And it said that those contract provisions can't be challenged as being outside of the Bylaws. Nor can the same provisions in new contracts. And so it's a very nuanced issue.

I would say that it didn't come up in the session that the Board held, the consultation session, yesterday, specifically—the grandfathering issue. But I have heard that the ICANN Board and Org interpretation of what that grandfathering provision in the Bylaws means and our interpretation are very different. And the Board is operating under the basis that what the Bylaws say is not what they say.

I know. Shocker, right? So that may be an area of fruitful conversation in the future.

But in terms of the session yesterday, which was the first of these kind of public consultation discussion, it was a discussion session. In the end, it wasn't really public in the sense of we didn't have a mic for the audience.

But there was a panel representing a cross-section of the community. Jeff was actually on there. I think, possibly, invited him in multiple capacities. But Jeff was obviously one of the chairs of SubPro where we made recommendations about having Public Interest Commitments and Registry Voluntary Commitments.

There were a couple of GAC members on the panel. Someone from the ALAC, someone from the Non-Commercial Stakeholder Group. I'm sure I'm missing—

UNIDENTIFIED MALE: BC.

JEFF NEUMAN: Yeah, BC.

SUSAN PAYNE: BC. Steve DelBianco, exactly. Thank you.

UNIDENTIFIED MALE: [inaudible].

SUSAN PAYNE: Yeah, [Justine]. Generally speaking, I think there was really quite good alignment from almost all of the panelists, except for the panelists from the NCSG, of that concept of the distinction between ICANN regulating and the registry saying that they want to do certain things. And that, then, ICANN is holding them to the commitment that they made.

The GAC were being fairly strong about the need for us to find a way to have this happen because this is what people want to happen. The conversation became more challenging because it is quite nuanced, and there's a level of detail. Content isn't really defined, so people were talking about—not necessarily all talking about exactly the same thing.

There was a question about if ICANN and the registry operator applicant can't reach agreement on what the terms of an RVC or Registry Voluntary Commitment should be, should the application be allowed to go forward? And the GAC member, Nigel Hickson, was being very strong and saying, no, it shouldn't. But when really pressed on this, it was clear he was viewing this entirely on the concept of where there had been GAC advice saying that the registry application shouldn't proceed.

And he wasn't really addressing this in the context of all the other circumstances where there might be a Registry Voluntary Commitments that had been proposed, not all of which—well, even GAC advice isn't a veto. But some of the other circumstances where you might seek to get around a problem, that problem definitely isn't a veto. So if the problem isn't a veto, then the fact that you can't agree an RVC with Org should not mean your application is thrown out.

But because we were talking at quite high levels and people weren't necessarily being very specific and very clear about what they were saying, there was a bit of miscommunication going on of that kind of nature, I think, during the course of the panel.

But, overall, I think it was a really good discussion. And I think there was a really good sense that most people on the panel was relatively aligned, perhaps around the idea that maybe it is going to be necessary to have some kind of third-party arbiter for whether the registry is meeting what it says it's going to meet. And then ICANN's role is then to enforce that.

I guess I'll probably stop and just see if there's any questions or if anyone else who was there at the session has other takeaways, because I'm sure there are others.

LORI SCHULMAN: So I have a question because it's just late in the day, and you're right, this is complex. So was, eventually, the takeaway the understanding of your point about if an RVC isn't getting worked out, that doesn't necessarily mean that the application can't flow through because perhaps even the application ends up not having an RVC? That's possible, depending on the nature of the extension.

So did you walk away with that principle being understood, or do you think there's more socialization of that principle that needs to be done?

SUSAN ANTHONY: I think a lot of people came away with that feeling. I definitely feel that Nigel from the GAC was really only focused on GAC advice. And he was struggling. He was sort of saying, "Well, if someone goes to ICANN and tries to negotiate terms and ICANN says no, but they know that, then, they don't have to put it in the contract and they can go forward anyway, why would they negotiate terms?"

But I think that misses the point that you're usually trying to do so because there's some other issue. It's not an issue with ICANN. It's like a third party has brought a legal rights objection, and you're trying to deal with their problems. Or you know that there's real risk that the GAC will issue advice, and you're trying to deal with that.

So it doesn't mean it's the end of the process. If you can't agree the RVC with ICANN and you go forward, your application goes forward, well then the GAC will give advice. Or they've already given advice and then ICANN has to decide what they do with the advice. It's not like it's the end of the process. But it shouldn't just be automatically thrown out, I think.

But I don't know, Jeff. I mean, do you think that, overall, people came away with that shared agreement or not?

JEFF NEUMAN: I think, I mean, ICANN is looking for a way to only have RVCs that are enforceable by them—I'm sorry, that are not enforceable by them—that only ICANN would only be in a position maybe to impose sanctions, but that a third party or some other party needs to make the content-based decision. Right?

That essentially, this third party assesses whether there's been a violation of the commitment. And then if that third party says, yes, there has been a violation, all ICANN needs to do is, "Okay, here's our list of remedies." We go to Step One, which is issue a Letter of Breach, at which the registry can cure.

They go back to the third party and say, "Did they cure it?" Third party says no. They go to the next step. The contract really only contains the sanctions, not the commitments.

LORI SCHULMAN: That is well noted. Anne, we have a minute and 42 seconds. Would you like to yield that back if there's no—

ANNE AIKMAN-SCALESE: Yes.

LORI SCHULMAN: Okay.

UNIDENTIFIED MALE: [inaudible].

LORI SCHULMAN: Yeah, we do. But I mean for her presentation. And then we're going to go to Mr. John McElwaine for the RDRS portion of our discussion. Thank you.

UNIDENTIFIED MALE: [inaudible].

LORI SCHULMAN: Yes, right. Exactly. John, please answer the question.

JOHN MCELWAINE: All right. So I'm going to go over, real quickly, the CSG meeting. I think, in summary, what we are seeing in terms of the people that reported are either a high level of acceptance of disclosure requests or a very low level. So we're seeing, it's very much breaking itself out on a registrar-by-registrar basis.

Two reasons, or maybe three, for that. One is privacy proxy. So typically, if there's a privacy proxy, you're getting a denial. And that's something that hasn't been real clear in some of the discussions going on that if the record is behind a privacy proxy, you're going to get a denial. It should be a denial that says, "because it's behind a privacy proxy," but I don't think that's always the case.

And I think another reason is there's differing understandings about how to apply the balancing tests that's going on with registrars. So that's probably why we're seeing just a big difference between—it's not a bell curve. It's actually the opposite of that where you're seeing very high and low acceptance rates.

I think what we also saw—I was trying to do a little bit of the homework—was a higher rate than expected of non-participation. Meaning that when you've got a domain name, you've looked it up whether that registrar is participating with the RDRS, not all are. Even though a large number of domains under management are—and I don't have the stats right in front of me—I think everybody pretty much said they were a little surprised at how frequently the registrar was not participating.

So I might pause there. Does anybody have any comments from what they took away? Yeah.

MARC TRACHTENBERG: I just want to point out that I think it's very interesting that Namecheap, which is a registrar that has publicly stated that they will not provide WHOIS information in response to requests, is now the only registrar, basically, that will provide WHOIS information. And now they've informally said that they will respond to requests from recognized lawyers and law firms, someone that can verify. They're going to respond to all of those requests.

So it's interesting and ironic that they are now the most compliant registrar, and then other registrars like GoDaddy who said the system was going to be great have basically a 0% compliance rate.

JOHN MCELWAINE: Agreed. Yeah, Damon.

DAMON ASHCRAFT: Yeah. I think the whole privacy service is a big conundrum in this, and I think that it's almost like a phase 2. I think we've just got to build up recognition of what RDRS is, get people on it. And then I think we do need to figure out some type of solution for that because that's just a classic garbage answer. "Well, here's the data." It's just a blank piece of paper. So that's, you know.

LORI SCHULMAN: Yeah. I want to also add there's some disagreement about what is or isn't a response that came out of this. I was asked a direct question, "Do you count denials as proxy? Is that considered a denial from an IPC point of view?" Absolutely. Because we didn't get the information. Denied. There's a proxy and a story.

And we got interventions from other constituencies in the room that said, "No, we're only obligated to respond whatever that is—yes, no, maybe. Otherwise, we are not obligated to give information."

And on a very high level, I think that's true. They are not obliged to give information. But from a practical perspective, now with the implementation of NIS 2 and with the fact that we're trying to establish customs/best practices, what I don't really quite understand, if there is a pattern and practice of disclosure based on this system that was adopted globally, that is an incredibly mitigating circumstance to any DPA that might require when you look at it on the European side.

So what I'm not understanding in this discussion, particularly when it comes from lawyers from the other side. If, in effect, we make our requests; requests are well founded and based on a fair balancing test—which, we don't even know what that is—I think if we start arguing for what the test is, then it builds up a record that's defensible.

So in effect, if the wall were to come down and the reasons for disclosing for the information were well documented, I think there's worry about compliance, globally. I wouldn't say it goes away, but it's very exponentially diminished.

And that is certainly—if I were counseling a business, particularly this business where an exchange of information is critical, that's the advice. And it's just boggling my lawyer mind, and I'm just going to leave it at that.

MICHAEL GRAHAM: So a quick question, and I'm not aware of this. Is the RDRS, as it's being conducted now, set up so that it can be modified in its course based on information that it's receiving?

I think one of the big things that I've continually heard is, "There's not enough information. Why did this happen? Why is it being refused? What are you asking for? What does it mean when you say 'publicly available?'" Answers like that that are not clear whether or not the RDRS group can be convinced to make changes on the fly that are addressing some of these issues that can't be identified.

JOHN MCELWAINE: Being on the Standing Committee, the answer to that is that it should be able to be adjusted. ICANN's very reluctant to do that, for good reason, right? We don't want to be constantly changing the system. It costs money, etc. But there is theoretically the possibility to make adjustments.

MICHAEL GRAHAM: Right. Before the two years is up is what I'm—

JOHN MCELWAINE: Yes.

LORI SCHULMAN: I'm sorry. I'm going to interject here and just say maybe the solution is bundling it. I understand the issue about costs, but the idea if we're providing feedback that ICANN clearly wants, it does, to me, indicate ...

I think, see, in fairness to the ICANN staff, I will say in working with the team, Eleeza and Yuko—Yuko has left, but now we'll be working with a new team member—that they have taken on board the suggestion seriously. That I know there's just been a lot of talk all the way up the ladder to Xavier. And I'm assuming on the GDS side as well.

How strongly I believe it, I don't know. But I do believe there is a genuine interest in trying to make improvements where ICANN would see whether it's cost-effective to do so, and time effective.

So with that, John, maybe the idea with a small team is to bundle some of the stuff. What are short-term program fixes—quick, easy wins, low-hanging fruit, whatever you want to call it—versus fundamental changes to the system? Because some of those changes—and, again, Reg Levy said this in an open meeting while the questions were being asked was because Reg wrote them.

Well, now that we're experiencing the questions as requesters, I think it's fair to say we have an opportunity to have input on whether or not those questions are working and how they're eliciting the information that the parties want. And the responses that we're getting back are giving us enough feedback to understand where we need to go next.

And then I noticed a hand from Susan and Griffin. And then I'll give it back to you, John.

SUSAN ANTHONY: I'm just concerned, and my little cryptographic "hmm" was not meant to besmirch ICANN staff. I guess my concern is that there is so much on the other side of the coin, on the registrars' responses, that are inconsistent, mysterious. And, frankly, there's been a hostility, it seems, toward providing us with better or more informative information.

That is where I'd really like to see some changes, because what I'm concerned about is—as I said at the outset—that if people continue to be discouraged or get crap in response, they're just going to say, "Forget the system." And that plays right into ICANN's hands.

But I am heartened when I hear Patrick and others say, "Yeah, but it is working, Susan." But even Verizon has had some phony-baloney responses.

GRIFFIN BARNETT: Yeah, thanks. Have we asked registrars for a rationale in terms of why they treat proxy registration, the handling of requests relating to those, differently from registrations that are just redacted for privacy instead? Because, effectively, it's the same—right—in terms of the current overarching data regime.

So I'd just be curious to hear what the rationale is for being able to apply the balancing test and give an actual answer on disclosure for the one category but not the other.

JOHN MCELWAINE: It's obviously early days, even though it's been going for three months. I think we're getting to the point where we could have a conversation. One of my themes talking about this has been that we need to improve the communication. We can give better requests that way, and we can have more predictable results that way.

And if I just could understand why things are being rejected. If anybody's ever actually filed one and gone through the steps, I'm an over 25-year lawyer, and I still am kind of not sure which one of the boxes I should be checking to get the request granted. And we've been trying different ways, etc. Thanks.

LORI SCHULMAN: I'm going to intervene—

GRIFFIN BARNETT: Can I just quickly—

LORI SCHULMAN: Oh, sure.

GRIFFIN BARNETT: Yeah, just to—

LORI SCHULMAN: [I have an] answer to your question, I think.

GRIFFIN BARNETT: Yeah, I look forward to hearing that.

LORI SCHULMAN: Okay.

GRIFFIN BARNETT: Yeah. But I think the point is if they're just saying, "We can slap on our affiliated proxy service and then just say we're not even going to look at this request because it's proxy instead"—it says "domains by proxy" or whatever instead of "redacted for privacy"—that's a problem. Because why can't you apply the balancing test there in the same way that you apply it to what is effectively the same level of information under 'redacted for privacy' as opposed to—yeah.

LORI SCHULMAN: So I'm going to put forth what I think might be coming from the other side on that. Crystal Ondo from Google came up and spoke to me after one of our sessions this morning and said that the responses are being guided by the Temp Spec.

And in the Temp Spec, it says all you have to do is respond, and privacy proxy is a response. That's what Crystal explained to me, and that it would look different today if we were to rethink it. But that's what's in the Temp Spec. That was what was given to me by Google. End of story.

The other thing I would say is I think there is a difference between redaction versus privacy proxy because, in privacy proxy, you've named an agent. You're naming an agent. Whereas with redaction, you're not, from a legal perspective. And that's certainly, if I was on the contracted parties side, would be arguing.

I'm going to end the queue because we only have a few seconds left. Is there any last comment?

[VICKY SHECKLER]: [Me].

LORI SCHULMAN: Okay, Vicky.

UNIDENTIFIED MALE: And Brian.

LORI SCHULMAN: And Brian. Okay.

VICKY SHECKLER: What I heard from [Reggie] in a public session is that they think that privacy proxy is not part of the balancing test at all. They think that they need to have a subpoena to disclose that information. And so that's the approach they're taking. Whether you agree with them or not, it's a different story. But they are pretty clear on what their rationale is.

UNIDENTIFIED MALE: Or a UDRP, right?

VICKY SHECKLER: I'm sorry?

PATRICK FLAHERTY: Or a UDRP as well?

VICKY SHECKLER: Whatever. Like a judicial process, not a—

UNIDENTIFIED MALE: You said [inaudible].

VICKY SHECKLER: It was [Reggie] with Tucows.

UNIDENTIFIED MALE: Tucows.

LORI SCHULMAN: Brenda, can we do two more minutes? Get one and one? Yeah. One and one, one minute. And we're done. One and one. Go.

BRIAN BECKHAM: I think the answer is simpler than that. If you look, domains by proxy is the registrant, right? So I mean, to be fair, I don't know. I don't think you're going to get very far pushing on that door.

But I think one thing in the session with the GAC earlier, they showed on screen a snapshot of potential work on PPSAI, and just like they're doing here with this pilot project in trying to size up the feasibility of implementation, that's why we have this pilot program.

And by the way, Lori, a comment you made in terms of shifting the conversation, I think it's a really good point. There's kind of an assumption that this will be done for two years, and the data will be axed. And therefore, it will be tossed in the bin.

But I would maybe try to rephrase that a little bit and say, "Look, we're going through this exercise. In two years, we'll have lessons learned, and we should adopt the system." So just get rid of the assumption that this is going to be thrown out after two years.

But on the PPSAI slide that was shared earlier, on one level, it makes sense. But one thing that was maybe worth looking into is they had to categorize things in terms of high/low/medium difficulty in terms of implementation. And it seems like that's potentially a way to, you know, you've got a policy process that goes all the way through the PDP manual, Council, Board, etc. And then here, it's being second-guessed at the implementation phase.

So I know on one level, again, it makes sense to do this matrix of burden on implementation, but it shouldn't be used as a way to up-end policy that went through the proper channels.

LORI SCHULMAN: Okay. I'm going to say thank you. I think this was an excellent meeting. Thank you for your honest interventions. We went slightly over, I think, but worth it.

And I want to thank Brenda Brewer who has been by our side the whole week, is always by our side. And she's a rock, and I absolutely could not do this job without her. So thank you, Brenda. I love you, Brenda. You know that. Okay. Yeah. You are very welcome.

So enjoy the rest of the meeting. Please come to the 4:15 session in the main ballroom. It's CSG with the Board. Come out and support us as we make some very important points that were raised in this room today, and we'll make again with the Board. So thank you.

BRENDA BREWER: And we can stop the recording. Thank you.

[END OF TRANSCRIPTION]