PANAMA – High Interest Session: Community Input to GNSO Expedited PDP Charter Development
Monday, June 25, 2018 – 17:00 to 18:30 EST
ICANN62 | Panama City, Panama

HEATHER FORREST: Good evening, everyone. It's one minute past. This is an opportunity to get together in a high-interest session devoted to community input in relation to the GNSO expedited policy development process, which is soon to be under way.

Welcome, everyone. It's lovely to see so many people in the room. My name is Heather Forrest. I am the chair of the GNSO, and I'm here with a number of colleagues from the GNSO Council who will introduce themselves in turn as we go down the list.

It's my job today to start us off, and to that end, if I can move the slide, that would be very good.

Thank you very much to Marika who has got us off to a very good start here.

I'm -- So my job this evening is to begin the session, to introduce really why we're here, the objectives this we have before us, and then, as I say, to turn it over to my colleagues.

The first thing that I would like to do is provide a status update, where we are in relation to our discussions as the GNSO Council

in terms of this expedited policy development process, provide a bit of a background as to what an expedited PDP or policy development process is, including an overview of how that commences by an initiation request and a charter.

We'll then turn it over -- the bulk of this session is intended to be an opportunity to solicit community input, input from all of you in the room on the six broad topics that you see here: The composition of the team and membership criteria, team leadership, the scope of the effort, decision-making methodologies, status reporting, and how we go about problem or issue escalation and resolution processes.

As I say, my colleagues here to my right will introduce each of these individual topics. We have roughly ten minutes devoted to each topic. We'll open the floor.

We are here to listen. We are here to listen to you. What we will do is we'll introduce a topic, invite you.   We have some discussion questions to prompt discussion. I understand the roving microphones are in the room with numbers, and if you wish to speak, you will do so through a roving microphone that will come in your direction.

We ask that in order to make this as efficient as possible, this is not a matter of volume. We're not keeping track of how many times a particular comment is made as any sort of

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representation of strength or weakness of that comment. The effort here is to capture as many different inputs as possible. So if a comment has been made, please make sure that -- there's no need to repeat that. Please make sure to leave the microphone for making new comments. So thank you very much.

This is our agenda for today. If we can progress to the next slide, we'll talk about status.

So the effort that we are currently engaged in of course relates to the temporary specification that was adopted by the Board on the 17th of May and which came into force on the 25th of May by virtue of the coming into force of the GDPR. The adoption of that temporary specification triggered an important milestone, if you like, in relation to the GNSO and its responsibility. So under Article 11 of ICANN's bylaws, the GNSO Council is singularly tasked with the responsibility for developing policy in relation to gTLDs. And this is a task we take very seriously.

The temporary policy -- or the temporary specification puts us in a very new and unique environment in that the GNSO Council must now respond to the temporary specification and evaluate that temporary specification in view to replacing it with or confirming it as what we call consensus policy. Consensus policy binds the contracted parties who are a member of the GNSO. So this is an effort that affects the GNSO as a whole.

That temporary specification coming into force also triggered an important milestone in relation to timing. The temporary specification can only be renewed for a total of 365 days. The clock began ticking on the day that the temporary specification came into force. The clock, therefore, has already started. So any reference that you hear or see today to 12 months, we have actually already begun that 12-month period.

Given the time constraints that are ahead of us -- in other words, we're working to the 25th of May 2019 -- the GNSO Council has agreed in principle that the best way to address this situation is through what we call an expedited PDP or policy development process. Fundamentally, an EPDP is a PDP. It shares all of the common values, virtues and, let's say, methodologies as a traditional EDP with some flexibilities.

It's important to note that the EPDP is a mechanism that has not previously been used. That is first time for the GNSO. So that means we are learning as we go in some ways.

The reason the expedited policy development process was considered the best mechanism for moving forward is, let's say, underscored in its name, expedited. The EPDP envisions a work effort that takes place in a 12-month period. Our regular EDE -- EPP -- or excuse me. Our regular PDP, standard policy development process, has no such time limits on it. In this

instance, the expedited policy development process is really quite ideally suited to what we have ahead of us.

In terms of current status, the GNSO has been engaged in dialogue with the ICANN Board quite extensively since the 17th of May and is working to continue those discussions. We had quite a useful discussion with members of the Board this morning. The Council has formed a drafting team, which is comprised of the GNSO Council members to develop two documents that will commence this effort. They're called the initiation request and the charter. We'll come back to those in a second to explain how those differ from a standard PDP.

There is a placeholder motion that is on the agenda for the upcoming GNSO Council meeting which will take place here at ICANN62 on Wednesday. That motion is to approve the charter and the initiation request.

The reason why we wanted to have this session today, initially it was scheduled for Thursday, is we want to make sure the community has an opportunity to input -- or to provide its input before the GNSO Council considers this as a substantive voting matter. It is not clear to us if we will be in a position, be ready to vote on Wednesday. However, we wanted to provide this opportunity to give the community a chance to give their thoughts before we begin that substantive discussion process.

We will also spend all day tomorrow as the GNSO Council together as this drafting team to consider the input that's been received today. And each one of the leads that you see before you here on the panel will be carefully taking note of what you say and consider that in our -- or introduce that in our discussion tomorrow.

Next slide, please.

So this is an overview of the process. Several points to emphasize here. They're quite important. As I said from the beginning, an expedited PDP is fundamentally at its heart a PDP. It is different in a very significant way, which explains largely why we're here.

The early stages of a standard or traditional PDP involve the identification of an issue, and that issue then is pursued, documented, analyzed by ICANN staff in what we call an issue report. That issue report goes out for public comment. It's a process that takes a fair amount of time.

An expedited policy development process omits that early stage and, instead, commences with an initiation request and a charter. And each of the issues that we're discussing today that each of these leads will introduce to you are items that are captured in these two documents, the initiation request and the charter.

The initiation request also includes some other things that are really sort of administrative, internal matters for us to discuss. We won't necessarily raise those with you today. We're really selecting the efforts of greatest concern to the community.

The charter looks very similar to what you may well have previously seen in terms of a PDP Working Group charter. It will include various things. And again, these are the issues that we're raising here with you today. Who will be on the team? The leadership of the team. What is the team expected to do, meaning its scope? How will it go about achieving its efforts? How will it go about reporting to the GNSO Council? And how will problems be resolved?

Next slide, please.

So you'll see from this timeline that this envisions us completing our effort at the expiry of the temporary specification. Now, what that means for us is it's really only the front end of the process that is expedited. You will notice here, and this is, if you like, a draft timeline or a hopeful timeline but a realistic one in that you notice that the primary work effort of this group needs to happen between now and Barcelona. That enables what comes after, which is public comment period, which is time to incorporate the comments received in the public comment period, the production of a final report, and going to the Board.

That means that our work effort has roughly four months. With that in mind, we'll speak to the specific implications of this timeline in each one of the discussion topics that will come. And you will notice that that puts a certain amount of constraint or pressure on each of these individual things that we're discussing with you today.

Next slide, please.

So here are the topics that we would like to raise and solicit your feedback on. The composition of the team/membership criteria; team leadership; scope; decision-making methodology; status reporting; and problem and escalation and resolution.

And with that I will turn over -- So we're seated in speaking order. I'll turn over to my colleague Keith Drazek to take us through the first topic, and we can turn to the next slide, please.

KEITH DRAZEK: Okay. Thank you very much, Heather. That was an excellent summary, and I look forward, along with my colleagues, to going through each of the topics.

So I'm Keith Drazek, representing the Registry Stakeholder Group on the GNSO Council, and my topic is talking about team composition. Essentially the membership of the PDP or the EPDP working group in this case.

So we have experience -- we have a lot of experience, you know, having PDPs and various different iterations of PDPs. We've also had experience recently with CCWGs. We have a PDP today that actually, with subsequent procedures Work Track 5, has the engagement and direct participation of members of the GAC.

So as we look ahead to developing the membership structure of the EPDP, which as Heather noted needs to essentially conclude its work through the initial report in four months' time, we're really going to need to make sure that this group is nimble, is able to work efficiently, work towards consensus, and do so in an extremely timely manner.

So one of the other things that we're considering at this point is, you know, how to ensure that there's adequate representation of various groups and various interests, but making sure that those interests and that engagement is tied directly back to the ICANN structure.

But these are all very much open questions at this point, and we're here to get your feedback.

So for discussion, the bullet points that we've pulled together is, you know, should there be a specific skill set or expertise that members of the EPDP should have? Should these be independently confirmed or is it up to the appointing entities to ensure criteria are met? What commitments will the team

members need to adhere to? And I think important here, as we've discussed at the council need, is the need for a commitment to constructive engagement and consensus building. In a four-month effort to come up with an initial public -- or, sorry, an initial report, the willingness to compromise is going to be critical, and to work towards a consensus position.

 One of the challenges that we want it avoid is entrenched positions, defending status quo, and any such type of behavior. This is one of those PDPs or EPDPs that is really going to require compromise.

And then what is the preferred composition of the team? And how do we ensure appropriate diversity?

So these are all the open questions that we have, and we are certainly open to taking your comments and feedback at this time.

So let me just pause there, see if anybody has any questions, any feedback, any input for us as a group. And this, again, can range from, you know, how do we ensure that everybody's views are represented but done so in a way that can be accomplished in a short time frame, in a very compressed time frame, and deliver a successful outcome?

So let me pause there.

And there are some roving mics in the room. There are mics at the table.

I see a hand back here.

STEVE DELBIANCO: Hi, Keith. It's Steve DelBianco with the business constituency.

In terms of -- Does the composition need to include people that are sensitive to how to implement the solution or does it stop with a policy prior to implementation?

When Heather put up the timeline, it looked as if it ended with the Board adopting policy, but there's -- without implementation, would we really be ready to turn something new on in 365 days? I realize you're covering composition and not necessarily the timeline, but you seem like the best guy to ask about this.

KEITH DRAZEK: All right. Well, thank you, Steve. So it's a good question and I think that will depend in part on the scope of the actual group that Susan is going to speak to momentarily. And I think the scope of the work will, in some ways, impact, influence, or direct how much implementation there might be coming from the policy.

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One of the things that we, as a council, are tasked with doing at this time is to essentially review, approve, reject, or amend the temporary specification. It's unclear at this point -- at this stage, I should say, how much implementation work there would need to be, but that really gets to the question of scope that you're talking about. But it's a very good question, particularly as it relates to the need for any implementation of policy changes that might come in a very compressed time frame.

JOHN LAPRISE: John Laprise for the record. Thanks, Keith.

In addition to the commitment to compromise, I would suggest there also needs to be a commitment to work. Given the quick pace of this process, that people are going to need to be able to put in hours on this over the span of the projected timeline.

KEITH DRAZEK: Thanks very much, John. That's a great point and actually something the Council -- this group, actually -- was talking about an hour and a half ago. And it was a discussion about the intensity of the work and the time commitment required. And some of the numbers that were being thrown around, you know, in a four- to five-month period could be 30 hours a week for volunteers to be properly prepared, engaged, on the phone,

face-to-face meetings, you know, follow-up and engagement with their stakeholder groups and constituencies.

So I think it's important that we all recognize this is going to be a highly intensive effort, and the need -- if you're going to participate or represent your stakeholder group or constituency, you need to be prepared to roll up your sleeves and dedicate the time. And there will not be time for catch-up. It's going to be an ongoing process.

ALAN GREENBERG: Keith, it's not clear if you are finished with your presentation or are you going to be presenting what the current status is of your thought-about composition?

KEITH DRAZEK: Thanks, Alan. Great question. That is the extent of my presentation because we are very much in listening mode at this point. I don't think that we have actually reached -- we certainly haven't reached any conclusions, and there's a wide range of options I think in terms of how we move forward. So we're here to listen.

KATHRYN KLEIMAN: Kathy Kleiman.

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ALAN GREENBERG: Is it on now? Then my question is something I hope you have considered, have you considered the range of sizes of the group that you consider viable to be able to work in this time frame and effectively? Thank you.

KEITH DRAZEK: Thanks, Alan. Yes, we have considered it. Again, have reached no conclusion. But the recognition is that it needs to be small enough to be manageable. And I think we have tossed around, you know, numbers of 30 to 40 people. In order to ensure proper representation and to ensure, you know, a bit of a back bench and alternates because of probably the need for calls at many different hours and to make sure we have engagement from the broader community, if interested.

So what we don't want is 100 or 200, I think it's safe to say. Thanks.

Let's go with -- Kathy, go ahead. And then we will go to Number 1.

KATHRYN KLEIMAN: Great, thank you. Kathy Kleiman. Is there a specific skill set or expertise that members of the EPDP should have? So without

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excluding anyone, there is a specific expertise that we can give everyone coming in and that's knowledge of the GDPR. Here we are trying to apply a very complicated law. And it shouldn't be -- everyone should have baseline, the definitions, the articles, the terminology, the principles, the law itself.

And there are many, many good courses on this. I know it's something that has been discussed by the GNSO Council.

But it shouldn't be up to one stakeholder group or another stakeholder group to educate on the basic principles, on the basic law. We're trying to apply a law. There are excellent courses out there.

So without excluding anyone, giving everyone the same base of knowledge sounds like a great idea and a great way to start again knowledge of the GDPR.

KEITH DRAZEK: Thanks, Kathy. I think that's a great point and something that we have discussed at council. It has been raised a couple of times on the email list. We did have a conversation about it on our last call. And I think we reached a point where we don't want to erect barriers to participation, but we want to enable a common understanding of at least the basics. And we're certainly looking at opportunities to find ways to either help

inform, help educate the participants, or to identify resources that we can at least point them to at a bare minimum to make sure there's that common understanding and, you know, being informed. It is something we are aware of. So I have been given I think it is the five-minute warning for my section. One-minute warning. We are going to go to Number 1 and then Number 5 and then I will have to wrap up.

ANNE AIKMAN-SCALESE: Yes, Anne Aikman-Scalese. And a question about the composition also relates to the time frame because the temp spec itself is, in part, the result of GAC advice.

So is there a way, even though this is a GNSO policy development process, to include in the composition of the team a way to get GAC input along the way so that the process is not delayed.

KEITH DRAZEK: Thanks very much, Anne. Keith again.

I think the answer is that's a really important question and one we're open to hearing further input on in terms of types of engagement, how that might be best incorporated.

As I noted in my initial comments, we have a GNSO PDP today in the subsequent procedures focused on Work Track 5 and geographic names.

To the extent that that's a model we could open, certainly open to that.

I recognize your point that ongoing and early engagement with interested parties is critical to make sure we don't end up, you know, a month out from an initial report or weeks out from an initial report and find we have a problem. So thank you.

Last question over here.

LORI SCHULMAN: This is Lori Shulman from INGA. I have a comment and a question.

My first comment is in terms of is there a specific skill set or expertise? Operating under the assumption that we will be pulling from probably more experienced members in the group either for technical or policy considerations, how is this work going to stack up against the other ongoing PDPs?

We have three major PDPs. I have a concern myself those of us on the RPM -- is where I have been spending most of my time. Great, this is a priority for the organization. Has the organization

-- I mean, the GNSO, not ICANN Org, but, I mean, generally we as the community figured out how we're going to prioritize this work so that we're not creating skeleton crews for other PDPs or a skeleton crew for this PDP?

I think it would be really important to dive into this discussion and decide if this is a community priority. Perhaps we also have to priority the pace of other PDPs, number one.

Number two, in terms of composition, I think we could consider to be more flexible and to ensure that we are not appointing towards siloed stakeholder groups or constituencies. The reason that I say this, there are many in this room who wear different hats at different times and have nonvoting memberships in one constituency, voting memberships in another. I think it would be a mistake to stick to the silos.

KEITH DRAZEK: Thanks very much, Lori. You know, thanks for the input. This is exactly why we're having this conversation today, is to take this input and to make sure that everybody understands there's an opportunity here to figure out the best fit.

To your point about prioritization, this is -- this has to be a priority of the GNSO and the GNSO Council because the ICANN Board triggered -- or through the use of a temporary

specification imposing that for understandable purposes due to GDPR and conflicts with WHOIS, that that time line was triggered. And so we as a council have an obligation to make this a priority. But I take your point that this has some potential domino effect as it relates to other community work and we need to be cognizant of that.

I apologize I can't take any more questions. I need to hand it off to my colleague Paul McGrady. I will be here after the session. Happy to take any more input or any other follow-up. Or if at the end we have any additional time, happy to take some further input. Thank you.

PAUL McGRADY: Thanks, Keith. Paul McGrady here. I took this topic because I thought it would be the easiest one.

[Laughter]

Hopefully that turns out to be the case.

I want to talk to you about the leadership of the EPDP and specifically how we identify the kind of leader -- or leaders that we're looking for, what kind of structure are we looking for, things like that.

So some of the options out there are who should appoint the team leadership. It is possible for the GNSO Council to appoint the leadership of the EPDP. The advantage of that is we would shave off however long it takes for the working group to appoint the leadership team on their own. But that may not be the way to go.

I recently learned that CCWG leadership is appointed rather than picked by the CCWG itself. So it's not as if there's not a precedent for that within ICANNland.

On the other hand, the working groups for garden varieties PDPs have historically appointed their own leadership. And so there is some comfort in doing it the good old-fashioned way. That's one of the things we want to talk about, which is how should the team chair or chairs or leaders be appointed.

Secondly, what is the expectation or commitment required of the leadership or the chairs? If the average working group member is going to have to devote 30 hours a week to this, as somebody suggested, what does that say about the leadership? How many hours do they need to be able to devote between now and Barcelona per a week? So that's an interesting topic.

And does the chair come from the members assigned to the EPDP team, or is the chair in addition to the members appointed? So, again, if we're trying to keep headcount down, is

it a grassroots thing or is that chair or chairs coming from outside of the team?

So we have a few questions to ask, and we'll open up the mics.

First of all, we would love to hear from the room who should appoint the chair or chairs or the leadership team.

Secondly, what leadership structure best facilitates achieving the goals and outcomes in a timely manner? So, for example, should it be one chair? Should it be two co-chairs? Should it be one chair and a vice chair? One chair and two vice chairs? Should be it Knights of the Roundtable, right, or some other structure we have not thought of before? So would love to hear comments on that.

And then, lastly, is there a specific skill set or expertise that the chair should have? I'm going to go out on a limb and say this probably shouldn't be their first time they are chairing anything. Maybe I'm projecting a little bit, and I was told not to share my opinions so I apologize.

But we're probably -- that skill set is looking for somebody who has done something similar before. But, again, would love to hear from the room on that topic.

So I am going to open up the queue. I see Number 1 over here.

STEVE DelBIANCO: Hey, Paul. Steve DelBianco from the business constituency. I think to answer your questions, we believe the council ought to designate the chairs, plural, as opposed to having the team pick it. And it should be in addition to the representatives that sit on the actual groups themselves.

I think the skill sets will be self-evident once you have looked at the composition and the scope and the time line. And it needs to be someone with tremendous experience at delivering very specific and highly technical results. And I believe that should include not just PDPs that have been run but drafting teams and CCWGs, cross-community working groups, like the one we just concluded this week on the IANA transition.

So we have a lot of talent to pick from, and I do hope that council will be able to take that role and make a selection of not only chair but co-chairs as well so that you have leadership team that's rounded out to match with the composition, skills, scope, and time line.

ALAN GREENBERG: Is it on? I can't hear anything here. Now it's on. Okay.

Heather asked not to repeat, but I will repeat a little bit but with a somewhat different twist.

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I really believe the council has to appoint. You have to pick someone who has really proven skills. The success of this kind of group will depend on whether the chair or chairs -- and I don't much care whether it's two co-chairs or a chair and a vice chair or something like that. I think any of those can work if the people are comfortable working with each other. But the skills of the chair to keep things on track and meet time commitments are absolutely critical and it should be proven skills, not just "I think I can do it" or "I chaired a group once before so I'm sure I can do it."

I think certainly if there were a chair, that's a full-time job and the person has to be able to commit to that. If you have vice chairs, maybe you can soften that a little bit or if you have co-chairs.

But based on experience, you have got to presume the person is not doing a full-time job somewhere else in addition to this or even a half-time job.

And it should not be a member -- you don't want to disenfranchise one of the groups that has appointed people by taking the chair away and they lose a voice. So thank you.

PAUL McGRADY: Thank you for that feedback. That's good feedback.

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I see Number 3.

MICHELE NEYLON: Thanks. Michele Neylon for the record.

This thing on the chair I think is -- one thought that does spring to mind is to chair something as contentious as a topic related to WHOIS, it's going to be very, very hard to find somebody who doesn't have skin in the game. So, I mean, maybe this is the opportunity to combine what we were talking about in the conversation we had with the Board earlier today of that kind of independent facilitator and actually have the chair be somebody who is completely independent. Because as you said, it is basically a full-time job.

Within the time frame here, most of us -- and I mean most people in this room -- have day jobs. And you would basically be giving up -- you would have to find an employer who is going to give up an employee for, I don't know, six months or whatever time period that is. They're just gone. And I can't -- not many employees are going to be that benevolent. And the ones that would be benevolent enough have got significant skin in the game. So I think maybe combining that independent facilitator with that kind of chair leadership role might be a way forward.

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Now, finding somebody who actually understands the ICANN circus and isn't a wuss and they can stand up to various people and do a lot of cat herding, not easy. But there might be some people out there who -- I don't know, maybe they're looking for a hobby. Maybe Internet governance gets them all hot under the collar. I don't know. But there are weirdoes out there like that.

PAUL McGRADY: Thank you, Michele. I'm pretty sure that everybody's hobby in this room is ICANN.

Number 5.

ELLIOT NOSS: It's Elliot Noss for the record. I want to make a suggestion. I think that Michele's comment around being able to bring this very difficult PDP process in for landing and, therefore, having some measure of independence is very accurate.

And so I want to suggest here a possible pool of candidates here which would be previous Board members. We have a lot of experience in those groups. They know this playing field by virtue of having served on the Board. They are very likely to have independence in the ICANN process deep in their bones.

So I'd encourage you to think about that as a potentially -- what, a potentially less contentious alternative than having it come from the GNSO Council itself. Thanks.

PAUL McGRADY: Thank you, Elliot.

Number 2.

RENATA AQUINO RIBEIRO: Hi, Renata from NCUC.   I'm concerned about balanced representation and diversity in the EPDP. I will reinforce what Michele just said. It really seems that an independent facilitator would be the best choice for this process which is meant to be focused -- so focused on the issues but also should definitely concern itself with balanced stakeholder representation and diverse representation.

PAUL McGRADY: Thank you, Renata.

We are at the one-minute warning. Any other comments on this? Terrific.   Thank you, all.   Oh.   Kavouss.   Kavouss will have microphone Number 2.

KAVOUSS ARASTEH: Thank you very much. Just a question or a comment I share with you. The chair of the group, whether chair and co-chair or chair and vice chair, they should work, first of all, collectively, collegially, with full collaborations, and complete independent whenever they are elected.

However, with respect to the situation, the chair must have expertise on how the PDP is prepared, developed, and must have expertise on the subject matter in order to guide the group. Otherwise, efficiency will not be achieved. This is very, very important. We have to take care. We should not talk about this equal treatment, equal footing because the subject is very, very sensitive and very difficult and complex. So these two are very, very important.

The only thing we need to assure and ascertain is the neutrality irrespective of the affiliation of any group of any people or any group of people. Thank you.

PAUL McGRADY: Thank you, Kavouss. Appreciate that very much.

Next up is Susan to my right. And Susan is going to talk about the scope. And this should be the quietest, fastest portion of this day.

SUSAN KAWAGUCHI: This is Susan.

So scope. We need to decide on mission, purposes, objective, goals, deliverables, and time frames. We have a very standard process for developing a charter, and usually that takes months. We have days. So all of your input's needed.

So which issues need to be at a minimum considered by the EPDP team? This will be the death of me, that acronym. Which additional topics need to be considered? What should be the charter questions? Which issues are not to be included, considered? What are the objectives and goals? Deliverable and time lines or time frames.

Earlier someone asked a question about implementation. Does this -- you know, are we -- usually we have a PDP and we develop a policy and then goes to implementation and five years later you might get it implemented. So, you know, we don't have that luxury. We have four months and then -- you know, then implementation has to start.

So there's different ways of doing this. So we do have several questions here. And the same format. Are any of the topics identified in the annex important issues for further community in scope of the EPDP? Are there any other deliverables expected apart from an initial report and a final report? Are there any modifications that should be considered to the draft time line,

noting that only a one-year period is available to complete this work?

We have a lot to accomplish in a very short period of time.

So we'll start with number five over here.

ELLIOT NOSS: Thank you, Susan. Elliot Noss again.

Here, with scope, I want to address the, you know, issue that I know is very contentious on Council around tiered access being included or not. There's two thoughts that I want to put out there. The first is that if you're able to -- if you, us, if we are able as a community to land this EPDP within this tight time frame with its current scope, I think that would be incredibly impressive. And I fear that adding something as difficult as tiered access to that would make it impossible. It would turn it from improbable, maybe hopeful to impossible.

The second thing, because I'm very much in favor of tiered access work going on, so I want to make sure that not only council but that everybody understands that tiered access exists right now, is available from most slash many registrars and that it needs to be improved. And by "improved" I mean take in the very important use cases and interests that everybody has around tiered access.

So tiered access is going to be a moving train by necessity. We as a registrar don't have the luxury of not offering that today. We as a good Internet citizen want to keep making that better every day. And we can only do that if we're all working together live in the field while the policy work is going on.

So with tiered access in particular, I think it's going to be a unique creature where you're going to have policy development work and work happening in the market that's going to be feeding back and forth among itself.

So I'd really urge Council to give us a chance to be successful here.

Thanks.

SUSAN KAWAGUCHI: And 2.

ROD RASMUSSEN: Rod Rasmussen, SSAC chair.

To be brief, SSAC made several recommendations in SAC 101 that included inputs to the EPDP. We'll be sending a note to GNSO just reminding them, pointing those out. I wanted to call people's attention to them. You can read them in SAC 101 which is on the ICANN website.

Thanks.

SUSAN KAWAGUCHI: Thank you. And microphone 1.

STEVE DELBIANCO: Steve DelBianco.

The temporary spec that this PDP must replace includes a requirement that users with legitimate and proportionate purpose for accessing the data will be able to request the data through registrars and registries. So I don't think there's a question about whether it's in scope to address that legitimate access. I think you need to.

Elliot is right, it will be challenging, but you have to do that. It's half of what the temp spec addresses. And that kind of access isn't really working very well today.

I think also ICANN Org just last week released a unified -- a framework for a unified model for accredited access based on codes of conduct, and that parallel path complements the work on this PDP since that parallel path would involve discussions with European regulators and governments and the Commission in order to determine the way in which accredited access

through codes of conduct will play into your work that's happening inside of with your PDP.

So this will be a two-track process with org doing some work at the same time you are. So the BC firmly believes that we have to have a track for this since the temp spec includes tiered access.

SUSAN KAWAGUCHI: Thank you.

And let's see. Number 3.

JAMES BLADEL: Hi. Thanks. James Bladel.

And I guess I'm going to echo a lot of what Elliot has said, is I think it's very important if not existential to the success of this PDP to narrow the scope to just the temporary spec and freezing that in place with the EDP -- EPDP -- see, now I'm doing it -- and getting us off the clock. Because my concern is that when we start talking about things like access, important topics but, you know, we've had an RDS PDP that has failed to address those issues and those questions in years in what we're now being asked to do in weeks or months. And the concern is that we go right past May of 2019 with no EPDP output, no temporary spec,

and really the party is over at that point in my opinion. And I think we're dancing that close to the edge of the cliff.

So my recommendation is to put that on a separate track to keep it important, and it will also have the benefit of informing that work with the outreach to the DPAs and with some of the -- and I'll pick on Elliot one more time -- with some of the court cases that are working their way now through the European Union might help shed some light on some of the questions that the access work is going to have to tackle.

So I strongly encourage, for it to have any hope of success in meeting the timeline that was laid out earlier by Heather, it has to be as narrow as possible and focus solely on freezing the temp spec as it is.

Thanks.

SUSAN KAWAGUCHI: Thanks, James.

Five.

GREG SHATAN: Thanks. Greg Shatan for the record.

The basic reason that WHOIS exists is so that it can be accessed. Bringing WHOIS into the present without creating access is like

building a building without any walls or doors. I think you'd fire that architect if he told you you needed to frame it up and then you punch the doors through at some other time, and meanwhile you have no access.

Of course we're talking about a database that exists right now, so we're not talking about building something for the future. If we're building the airplane in the air, we need to build doors.

So the whole idea that we're going to do anything useful with WHOIS and -- under GDPR and that it doesn't involve access is -- is just an absurd fallacy.

I understand the pain that the registrars are under in trying to accomplish this, and perhaps if we'd seen a fantastic result in the last month on access under its own -- under their own initiative we might feel a little better, but we haven't. It's because everybody is scrambling, of course, but it's not like they didn't see it coming either.

So I think this is really -- it's all part of the package. It cannot create WHOIS and then say you can't get at it.

Thanks.

SUSAN KAWAGUCHI: Number 4. Thank you very much.

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ASHLEY HEINEMAN: Hi, Ashley Heineman, U.S. government.

I just wanted to indicate that I'm sympathetic to all the issues that are going to be faced by this EPDP, particularly timing, and the issues that have to be addressed. I'm also concerned that the user perspective is being completely lost. The WHOIS users. And not necessarily just by this group but by the model that's just been implemented as a temporary specification.

Is there -- If it's not going to be in this EPDP, is there a commitment to move forward with access and accreditation sooner rather than later? And is there the ability to, in a good, constructive way, with a deliverable, to work on that issue in parallel? And that could include also a new temporary specification.

Thank you.

SUSAN KAWAGUCHI: And we would hope. I'm trying to give everybody time to talk here, but we would hope that there is a commitment to that.

Number 2, and I think that's it. We're almost out of time.

ALAN GREENBERG: Thank you. Alan Greenberg.

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Let me try to bridge the divide here. I don't think you can do the EPDP completely ignoring an accreditation model because, as Steve pointed out, it is a core part. It is a core part of the temporary specification, and it's absolutely necessary for this to work on a reasonable way.

On the other hand, to try to populate the table, which is going to say which group is going to get access to which data element, would be insane if you try to do that. That's got to be done in parallel. Perhaps, you know, led partially by staff to put proposals out for comment in parallel with it.

You may also have some wisdom, as you're doing the EPDP, for exactly how an accreditation model should be implemented or what characteristics it has. So I think you're going to have to span the two sides. You can't ignore it completely, but you're not going to be doing all of the work.

Thank you.

SUSAN KAWAGUCHI: Okay. And our time is up. And any other comments or concerns? I think there are white boards around, too, that you could write those, but you can also provide those to Council.

Sorry, Rubens. Forgot to introduce you. And Rubens will take the next slide.

RUBENS KUHL: Thanks, Susan. We have looked at the when, the deadlines, the who, the team and the leadership, the what, the scope. We're now looking to the how.

In GNSO policy development procedures, there's established a decision-making methodology. That's usually one thing that doesn't change in the charter template looking at most PDPs, but the question here is to look at whether we need to change just for this specific PDP or not.

There are levels of decisions that are defined in the GNSO operating procedures. They are full consensus, which is not (indiscernible), which is nobody oppose it but everybody manifested something, was for something. Consensus, which is defined in other arenas as have consensus, meaning that a large majority of people agreed and a small minority of people disagreed. We have strong support where, although a majority of people was in favor of that, it did receive some opposition that could be very significant opposition, or we could find a divergence. Simply can converge of anything.

So the question here is do any change need to be made specifically for a PDP that runs on a tight schedule and for a very contentious matter? So if anybody has any suggestions, we are here to listen to them.

And we have one already with number 2.

MARK DATYSGELD: Hello. Mark Datysgeld from the BC.

My question is simple. Is there already any thought being given to a fail-safe, as in there's a possibility that this will not come to a real consensus or what we would call a rough consensus that has to be taken into account. It is a thing that may happen.

Has the committee given any kind of thought to that kind of scenario?

RUBENS KUHL: We can look into that, but one of the issues, for a consensus policy to be binding, we can't fail. So anything -- If there is a failure, that means that the policy is not binding, but it could be some voluntary policy which has been adopted in some areas. But any -- any kind of failure removes the strictly binding possibility of the policy.

Next to go to number 3, please.

MILTON MUELLER: Hello, Milton Mueller, Georgia Tech, noncommercial users constituency.

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I don't really think you need to deviate from your decision-making procedures. In fact, I'm not even sure why this question is being asked. We're already deviating in process by having an enhanced or expedited PDP. I think it's very dangerous when you start making up processes based on controversial issues.

You have these processes in place in order to develop policy in a fair and balanced way that involves all stakeholders. Now you're going to say, uh, we're afraid we might not get consensus so let's change the decision-making procedure so that somebody else who doesn't have consensus can ram something down people's throats? I don't think that's a good idea. I think you stick -- There's nothing particularly special about the EPDP other than the need for speed. The need for speed does not change the fact whether you have consensus or not, whether it's full consensus or strong support, et cetera, et cetera. Those are perfectly valid criteria for going ahead and discussing the results you get from this procedure.

So I would urge you to stick with your standard decision-making procedure and leave it at that.

Thank you.

RUBENS KUHL: Thanks for the input, Milton. Just with the reason for us to ask is that we are not taking anything for granted. So even if believe that should stick to the current procedures, we need to ask that and see if someone comes up with a better idea.

Number 4, please.

KAVOUSS ARASTEH: Thank you. I think due to the scope of the subject, perhaps it would be more advisable to leave it to the team to decide on its own management -- on its own decision-making rather than giving a predetermined way how to decide. This is important. This has been worked previously, not in the PDP but in other area that the team will discuss with respect to decision-making.

However, the last part of this text say this section should be amended at appropriate. Which section? Do you mean the decision-making should be amended as appropriate? I don't think so.

The team should decide on the decision-making. Once they decide it, it should be stable. It should not be changed drastically and should not be changed every time. So we should have clear idea what is decision-making from the very beginning but not change it as the times comes. So we should have sort of stable position.

Thank you.

RUBENS KUHL: Thank you, Kavouss. The issue here is that we have to bundle this into the charter. So we actually have to have at least a first look on what to put into the charter. What we could do based on your suggestion is leave the team free to ask the Council if they see the need to change, to went back to us and say, "Oh, we need the change." That could be a possibility of implementing what you suggested.

Number 2, please.

RENATA AQUINO RIBEIRO: Hi, Renata from NCUC. I do not see that the process should be changed. I also see it dangerous abandoning a traditional consensus-building mode. But also, because this is an expedited policy development process, there should be plenty of information about the decision-making process. So that would be the only point that I would make; that every step of the PDP be well documented due to the speed of the decision-making. If someone loses at least a tiny detail, maybe led to consensus while not really understanding what is on discussion.

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RUBENS KUHL: Thank you, Renata. I'll take that as a suggestion for us to follow strictly the transparency guidelines that already bind the GNSO. This PDP does not alleviate anything for that. Thank you.

Number 4, please.

MICHAEL GRAHAM: Hello, Michael Graham with the IPC. And as a former one of many vice chairs for the GNSO Policy and Implementation Working Group that put together the recommendations and the report that was adopted by the GNSO, I just wanted to remind the group that as part of that, it was agreed that the PDP manual, with a few exceptions, would apply to EPDPs. So I think if you go back to that, this question is answered.

Thank you.

RUBENS KUHL: Thank you, Michael.

I don't see any -- any more hands, so we are happy to leave our section to Darcy and give her some more minutes.

Thanks.

DARCY SOUTHWELL: Thank you. So I'm Darcy Southwell. I am the councillor -- one of the councillors from the Registrar Stakeholder Group.

Can I get the next slide, please.

I'm not talking about a subject quite as challenging as the others, but status reporting. As many of you know, we have regular status reporting on PDPs already today. In many cases, they come from published reports from various PDPs, usually shortly before an ICANN meeting. Some of them do them a little more frequently. And of course you have reporting updates that come at the sessions at these meetings. Given that we're talking about an EPDP with very quick timing, waiting for an ICANN meeting is not sufficient. So we're looking to see who should receive reporting, how often they should receive reporting, what the expectations are of the content of the reporting. To determine whether or not we need to also, then, put that in the charter and put some requirements around what is not a usually reporting process for us. So if anyone has suggestions, we would like to hear them.

I said it wasn't as exciting.

Number 3.

KURT PRITZ: Hi, this is Kurt Pritz with .ART. So I think our primary concern is to remove barriers or any impediments to the team from doing their job. So this is kind of a sneak comment about leadership. But the leader or the chair needs a staff, and one of the staff is the reporter. So the reporter can make as frequent reports as we want, but we don't want to slow down the work of the team and stop it from its considerations or deliberations by having to report separately.

So my recommendation is to staff this organization or staff the chair with a reporter who can take away this administrative burden that usually slows down projects. Look at the PDPs now. Everybody stops while they report.

So the chair might have, you know, a facilitator or a mediator and a reporter on their staff.

DARCY SOUTHWELL: That's a fair point, Kurt, to keep things moving. Thank you.

Five.

MICHELE NEYLON: Michele again. The key thing with status reporting is just making sure that people know what's going on. So I would actually reframe that as just make it communication. I mean, we -- due

to the nature of this particular process where it came from, where it's going, where it needs to end up, there is multiple things at play. I mean, in many respects, this group could do whatever the hell it wants but then we could have the decision coming from the ECJ which just blows it all up.

So communication both in terms of ICANN Org as the corporate entity to the group, the Board to and from the group, and then from the group itself to the rest -- to the broader ICANN and Internet community, I think that's what we really would be driving for here.

How that looks, I think Kurt's point isn't the worst. I'm not sure we really want to be hiring more staff. ICANN staff headcount is already way too big. Maybe repurposing people or something. But I think it's really down to transparency and communication.

DARCY SOUTHWELL: Thank you, Michele.

Number 2.

JOHN LAPRISE: John Laprise for the record. Since this PDP -- since the EPDP has a hard time line, one element of reporting might simply be compliance with the time line. Are we ahead or behind

schedule? That's unlike other PDPs, and that would give people who are not perhaps involved in the meat of the discussion to at least have an idea of whether or not we're on track or not. Thank you.

DARCY SOUTHWELL: Thank you, John. It definitely speaks to accountability for the process.

Number 3.

DONNA AUSTIN: Thanks, Darcy. Donna Austin from the Registry Stakeholder Group. There's a question up here about what is the expected role of the GNSO Council liaison. And I think this becomes pretty important in the fact that we know that essentially there's a four-month time frame for the substantive work to be done. And the role of the council liaison is really important in reporting back to the council, if they feel that it's going off the rails because we need a mechanism for really quick course correction.

During the council discussion with the Board earlier today, Michele spoke about a mediator. So we need -- I think that the council liaison role here is really important in, you know,

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identifying issues that they think might compromise the ability to get the work done in the time frame.

DARCY SOUTHWELL: Thank you, Donna.

Anyone else?

I will pass it over to Stephanie.

STEPHANIE PERRIN: Thanks very much, Darcy.

This is Stephanie Perrin. I'm a GNSO Councillor representing the Noncommercial Stakeholders Group. And the topic -- could we have the next slide, please.

The topic that I'm introducing for your input -- I'll wait until the slide comes up. There we are -- is problem/issue escalation and resolution processes.

Now, as has been pointed out in some of the earlier comments, we already have a process in the expedited PDP procedure that is laid out in the GNSO procedures. The question is -- and I don't want to look backwards. But we have quite a bit of experience with WHOIS policy review teams -- not review teams, I beg your pardon, PDP processes that have not reached a conclusion, most recently the RDS experience which was 2 1/2 years and

fairly contentious. I think we can see the contention already in the room in the different views on this.

So is there a need in the light of this and in light of the expedited timetable to modify the standard sections and allow for independent dispute resolution or some other similar mechanism to interrupt the drive for consensus and take the parties aside and help us reach some kind of a, shall we say, more productive approach to solving the problems?

Now, that is not the same as substituting an independent arbiter's decision. It is really just a question of how do we make the consensus process work.

So that's basically the question. Do you have views on that? Open to the floor.

Number 4 in the back.

STEVE DelBIANCO: Hi, Stephanie. It's Steve. I'm aware of something in the PDP guidelines that you have been quoting that would allow a working group member to stop the work of the PDP. And I would assume we would override that capability completely for the purposes of an expedited PDP. Of course, since we haven't done an expedited before, this would be the first time.

I strongly suggest we take a look at that. I think it's Section 3.7. Let's just make sure we take that off the table to have a chance of succeeding. I understand the escalation procedures. That's great. But the ability to stop the process would be destructive.

STEPHANIE PERRIN: Noted.

Any other comments on this matter?

Michele on the left-hand side, Number 3.

MICHELE NEYLON: Thanks. Michele again for the record.

One of the issues we ran into in the RDS PDP -- and I see Susan was another one of the co-chairs on that -- was that we definitely had some members who were intentionally confrontational and that that led to, you know, this kind of devolution of dialogue so where it becomes a cat fight between two or three people and then the willingness for people to engage in any kind of meaningful dialogue quickly goes out the window.

So I think the issue we've had here -- and it's something we've discussed previously -- is how do you enforce the standards of behavior whilst balancing cultural differences, different

expected norms, et cetera, et cetera, et cetera? There is no simple answer to this.

But we definitely need to be conscious of the fact that if people come in with an aggressive, confrontational manner, they just need to go because it's -- otherwise, it's going to devolve back into the same kind of thing.

I have got an image in my head of a hamster on a wheel and you can just extrapolate from that where I'm going with that. I just don't think that's what we want. Thanks.

STEPHANIE PERRIN: Number 2 in the second.

MICHAEL GRAHAM: Thank you. Michael Graham with the IPC again. I think a lot of this would depend less on coming up with a modified approach, more importantly the leadership that's selected, and then also the selection of the composition of ensuring from all of the various constituencies that the people that they're putting forward, if that's the process that's followed, are people who are going to work towards a consensus, who appreciate the importance of this and depreciate the importance of, you know, grandstanding, which I think is something that does threaten all of us. And Michele's points I think are extremely well-taken.

EN

STEPHANIE PERRIN: Thank you. Number 4 at the back.

DANIELLE KEHL: Danielle Kehl, NCUC. I second Michele's points. And dispute resolutions might not be needed in the end. But whatever stops the working group from doing meaningful work needs to be addressed and in an enforceable way. Leadership should not be exempt from it. Thank you.

STEPHANIE PERRIN: Thank you.

                        Number 5.

JOHN LAPRISE: Thank you. John Laprise for the record. I might also suggest involving ombuds from the get-go as a preemptive measure. Make sure they are involved from the start of the process.

STEPHANIE PERRIN: Thank you.

                        At the back. Number 5.

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HERB WAYE: Thank you. Herb Waye. I'm the ICANN ombudsman. And, of course, I would be available at any occasion for -- to assist the working group, as I have in the past with many other working groups and review teams in the organization and the community with certain skills and with an availability to maybe act as a resource, whether it be for mediation or as an independent outsider looking in at a dispute that might be coming to a head.

                    If there is anything at all that I can do to assist the group, be it attending your meetings or sitting in as an observer when things become contentious, I am more than available and willing to assist. Thank you.

STEPHANIE PERRIN: Thank you.

                    Ah, yes, at the back, Number 4.

STEVE DelBIANCO: Stephanie, Steve DelBianco with the business constituency again. I would ask this dispute resolution be available and easily accessible if it became clear to leadership that a member was not honoring the commitments that everyone had agreed to in the beginning with respect to attendance, getting the work done on time. In other words, the commitments that are required for this to be successful have to be something that can be enforced.

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It will be very difficult to make people work when they don't want to. I get that.

But if the expectation going in is that attendance and deliverables will be monitored and that there will be a process to escalate a concern about that, I think they'll take it more seriously right from the get-go.

STEPHANIE PERRIN: Maybe I should introduce -- Stephanie Perrin -- just a point of clarification. There should be some kind of a line drawn between what is expected normal behavior. And in that, if you have signed on for attendance, then, you know, that is kind of an expected behavior that the leadership might be expected to deal with.

What we discussed as a council and why we're looking for input on it is: What do you do when stakeholder positions are fairly firmly set, as we've seen with 20 years of history on this particular topic, and no one -- or parties are not prepared to concede and move towards consensus.

How do we deal with that? So that's really what prompted this opinion, this -- seeking your opinion, rather.

Thank you. Number 2.

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KAVOUSS ARASTEH: Thank you very much. I see this sort of process and actions giving the authority and power to the chair to restrict, in inverted comma, disruptive participants. It seems unacceptable due to the complexity of the system, due to the (indiscernible) of the issue and due to the seriousness and interest of many people. I don't think that that is productive. It is counterproductive. It's some sort of limitation, and it's against any principle. And we don't want to give such authority to the team or to the GNSO to restrict others. I don't think that we didn't have that one -- we have RCG, we have CCWG. We have other CCWG. Please don't put any restrictions and giving any authority to the chair of the team. Otherwise, they would have no -- no process at all. Please be liberal and don't put such restriction. It is totally unacceptable and opposition to that. Thank you.

STEPHANIE PERRIN: Thank you for your input. I think you put your finger on why we are inquiring as to the merits of dispute resolution processes.

I believe I am out of time. But we do have further questions. So perhaps you can send them in on the -- via email. We really are looking for more input on this. As you can see, it's difficult. Thank you.

RAFIK DAMMAK: Okay, thanks.

So after we covered the several topics, we are here in kind of the -- what remains to talk about is the "other." And here we are trying to be practical in terms of thinking about what kind of working methods the EPDP should follow and also what kind of resources that we may need to ask.

So both of this is to -- with the purpose is to get things done within the limited time frame we have. So we need to think what's needed. For example, if we talk about working methods, what's the frequency for conference calls? It's something we need to think about.

Do we need to bring more external expertise, and what kind of expertise do we need to bring here? Also, what kind of additional services that we may need. That's why we are here, to get more input, that maybe we are missing something.

Having decided about the resources we have to give the tools and also think about the budgeting for this team and this EPDP to get its work done in such a time frame. So there are several areas that we need more input here. We think it's needed. For example, we need face-to-face? Is it something that should be envisioned? Here is the time to give such input. We covered

several topics before, but you can add here anything that you may think it's missed.

Okay. Number 2.

ALAN GREENBERG: Wasn't expecting to be up so quickly.

I strongly advocate face-to-face meetings. They are infinitely more effective, first by concentrating the time and it makes compromise a lot more easier than on teleconferences for reasons maybe are not clear.

However, with the size of potentially 40 people, based on my experience in the RDS review team, you are looking at a cost face-to-face, if it's two to three days, in the order of $200,000 each.

What kind of commitment do you have from the Board to fund this?

RAFIK DAMMAK: Okay, Number 1.

EDMON CHUNG: Edmon Chung here. I am thinking of the potential of one of the things that's going to be discussed. Because this is are kind of

triggered by the GDPR and some legal issues, I wonder if there is anything that needs to be said about, I hate to say, but legal resources to answer some questions. Because there will be certain issues that people say, hey, this is against the law anyway and we get into a gridlock by trying to talk about that.

RAFIK DAMMAK: Okay.

Number 3.

DONNA AUSTIN: Donna Austin from the Registry Stakeholder Group and also the Council. One of the challenges for this working group and the working methods is the fact that this temporary specification has a requirement that it needs to be confirmed every 90 days. There is a possibility that the temporary specification may be changed at that juncture as well.

We also understand that it's possible that there will be decisions that are coming from DPAs or whatever that might have an impact on the work of the group as well. So I think one of the important things for whether the Council provides some guidance at least in the charter or whether it's something that's considered by the working group itself, but it's how are they

going to deal with those 90-day decision points if there's a substantive change to the temporary specification?

I think it would be helpful to have that conversation early, understanding that you don't know what the variable is. But knowing that that is going to be a touchpoint during the course of the development of the -- or the consideration of the temporary specification, what mechanisms can be put in place to deal with that.

RAFIK DAMMAK: Okay, thanks, Donna.

Number 4.

BECKY BURR: Hi, I just wanted to confirm -- this is Becky Burr for the record -- that as the Board did confirm to the GNSO Council in our working lunch today, we are certainly aware of the fact that this effort will require resources.

Obviously no one is writing blank checks here, but we do understand the importance of supporting this and there will be resources made available.

We need to hear from you on what the planning and thought is with respect to that and obviously following the budgeting

discipline that we have developed in connection with Work Stream 2.

But there should be no question about the Board's commitment to supporting the work, the effort of this work.

RAFIK DAMMAK: Thanks, Becky. Just to be clear, here we're trying to get input into what's needed and to get the requirement so we can after factor internal budgeting and the request.

Number 1, please.

RAHUL GOSAIN: Yeah, Rahul Gosain from government of India for the record.

There may just be -- I mean, amongst -- while there's been some talk about additional resources which may be needed and taking off from what Edmon Chung said earlier, there may be a case we might consider. Probably since the backdrop of all this is to satisfy the GDPR requirements, there may be a case for maybe having some kind of a liaison from the EPDP -- I mean from the European Data Protection Board onto this PDP? So that we can bounce off whatever is being discussed with them once in a while? And that will also serve the dual requirement of them having to communicate with the, you know, standing

medium of communication, channel of communication being established with the European Data Protection Authorities.

So that's my suggestion. Thank you.

RAFIK DAMMAK: Thanks.

So we have -- let's go with number 4, 3, and 5. Yeah.

STEVE DELBIANCO: Steve DelBianco. I wanted to pick up on what Edmon Chung mentioned with respect to legal support. As part of the CCWG on the ICANN transition, we had a very expensive, at-the-ready legal team answering questions in the middle of calls, and I don't think that will be necessary here. However, the ability to submit a legal question and get a reply in a day from an authority who understands European law would be so helpful so that those disputes can't stop the progress. But I don't think we need to budget the kind of expenditures that are required on the CCWG.

KURT PRITZ: Hi, this is Kurt Pritz. I want to build on Michele's suggestion to attach a facilitator to the chair or the working group. And I see this as maybe part negotiation, part mediation, part consensus building. And those are all tools that the group will need in its

toolbox. So they might need to bring in a professional independent mediator or somebody schooled in consensus building that understands the rules of decorum that can make independent rules on behavior, or bring in a negotiator.

So I think that different independent professional tool sets could be required by this group and be helpful.

RAFIK DAMMAK: Thanks.

Number 5.

HADIA ELMINIAWI: Hadia Elminiawi for the record.

So I'll be addressing the resources that are required to achieve the goal. And I think people speaking before -- before me did point out there. I think legal expertise is external advice from -- with regard to the legal matters is an important matter that we should be taking into consideration. And this could be in the form of external expertise coming, for example, every -- I don't know if we are going to schedule the work -- the meetings or the calls every week or every two days or every three days. But it may be it would be helpful to, from the very beginning, to say that we have an external expertise on legal matters that will be,

for example, addressing the group every week or addressing the questions of the group every week, every three days, every -- whatever the term is.

Thank you.

RAFIK DAMMAK: Okay. Thanks. We will finish with number 3, and then we can...

GREG SHATAN: Greg Shatan for the record.

I think the idea of getting legal expertise is a good one; however, based on what I've seen in this area as of late, and not just in the ICANN context, there is a broad diversity of interpretations of this area of law.

It might be, in a sense, it might be better to get two law firms, I hate to say it, that disagree with each other. I don't know where that would leave you, but the problem is if you get only the law firm that always thinks maybe the way I do on this, other people might think that's bad, and the opposite might be bad, too.

So I don't know exactly what you do. It's an issue in part that there are -- you can only go so far with kind of completely objective advice to the situation sort of legal advice.

And how you drill down to the question of getting advice, I think ultimately it really goes back to the client. The client really needs to know a little bit more about how to ask for advice and to engage in a dialogue with the advisor. And ultimately the question you are asking the lawyer, or usually, is how do I accomplish my intent? How do I accomplish what I'm set out to accomplish? And I think it's much more important for the group to side what it is intending to accomplish, and then see if it can be accomplished within the bounds of the law, and then move from there. Without that, looking to a lawyer to ratify one view or another of how GDPR applies is just going to be -- end up with a further legal battle. And that's not really what we need. We need wise counsel but we don't need kind of ad hoc litigation.

Thank you.

RAFIK DAMMAK: Thanks, and it's time maybe to -- to go back to Heather.

HEATHER FORREST: Thanks very much, Rafik.

And if we can turn to our final slide. So it falls on me at the end here just to tell you about our next steps, what happens now.

The GNSO Council will meet as the EPDP drafting team effectively all day tomorrow. So from 9:00 a.m. to 3:00 p.m.

We also have some additional time later in the week on Wednesday morning to further consider matters. We have a number of possibilities for how we might use that Wednesday morning session. So it really just depends on what our highest priority is at that time.

As I mentioned at the outset, the GNSO Council will meet on Wednesday afternoon at 1:00 p.m. There is a motion on the agenda for that meeting. The motion contemplates the Council considering the charter and the initiation request. If the initiation request and charter are not actually ready for consideration at that point, it will fall on Council, let's say, to discuss those concepts as best we can and to work out a plan for reaching that point.

The intention that we have in our discussions this week is to establish as clearly as we can what can be done while we're all here together in Panama, and our attention is on establishing that team and ensuring that they can begin as soon as possible, bearing in mind again that we're looking at an initial report by Barcelona.

With that I would like to remind everyone -- and I apologize for not having done it at the beginning -- there are white boards

scattered around the room. If you were not able to make your comment here today at a microphone, we encourage you to capture those comments on the white boards. So Keith and -- Keith specifically offered, and others of us may as well be able to stay around to gather input from you immediately after this session as well if you'd rather speak to one of us. But by all means, let's say the white boards are here, we're here. You'll see us around in the hallways throughout the week as well. Any further input that you would like to give us, we would be very grateful for that.

So all of the feedback we have received today, we have made very careful note of that, including the chats in the Adobe room. And starting 9:00 a.m. tomorrow morning we will consider each of these points.

Thank you very much, everyone, for joining us this evening, and we wish you a very good evening at the end of this first day in Panama.

Thank you very much.

[Applause]

[END OF TRANSCRIPTION]