Transcription ICANN61 San Juan
GNSO: RrSG Meeting Part 3
Tuesday, 13 March 2018 at 12:15 AST
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Graeme Bunton: We're going to get started. Are we good to start the recording in the back of the room? Thumbs up. Okay, ladies and gentlemen, this is our working lunch. We're going to start tackling the charter. I hope people remotely love the sound of chewing and the crunching of chips. And to this, I'm going to actually turn it over to Zoe. Theo couldn't be here because he's been hardly unwell, feel better. Zoe, if you wanted mind.

Zoe Bonython: Thank you, this is Zoe Bonython. I'm one of several that are on the charter team. Janelle, who is next to me, is also on it. Lindsay, who was here, is here, and (Zoan) who is there somewhere. Anyway, so as you hopefully know and remember, we had our first official draft of the charter that went through and was discussed at the last ICANN meeting.

Based on those discussions, we picked out some key issues of contention. We then did a survey to get some sort of more concrete answers as to how we should resolve those issues, and based on the results of that survey we then updated the charter. So I have a list here of the summary of the key

updates that were done to the charter. I say key because there were also some smaller editing style updates that I don't think that we necessarily need to go through.

What I should have said was that I did, only two days ago, and drew this second official draft of the charter. I'm really sorry that we couldn't get that out sooner. It was just impossible. So you're absolutely not expected to have read that already. You will definitely have -- we will definitely have time now to review it.

So today, I'm just going to go through some of the key updates that were made, see if there's any more discussion that we want to have on it now. I've got a list here because we have limited time and just in case it's going to provoke discussion, I'm going to jump ahead to the first major update because there were two questions that after the first charter were deemed the answers were not clear enough and they needed to be re-surveyed.

One of them was the question on should ICANN accredited registrars that do not sell domains to unaffiliated third parties be eligible for voting member status. The response was yes but the question was misleading. It was requestioned, reformatted to should the distribution either by sale or other means of domains to unaffiliated third parties be a requirement for voting member status. And this would exclude members with no unaffiliated third part registrants from voting.

Again, the majority response was yes. As a result, the charter has been updated and this is now exactly as it's written here is what's written in the charter. It is now a requirement. It's written under the section that says what you have to have in order to be a voting member of the registrar stakeholder group. You have to do this.

So because this is a big one, is there any comments that anyone want to make on that now?

Graeme Bunton: Thanks, Zoe. So this is Graeme. So this came out of the discussion in Abu Dhabi. We went back and forth on this a bit. There was some concern about capture and I think we got to a perfectly reasonable compromise here and I don't see anyone objecting to this so I feel pretty good that we got to the right place.

Zoe Bonython: It's Zoe again.

James Bladel: I'm sorry, I had a quick question.

Zoe Bonython: Sorry, go ahead (unintelligible).

James Bladel: So one domain to one unaffiliated third party and I'm good, right? I could have millions of domain names registered to myself. So maybe it needs some more work. Thanks.

Michele Neylon: Thanks, Michele for the record. James, what are you suggesting? So if you're a newly accredited registrar, you won't have any domains under your accreditation day one. Yet, at the moment if you're a newly accredited registrar, we want you to drive VSG. So how do you square that?

James Bladel: Well, I think first, not to rehash the whole discussion we had in Abu Dhabi, I think we have to be clear what we're trying to attract and clear what we're trying to guard against and then just say that.

Graeme Bunton: Thanks, James. So you're advocating something other than specifying a number of domain names.

James Bladel: I'm just trying to identify the new language. I understand what we tested for and it sounds like it's -- but it's just so -- I mean we put up a wall but it's made out of paper.

Graeme Bunton: Jeff?

Jeff Neuman: Yes, it would be easy to meet the requirements to become a voting member but if you go back to why we put it in, in the first place, it was that we didn't want to exclude anyone that was required to follow the consensus policies and actually implement them. If you have even one registration with an unaffiliated registrar then you have to implement all of those policies that let's say transfers and everything else, even if you have one registration.

So the point was not to exclude anyone. It was actually to welcome everyone, but what we wanted to do was to make sure that they were at least an entity that would be impacted by a change to the consensus policies. And I think at some point, we have to draw the line and say, you know what, if a registrar is really going to go through that much of a hurdle just to vote, okay.

So I think it's okay. But I understand.

James Bladel: I feel like that's a really compelling case for making sure people participate in PDPs but I don't see the connection to the registrar stakeholder group, consensus policies.

Jeff Neuman: Because that ultimately, at the end of the day, when you're voting at least within the PDPs, which are the things that can impact our contracts, much more so than others, then you want them to have to implement and feel the pain, I guess, if you will, of implementing those policies. So that was the rationale.

Graeme Bunton: Tom?

Thomas Barrett: I think both James and Jeff make good points. I think this is a big improvement. I do think we should think about how it might be gamed and certainly, if someone with a million names registered to themselves and trying to give one name to a third party, purely to game the system, we should

figure out we would address that. And I will point out, so on its face right now, it does exclude registrars with zero names, which is fine.

But I do think we should think about how to avoid people trying to game this.

Graeme Bunton: Thank you both and James. So we've gone back and forth on this and had a lot of discussion. We need to bring it home to wrap this up. And so I think we need language to look at and I'm going to put that on James because he raised that objection. And I don't think you're wrong that it is not a super robust wall to prevent something, but I don't know what the language looks like and we need something to look at.

Stephanie is jumping up to the mic.

Stephanie Duchesneau: My sense is that there's a little bit of inconsistency in our answer to number five and in our answer to number 6. Both of these questions are sort of dealing with alternate interests using some accreditation or minor number of domains under management to try and influence a group that they're not really trying to be a part of.

I don't actually know what my answer to this question would be for either, but to me it's a little bit concerning that they're different.

Graeme Bunton: Oh, guys. What are we going to do about this one?

Man 1: For the record, I am not the difficult one this time.

Michele Neylon: For the record, we can debate that.

Greg DiBiase: This is Greg. So I haven't seen the additional hurdles that people may have contemplated but if someone is going to go through all the trouble of becoming a registrar and addressing a name, I would assume that whatever additional hurdles, they'd be willing to surmount those as well. But I don't

know what these -- until we have an additional hurdle proposed, I support this.

Stephanie Duchesneau: Then why is our answer different if someone is a government?

Michele Neylon: Michele for the record. I understand why Stephanie is asking this, but I suppose the genesis of it is they came from two different things. So at the moment, the general process for somebody joining the stakeholder group is about they contact us, give us their details, and then we check to see that they are who they say they are and that they exist. Not that people don't exist or anything but just basically they are who they say they are. And the question came up specifically around companies that were either fully or partially controlled by states, by governments in the past because, as we all know, the governments have a place to sit within the ICANN circus and the stakeholder group wasn't it.

So that's how that one ended up being carved out separately. Than the one around the third party registrations, this one came -- stemmed more from the vertical integration pace. There are some companies, as we know, who because they have multiple business interests, qualify for memberships in different stakeholder groups. You're looking at two companies here at the top who would qualify for membership in at least two, three different stakeholder groups probably, between us. And I won't even mention you, because Stephanie, you qualify for membership in everything.

So they came from two different places. Is there an inconsistency? I don't know. I understand where they came from. Jeff, you have your hand up.

Jeff Neuman: Maybe I'm being a little too simple but I actually think they are consistent, which is why I voted no to the -- I'm sorry, I voted yes to allowing governments but I was outvoted and that's fine. And I voted yes to the other one too. But the reason why I don't view them as inconsistent is because the concern from number six, which I didn't agree with, but the concern that was

expressed was that people were afraid that a government would direct the owned registrar to vote in a particular way and because they were government owned, they'd have to vote in that way. And I notice -- I don't know if Stephanie is still here, but great.

So I'll just stop since -- is Stephanie here? All right, so I guess I don't have to explain it.

Michele Neylon: Should we wait for Google to come back and answer the question to the search?

Graeme Bunton: We've tackled this one for quite some time and I hear James' concern. What I think we need because we are perfectly capable of debating the nuances of these things for essentially eternity, it would be really good -- James, if you have a proposal, I would love to see it for something that we can look at.

James Bladel: Yes, absolutely. And just to be clear, my primary concern is that we're going through all this trouble to put up a protection that protects against nothing. We should either make it real or take it out.

Graeme Bunton: Okay. So let's see what making it real looks like and we can do one more round on that particular piece. We need to get that round done and in zero time, like everything else in the ICANN space, because I think our real goal is to try and have this thing in place by June, before the next round of elections and that is becoming less and less likely every day.

So you're on the hook, James, for doing that ASAP. Thumbs up from James. Great, okay, Zoe, you want to move on?

Zoe Bonython: Thank you. This is Zoe again. I'm just going to point out that there are now chips if you want to eat chips. I don't know. They didn't bring cookies. I don't have an explanation for that. Moving onto one of the other big ones, and if

there's time we can come back to the smaller ones, but I'm focusing on the big ones first.

So number seven, who should be eligible to stand for an elected position in the RSG. So it was pretty strongly unanimously that when it comes to the ExCom Officer positions, so that's Chair, Vice Chair, Secretary, Treasurer, et cetera, and for the NomCom position that it's going to be voting members only. So that hasn't changed.

The second survey included a question about whether non-voting members -- so the representative for the member participants of nay non-voting member could be eligible to run or stand in a GNSO council representative position. And the results of the survey was that the majority of people voted yes. So yes, non-voting members can run and stand in council representative positions.

Subsequently, this second draft of the charter now includes that. But as it's pretty one of the more significant changes to the charter and the way things are run, I will just open the floor up again to see if there's any conversation that needs to be had around that. Thank you.

Graeme Bunton: Thanks, Zoe. This is Graeme. I see a hand from Jeff and Tom. So this allows members of the SG who have registrars like Google and Amazon, and other companies that are voting in other places to serve on the council. There's a couple places in the charter where we're doing similar things to this just to allow more participation because we don't have enough people to stand up and participate all the time and this makes that a little bit easier.

I've got Jeff, Tom, and then James.

Jeff Neuman: This is Jeff Neuman. I voted differently but I'm happy to concede. So I think it's fine. I just want to support it is what I'm trying to say.

Thomas Barrett: Hi, this is Tom from EnCirca. It would be nice to know how many members actually participated in the vote so we know if it's 30% voted, a majority of those favored this. But certainly, the example you just gave, Amazon who is a non-voting member, the GNSO for example, probably would not be happy to see two Amazon people on the GNSO, right.

Jeff Neuman: It's not allowed. You can't have two people from the same company.

Thomas Barrett: Is that a GNSO rule?

Jeff Neuman: I think so, yes. Right, no?

Graeme Bunton: That would have to be a GNSO rule because how would you coordinate elections across.

Thomas Barrett: So the question is do we want to -- this might lead to some unintended results.

Jeff Neuman: I want to clarify because you didn't understand what I said. I would have supported if the registrars wanted non-voting members even in the ExCom, I would have said that's how I voted. But because the majority didn't feel that way I'm going along with it, but I think we have a problem of participation and if the majority of the registrars voting members feel that a non-voting member can represent them anywhere, then we should go with that. But I lost that battle and move on.

Graeme Bunton: So Tucows is running an ISP now in the United States and Elliot threatens to move out boat into the ISPCP. We're obviously still a registrar and then we could still participate in here in some fashion. We're not doing that and I vetoed it insofar as I can do things like that to Elliott. James?

James Bladel: That's cool. Sometimes we talk about opening an intellectual property practice. So I agree with Jeff and Tom that this is one of those things where

we probably want to defer to participation. The GNSO Council is different from other ExCom roles in that it's directed.

I would say that we should probably make sure that we are comfortable that those directive requirements are sufficient and that everyone who runs for Council understands that their vote is directed and that's grounds for recall if they vote (unintelligible). And then the other of it is I think Tom raises a really interesting scenario. We could say, for example, that one condition of eligibility is that no co-owned or affiliated companies already have a representative on council from another constituency or stakeholder group. We could say that.

Now, we'd have to have something about and if someone did, you would have to offer your resignation if later someone came in, like you were first and somebody else. So I hadn't thought of that and I don't know of a way to do that unless -- so that might be something to take to Council when they talk about those things.

But otherwise, I'm pretty much okay with that as long as we feel comfortable in those other two safeguards.

Graeme Bunton: Thanks, James. I think we can -- I don't know if it ends up in our charter, but if a single entity is putting up people in multiple stakeholder groups for the GNSO, it's up to them to coordinate internally and they should be responsible for that.

So that -- I'm going to pick on Google is not putting up someone for the GNSO, and the BC and in the registry stakeholder group. So they're not putting multiple people up to the GNSO. (Unintelligible) is looking very confused at me. It's okay. Michele?

Michele Neylon: Michele for the record. This is an iteration on a charter. If we can get through this, put it live, and then we can always come back and revisit it. We

don't have to stick with it forever. But obviously, the actual process for changing this becomes incredibly long. To think that we -- a lot of the stuff that's in the draft version now is designed to work better for us -- make things work better for us as a group.

And we are bit into the weeds around certain things. If there are concerns that people have had, if the language tries to address them as best as possible, I mean taking Jeff's point about participation, 100% agree with him. We have a situation that some of you may recall about, what was it two years ago, was it Jeff, or thereabouts. But Jeff put himself forward to run for a position and he couldn't because the charter at the time forbade him because he had relatively recently been employed by a registry.

Now, that was a ridiculous and unfortunate situation but that we were being hampered with our own rules. Now, whether we wanted to elect Jeff or not is a total different conversation. But at least he was willing to stand and serve. You want to have a situation where you're not always looking at the same six or seven people sitting around these tables. You want a situation Rob Villeneuve actually does something for a change. Sorry, Rob.

Rob Villeneuve: And the irony that that's coming from you.

Zoe Bonython: I'm just slightly conscious of time. And there's a couple more things that I need to say.

Graeme Bunton: Carry on.

Zoe Bonython: Hi, this is Zoe again. So again, this is not the we're making the decisions and then this it. We're going to carry on this discussion and there will be a review period that I will again send again the charter, the new draft charter. I will send it with this outline of the key updates that have been made.

The final thing I want to draw your attention to is that via the ExCom, a new mission statement has been drafted. I'm just going to read this out. This is completely different from what was in the first draft. So the RSG represents registrars on issues of critical importance to our community, from matters of customer experience to industry values and policies. We offer an open forum for all accredited registrars to participate in the development of ICANN policies that underline our contracts, support innovation, coordination, and exchange across our community, advocate for a stable and open DNS environment, and ensure the continued accountability of ICANN and the multi-stakeholder model.

So again, I don't think we have time to talk about that now unless we want to eat into some of the other -- it's your call, Graeme, if you think it's worth talking about now.

Graeme Bunton: Just that that's delightfully compelling a mission statement and I feel energized by it. And we're all ready to go with that one. Do you have anything else? People can feel free to raise objections. We spent far too long trying to wordsmith this thing already. So I think it's in a pretty good place. Go ahead.

Zoe Bonython: Those were the couple of key updates that have been made. There are other smaller ones. I encourage everyone to try and read through the whole charter because what we are hoping to get to as soon as possible, and obviously, we've identified at least one thing from today's session that needs to be looked at, but we're hoping to get to a point where we can vote on this as soon as possible.

Sorry, you look like you're about to say something, Graeme.

Graeme Bunton: I am because there was one piece we talked about earlier this week, which was, and I'll raise it here because people like Tom, and Jeff, and James may have input on this, which was we were thinking again about participation and

the limits on that. And one of the things that we discussed doing was -- so the ExCom is Chair, Vice Chair, Secretary, Treasurer. There's two vice chairs in the future charter and GNSO Councilors and NomCom are not technically ExCom. But allowing for representatives from one company to hold an ExCom position and a GNSO Council or NomCom position at the same time.

So you couldn't have two people from the same company on the ExCom, or two people from same company on the GNSO or family of companies and we want to phrase that. But if Darcy is on the GNSO and Eric Rokobauer was like I wicked bad want to be treasurer that would be possible. So I'm curious if anybody has any initial gut reactions to that.

Michele?

Michele Neylon: Thanks, Michele for the record. I have no issue with this. The registries do this already.

Thomas Barrett: Does anyone support that? Tom?

Thomas Barrett: I would not support it. I think it's just laziness. We should be able to find enough people to participate to populate the ExCom without finding -- I just think we have to try harder.

Thomas Barrett: Oh boy, Tom. I don't know how to deal with that one. Jeff?

Jeff Neuman: So I was a little surprised because I think in the registry stakeholder group they do include the councilors as part of the ExCom and if we made that one change to include them as part of the ExCom then the rule that's there would be fine because actually you couldn't have more than one person on the ExCom.

So I don't know why there was a decision not to put the councilors on the ExCom as I think it's pretty important because they have the overall view of the policy process and what's going on. So to have decisions -- to have them in on the decisions I think is pretty critical. So would that be too major of a chance to put them on the ExCom?

Graeme Bunton: Thank you, Jeff. So I think that would be a relatively fundamental change because under our old and new charters, GNSO councilors operate at the direction of the ExCom. And so including them in that makes it problematic that the GNSO Councilors don't take the direction -- or they're taking direction from themselves.

Jeff Neuman: Yes, I think in the registries they take direction from the registries as opposed to just the ExCom. That's the way it works, right? Just because at the end of the day, the ExCom can be the physical one delivering the instructions but at the end of the day, the ExCom is supposed to get its instructions from the stakeholder group.

So if that part is reworded a little bit to say that the councilors get their instructions from the stakeholder group as provided to them by the ExCom then I think that sounds right to me. But it's not worth going…

Graeme Bunton: Electing to make that change. That feels like a big one to me. Feels like we'd be back into the weeds. So Jeff, to be clear, you object to the idea of two people from one company serving on the GNSO and the ExCom at the same time?

Jeff Neuman: Double negative. I do not object to a rule prohibiting someone from serving at both.

Graeme Bunton: But then if we merged them, you would object?

Jeff Neuman: Either way it doesn't matter to me. I don't care. That's what I'm trying to say.

Graeme Bunton: All right, Jeff don't care.

Michele Neylon: English is my first language and I'm having terrible difficulty understanding what you were saying. So I'm just going to go with you're not objecting. Don't do anything.

Graeme Bunton: So Tom raised an objection. We can let other people stew on that for a bit but if that possibility of having someone on the GNSO and someone on the Ex-Com from the same company offends you, we need to hear about it. So take that back, think about it. Again, in the spirit of encouraging participation and having more resources available to do the work of the RRSG.

Zoe, do you have anything else on this one?

Thomas Barrett: Can I just ask another question? Would there be a problem if we had three people from the same company?

Graeme Bunton: Yes.

Thomas Barrett: So we would limit it to two in writing.

Graeme Bunton: I think that's how it's phrased already, yes.

Zoe Bonython: No, that's everything. I will resend everything including this summary of updates and let you know what the date is that we need to have feedback by. And depending on how that goes, we may then need to organize a webinar like we did last time to try to sort of a draw a line under this and get it ready for voting. Thanks.

Jeff Neuman: I just want to thank you guys for working so hard on those changes. I really appreciate the fact that you took our comments from the last meeting and put them in and even if I didn't agree, we had a fair vote on it and that's great.

And there is one provision I have a difficulty with. It's hidden but it says Graeme is chair for life. I think that needs to come out.

Graeme Bunton: Imagine that one (unintelligible). Oh boy, no, never. All right, so let's park that. I feel like Zoe you've got some marching orders out of this and we can carry on with our day. Thank you everyone participating in that discussion because that was good. I really look forward to getting this new charter out there. I think there's so much good work in it and like Jeff just said, thank you for everybody working on that. It makes so many good changes for us. It's super encouraging.

All right, so we've done across field already. We've done GDPR. We've done our charter draft review. I think we're now at…

Zoe Bonython: Privacy and proxy now.

Graeme Bunton: Privacy and proxy, which I believe we've dumped on Sara Bockey. Sara, if I can pass that over to you.

Sara Bockey: Yes, this is Sara Bockey. I'm filling in for Theo. And I think most of you are probably pretty aware of what's going on with privacy proxy. As you know, the IRT has been working through the documents the staff has drafted. The accreditation as well as the guide that goes along with it and some specifications that are attached to it. We've made our way through basically all of it. We do have a few sticking points. We have been debating the high priority response time for the law enforcement for about six months and so we're sort of at a sticking point with this and I would like feedback from everyone if you're interested.

So to sort of give you an update, we've been going back and forth regarding during a high priority -- the amount of time that would be necessary for the provider to respond to the law enforcement type priority request. As I said, we've been going in circles with this where staff has their language that

they've proposed and law enforcement likes. We, as the registrars come back and suggest a bunch of different language, and it will slowly evolve back to the original language.

So as you can see up here, this is the language that we have currently where a disclosure request has been categorized as high priority. This must be actioned within 24 hours. It's now decided to add, this is our compromise, in accordance with Section 4.2 and the LEA requester will detail the type of threat and justification for a request at a high priority level.

We had a sidebar I guess in formal meeting with the law enforcement and ICANN staff on Sunday. That is where this in accordance with Section 4.2 was added. They also -- the bottom part there, you can see they also sort of added I think in addition to the requirements specified in Section 2.1, which is basically just laying out the information that's required regarding like the domain, basic information about what the law enforcement needs.

So during this meeting, Peter Roman, who is the law enforcement agent who was doing most of the speaking, kept going and saying, "You have three choices. You can either say here's the info. You can say you need more time or you can say no." And he said that repeatedly that you could say no. Later in the day, when we had our PPFAI face-to-face, it was I believe Reg who told him, she's like, "Well, that's great that I can say no because then I'm just going to say no." And he promptly told her that she couldn't do that, that that was going to be a violation of the terms.

So in consideration of this and sort of recognizing, I don't think that they are going to allow us to change this high priority language. Registrars have proposed it not being 24 hours. We've said, can it be one business day, can it be two business days, taking into account that we know for the larger providers it's probably not going to be a problem to do it in 24 hours. But for the small providers, people in Europe and other parts of the world that only

are going to have employees that work Monday through Friday, 9 to 5, this 24 hour requirement is going to be problematic.

Of course, law enforcement keep coming back and say, "Well, we want it actually now so this is our compromise, this 24 hours is your compromise." So with that, let's go to the next slide. So one thought has been that since we are frustrated and don't think that we're going to gain much ground on this 24 hour requirement is that we need to improve the Section 4.2 that that references. Because as of last week, and I will note that -- oh, my highlights didn't show up. Okay.

So as of last week, you'll see this 4.2.2. It talks about when you're allowed to refuse the request of the law enforcement. And it used to be just three and the words without limitations were not there. So it really was just three options that you had. That you could -- that law enforcement didn't meet the minimum requirements under Section 2. If it was going to be a contravention of applicable law or where the customers disclosing the information would endanger the customer basically. Those were the only options that we had.

After our conversation on Sunday, I'm proposing -- and this is just rough language. It probably needs some tweaking. But the idea being that we need to not only for us in the room but for providers around the world taking into consideration other law enforcement not in the U.S. or not in Europe, small providers everywhere that we need to better protect ourselves.

Because the way it's sort of set up now, there is concern that this is just sort of a checklist that we're going to be walking through and having to provide the law enforcement with what they're requesting without having a lot of rights. So the language that I would like feedback on from you guys -- and there are some other topics that we were discussing as far as reporting mechanisms regarding law enforcement and IPC. But we can get to that if we make it through this real quick.

And I'm going to pause because I see James at the mic.

James Bladel: I was waiting for discussion Q&A. So please continue.

Sara Bockey: So I will keep going. So I was thinking that the -- well, of course, I've told staff that they need to add the without limitations back to this clause. But it would also be good to have something saying that where the provider doesn't have any useful information. It's quite possible that they ask for something and you just don't have it. And that's not really an option where the provider has requested a court order, a warrant, or a subpoena and law enforcement is either unwilling or unable to provide it to you, if that should be a reason to be able to refuse. Where the provider has not been able to verify the identity of law enforcement requester. I know that they're supposed to go through local law enforcement but that doesn't mean the person that's making the request is actually legitimate. And where the provider has found after investigation that law enforcement requester's request is not well founded. And so these are just some ideas of expanding our right to refusal and protecting ourselves. So I'd be interested in what you guys think.

Graeme Bunton: Thank you very much, Sara. I'm going to put a little bit more context around this I think for people and then I'll go to James and then Neal. So law enforcement in this IRT are going to go to the law on this one. This is a hard line for them in conversations I've had that they demand 24 hour response. Probably demand -- they want instant. They want a phone number that James will answer and he will give them whatever they want.

The requirement is that it's local law enforcement, 24 hour response. But it is also explicitly for them due process free so that they will say I have exigent circumstances. They do not have a warrant. This process is about them definitely not having a subpoena, or a warrant, or a court order. They show up and they say give us this data and you've got 24 hours to do it. There's been plenty of attempt to find a compromise on that.

So I think you've done good work here. I think that 4.2.2.5 is going to make them lose their minds but we need to be careful here and we need to have a real think about this for two reasons. One, do we want to bake into our contract that at risk of breach, we have to ignore due process? And the other side of this is how deep under this do we want to go? How much do we really care about this 24 hour response time? Because I think at this point, we've guaranteed ourselves GAC advice. Marika is probably over there smiling at me. She doesn't know but I would be very surprised if we don't get it. And it's going to draw this whole thing out and take forever.

So how do we want to balance those things? And so I would be curious to hear from people if they think 24 because we're not all GoDaddys and Tucows and Amazons that have 24 hour response already. So for people in the room who are smaller and may or may not, if you think this is going to be an unreasonable burden. James, and then Neal I think.

James Bladel: Thanks, James speaking. I'm going to choose my words carefully. I have been a part of this IRT. We've been ably represented by Sara and Darcy and I know a number of the other folks are participating, and I sat in on this session on Sunday and I found it very frustrating. This was not a negotiation or an attempt to seek consensus or agreement. This was a presentation of demands full stop. And the demand is effectively law enforcement needs, wants, requires and they can tell you all kinds of horror stories that start to sound like Tom Cruise movie plots. But they want a card that they can play, the law enforcement card that says your privacy service now does not exist and you cannot say no even though they said repeatedly -- so they have a credibility problem because during the meeting they said repeatedly you can say no but it turns out you really can't say no.

We tried to address their problem. I even pitched an idea of 24 hours or, if it overlaps with a weekend or holiday than it would get an extension. No, I want it to be one hour. I'm giving already too much for 24 hours. My victim is 23 hours in the ground. The same stuff we heard, for those of you who were

around for the 2013 RAA and every bad idea that we have in that contract started out as a law enforcement demand.

So here's what I'm proposing. I think we've gone the extra mile and then the extra mile after that, and then the extra mile after that. This language here, and maybe we need to wordsmith it a little bit, and maybe we need to run it through some -- our respective legal counsel but I think this is a good start. I think we position it back. We say we agree to the one hour response time but here are the provisions and conditions. Due process is non-negotiable. In fact, some folks may exist in jurisdictions where if you cut corners on due process, you're in just as much trouble as if you say no to law enforcement. And due process is the difference between a police officer with a badge and a thug with a gun in my opinion. I realize that's an American point of view, sorry.

So I believe very strongly that we've done more than I think good faith here. If this is not acceptable and I don't know, did you say, Sara, when the next discussion would be? This has already been posted to the list.

Sara Bockey: I've not posted this to the list yet. I was going to get feedback here today and then I think Amy is wanting our feedback regarding any negotiations by Friday.

James Bladel: So by Friday, the GAC communique is baked and served. I feel like we have enough time to take this back to our legal advisors. We need to get this right, make sure the language offers sufficient protection for our businesses and for our customers, and then come back with it and if it's still a problem and they're still pounding the table and trying to bully the industry into something that they can't get in their jurisdictions then just sit back and let GDPR eat this whole thing.

Because that's what's going to happen between now and Panama. So if I sound a little frustrated it's because it was a very illuminating discussion. For

those of you who haven't had those kind of one-on-ones where the other side just isn't there to talk to you.

Anyway, I hope that was -- and really, honestly, Sara, Darcy, Theo, who am I forgetting? (Greg). And you guys really deserve some kind of a medal or an award, or maybe a shot of whiskey or something for putting up with this. Because if the last several months of your lives have looked like what happened on Sunday then everybody in this room and all of our customers really owe you a big hug. Thanks.

Graeme Bunton: Thanks, James. Neal?

Neal McPherson: Neal again for the record. I guess have two questions or comments. One of the questions is I guess to Sara, maybe you could help there with what's the stick that the contractor has issue not compliant here? Is it breach of contract? Is it a three story policy or what would happen if you were to not respond in time?

Sara Bockey: It's my understanding that it's the three strike policy before you would be in breach. Am I getting that right or now?

Graeme Bunton: Not quite. I think it's you'd be breached three times before you're de-accredited. So you've got three breaches before you're nuked.

Neal McPherson: But it goes to straight to breach. It's not a kind of compliance issue or?

Graeme Bunton: That I don't know whether there's like -- oh, someone's dead says law enforcement because you didn't give us this data, will work on remediation before that hits breach, I don't know.

Neal McPherson: And then the other question I guess or maybe a comment to what you mentioned, Graeme, is with regards to that it's only local LEA that can

request the data. And that's the jurisdiction of the registrar or the alleged registrant or?

Graeme Bunton: My understanding is that would be the jurisdiction of the privacy and proxy provider.

Neal McPherson: So if we have our privacy and proxy provider that is sitting in Malta, in Europe, or something like that, then we only take requests from the Maltese police?

Frederic Guillemaut: So just to follow-up on that, does it have to be in the language of the provider? Does it say -- I mean if I get a request in English, are the French (unintelligible)? Is there any…

Michele Neylon: Fred, do the French police normally write to you in English?

Frederic Guillemaut: No, I was just asking. Okay, so we can't get any -- all of this needs to come from our local police and have they proposed something to allow us to identify them? Should I ask the papers to be (unintelligible)? How can I -- 4226, how can I verify the identity of the LEA requester?

Sara Bockey: I'm trying to figure out if I understand your question. So you want to know how you make sure you know the identity of the requester? Well, it's supposed to be your local law enforcement is supposed to contact you even if it's coming from -- if it's outside law enforcement, they're supposed to go through your local law enforcement to contact you. The problem being is that that outside person is not necessarily really legitimate.

And so that is a concern, which is why I added that language. I think Darcy wants to add to that. I'm probably not answering it well.

Darcy Southwell: This is Darcy Southwell. So I just want to add, if you look at 4.2.1, and I don't know what this looks like yet, but they're proposing using some sort of secure

mechanism. But I don't think we have to do more than we do today when we're trying to determine if our local law enforcement that sent us something is in fact legit. So I think nothing would change there.

The definition of law enforcement authority here is exactly the same as it is in the RAA. So we're not changing any of that.

Graeme Bunton: Zoe and then Tom.

Zoe Bonython: All right, so firstly, Darcy has just spoke. Your hand was up in the queue. Is that down now, Darcy? Hands been up in the queue for a while. There's a question in the chat and we're completely running out of time. In fact, we've already run out of time. We're over time. Thanks.

Graeme Bunton: Yes, this one is reasonably important so we're going to eat up some time from somewhere else and we'll go faster later. Pam and then Tom.

Pam Little: Pam Little speaking. A question. Does the requester have to identify the relevant laws or regulations that is allegedly being violated in their request?

Graeme Bunton: Turn that over to someone in the IRT, which is not me.

Pam Little: Does the LEA requester or the request have to identify the relevant laws and regulation that's being infringed or violated. The reason I'm asking that is in one of the ICANN boards response to the GAC advice, it actually says for an abuse report to be actionable by registrar, I believe Goran or the ICANN board said the reporter needs to do so to be actionable. So if they don't include that, actually to me, it's diluting that threshold or requirement.

And in our interactions with compliance, we -- when we receive an abuse complaint, we usually would sort of look at whether the criteria have been met according to that ICANN response to the GAC advice.

Graeme Bunton: That's an interesting point, Pam. Tom and then I want to hear from people whether they think that 24 hours is burdensome too.

Thomas Barrett: I'd like to make a suggestion. I think that it builds on what Neal said earlier, which is a reason for refusal is that I don't understand the complaint. It's in a language that I don't trust my team to be able to accurately translate to English and I would like to see something in my native language before I respond to the complaint.

Graeme Bunton: Thanks, Tom. Because it's supposed to come from your local law enforcement, I would be surprised although Boston is sometimes unintelligible. That feels like less of an issue to me. We do need to move on. I'm not hearing any other points. I think we can try this language out and we have grounds here. We have a reasonable position, which is you're asking to put in our contract that we have to obey something without due process and we've got to be pretty robust around that if we're going to accept this 24 hours.

Michele?

Michele Neylon: Michele for the record. One thing just to warn people. We need to be quite careful around this one because otherwise, we could end up with a situation where the next headline on some major website will be registrars say no to law enforcement. Registrars want to enable mass murderers or something. The 24 hours thing, as a small provider, I'm uncomfortable with it.

If we could get some clarity around the compliance aspect of it, I would probably sleep a lot better. I've been one of the people that's been pushing back on it. But at the same time, I also understand why they're pushing for it and I am personally sympathetic to it. But I just don't want to end up with a situation that if I can't answer for whatever reason that I end up in breach. That's the bit I'm having a problem with.

Graeme Bunton: James?

James Bladel: Just to comment on Michele, that's kind of exactly the thinking, the fear, and the concern that got us into the 2013 RAA because that narrative was out there. And I think it's a different world now and I'd like to see headlines that law enforcement demands registrar turn over customer data without a warrant or without due process. I think that's an equally compelling headline and it is a tough one. I understand the optics of it but I think the optics have changed in the last five years.

Graeme Bunton: Neal?

Neal McPherson: We're one of the bigger providers and for sure we have 24/7 support, but I don't think I have people who are there 24/7 that can go through this kind of language and determine whether that person should be able to disclose or not, right. So it's quite tricky for Lindsay or a legal team to ultimately decide at the end of the day, and Lindsay is not working 24-7.

So I think 24 hours is too short and the other question or comment I had, I guess maybe a little paranoid, but is all of what we're doing here, is this going to be translated to the disclosure on our web form after we do the GDPR changes that they're going to be making? Are we writing policy here for what the disclosure on our web form has to look like in the future or is that just me being paranoid?

Graeme Bunton: That's a good question. I think law enforcement has the impression that this is going to apply to the GDPR gating, but I don't think that's technically true because this is a different thing. What privacy services look like after GDPR is still up in the air, certainly they have less value, I think, as most people's data wouldn't be exposed. But I wouldn't be surprised if they still exist in some form or another even past the gate.

Zoe, I actually have this until 1:15 and it's 1:00 isn't it? No, it's 1:15. I take that back. My laptop is being insane and just on that last point from Neal is Lindsay should clearly be less lazy and just work 24 hours. Thank you. Okay. Yes. Thanks, Christian. My laptop has just stopped working. If you have it handy, can you read it out?

Christian Müller: Sure. It's a question from Luc Seufer. So setting up automatic replies saying no, it's legal to be sent outside business days, hours and then replying when our office is open would comply with the current draft?

Sara Bockey: This is Sara. If I'm reading it correctly, it's my understanding based off of the conversation we had on Sunday that we would out of compliance, that an auto responder is not allowed.

Graeme Bunton: Okay. This is going to be a spicy one so head's up. We need to dig in a little bit here and figure out how badly we care about this and be prepared that there might be some public consequences and heat, and I tend to agree with James that there is a narrative to this that we can spin that it's not even spin that is important. But we also need to be sure that we care about this deep enough to go all the way down that road.

So if you have thoughts on this, probably share them with the members of the IRT. If you're an active member of the IRT, can you put up your hand? So go talk to these guys and get the gist and share your perspectives, please and thank you.

Next up, we've got sub pro and RPMs, which I think is Jeff, right?

Jeff Neuman: I know I'm sub pro and I think I'm RPM too. Great. I don't think we have any slides although I see someone going up to slides. Sorry, I thought you were pulling something up. This is Jeff Neuman. I am one of the overall co-chairs of subsequent procedures policy development process. As you may know, we have five work tracks now within subsequent procedures. Each one deals

with a different set of issues. Work Track 5 is newly created to talk solely about geographic names at the top level. So just from a timeline perspective, and I can shoot around the timeline although, apparently domain insight has published it, there is an initial report that we are working on now that will cover the overarching issues and work tracks one through four that will come out in April.

And we will get public comment after that and our goal is to finish a final report by the end of the year and to submit that to council. From the registrars, we have some good participation. Obviously, Sara Bockey is the work track chair for work track 1, which handles application general issues and fees and all that fun stuff. So Sara has been extremely involved in that.

We don't get too much participation from a number of other registrars. We get it sporadically in other work tracks, but just to give some timeline updates. So the first thing that we need to cognizant of is that there will be a public comment period that's in basically the month of May -- or the end of April, May, and a little bit of June. So that's going to be a lot of work because there's going to be a lot of material on that. So we probably should start thinking ahead as to, A, whether we want to work with the registries and submit something jointly or if we want to do something on our own, we probably should divide up into teams so that each one can address different issues.

I think this is a really important opportunity for us to get our comments in because registrars haven't been necessarily participating as much as they could simply because of time. So we really need to get in gear to get comments out. So I'll leave it to the ExCom and others to decide whether we individually create teams, or whether we want to work with the registries, or a combination of both.

Work Track 5, I'll start with that one. It's on a little bit different timeline, but hopefully at the end of the day we'll end up at the same timeline. So the goal of work track 5…

Michele Neylon: Jeff, if you could just explain what each work track is in simple terms. I think some people aren't following as closely as you are.

Jeff Neuman: Thanks, Michele. That's a good point. So the overarching issues, I'll start with that, contain things like, hey, should we even have new GTLDs. It also includes if we do have new GTLDs, would it be in rounds or do we eventually go to a first come, first serve type model where you could apply at any time.

It also includes issues like should we recognize certain categories of GTLDs. So do we recognize a brand category and if so, what comes with that recognition? Is it just what they have today, which is a different contract specification or is there let's say priority for them? Or different type of evaluation, a whole host of different things. So that's overarching issues. Work track 1 that Sara is one of the co-leaders, that deals with issues around the general timing of how much time do we need to submit applications? How much time do we need for a communication period? What does the fee structure look like for applications? Do we have an applicant support program so that entities in underdeveloped nations could apply, and if so, what's offered in the way of support.

They are looking at something -- a big thing, which is big with the registries and I'm not sure how big it is here -- but they are likely to recommend the creation of an RSP approval program, RSP meaning registry service provider. So this program will approve technical back end registry providers prior to the next round opening up. So rather than applicants all having to submit the same technical answers for the same operators over, and over, and over again, all they would have to do is check a box saying, yes, I'm using one of the 20 accredited back end providers and then move on.

Or we wouldn't foreclose the opportunity from anyone starting a new registry and they can get evaluated at that time. So it's an optional program to help applicants.

I think that covers -- oh, and of course the fees, like how much is it going to cost to apply and should there be differential fees depending on different types of application.

Work track 2 is talking about the legal and regulatory type requirements. Everything from the base agreements, should there be different agreements for different types of domains, should -- what was done right in the contract, what wasn't, reserve names. So there's a whole list of reserve names. Should they continue to be reserved?

And what is important here for us is vertical integration, right. Now, while that was an extremely hot topic before the last round, not quite so hot anymore. So the door is open but is there anything now that we've seen a number of years of vertical integration, is there anything we need to do to provide nay types of restrictions.

Work track 3 is dealing with the contention resolution, objections, public comments, GAC advice. I guess auctions are contention resolution and all sorts of things around those processes. And then finally, work track 4, which isn't the final one because there's five of them, work track 4 is dealing with mostly the technical issues, the things like name collision, IDNs, what are the questions that should be asked in the application for technical providers, et cetera.

So those are the four. As you can see, an extremely diverse group of questions and things that are going to be addressed in the initial report. So when we structure a team to respond, we probably should get those that are interested in different topics of the work tracks to group together to provide responses. But moving more on the timeline, so if we all assume -- and this

is why people are starting to pay a little bit of attention -- if we assume that the council then gets the final report from subsequent procedures at the end of this year, you can hope that the GNSO Council could then approve it in quarter one of next year. And then it would be sent to the board, which theoretically could approve the recommendations and start the implementation phase on Q2 or Q3 2019, which ultimately map that ahead forward in theory could lead to a 2020 announcement of the beginning of the program and maybe applications in early 2021.

I know that sounds far away to some but for some it sounds extremely close depending on what your interest is. But at the end of the day, one of the things -- and you saw this in the comments from the registrars -- in more depth from the registries and also from the council, is that ICANN needs to start looking at what it needs to do to implement this next round and it need to start allocating staff. It needs to start allocating money, time, and resources to implement this new program.

And the reason why -- you may say, well, it's two, three years away. But the reality is that before the last round, they started budgeting for it back in 2007. Albeit, they thought it was going to launch in 2010. So in their minds, 2007 is a three year ramp up period, which is right now if we're talking about a two or three year ramp up period.

Why does ICANN need to start, when it already lost the last round? Well, if you dive into some of the details, ICANN had an application system that was a throwaway system. They were only able to use it for that one round and it's gone. So all the money spent on the application system, it's gone. And so they have to develop a new application system. They'll have to revise the applicant guidebook. They will have to get in experts to start thinking about how we structure procurements for evaluators and start thinking about where they're going to get the money to fund the applicant support program.

All these things need to start, even if there's not necessarily hard dollars spent in the ICANN budget. So one of the things we will bring up before the board, at least from the registry perspective, is that there needs to be recognition in the budget that this is going to happen. So that's probably the most important part.

The other sub pro related activity that's going on here is names collision has reared its ugly head back in to the ICANN world, just when we thought it was done. A couple years ago, the SSAC has said, okay, thank you for giving us a final report on name collision back in 2015 saying that there were no problems with the applications for GTLDs except for home, corp, and mail, and we and JAZZ advisors -- I forgot what it stands for now -- but they basically found that there were no issues caused by name collision. There was no damage to property, life, or limb and so therefore, they viewed the measures that were taken as reasonable.

But they did say, the SSAC said, but, we need to know for the next round if there are going to be any problems like, corp, home, and mail, and how are we going to discover those. And so that's -- the SSAC for those of you paying attention have proposed a work plan that is basically the earliest won't be done until mid to late 2020. I'm going to let that sink in a little bit. So their studies won't complete until mid-2020, which means they'll still have to develop recommendations. They'll still have to go out for comment. They'll still have to actually be implemented and so if the names collision and the study goes the way they are saying it will go, and that's best possible case because I don't know how many studies haven't been delayed in the middle, then you're talking about an implementation plan that won't be around until 2022.

And just as a reminder, if you look at when we last launched around that was 2012. So that would be a decade, a decade between rounds. That's pretty crazy when the policy was there should be a predictable process for the introduction of new GTLDs. Now, I know not every registrar here likes new

GTLDs. I understand that. I saw that on the list. I'm not blind to that but I just want to remind everyone that the policy, as it exists today, is that there will be new GTLDs introduced in a predictable, reliable manner.

You might not like that and that's fine, and you can do what you want to try to change the policy. But at this point, that is the policy. So the reason why it was in the budget even though many didn't want to use the budget for that was because it relates to implementing existing GNSO policy and we need to stress to the board that before you spend money on extracurricular programs and anything else that's not necessarily within the mission. You need to spend money on implementing GNSO policies. And then if you have money left over then you can do your third party projects and your open data source thing and your fellowship next generation native thing.

It's great stuff. I'm not bashing it, but at the end of the day, you need to spend your money in line with your mission first and then go to the other programs regardless of what a new CEO or others want to do. But anyway, I see that there's someone on the mic. I can stop there and take questions and then do RPM after.

Graeme Bunton: There's a lot in there. Thank you, Jeff. James?

James Bladel: I didn't know if anyone else was in the queue. I don't have Adobe open so thank you, Jeff, and you're another person who probably deserves a hug and a whiskey, maybe not in that order. It depends on how strong the whiskey and how long the hug, if it's awkward. But thanks for putting up with all of that and I'm always amazed at every time we get an update on new GTLDs, the projected launch date is N plus two so N being whatever they told you last time or last ICANN meeting plus two years.

But I wanted to circle back to the names collision thing because the way that that came out last time, they had a pool of applications that were then evaluated I guess, those particular strings were evaluated for their potential

sensitivity or vulnerability to the names collision issue. And I guess my question is it sounds like if they're doing that in advance of opening an application round, it sounds like they're trying to prove a negative, prove that a string will not cause collision vulnerability or damage.

And I don't like the idea that names have to be or string applications have to be scrubbed. I think if the study found corp, home, and mail, what has come up since then that could essentially invalidate other strings or create new vulnerabilities and they should know that without having to put that on the critical path and everybody's application has to wait for that to continue. It seems like that should just already be known.

Jeff Neuman: Thanks, James. There is out for comment now a project plan from the SSAC on this new names collision study, which by the way was approved by the board at the end of last year. It kind of slid in with the whole corp, home, and mail decision. So I think if, again, I can't read their minds and the SSAC at this point, it's not open except for what the documents they release.

I think what they're trying to avoid is are there any strings now that they can tell from looking at the data since the last collection of data, which was back in 2013, are there any potential strings like corp, home, and mail so that they can let people know before they apply for it and spend all the money, like just don't even bother to apply for these strings. And there is some data that they've gotten that there are some strings that could be problematic if applied for, but they need to test those theories.

And I'm not the technical expert by any means but you are right that in the last round , they found that there were really no issues and so my second guess is that they're going to try to find some strings that produce problems in advance and then they'll probably recommend some sort of hopefully expedited name collision review process even before an application gets approved rather than going through the whole chain and taking years.

So if I were a betting person, I think that that might be their goal but right now, it's a $3 million study over three years -- sorry, $3.6 million over three years and that's only if ICANN accepts the scope that is put down in that plan and the SSAC made it clear yesterday during their session that if the scope is increased or they have to make it more public, in other words, invite more public participation, that that $3.6 million will go up. So anyway, there you go.

James Bladel: Thanks and I think if there's an opportunity, it sounds like the study is going to happen regardless but if there's an opportunity for us to comment or influence the method or the approach that we should because remember, the names collision issue came up because those three strings were incumbents. Those applications or those systems were occupying that space right of the dot because they didn't know that new GTLDs were coming and any new strings I think now don't have that excuse.

So they have a much weaker case, in my opinion, than home, corp, and mail. So thanks for the update on that and I think we should jump on the opportunity to comment on that study.

Graeme Bunton: Great. We should jump on that opportunity. It sounds like Jeff is also going to help write that comment because you're the most engaged. Great, awesome. Maybe we can lean on Sara too to help a little bit, and James, James is in. Great, we've got people to hold pens. Delightful. And that's soon-ish.

Jeff Neuman: Yes, that comment period is I think only open for a few more weeks maybe.

Graeme Bunton: Zoe, do we have anyone on that comment period? She's looking.

Jeff Neuman: It literally just opened as we were all traveling here. So it's probably not something we've considered. Should we jump to RPMs or is there any other question on sub pro?

Graeme Bunton: Does anybody have anything on sub pro? I think the engagement in the
                  room also mirrors the engagement in the PDP, for better or worse. We have
                  only five more minutes on this topic. We can bleed into the next a little bit,
                  but we need to be done in here by 2:00 and I want to make sure people have
                  enough room to ask other questions too.

Jeff Neuman: So I think I could sum up RPM with there's -- it's kind of in a state of
                  nothingness at this point. It's kind -- that's unfair, sorry. They've been
                  together for about two years and the only thing they've produced are a set of
                  questions to get a third party provider to ask the community on the trademark
                  clearinghouse, sunrise, claims. So at some point, there will be someone
                  selected to do this survey and the survey will go out to registries and
                  registrars asking for data that none of us really have but look forward to that
                  survey because you're going to get it anyway. And if you want to respond
                  probably is a good idea.

                  So other than that, they've started work on the URS but what we're finding is
                  that it's very, as you can imagine, factional. So the groups have lined up and
                  It's mostly not just with issues of the URS but ultimately you know it's going to
                  be more in the UDRP. But nobody wants to give anything in the URS for fear
                  that it's going to set precedent in the UDRP. So they've had a bunch of
                  sessions here. I think they still have a couple more.

                  At the end of the day, they've said to the council that they're going to produce
                  an initial report by early next year. I don't think that's going to happen to be
                  honest and then we're going to be faced with the question of do we proceed
                  with the next round even if the RPM's work has not been completed. And I
                  would say that I think our answer is probably yes but it's something that this
                  group is going to have to think about.

                  And if you are having issues with the URS or the UDRP then please make
                  sure you join, listen in. It's very contentious. It sometimes is, well, most of
                  the time frustrating but sometimes a little humorous to hear the sides go back

and forth. But it is certainly something that I think registrars, at the end of the day, the view that I take and I'd like to hear from registrars is that while we're very interested in the subject, at the end of the day, having a UDRP, a dispute resolution mechanism that's not us implementing as registrars protects us in a lot of ways. Even if we don't always like the outcomes of the UDRP, at the end of the day, I think a strong UDRP has kept registrars out of courts, at least in the U.S. for the last almost 20 years.

If you will remember, prior to that, registrars -- well, the one registrar, Network Solutions, was in court all the time, sued time and time again because they didn't have a UDRP to rely on. So they were always sued by trademark owners in order to get a transfer or anything like that to the intellectual property owner.

So I just think that even if we sometimes side with we want to be fair to registrants and we want to make sure that due process is protected, and I'm not saying in any way we vote to abandon that. But at the end of the day, we need to tell -- I think, from my perspective, and I hope from others is that the UDRP is something that does protect us in a lot of ways. So we just need to make sure that if it's weakened too much, I'm of the view that we'll be all back in court from trademark owners, just like what happened prior to the year 2000.

Graeme Bunton: Thanks, Jeff. There are still issues with UDRP. I think we look forward to getting there and facing those but I think your point is well taken that we need it. It provides us with a benefit. James?

James Bladel: Just want to echo that we need to sing the praises of UDRP warts and all. It's done a lot of what it's expected to do and kept a lot of those cases from going to court.

I do think that there needs to be a push for transparency, and consistency, and predictability in the decision making process because I think that seems

to be all over the map and I think it invites venue shopping. And I think that the other thing is there needs to be some consequence for abuse of the process or reverse hijacking or whatever.

But otherwise, I think we should sing its praises, like Jeff suggests.

Graeme Bunton: Thanks, James. And there's going to need to be post-GDPR changes to that. We don't want to ultimately be named on UDRPs because that's all the information they can get out of the data. And then also, I think most of us when you get a UDRP for a domain that's behind your privacy service, you turn the privacy service off immediately. You may not be able to do that under GDPR in the future. Just because someone has filed it doesn't mean that you can expose that registrant.

So there's bits and pieces there that need to be sorted out sooner rather than later because I think those things are just going to change between now and when this finishes up.

Anybody else have questions or thoughts for Jeff on this? (Greg)?

Greg DiBiase: Quick question on the -- this is Greg. Question on the UDRP. I think it's safe to say that we cannot just drop privacy if the registrant hasn't consented but is that something within the policy or is that something we need to communicate to providers or -- is that addressed in the UDRP or is that something that we deal with, with providers?

Graeme Bunton: I think this is probably a longer conversation than we have time for, but my -- I don't think it's part of the policy. I think we do that because we don't want repeated cases against us where we're also named. But I think it's implemented differently by the various providers and is inconsistent. And we've tried, at least Tucows has, addressing that with them previously and not gotten a lot of traction. So hopefully, this process will help with that.

All right, let's close that off. We've got about 18 minutes left in this room. And that will be more or less the end of the time we have together, because we'll move to the registries or do the registries move here? Sweet. We make them visit us and then we go to the board. Great. So the next 18 minutes, we're going to cover the joint meeting we have the registries, and the meeting we're going to have with the board, and then we have some AOB and open questions.

And I think Zoe has a couple other things as well that I'm sure we can all jam into 18 minutes. So board topics, please, which are probably going to eat up most of our time with the registries as well, as they typically do. We get to prepare for our joint meeting with the board. The number one question on my list for the board is going to be how do we make the interactions with the board as the CPH better because I don't think any of us enjoy those back and forths where almost all of the board is sitting there on their laptops not paying attention and the engagement is maybe with one individual. And so I think we've done a little bit of think about this. I want the board to do some thinking about this because I really want to change how that works because they're a nightmare session to be responsible for. I got to tell you, I don't like sitting there in front of the board, drumming my fingers on the table, and then having none of them pay attention. Those are really frustrating.

So that's a question. We are going to discuss the budget with the board and then there's also a piece from the registries about the excess application fees on new GTLDs. They feel like they double paid on trademark clearinghouse so they had to pay for that and they had to pay for their application fee, but the application fee should have included all of the costs and somehow didn't. So they think they're owed money back and that's perfectly fine for them to bring that up. I don' know if anybody here in the room has a strong opinion on that.

Putting pressure on better use of ICANN's existing FY19 budget and the reserve fund replenishment is up for discussion too. And a lot of this was

driven by the registries. So if people have tidbits they want to bring up with the board, you should have them in your head for one minute from now.

IGO NGO identifiers remain on reserve, can't be released even though the board's original special amendment has long expired. And then there's another piece that's from Rubens that I'm not sure I understand, but it's about streamlining ICANN's regulatory framework. So the agreement and such towards a more lightweight system that can be applied to developing markets, either countries or niches.

Michele Neylon: Sorry, it's Michele for the record. I think he's referring to the underserved regions possibly. If you look across the -- even just on the registrar side, you'll find that there's very few registrars in Africa, Latin America, and other parts of the globe. And we've had increased regulation but not much growth in accreditation I think.

Graeme Bunton: Sounds about right. So that's what we've got on tap for the board. At the moment, I am interested in hearing about things you would like to talk to the registries specifically about while we have them in a room and then things you would also like to bring up with the board directly, just so we can make sure we're prepared for that.

Is that a hand, Jeff?

Jeff Neuman: On the reserve fund for the board, the confusion I always have, and I'm confused a lot, is that the ICANN board seems to equate having to have its full year budget as a reserve fund target, when in most organizations I've worked for, or been a part of, or been on boards, whether profit or not for profit, most people treat a reserve fund as what is it going to take to run a light's out operation to keep everything critical up for a period of time if the worst of all worst happens.

The way ICANN treats it is how can I still have all the four meetings around the world, plus fly my board all around the board, plus have fellows, and plus have all this other stuff, basically our entire budget for a year. And as long as ICANN, the board, and staff, and the community think of a reserve fund needing to fund an entire operation without any lights out then I think that is always going to be a problem. And I want to know the rationale for why we use that as a basis for the reserve.

Graeme Bunton: Thanks, Jeff. I think that's a pretty reasonable question. James?

James Bladel: I agree completely and the answer is the caretaker budget is already defined under the community process. Let's set the reserve fund tracking to the caretaker budget. Because if you're living off of your reserve, to Jeff's point, it shouldn't be business as usual. The other option is I think we are being presented with some false choices when we discuss the reserve fund. It's like, well, we'd hate to have to raise fees so you should let us borrow from auction funds. Or you could cut expenses a little bit more deeply until you -- no, let me finish -- cut expenses until you're back into a position where you run a surplus that can contribute back to the reserve fund over time, as opposed to trying to get rid of this problem all at once.

Because I always feel like if you have the auction fund, which you're not supposed to use for operational issues, and you have the reserve fund, which apparently, I don't know, you can just use just for using and one is connected to the other then there are effectively no controls on auction proceeds. You just borrow from the reserve fund, dip into it, and then it will automatically replenish out of auction reserves. Then you've just bypassed or circumvented whatever controls the community put in place no auction reserves.

So one of the things we might consider is encouraging whatever the auction -- Erika was here earlier, did she leave? Damn. Is that the auction proceeds group should release work quickly and urgently to take those funds away and

separate them and put them in a separate trust. Because right now, they're just a separate spreadsheet on the same bank account and I think that temptation is just too easy to take.

Thanks, James.

Justin Mack: Hello, this is Justin from (Pliss Quence Moore) and I'm not speaking in the capacity of the DNA. I'm speaking in the capacity of the COO of one of the registrars and one of the members here. So I have a question and it may be a bit precocious and pardon that. I believe there were two surpluses from the TLD process. There was one for what I would call legal defense. The other from the auction proceeds. Has anybody pondered or postulated a concept whereby legal defense might be something that could be used to indemnify us in the upcoming -- well, I'll just say storm. I'll leave out the first word. The storm that might come from how we're going to address GDPR or GDPR.

Graeme Bunton: Oh boy, spicy one. I've talked with ICANN a little bit about that separate fund, that legal defense fund. I think they have that carved off explicitly for the new GTLD program and they treat that not just legal defense, but the entire new GTLD program for launching the remaining TLDs that still haven't gone out the door and potential lawsuits.

I can't imagine that they would use that for that because they like to carve things into little buckets. It seems to be their thing but that's an interesting idea. I think that new GTLD fund as separate from the auction proceeds is a much better place to take money for, for replenishing -- what's the phrase, what are we replenishing again?

Justin Mack: The reserves.

Graeme Bunton: The reserves. Thank you.

Justin Mack: Has anybody formally floated this? I know there's a lot of sidebar whisper
behind the hand or coffee questions, but I wonder -- it could be that it's a non-
starter and my gut is that it might be. But has it been postulated?

Graeme Bunton: That's the first I've heard of that idea. It is kind of interesting.

Michele Neylon: It's Michele. This is why we have the public comment period on the reserve
replenishment thing. So that's probably the place to put that in. As a
stakeholder group, we don't have to submit a comment but if there is a
general consensus that we should, then we draft one and then we can put in
whatever people want us as a stakeholder group to put in.

Graeme Bunton: Thank you. We can bring this up with the registries too. So I think we'll have
some of this conversation again in a few minutes when we have everybody in
the same room. And Luc was asking a question in the chat about RRA
updates and this is a topic we can bring up with the registries.

So under GDPR, basically, every registry is going to need to file an RRA
amendment. That means we're on the receiving end of something like 1,200
of them. I think our members of the RRA review team will die. None of us
have the capacity to go through that many contracts even between now and
May if they all came through.

So we need to have a discussion with them and probably involve ICANN.
And some of that about how the hell we do that. And I think the only idea that
I've heard, the short answer is that we collectively come up with boiler plate
language that going to be the exact same for every amendment and so long
as the -- so we agree to that language. So long as that's the language that
goes into the ETRA and that's the only thing that's changing in here, then it
sort of goes through a process where we essentially by default approve it.
Any other changes are outside of that process and wait until we've done
GDPR.

I've got no other suggestions on how the hell we get through that thorny mess.

Jeff Neuman: Not that this is any more or less thorny but instead of having it in the registry/registrar agreements, we ask for an update to the registrar accreditation agreement and then have each RRA refer to the provision in the accreditation agreement. If for that same standard language. We do it once but it's thorny because we're opening up the RRA.

Graeme Bunton: Yes, did you see the room recoil.

Jeff Neuman: I didn't say it was a pleasant option. I said it is an option.

Graeme Bunton: It's an interesting option I hadn't thought of. So we can -- I'd have to ponder what that looks like a little bit more, if people have thoughts on that. We're going to need to share them very soon. That's another one of the eight million conversations revolving around GDPR we need to think about.

We've got seven minutes left before we break. What do I want to share with you guys up here as chair? I'll do that for two minutes and then we'll leave some AOB time. But first -- and I'm putting this in the preamble of a document we're calling the operating procedures, which is taken from our new charter -- is less formal but the guidelines for how we operate this thing, so that the current ExCom can get run over by a bus and everyone knows how this whole thing works.

But I think for those of us who have been around here for a little while, and I guess that counts for me too. Although I sometimes still feel very new. ICANN is only getting more and more sophisticated and more and more complex. And we are, aside from a few of us, small businesses, relatively small businesses, and participating in this space becomes more and more difficult.

And so what I've been trying to and the ExCom has been trying to do is to build more structure into the SG so that people have smaller bite sized chunks to participate in. They can make meaningful contributions without having to spend four years on a PDP. And that is things like tech ops. That's things like the RRA reviews. That's things like the compliance sub-team, which had a great meeting this week.

And so all of these things I think build our capacity and allow us to, for lack of a better word, compete in this complicated space. And I feel like this is really beginning to work and so I really want to thank the people who are taking up leadership responsibilities in these groups and the people who are participating in these groups. Because it's for all of us. It makes all of our lives easier and better. We don't rely on the failings of a single individual at the front of a table to guide us through everything and it also allows us to build more capacity.

We have people who can take a leadership role in a smaller group and feel more and more comfortable in this space. And ultimately they can please take this chair so that I don't have to be doing this for the rest of my life as lord and emperor in the charter.

So all of that is to say I think we've made some really good changes in the SG and I'm very pleased. And I hope you guys see, and feel, and appreciate that because our lives are getting better and our lives are getting a bit easier. So thank you everyone who contributes.

And with that, we've got four minutes. Who's got anything else we haven't covered? Who has a question? Who's got a concern? I give you a glorious four minutes to bring stuff up here that we can begin to take on board. Michele?

Michele Neylon: Michele for the record. Just very briefly, as most of you may know, I'm one of the co-chairs of the RDS PDP and realistically speaking, I don't have the

bandwidth to continue doing that. I've been unable to dedicate enough time to that because I do have a day job, plus as well being on council. So if there are any registrars who would like to -- behave, Mr. Chair -- who would be interested in replacing me, I would greatly appreciate it.

The workload is about two and a half hours per week roughly. There's a one hour PDP leadership call every week plus a 90 minute working group call, plus obviously, trying to keep up with the emails, which go from one or two emails a week to a much larger number. If anybody is interested, please do let me know and stop giggling. It's not funny.

Graeme Bunton: Oh man, who would be crazy enough to take that job.

Michele Neylon: Mr. Chair, you are not helping.

Graeme Bunton: So the GNSO has to I think tackle that particular PDP because it's so unbelievably doomed.

Jeff Neuman: Who from the registrar is on that PDP that we can choose from or to force into this position?

Michele Neylon: I think most registrars have at least somebody in there or multiple bodies in there. I don't know how many of them are actively participating but I think most people have somebody at least tracking it. I don't know.

Graeme Bunton: I think a lot of us joined or sent someone to join at the time because this is the big one. We're blowing up WHOIS and we're going to fix it. And then Alex Schwertner from Tucows, who is very German, he was like, all right, I'm in and he joined. I think Tom Keller was probably in there too. And he's like all right. And then a month in was like, oh, F this noise. And are probably still on the mailing list. It's probably all being directed to a folder. So I don't know that we have a lot of in-depth participation there.

But I appreciate that call, Michele. If someone else really is feeling it, it could use the help. Michele does do a lot and so if you've got something you want to tackle, you've got a bit of sadomasochistic bent then we can find a place for you. Anybody else have anything else they wish to raise?

Frederic?

Frederic Guillemaut: Just we talked about concrete things we have to do with those histories and (unintelligible) pickups. And in two months' time, we have a GDD and do we have something -- some people, some team to get ready to have better discussions, to prepare things to have a better GDD?

Graeme Bunton: Aren't you on the GDD mailing list? Isn't that you?

Frederic Guillemaut: I am on this list.

Jeff Neuman: I can interpret that. They're determining the agenda. That's fine. But then I think we should have registrars and registries prepare the materials and advance -- so the topics are set but people should go into them prepared. So there should be some registries and registrars that do some pre-work on those topics so that we can make an effective use of the time.

Graeme Bunton: I think that is still happening within the GDD organizational little group that exists where they're trying to find people to run topics. And so I haven't been following that super closely. Let's follow-up on that to make sure that there are people responsible for those things and we're prepared. Real quick, guys, I think the registries are joining us. Do we have a break, Zoe, between now and the registry? We just go straight on through. Nonstop party. All right.

Justin Mack: This is Justin Mack. Michele, I'll see you afterwards. I may be the commensurate level of masochism for that volunteer position.

Graeme Bunton: Ladies and gentlemen. James, how do you follow that?

James Bladel: You can't. So I'm just curious and I was having a conversation with somebody here, I can't remember who, but could we follow-up on the status of the ALAC review? That was a big deal for a little while and then it disappeared.

Graeme Bunton: That is a very good question because that review was spicy and where did it go? That had some real strong criticisms and it does…

James Bladel: I just want to point out, I note the number of claim constituents has doubled from 2 billion to 4 billion. So we're almost to all earthlings, internet or no, and I think between now and Panama, we have to discover some new planets.

Graeme Bunton: Thanks, that's a good note. We'll take that on board. Okay, with that, thank you registrars for your contributions today. I think the Adobe Room is going to reset. Zoe, you got something for us? You might want to make a little room at the table too so that some of our registry colleagues can join us up here.

Zoe Bonython: Please stop the recording on the RSG meeting. The room now has -- everyone that's in the AC room, you can stay in there while the chat is being cleared, et cetera, but we just need two minutes to get that AC room back up, the recording, et cetera. Thanks.

END