
ICANN81 | AGM – GNSO: IPC Membership Work Session
Tuesday, November 12, 2024 – 10:30 to 12:00 TRT

BRENDA BREWER: Thank you very much and welcome to the IPC Membership Work Session. My name is Brenda Brewer and I am your participation manager for this session. Please note this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom, on site participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. I will now hand the floor over to IPC chair Lori Schulman. Thank you.

LORI SCHULMAN: Good morning, everyone. Afternoon, evening for those of you who are online, I'm welcoming you to the annual general meeting and the IPC open work meeting. Some of you have already been at our day zero event or at our closed meeting, so some of this information might be a little repetitive, but hopefully not.

You'll see from the agenda, I'm going to give a brief report. We'll get a substantive GNSO Council update, which might actually go a little beyond the 10 minutes it sounds like, and that's okay. Jan has put out

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on the list the report of our elections, but we'll have him report for those who may not have been reading the list.

We'll have a participation report from Patrick. And then really most of the session today is going to be devoted to key issues for the IPC. We haven't done this recently, so we're going to do it today.

Just go through a lightning round of those who are taking the lead in different areas of our work here at ICANN, give very high level one-to-two-minute updates, and then take any questions or if they have recommendations for next steps or if they need help, that would be the time to ask. Mike Rodenbach, I hadn't put any of your issues on the list, but please feel free to chime in because I know you've been working on a couple of important issues for us.

And with that, I'm gonna start with my report on our meeting with Sally Costerton, although Sally, this is also her last meeting as a leader in ICANN so to speak, as CEO. She is staying on ICANN, we found, I mean, I didn't expect her to leave, but to be frank, I wasn't sure what Sally's next steps we're going to be, so we, as a leadership group asked. She's going to be staying on at ICANN, she is a very big portfolio when she stays on. She will be in charge of all of the regional offices of ICANN, she'll be in charge of community outreach, and there's a third prong to her remit that I honestly don't, oh, yes.

Right now, she's wearing a temporary hat as the chief of policy until the new chief is named. So she has a very big role to fulfill. She had an interesting request, which we said we would certainly be open to if it

works. And that is she'd like to continue the one-on-one leaders meeting in her capacity as the outreach person for ICANN.

And we were explaining some of the challenges we have with the IPC in terms of when we get members on it can be overwhelming. We don't necessarily have super high retention. We have the usual core group of attendees, you're all here, thank you, core group, we love you. Please keep being the core, we need the core.

There's a really significant challenges now because the perception of ICANN outside of the ICANN bubble, and even quite frankly inside of the ICANN bubble, is we're just moving too slow, we're not agile, we're fighting too much. So it's very, very hard to recruit new talent and get people to stay as long as many of us have been here, as you notice. Although I do notice in the back we might have some fellows. So if that's the case, I'm super excited and young practitioners, thank you so much for coming. And we don't have leadership rising in the ranks to take our places, that's the problem, and we've got to figure out ways to fix this if it's fixable. So we agreed that we would continue those meetings with John as president, of course, and see how it goes. So that was basically the report from Sally.

In terms of the rest request for reconsideration, if you sat in on our session with the Board yesterday, the Commercial Stakeholder Group and the Board, you heard a pretty fair rendering of our status report. The RFR is still pending. We are in the cooperative engagement process, which means we're negotiating, basically mediating the dispute. It looks like the ICANN Board will adopt a resolution that satisfies the

complaint that we made in terms of the impropriety of last year's resolution that bypassed fundamental bylaws in order to shield the auction proceeds from appeals from people who may be denied or have lost bids for grants. It's contentious, there's issues around standing, there's issues around whether or not the IPC even had legal standing to bring the complaint. Although the Board kind of skirted the question a little bit by saying, well, you had standing as a member of the community to talk about it.

I will say that the responses yesterday from Becky Burr, in my view, really twisted some facts. The Board is now saying, well, we fixed the problem. We came, you talked to us, we fixed it. And that's not exactly what happened. And just to set the record straight, we had a problem with the resolution. We said we had a problem with the resolution, the Board passed it anyway. Then we asked for an extension to file the RFR because most of the IPC was involved in the INTA leadership meeting, and those who were drafting the complaint were at the meeting, and we were told we would not get an extension.

Then after we file, we don't hear anything, and we don't hear anything, and we don't hear anything. And there was supposed to be a preliminary report issued by the BAMC, the Board Accountability Mechanisms Committee, for those who don't know that acronym. The BAMC never issued that report. Instead, we were called to a meeting in Puerto Rico and said, Hey, we got the point, we're gonna change the resolution.

But by the way, since you've won, we'd like you to withdraw your complaint. And we thought about it and we said, well, sure, if you're gonna answer our main gripe, yeah, maybe it's worth withdrawing. But then on the other hand, we got another message. If you don't withdraw, then you're gonna get a decision that you don't like. They also asked for a written response to the meeting. We decided not to write a response to that meeting. There was no response, we're not withdrawing. So you're gonna have to issue your nasty ground because that's what we're gonna do.

And I have to say, there was mixed opinions on leadership, whether or not at that point we should withdraw, but we got some very good advice from our council and we let the decision happen, and it was an excellent piece of advice. So thank you council for really steering us in the right direction in terms of strategy. And of course we got a terrible decision, in my view, was not even based on correct legal arguments to put it mildly. So we opened this continuing engagement process and we did make progress.

The Board has issued actually two different versions of resolutions. One, the community soundly rejected, now we're up to another one where I think the community mostly supports because it's much more on point to what we were asking for a targeted resolution amendment to the fundamental bylaws that would exempt grant applicants from being able to use the IRP process to challenge grant decisions.

This is what we wanted all along. Not super difficult, but somehow, it's become a yearlong battle. The good news is though we will-- it looks

like we're gonna get the resolution we want. The issue of standing, we're gonna agree to disagree. There's a fundamental flaw in the process. So we either have to look to the current language and find a way to fit what we're doing into it, in my view, or we have to now lobby ICANN hard for different language.

One of the things that JJ and I have been discussing or started to discuss at this meeting, which could be a very interesting project, is creating some sort of alternative to the IRP that's written into the bylaws now, perhaps having something called a governance, IRP, a GIRP, which would allow constituency members to make the kinds of complaints and protests that we did without using the vehicle that's currently in the bylaws, because that vehicle is very much written for commercial harms, which the kinds of harms we've experienced as a constituency, and I would say the community by a board that misapply and misinterprets the bylaws. So it's not just think about and we're gonna use hopefully our best minds to figure out if this is the banner we want to take up to help improve ICANN governance overall.

So in terms of the CEP, I'm pretty happy with it in terms of how it's going. Of course, yet again, we've been asked to withdraw, at every point of this process, we've been asked to withdraw. And we have always had the same answer, no, we're not withdrawing until this is settled to our satisfaction. And that's the status of the RFR in terms of improved IPC administration, that was something that I had promised this year.

We didn't get as far as we hoped, but we got further. We are now finally ready to incorporate. We're incorporating, we've got our books together, we've got our bank accounts together, we're looking to move away from member clicks. I was hoping we could just check, check, completed, completed, completed, but in fact, we haven't completed. But we have moved the process along, and we're hoping that at least the incorporation is completed by the end of the calendar year, if not our governing year.

In terms of the day zero event, there will be a full readout this afternoon at 31:15 in this room. So I'm not gonna spend much time on it at all today, except to say we had it. And I do believe that we've made some progress in terms of process with the NCSG in terms of picking our Board representative. But there's some fundamental issues that we are still very diametrically opposed in terms of, for example, if we get stuck on how to choose a board member. The message we received in this session was, well, we will never vote. We have to have consensus.

There will not be a vote, there won't be a tie-breaker. That was one of our essential issues. And the reason why we missed the deadline this year for naming a Board member was exactly that reason. We were stuck in a tie with no procedure to get out of the tie, so we used a temporary procedure. I thought the temporary procedure worked quite well, and I was hoping that that would be the procedure that we adopt, but in fact, it wasn't. So we're gonna keep pushing on that.

Also, what we heard loud and clear is that NCSG does not feel heard at all. For all the frustrations that we have with comments not being

incorporated into open documents, a great example is the domain abuse contract amendments, where we put in very substantive, legally based comments. None were picked up, but at least we were heard if not ignored.

NCSG really doesn't feel heard at all. So you'll see in this afternoon session, we're gonna manage it a little differently and we're gonna alternate between NCSG and CSG members in terms of answering questions, comments, so that there's no feeling that they're being railroaded.

One of the issues about voting and always wanting to reach consensus, I think there is a misunderstanding, or maybe it's real. I can't even figure it out to be honest. That perhaps if we had a voting system, that we as lawyers, a group of lawyers would somehow figure out how to game it. And that's really not what we're trying to do.

We're trying to break stalemate so we meet deadlines. But we're not on the same page with that message yet. So this afternoon we're gonna try a different way of running the meeting in order to hear and let it be shown that NCSG is being heard by CSG. And with that, I'm gonna stop. Does anybody have any questions about anything I've said at the moment? Okay, so we'll go on to the GNSO Council update with Susan Payne and Damon Ashcraft.

DAMON ASHCRAFT:

Sure. Thank you very much, Lori. Brenda, could you go ahead and put our slides up? So these are the slides that we discussed in our closed

meetings, and we've also gone ahead and we've sent out an email that summarizes the different issues with respect to council. We discussed these at length at our closed meeting on Saturday. I know Susan wants to discuss urgent requests, and so I want to give her some time to do that. Before we do that, does anybody have any questions or concerns on how we intend to vote, any of these issues, anything else anybody wants to talk about? Seeing none, Susan, the floor is yours. Go ahead.

SUSAN PAYNE:

Thank you very much. Hi everyone. Hopefully you can hear me. Yeah, urgent requests is something, this is about the treatment of requests for registration data by law enforcement. And the registration data policy, the original phase one of that original EPDP, talked about timelines and criteria and said that registries and registrars must reasonably consider and accommodate requests for lawful data and disclosure.

And then one of the bullets under that was that there should be a separate timeline, and the number of business days was just X, to be determined. That will be considered fill the response to urgent reasonable disclosure requests. And those are ones where evidence is to be supplied to show that there is immediate need for disclosure. And so, it also then says the timeframe is to be finalized and criteria set for urgent requests during implementation.

So what happened during the implementation process was that when the draft implementation was put out for public comment, there was a time period proposed. I don't off the top of my head now recall what it was, but some of the comments back in particular from the GAC law

enforcement for whom this provision is about law enforcement requests, said the timeline was too long and asked for something different. And my understanding is that in the implementation working group there was some discussion then about shortening the time periods. And then things became very strained in the IRT and this kind of became a stalemate. And so the implementation of the rest of the policy went forward and the issue of urgent requests was pulled out.

On the contracted party side, particularly the registrar side, I think there's always been a question about how could they possibly agree to some specific number of days when it might take more than that number of days to determine that the law enforcement person who's coming to them is genuine to do the verification.

And I think they're thinking in particular not necessarily when they're dealing with their own home local enforcement officers, but what if you get a request from India or a request from China or wherever. We have had a GAC, Board, and GNSO Council one meeting so far to kind of discuss this because it's been pulled out into that level. And the PSWG or the GAC Public Safety Working Group said that they are working on a solution for authenticating law enforcement requests. And they are sort of saying if they can fix that problem, can the recommendation from EPDP phase one now be implemented? Could work on this go forward in parallel while they're working on fixing the authentication issue?

And then the discussion that we had really briefly in that tripartite phone call was can the recommendations from EPDP phase one on this

issue of urgent requests go forward in the Implementation Working Group? Or does it need policy work to agree what the right number of days is? I would say my personal view, and I've never been a member of that EPDP or the IRT, but noting that, it did seem like the IRT originally came up with a number of days, albeit that when public comment came in, there was pushback.

So it seems like the IRT originally felt like they could deal with this in implementation. But certainly, the kind of messaging, the implication of the messaging from the Board seems to be that they think that maybe this needs to go back for more policy work. And so we'll be discussing this in council in our wrap up meeting on Thursday. We may not come to final conclusions then. But it would be good if people have strong views on this, particularly those who participated in the EPDP work or in the IRT or both, if you've got insights into this that you can give Damon and I, that would be really helpful. And I'll stop there.

DAMON ASHCRAFT:

Thank you very much, Susan. Does anybody have any additional questions about that or the other topics and the other proposals that we have for our council meeting tomorrow? Lori.

LORI SCHULMAN:

I'm putting myself in the queue. Susan, I've listened to the briefing, but can you put the issue like in one or two sentences in terms of what you're exactly asking for in the exact vote? I'm sorry. I'll be frank about

it, I was listening to you and I am not hearing the bottom line question. I apologize.

SUSAN PAYNE:

So it's not a vote. We are having it as a discussion item on Thursday so all councilors will express to it. But essentially, as I understand, one of the key questions, it will be, can this work, assuming that verification of the identity of law enforcement can be dealt with, can the policy that has X for the number of days be implemented in the IRT or do we have to spin up some kind of reconvened policy effort to decide what the number of days is as a matter of policy? So it's can we put this back in the IRT and take the work forward? Or do we have to spin up some policy process to agree what the number of days is?

LORI SCHULMAN:

Okay. My knee-jerk reaction to this is the more we can shorten it, the better, and that unless you think procedurally, because we've been in a lot of working groups together, you and I, and to PDP that would delay the opportunity for law enforcement to get what it needs. So if there's a way to keep it in the IRT that makes sense and doesn't violate an ICANN policy, that's where we should be going. Because if we can get to that point of verification of law enforcement, it's gonna open the door for verification for others as well. And what verification looks like and how fast it can be, could be automated or done in an expeditious way, particularly with law enforcement.

Because it's very easy I think, to confirm law enforcement versus private investigators and people coming out of the private sector generally because law enforcement have registered employees, agents, whatever. So if it could be kept in the IRT so it's more quickly implemented, that is what I certainly would prefer for an outcome looking at our long-term interests of where we want to get with verification. And also we don't want to be perceived as slowing law enforcement down. I think that would be very bad for the IPC. John

JOHN MELWAINE:

John McElwaine for the record. So Susan, I might ask whether you have a feeling, is this more in terms of buyers' remorse or is the EPDP's policy recommendation on this topic vague enough that it really couldn't be implemented by the IRT? Do you have a feel for that? I mean, to provide guidance, we need to kind of get into that level of weeds, if that makes sense. Thanks.

SUSAN PAYNE:

Hi, it's Susan again. So again, not having been in the IRT, this is a sort of view from the outside and members of the IRT, if we have any here in this meeting, may be able to shed further light either now or subsequently. But I think there's a bit of bias remorse.

I think if we look at the policy recommendation, it talks about basically working on this and coming up with what the right criteria and the right timing is in the IRT, and that was adopted by Council and it was adopted by the Board. But we are then, this is one of the examples that has been

quoted back at us very frequently in the last year or so from Board members of, oh, sometimes once you start working on these things, you discover they can't be implemented. It's a bit like that. I don't know that it can't be implemented. It does seem as though the implementation review team were very split on this, and anecdotally, I think I heard that it was also a split in the PDP, which is why it was left like this and sort of punted to implementation.

LORI SCHULMAN:

I'm gonna put myself back in the queue if there's no one else. So this isn't my issue, right? It couldn't be solved in a PDP, so we roll it back out to a PDP that will solve it. So my strong thinking or strong advice, but my thinking about this, if we can shoehorn it into the IRT, that's where it should be. I would not like to see this rolled out to a PDP. I don't think it's in the interest of the IPC to do so.

Does anybody else have opinions on this? This is kind of a big deal, I think. Paul's not here, is he? Because he's our other-- and Susan, Paul's not in the room yet, so if he's not here in our agenda, I'm just side baring for a minute, if you could stay on to talk about SubPro2, that would be great as an issue. I'm just looking at who's in the room right now. But if there's no comments, then I don't know how we instruct. I mean, we might not be in a point where we can instruct. I'm just giving you a personal feeling, but I'm not getting any other feeling from the room, so I can't necessarily say there's an IPC directive on this at the moment. Damon.

DAMON ASHCRAFT: Lori, I think this is just a discussion point and it's not an official vote yet. So we do have some time.

LORI SCHULMAN: Yeah, I know it's not a vote, but in order to discuss it, I would hope we would go in with an end game, and we don't have an end game for the discussion. And okay, I can accept that, maybe sometimes you don't, but I would keep in mind both of you as you're discussing this, to think about the long-term implications of what this type of decision could possibly implicate in terms of, number one, making sure we, one, look like we're supporting law enforcement, getting their information as quickly and as clearly in any kind of policy as possible.

Two, understanding that the PDP did not result in consensus, so now we're just throwing the fish back in the water when that should have been taken, taken care of before. So I think I would say given the indefinite nature of it, to keep it in the IRT if there's any way to do it procedurally correctly. That's my feeling about where I would go in the discussion.

DAMON ASHCRAFT: Yeah, I think also, Lori, just the whole subject is urgent request and I don't know if you should put anything urgent into a PDP.

LORI SCHULMAN: That's kind of my point.

DAMON ASHCRAFT: Yeah, or an EPDP. So that's a very good point you raised, so I appreciate that.

LORI SCHULMAN: Yeah, exactly. So again, we'll all listen in, we'll try to help as we can, but good luck.

DAMON ASHCRAFT: And I also think, I mean, aligning ourselves with law enforcement would certainly be helpful because that's we saw earlier this week how someone else mentioned a crime and somebody jumped down his throat about it. So it is a sensitive issue, we want to be on the right side of that.

LORI SCHULMAN: Okay, thank you. Does anybody else have any questions or comments? Susan, do you feel confident going into the discussion, at least with this little bit of help?

SUSAN PAYNE: Thank you. I feel confident. I think that there's support for us to try our best to keep it in the IRT and I think that aligns with what probably Damon and that is probably what Damon and I would have tried to do absent instructions in any event. So I think we're all aligned. Obviously, don't necessarily feel confident about what the outcome will be, but I think this will be a discussion in this meeting and then possibly, subsequently.

LORI SCHULMAN: Thank you so much.

SUSAN PAYNE: Yes, thanks.

LORI SCHULMAN: Thank you. Because to be frank about it, and I see Karen's hand, but I just want to editorialize for a minute. I see this very similar to the accuracy argument. There was a lot we didn't discover in accuracy, and we keep kicking the can down the road for better or worse. I would hate to see that happen with the law enforcement issue. That is the wrong route in my opinion. Karen.

KAREN BERNSTEIN: Yeah. Thanks, Lori. Karen Bernstein for the record. So the way I understand it is you keep it in the IRT, then it isn't really rolled out, you're talking about absolute implementation for other people in the room as opposed to kicking it back into policy and then delaying the whole concept. Could you run it through again for me what the timeline is proposed right now for law enforcement in this regard? What would it be? 48 hours, three days?

LORI SCHULMAN: I actually don't know what the number is. Does anybody know the exact number? It's days, but I believe it's, it could be as long as 10 business days.

KAREN BERNSTEIN: That's crazy.

LORI SCHULMAN: Yes, it's absolutely not 48 hours, I'll tell you that right now. And the number I keep thinking to myself is somewhere between eight and 10 business days, which is not urgent.

DAMON ASHCRAFT: Yeah, and we should also keep in mind that to my knowledge, law enforcement has no official representation at ICANN, and I don't think I've ever met anybody from law enforcement at ICANN. The municipalities are not going to spend taxpayer dollars to send police officers around the world to sit in these rooms and do what we do. So it's very important.

LORI SCHULMAN: I'm gonna intervene for just a second here. There is law enforcement here, they do come. We have representatives from Interpol, the FBI, British Law Enforcement. There are law enforcement agencies here, but to your point, yeah, they don't have a voting role. They do consult on things like the Public Safety Working Group, the PSWG for another acronym. They are in the room, but in terms of voting on policy, they

don't have a vote. The best they can do is influence their GACs. All right. Is there any other hands in the queue? All right. So please move on with your report or wrap it up, whichever.

DAMON ASHCRAFT: I think we can consider this wrapped up on the GNSO side. So come to our meeting. It is tomorrow at-- when is it? Okay. It's gonna be tomorrow, Wednesday at 1:15.

LORI SCHULMAN: Okay. We can look on the agenda for this subject because tomorrow is like GNSO day. As you can see on the schedule, the two main formal sessions are happening tomorrow afternoon. For those who are active in ICANN, we know it's important to keep track of what the GNSO is discussing because it impacts IPC and IPC policy and decisions.

And of course, we want to keep ourselves informed so we can help our councilors and direct our councilors to appropriate votes. And if you're not involved in ICANN, following a GNSO meeting is certainly a way to learn about all of the issues that are on the table and what's top of mind in the community. So these two meetings are highly recommended, whether you're a veteran or a newcomer to ICANN. Brenda, can we have the agenda back up, because I forget what's next? Jan, are you on the line? You have a secretary's report for us?

JAN JANSSEN: Yeah, sure. I am. So the secretary report is about the elections. I think everybody has seen the results. So we are very happy that John is taking over the present role while we are saddened by Lori leaving. But I understand that Lori will remain very active and a very active participant to the IPC. We're also glad that David Hughes has accepted to take up the role of the vice president. And for the rest, there are no changes. Michael Graham remains the treasury and I remain the secretary. I see Damon is raising his hand. I think it's going to be to thank Lori on behalf of us all. But Damon, why don't you say it yourself?

DAMON ASHCRAFT: Sure, Jan, you hit the nail right on the head. I just wanted to, Lori, thank you so much for three years of excellent service as our president, as our leader, we've really enjoyed and benefited from your service and also your friendship. So thank you very much. And to John, we're thrilled to have you on here. I'm happy to say we're gonna double Lori's salary for you.

JAN JANSSEN: And one final thing I should say that Patrick also wants to remain the policy coordinator. So we are very happy with that as well. So thank you all and back to you, Lori.

LORI SCHULMAN: Thank you so much. I can't say it's always been a pleasure to serve. It's kind of crazy sometimes here, but it's always a pleasure to work with you. No matter how difficult sort of interacting within the community

can get, the IPC members, you're all a bunch of wonderful professionals, whenever we need help, we get it. And the advice we've gotten, we had, and I do want to recognize some members that I just think are-- I mean, you're all MVPs in your own way, but there've been quite a few this year.

I want to call out Paul for the work he's been doing with helping to mediate between our houses on the NCPH side. He's really done a yeoman's work, and we just appreciate it, Paul. And we want you to know we do because that has been not always a pleasure, although something needed. And I think at the end of the day, we'll have a good outcome and it'll be very largely due to your efforts. I also want to thank our participation coordinator, Patrick. It isn't easy herding the cats, but when it's been important, Patrick's got the work done and I've really absolutely appreciated it.

Brenda, you are the heartbeat and joy and love of the IPC, and we thank you so much. And I was gonna do this at the end, but I'll do it now because I'm saying thank you. But for all the IPC officers who have done so well, I have a little Istanbul evil eyes and shoes for you as thank you's. Brenda, there's one waiting for you, and Jan and Susan, there's one waiting for you. And the IPC doesn't come with a gavel, but it comes with a really harsh--

So rather, I'm not gonna pass this yet, I'll pass it at the end because I'm still sharing the meeting. But this will be-- well, it will be harmoniously passed to John, but I'll use it to adjourn today. So couldn't find a gavel, but I think that's much better actually. Yeah, it's all evil, it's pretty nice.

Anyway, so I have mixed feelings about-- yeah, right. I have mixed feelings about leaving, quite frankly. I feel like we've done a lot of great work, I think particularly in the last two years. It took me one year to kind of figure this all out, but by the second year we were rolling, and I think we had great outcomes in the board seat 14 issue. We're gonna have excellent outcomes, I believe for the RFR. Our presence on really key working groups is met in there. Susan Payne is just a fighter and she's in there for us all the time on very key issues, particularly on the statement of interest issues. We've had Damon really step up in Council.

Michael's come in and helped us really get a little more organized. We actually now have an IPC credit card, but we're gonna pay for the event tonight. Everybody's done something to improve the experience here. And I mean it, the work is hard, but it is always a pleasure to work with you. So this was the AOB, but I'm gonna do it now because we'll probably run over. We'll go to Patrick's participation report and then we'll start with the round robin.

PATRICK FLAHERTY:

Thanks, Lori. So we recently filed some comments to ICANN, in particular we drafted and filed comments for the proposed fundamental bylaws amendment related to the grant program. We had a bit of an issue with getting it into the ICANN system. But those comments will be available on the IPC website. And they were distributed as well to the distro. The most recent comment was, and thanks to Susan for preparing that, the most recent comment is the

second proceeding for proposed language for draft sections of the next round applicant guidebook.

Those comments were drafted by Paul and Susan, so thank you for contributing. Upcoming comments, this one is of particular interest. It's the ICANN Community Participant Code of Conduct on Statements of Interests or SOIs and General Ethics Policy. This is from the ICANN Org, and its purpose is to better guide ethical and transparent participation within the ICANN community. It has a deadline of December 2nd.

One of the concerns that we have with the code as currently drafted, is how it might affect representation by lawyers subject to their confidentiality obligations. So we plan on filing something to submit in response to this comment. We would hate to see it limit in any way an attorney's representation within ICANN, and also limit or make it harder for us to recruit new members, lawyers in particular. If anybody would like to help or has any other thoughts on the code of conduct, please take a look and let us know.

Another comment available from the Address Supporting Organization or ASO is for is for the proposed internet coordination policy to our ICP-2. That has a deadline of December 6th, and I'll send out further information about that.

And lastly, proposed revisions to Community Anti-Harassment Policy, this comes from the ICANN Board. It includes a definition of harassment, additional examples of harassment, and expanded and strengthened reporting and complaint procedures. Another important

one to take a look at. It has a deadline for filing comments by December 20th. And that's all we have in terms of open comments with ICANN. Oh, Paul. Sorry.

PAUL MCGRADY:

Thanks, Paul McGrady here. I'd be happy to help on the conflicts of interest team. I can't lead it, but I'd be happy if you guys are looking for help drafting. I know we have a lightning round on it in a few minutes, but I'll jump ahead to my spoiler comment in the lightning round, which is the right to legal council is a fundamental human right, and ICANN is now facing its first major human rights challenge. It'll be very interesting to see whether or not ICANN actually believes in human rights or if that's window dressing. Thank you.

LORI SCHULMAN:

Thank you, Paul. I was going to say, if there's one issue that is important to us right now at this moment, it's COI. It is a direct hit at the lawyers in this group, and nobody's had any bones about saying that to me, if not publicly, absolutely privately. And while we have and wear many hats, depending who our client portfolio is. As we all know, we act professionally, we are professionals, and this professionalism I see being challenged and I have a super problem with it.

Now, other people have suggested that the policy is also trying to get at the consultants that are working for large registries or large platforms, or just large companies generally, and nobody knows who's getting paid to do whatever. That might be true, but in terms of the debates,

ongoing discussions and general sense of things, because I have intervened on this issue quite a lot in the last few years, is that they're coming for the IPC, and we need to be upfront with our highest quality, best argued comments that we can submit.

DAMON ASHCRAFT:

Yeah, sure. I think this kind of, this whole segue into the lightning round, but just so we're all clear on this whole statements of interest thing, if this proposal passes as it is written, if you are an attorney and you're in private practice and you are paid in any way part of your practice to be here by a client and you're on a working group, you must disclose that. And that flies directly in the face of, in most of the United States, ethics are governed by individual state bar associations. That is blatantly against the ethics rules in most states, blatantly against it.

And so right now I'm looking at, typically these rules come from rule 1.6, I'm looking at it right now from the ABA. If your client does not consent to it, you cannot disclose the identity of your client. There's a long list of exceptions here, none of them include ICANN, none of them include the contracted parties, none of them include GAC advice. So this is a hugely important issue, and I think it's one that, Paul, I'm happy to join you on the comments. This is absolutely one that we need to take up and we need to be very aggressive about. Karen.

KAREN BERNSTEIN:

Karen Bernstein for the record. So what's the result if you don't disclose an ICANN? It's not like you lose your law license, right? If you do

disclose, but I'm saying what is the result at ICANN if you don't disclose and you don't say anything?

DAMON ASHCRAFT:

Well, Karen, we don't actually know what the result would be at ICANN if you broke the ICANN rules. I mean, I guess presumably you could be kicked out of a working group, that's certainly preferable than getting called up in front of the state bar. I think kind of the tension point here is that if this rule passes, you either violate the rules of ICANN or you potentially risk losing your law license, and that's gonna be a significant thing, and that's not acceptable.

And in addition to the whole rule 1.6 on confidentiality, there could be other ethical rules that are broken. I mean, Paul, you brought it up a while back that, if you say, Hey, I'm representing X corporation and they might want to apply for a gTLD, you might hinder you're no longer zealous advocate. You've shared confidential information about that, you could have hindered them.

So there's a whole host of ethical rules that could be potentially triggered by this situation. And we as lawyers should not have to be faced with potentially surrendering our law license to comply with an ICANN rule. I mean, we heard it yesterday from the Board. I think Becky said we can't force registrars to break the law. Agreed, fair point. So why are they forcing us to break our ethical law violations and our ethical rules?

LORI SCHULMAN: Susan Payne's in the queue, and then I'm gonna enter myself in the queue. Susan, please go ahead.

SUSAN PAYNE: Thanks. And just a quick comment. I'm not advocating here one way or the other, but I'm gonna say that the pushback that is presented frequently and that you need to find a way to find a persuasive response to you is that nothing prevents you disclosing the identity of your client if they've given you consent.

And so what we're saying to you is you must get their consent, or you can't be active on their behalf because if they were participating in themselves, they would be disclosing, and therefore you are simply standing in their shoes. Again, I'm not advocating, I'm saying you need to find a way to respond to that because what we've been saying to date has not fallen on fruitful ground. People are not with you, even the GAC not with you on this, and the argument is not being won, let's put it that way.

In terms of the consultant point, that's kind of fake news because this ethical obligation thing, there isn't an ethical obligation like the bar rules that applies to consultants. So it's fake news. And I don't mean from Lori, but James Bladel used to bring it up frequently as a reason why we have to have this disclosure. But the reality is the kind of exception that had been carved out to allow for lawyer ethical failure to disclose didn't cover consultants. So that's worth also bearing in mind.

LORI SCHULMAN:

Thank you, Susan. I'm in the queue and then we'll go to Jan. We're hearing this because I know this is something you brought to our attention before, and I will say yes, we do not have the GAC on our side. I've had conversations with the US GAC at least three times. I've had conversations with the British GAC twice.

So Nigel and Susan, they are leading this effort on the disclosures. And it's been difficult to get any sort of movement here. So I think that's an excellent point. However, I also want to weigh in, and this is the lightning round, we're starting with conflicts of interest for the purpose of time. So if you have anything to say now, we'll be saying it because it's just jumped to the top, and then we'll go on to registration data access.

One of the issues or responses that I've also heard, and I think in many ways it's a false equivalent, and I also think it's why the GAC is taking the position it's taking, is that governments, like particularly the US government, requires that lobbyists with law degrees-- lobbyists, no matter if you're a lawyer or not, you must disclose, you must register if you have a certain amount of activity before the US Congress.

So that is the standard that is being set. However, in that case, I think it's a false equivalent simply because there is a huge amount-- there are a huge amount of congressionally imposed regulations that are federal law, it's law.

This isn't a policy, and it goes well beyond policy into establish law. And by the way, and you'll correct me if I'm wrong, but the last time I looked at the lobbying rules for lawyers is if you were in active practice in law,

you could not be a lobbyist. Actually, if your firm wants to do lobbying work, it has to establish a lobbying arm, and that lobbying arm has to be separate from your day-to-day practice. And I don't believe that any of those rules have changed, and that separation is put there for a reason.

And I think when we focus on these comments, and I'll be happy to be part of the drafting team on this, is that that separation is essential. And we're gonna argue here, we could make a couple different arguments, we could say, well, we're not lawyers here, but unfortunately in this case, we can't separate out our legal obligations from our advocacy division, it's just not how it works here, our policy position.

So we're gonna have to really, seriously, and I haven't thought it all through yet, about how do we distinguish-- and a government's saying, well, all the governments have disclosure laws, so why don't you just disclose? A government is gonna understand the need for the disclosure law. If we're arguing that this is something different, I think we have to get very straight on why it's different. Otherwise, quite frankly, I think we might have to seed and say, yes, if somebody's paying us, we need to tell the entity paying us that we're obligated to disclose. I mean, how practical that is? I don't know.

The other thing is, I do know that there are some who cover ICANN and issue reports, and I don't know how they bill for that, and that's none of my business. But there are some people here who are just generally representing the good interests of their practice so that they can well inform their clients even though a specific client may not be paying.

So there's a lot of nuance here, and if we're gotta definitely be able to argue that nuance in a way that makes sense and in a way that governments can handle, because it's the governments that are saying, well, we require this in our home country, so we're gonna require it in ICANN. So I just don't want us to forget that. It's a natural inclination right now for the GAC to say transparency in this particular way. Yeah. So we've got Jan and then Paul.

JAN JANSSEN:

Thank you, Lori. I want to briefly comment on what Susan was saying about consent, and one of the counter arguments we may think of is actually will sound well with the privacy advocates. Because in privacy law, consent must be free and informed. If, like Damon was saying, because of giving consent, you are giving up some business secrets or trade secrets, then that consent cannot be free.

And then onto what Lori was saying about the governments trying to push for it, we should remind ourselves that the governments we're talking about here, it's their executive branch that takes the floor at ICANN. And there is a push in a lot of governments where governments are trying to lower the impact of professional secrecy obligation of lawyers.

The judiciary is always stopping government from going into that direction. So there is quite some case law from the European Court of Human Rights on the issue, from the European Court of Justice, those are jurisdictions I know best. I'm sure you'll find similar case law at the other side of the Atlantic and in other jurisdictions as well. So I think

those are points where we should try to argue and engage in discussion on those issues.

But always try to come up with some concrete examples because that makes it much more easy for others to understand and really engage. And I remember I had a private discussion on this with Fabricio on the topic. I don't think he's on the call, but I think he made some excellent points and some very concrete examples. So Patrick, if you could follow up with Fabricio to share his arguments on the issue, that would be great.

PATRICK FLAHERTY:

I will, thanks.

LORI SCHULMAN:

Okay. next in the queue is Paul.

PAUL MCGRADY:

Thanks. Paul McGrady here again. Folks, I think the lawyers as victims, approach to this is a dead loser. They don't care. I think that the response on this sounds in human rights, it's not the lawyer's right to keep their bar license, it is the client's right to have their privacy respected by their advocates. And that is a human rights issue. And if we lead with lawyers or victims, we're gonna lose. If we lead with human rights, we might actually get some traction, we'll see.

We also should point out the absurdity of the rule. So every ALAC member, for example, gets a per diem to be here. They're being paid to

represent a range of internet users. Full disclosure of everybody, the 7.5 billion people that they represent is an absurdity and also a GDPR violation that will insist on it if push comes to shove, right? And so we need to point out the ridiculousness of this in its application.

And lastly again, I apologize, I'm gonna ask it even though everybody hates it when I ask this, what's next? Because I don't think that we should wait for this to blow up on our face and then have 30 days to scramble on what's next. I think we need to start working on our RFR right now to be ready in case the ICANN Board gets this wrong. And I know RFRs cost money, but that's the new climate that we live in. So we need maybe start need to look at our dues to see if our dues are fit for purpose. Because while we have a decent little pot of money right now, if we have to do an RFR on every major issue, we won't for very long. But I don't think we should wait. The ability for the ICANN Board to get this wrong is foreseeable. So let's get started. Thanks.

LORI SCHULMAN:

Oh, I'm gonna intervene as the moderator here and say I agree totally about the human rights aspect. In terms of the RFR, that's gonna be really interesting because they slammed us for no standing, but we were in a room yesterday where they said, oh, you have standing. So I agree, I think we need to get ready for what's next, and I'll note that. Damon's next and then Michael. And Michael, when I pass to you, I'm also gonna pass the gavel to you to moderate the rest of the session as you were, if you'd like. You're at the very bottom.

All right. Well, I'll keep moderating. We are gonna have you moderate the questions, but all right, fine. I'll keep moderating. You really don't want to see me go, do you? With that being said, Damon, I believe you're next.

DAMON ASHCRAFT:

Sure. Thank you, Lori. I mean, Paul and Lori, you made some excellent points. I mean, keep in mind that these rules are grounded in attorney-client privilege. Attorney-client privilege is always owned by the client, it's never owned by the attorney. And so in addition, when we're talking to people about this, they don't think it's fruitful to say, well, it's attorneys versus you, you're impacting us. Well, it's really not our rights. It's the client's rights that are being affected here. The client has those rights to be able to waive or not waive. And I think that's gonna be a key thing. And keep in mind, as attorneys, there are probably lots of ethical rules that we don't necessarily like or aren't convenient at certain times.

I've practiced law for 22 years, do I like an ethics rule that says that I have to get a conflict waiver if some other attorney at my firm in a different office represents a prospective client, and I've no knowledge of it? I mean, there's a whole bunch of ethical rules that attorneys don't always like that aren't always convenient, but we have to abide by them. And it is really there to protect the client, it's there to protect individuals. So it's not ours. I certainly think that we should position ourselves in that manner. Thank you.

LORI SCHULMAN: Thank you, Damon. Michael.

MICHAEL GRAHAM: So isn't there one of the human rights, and then I'll go back. I wanted to answer, Karen, your question looking at the proposal. But isn't one of the human rights the right to have a job and to be employed, and by forcing some of these rules, that might remove the attorney's human right. We are humans after all, although sometimes we're told we're not, more shark-like. But I was taking a look at the draft terms, to answer your question. One, the requirement is to disclose interests that you're representing in your participation on a particular subject. And if you are unable to, even if you ask for permission and that is not granted, then you must remove yourself from that particular project.

The other things, two other things that are in here is, the responsibility for disclosure is upon the individual. And there's no real enforcement. They say how to do it, you basically disclose to whoever's heading up the work group or whatever. If you do not do that though over time, then you may be removed from participation in ICANN.

Now, one of the interesting things is the fact that there is no clear process as part of this. What you do, who has that authority, where it comes, who can make the objection? And that sort of opens the door as most of us know, that if somebody doesn't like your opinion, to raise that objection with the head of the working group and just either stall things or create a whole hub up. It's not only dangerous in the requirement, but also dangerous in the fact that it doesn't have a clear

process to follow. And Lori, if you want, I'll go ahead and be the policeman on this.

LORI SCHULMAN:

Yeah, please do. I appreciate that. Yeah, we'll just go now, subject to subject. I'm gonna close this subject because I don't want it to eat up all the time. And we have about 25 minutes left and I'd like to get to the other subject. We're gonna bounce to John and you can help me moderate the list, that would be great.

JOHN MCELWAINE:

So my one to two minute update on the RDRS is, you heard the intervention made at the CSG meeting where we talked about how the real purpose of the RDRS should be not just solely looking at volume, but looking at the quality and the efficiency and all of the other value that can be offered by system such as that to really have a good picture for the Board then to take a look at whether this is a system that can continue as part of the SSAD model.

I would encourage people to show up at the standing committees meeting where we're going to be looking at what trends have been identified so far, whether from the requester side or from the registrar side, what improvements could be made, and really what has this one year of the RDRS taught us. So as y'all are aware, it launched in what, like December or November of last year. So we're sort of on that peak and now we're on the glide path down, and we need to put together as

a standing committee the final report. So getting some input and attending that meeting would be great.

LORI SCHULMAN: When is that meeting?

JOHN MCELWAINE: Yeah, that meeting is,

LORI SCHULMAN: We can write it in the chat.

JOHN MCELWAINE: We'll put it in the chat, but it is on Wednesday at 4:30. So I'll put in the chat though. Thanks.

LORI SCHULMAN: I'll put it here. Okay. So does any anybody have any questions? Is there anybody in the queue? We'll go on to the next topic, which is domain abuse. Patrick Flaherty.

PATRICK FLAHERTY: So here at this meeting, we've primarily focused on the definition of domain name abuse and what that means. And I think all of us here are presenting IP rights holders would like to see something more

comprehensive to cover things in addition to malware, phishing, intellectual property infringement.

We've had a lot of discussions about that at various meetings already and we haven't really gotten any good feedback or responses or people in agreement that a definition of domain name abuse should be broader than what's currently out there and being used. So if possible, that's something that we would like to continue to work on and get it expanded. And I know that INDA has also been working on a definition, and I think that would be of help to us in this effort.

LORI SCHULMAN:

Thank you, Patrick. I'm gonna put myself in the queue and say, yes, we discussed this issue of domain abuse in the CSG working group meeting, and I have proposed that the CSG as a whole, and certainly it would be helpful if the IPC in particular would adopt into this proposed definition on DNS abuse. We could run a session on it, INTA did over a year's worth of work on getting this definition to what we think is right. And the beauty of the definition is that two things. One, it focuses on intent, the intention of whether or not there is an intent to harm.

And secondly, that there isn't a defined list of what the actions are as opposed to farming, phishing, botnets, whatever. So it's more open and it's more about intent. I'll be happy to post it here in the chat, but Damon was on a work group for INTA, the INTA board has passed it. We have distributed it to IP associations globally. We've briefed them, several are considering adopting it as their own definition. And we would like to get some traction on this because we feel it covers the

holes that are in the voluntary framework, and that the voluntary framework is more of a baseline, whereas what we're describing would really cover a lot more and would be more evolutionary in terms of when we see new areas of domain abuse arise, which we know we will.

Our definition also includes the possibility of including Web3 domains as well, which the voluntary framework right now doesn't necessarily do. So what we're arguing to others is that you can certainly fit the framework in our definition, but our definition broadens the scope in a way it can be flexible moving forward where the current definition does not. So I'll post that in the chat. And maybe what we can do, John, on one of the IPC general meetings next year is have a meeting devoted to this topic and we can go through. I have a presentation that I'm happy to give about the existing accepted definitions, proposed definitions, why INTA chose this definition.

We have a whole background report that we did with the resolution that we would be happy to present to the IPC. I think Damon would be very well placed to be my co-host on this in terms of socializing this to the IPC and perhaps coming back with, yes, here's our definition. Because one of the real downfalls we have right now is we say we object to this definition, but we haven't offered any others. And many of our own members have signed onto the voluntary framework because it does make sense.

It's better to fight something than nothing, and it makes sense. And we also know that the phishing and spam that's mentioned inside of the current definition is a threat vector. It's a very high number, it's like 80

or 85% of all cyber-attacks have to do with abuse of the DNS, misusing domain names, whether they're considered maliciously registered or I forget what the other word is, ones that are kind of lying around that were legitimately registered, but now are easily co-opted.

So this takes all that guessing away, and that's why I think we should have a further, deeper discussion. And if the IPC is open to it to adopting this particular definition, given the thought that was put into it by INTA members. Okay. Yeah. Who's in the queue? Oh, you are Damon. Go ahead.

DAMON ASHCRAFT:

Yeah, Lori, I'm assuming we can get the IPC to adopt the INTA definition. I'd really like to try to focus on, probably at the March meeting in Seattle, we're really promoting that definition and getting that definition out there to the ICANN community at that meeting. Well, I think we'll have to think on the best ways to actually do that, maybe we should all wear t-shirts with the definition printed on it. Just kidding. But I do think we have to really, I think setting aside and we're gonna have a deadline and we're going to adopt the definition and we're going to use this event to really start promoting it and telling people this is how we are going to define it as opposed to just saying, well, we have a definition.

LORI SCHULMAN: Okay. Thank you. And we have Susan Payne in the queue, and then I'm probably gonna close the subject and move on. Yeah, we love the t-shirt idea, we do.

SUSAN PAYNE: Hi there. Yeah, it's Susan. It's slightly changing track, but this is on domain abuse. I just wanted to flag to people, the session that's being held tomorrow, it's an Org organized session on DNS abuse, so it's not one of the ones that's coming from the contracted parties. It's at 1:15 local time, so it clashes with the council meeting, which is unfortunate. But it's updates on some more practical tracking, I suppose is the best way to put it, of abuse.

So I put in the chat a bit earlier a link to what's called the INFERMAL study, which has just been published. And although it's on the ICANN website, it's not easy to find. They haven't done an announcement yet of it. So I just heard about it this morning in the session between the ALAC and the GAC, and that's why I posted the link. But if people have time to wade through that, I think they probably would find it quite interesting and informative. And they will be presenting some of the key outcomes from that at that session tomorrow.

And then some of the OCTO staff will be presenting on what's called Domain Metrica, which is a new tracking tool that they will be adopting. I think it's a replacement for the DAAR system, and that's being rolled out this year. And so just flagging it that you might find that of real interest if you don't want to come and support Damon and I in the council meeting.

LORI SCHULMAN: Okay, thank you. Well, there's the DNS abuse on the report, then there's the NCPH, I mean the CPH DNS abuse. So that little brown box that says DNS abuse, is that the session you're talking about Susan, on the schedule? There's like a little brown box that said report on DNS abuse, and I wasn't sure exactly what that was. We can clear that up. Somebody can look that up. Well, we'll move on.

SUSAN PAYNE: I'll post the link.

LORI SCHULMAN: Okay. Thanks so much. And next we're gonna I'm gonna close this topic and move on to compliance. Jan.

JAN JANSSEN: Thank you, Lori. Thank you. Actually, compliance is quite an interesting topic I find, because this is one of the topics where I see this progress has been made in recent years. I remember the first days when I attended ICANN meetings, compliance was basically a joke. Today, it's not perceived as a joke any longer.

ICANN issues monthly reports on compliance. Whenever there is a notice of non-compliance, it gets public. And that really is a driving factor. I have a feeling for a lot of members in the community to comply with what is required by the contract. ICANN also does audits and the latest audit report dates back from August. And it shows at a somewhat

granular level, what levels compliance is being dealt with or that parts are not compliant.

And this report shows that there is still a 7% of non-compliance in relation to domain dispute resolution. So that the registrars need to take actions upon receipt of a verification request. So to verify that registrant is who the registrar registrant is upon receipt of a decision. So these are really critical issues and I think one of the ways where compliance has improved is also because of the fact that some of the obligations that previously existed in terms of WHOIS, no longer are existing as they are.

And so where I think the IPC should push is that with this compliance framework that has improved, we should also try to broaden the scope of what is considered compliance. And when there are critical issues like non-compliance in domain name dispute resolution area, that there are some alternative steps that can be taken to ensure that non-compliant registrars do not impede the transfer of domain name or that they do not delay the transfer of domain name. That was what I wanted to report on this.

LORI SCHULMAN:

Thank you, Jan. Does anybody have any questions or any thoughts about how to improve? And I do recall this, I've only been active in the IPC since I joined INTA as a staff member. Prior to that, many of you know I was in NCSG for many years. So I've only been sort of on this compliance wave for a decade rather than 25 years like some of you have. And when I first onboarded, I felt like we were spending

sometimes as much as 50% of our time thinking about how to work with compliance, how to get compliance to be more responsive, or timely, transparent, all the words.

And there have been some improvements I know over the years. And the question I would ask those who work with compliance often, and I know there's many of you in this room who do, have we seen enough improvement? Where do we want to see more improvement? Is it time to rethink how we engage with ICANN compliance?

Because we used to have a regular team on the IPC that did so, and I used to regularly meet with compliance as a representative, either of INTA or the IPC, depending which hat I was wearing at that moment. We haven't done that in a number of years, actually, I think at least in the last five years. So is this a priority or something we feel we need to add moving forward? I would be very interested in hearing anybody's reaction now if you have it, or if you would put it on the list, I would be very grateful. But like Rodenbach, I'm gonna volunteer you, do you think there's been any improvement, noticeable improvement, reasonable improvement with compliance?

MIKE RODENBACH:

Yeah, absolutely. As Jan said, it's been a quantum change probably over the last five, six years.

LORI SCHULMAN:

All right. So in your opinion, do you think we need, you and Jan and others in the room, is this something again, we just kind of sit back and

watch, or do you feel we need any sort of new intervention? The only area I could think of is maybe to look at the statistics about the domain abuse compliance issues and just see how that's running and how ICANN's reporting on it. But I personally couldn't think of anything else.

MIKE RODENBACH: No, nothing that comes to mind.

LORI SCHULMAN: Well, that's great. So you know what? That's a measurement of success. If we can say that a few years ago we were just pushing, pushing, pushing, and now we're not, that's a win. I'm gonna count that as a win. So thanks, and we'll just keep watching this issue.

The next issue is governance. And I gave an update really on governance as part of my president's report, but this is something that is key to the IPC. I see us focusing on, of course, any issue related to intellectual property that's properly in our remit. But as a member of the ICANN community, I think it's incumbent upon us to keep a very close eye on governance mechanisms. Because we're noticing now, and I'm noticing it more now than ever before, 10 years out from the IANA transition, the bylaws now that we're starting to look at, enforcing them, using them in ways that we thought were complicate contemplated 10 years ago, the RFR for the kind of governance complaint that we had is not necessarily working.

And I started it yesterday, but I probably gonna continue in my capacity, in my INTA hat, but I'd like to see us maybe think about taking this on

as the IPC to look at whether or not, and I know there's a million reviews, but if we're gonna review anything, I think the bylaws and how they're working. I mean, we figured out that to launch this IRP where we do a community IRP, it's Byzantine, which is interesting because we're in stumble. But it's so complex and multi staged and it's supposed to be difficult, but if you really look at it, it's nearly impossible, and it's expensive, very expensive.

So is this still what we envision as the best option? Or now that we're 10 years into it, we've test driven a lot of this, how's the test drive going? I think that's very fair. It's not been mentioned as part of the holistic review, but I do think with some of the issues that have come up with how we look at contract issues and how the Board feels, it has certain latitude on votes, we might rethink it. And I'm gonna end there and ask if anybody has questions. Great. Paul, we're gonna have you wrap it up with new rounds.

PAUL MCGRADY: Thanks. Paul McGrady. I'm glad that I showed up at this because I really didn't know that I was on the list.

LORI SCHULMAN: I CC'd you on the email.

PAUL MCGRADY: I know.

LORI SCHULMAN:

But we had Susan in the wings, don't worry.

PAUL MCGRADY:

Avalanche of emails. I apologize. So new rounds, with the possible exception of whether or not the Council will need a supplemental recommendation to implement the Board's idea about alternative strings for every applicant, not just top brands. And I say that's possible, I don't know if that will come back to council or not or if that will be considered an implementation issue.

But that aside, the council's done with all its work, the recommendations have been sent in, and we expect all that stuff will march on through the IRT. I've not heard anything out of the IRT that I think is a showstopper that's gonna take us away from our timeframes. So hopefully we stay on track there. Trachtenberg has raised the important issue of how the second string for dot brands will be affected by all this. And I know that IRT members are keeping an eye on that. But yeah, it looks like everything's on track. Happy to answer any questions to the best of my ability. But the, again, unless the secondary string for all applicants comes back the council, I think the work of the small team plus is done.

LORI SCHULMAN:

Thank you, Paul. Does anybody have questions? I know we talk a lot about the new rounds on the list. Well, then we are five minutes toward noon, so I'm excited about the timing of the agenda. After three years, I got it right, so, yay. I do want to officially pass the gavel to Paul. To

Paul. Oh my God. No, no, no. Oh my God. I'm just gonna say to John and wish him well and know that you have my enduring support and help, and yay.

JOHN MCELWAINE: Thank you so much, Lori. Really appreciate it. And we're not gonna let go of you. So anything else?

LORI SCHULMAN: No, you can adjourn the meeting.

JOHN MCELWAINE: Meeting is adjourned.

[END OF TRANSCRIPTION]