
ALAN GREENBERG:

Start? Okay. Thank you. We're reconvening the RDS WHOIS 2 Review Team after lunch and continuing on discussions on scope. This particular session has 45 minutes left in it. Let's see if we can get the rest of the items done in that time, hopefully relatively quickly. I suspect we're going to have more disagreement on some of these, and we will be using consensus as opposed to unanimity, if we have to go on and move forward.

PATRICK DODSON:

Thank you, Alan. This is Patrick. I need to get the new mic because the battery is dead on this one. So, I'm talking at the table right now. So, we'll start this topic, and then I'll go get another roaming mic. The next topics -- so, we have clarity and alignment now on topics one, two, and three. The two remaining green topics that were the ones that were decided by the group in scope, consensus-wise or topics, seven and five. Seven as the compliance topic and five, I believe is the safeguarding registrant data. Thank you. Good memory here.

So, I'd like to propose that we tackle seven first and then five. And that will cover the first bucket of these topics, which are the ones that had consensus on being in scope, and then we can have a discussion about the best way to address next steps on the orange topics. But the language on seven, I don't think has been revised. We did not get to that one yesterday, so that's the start out with from the conversation of the content. It is revised? Thank you. Sorry, I'm going to defer over to Lisa to start, and I'll come back in a minute.

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LISA PHIFER:

Thank you, Chris. Based on -- we did actually have some discussion yesterday of, I believe it was comments that Susan had inserted in the previous version of document around transparency and also effectiveness of enforcement. We talked about whether we were looking for a process review, for example, of compliance.

So the changes that I included here were to try to tighten up what was meant, so I'll just read it out consistent with ICANN's mission: The review team will, to the extent that is not already covered in prior review team recommendations, A) assess the effectiveness and transparency of ICANN enforcement of existing policy related to WHOIS, that is RDS, through contractual compliance actions, structure, and processes, including consistency of enforcement actions and availability of related data; B) identifying high-priority procedural or data gaps, if any; and C) recommending specific measurable steps if any of the team believes they're important to fill those gaps. Comments?

ALAN GREENBERG:

Give people a moment to finish reading it themselves.

PATRICK DODSON:

Thank you. Quick new mic check. Please, Stephanie, if you can hear me, please acknowledge in the chat -- see if this microphone is working like the last one did, when it had power? [AUDIO BREAK]

ALAN GREENBERG: Last call for comments, or indication you need more time. I think we have agreement.

PATRICK DODSON: Seven is good with that revised language? I'm armed to checkmark it off. Great. Next topic is topic five. This one I know we'll have discussion. We haven't addressed it yet. This is legitimate needs of safeguarding registrant data. There is objective text that's complete. There's a version for review. I'll give everybody a moment to read through it and then proceed with comments. [AUDIO BREAK]

Yes? Erika? Yep, microphone, thank you.

ERIKA MANN: Erika. Do you need it to leave the wording of -- now let me see if I can find it again -- "Determine if and how data is safeguarded in each phase of that life cycle." Isn't it just enough to say it shall be safeguarded? Why mentioning each phase? It might just create issues in the future because each phase -- can you identify each phase and separate really from each other, and then -- or do you want it overt --

ALAN GREENBERG: Are you suggesting we suggesting we remove section A, which is identifying the phases?

ERIKA MANN: No, no, no. The each phase --

ALAN GREENBERG: Yep.

ERIKA MANN: Cause I think, let me -- cause I think you already mention in -- let me read it again.

ALAN GREENBERG: I read A, as identifying the phases -- doesn't use that word, but that's the way I read it.

ERIKA MANN: Talking --sorry, not talking about A. A is fine. I'm talking about B.

ALAN GREENBERG: If we're not going to look at each of the phases, why bother identifying the phases?

ERIKA MANN: I'm not worried so much about looking at the phases, if they can clearly be identified. But I'm worried about how data is safeguarded in each phase of that life cycle. So, the safeguarding, I'm more worried about. Can you really do this? Can you really distinguish --? First of all, can you distinguish all the phases? Maybe you can do it, but if you have done it, can you actually guarantee that you can safeguard all the data, which is stored in these different life cycle phases? And is it relevant?

ALAN GREENBERG: Since we're looking at current, WHOIS, we probably do a moderately good job of safeguarding it (i.e. not lose it because of escrow), and we don't do anything in protecting it from being accessed by people who shouldn't have access cause we make it publicly available. So, you know, I think implicitly we're identifying gaps.

ERIKA MANN: That's the next one. That's C.

ALAN GREENBERG: Yep. But we will be able to locate gaps.

LISA PHIFER: This is Lisa. I think that this approach to this one, actually, came from a suggestion Stephanie made during our last plenary call, and I'm wondering, Stephanie, if you're with us, if you wanted to elaborate?
[AUDIO BREAK]

VOLKER GREIMANN: I mean, I struggle with the term, but I can't see where it comes from. If we look at the phases of life cycle of registrant data, for me, as a registrar, I would see it as -- first phase, being the data is being submitted to me prior to any registration; the second phase being registration is processed and now all the data is available in WHOIS; the third phase being the domain has been deleted but I still keep the data

for the time that I have to have the data under data-retention policy, as supported by the waiver.

ERIKA MANN:

And then you want to safeguard each time?

VOLKER GREIMANN:

The safeguards are different because, for example, safeguard against unwarranted access would be there in the first phase, and the last phase, but not in the medium phase because it's public then, but it's not public before and after. That would be a difference, for example. I think we can -- I don't think this is going to be a lot of work to do this. It's just -- yeah, I'm not sure how helpful it is, but it's not that hard to do.

ALAN GREENBERG:

This is one we were debating whether we do it all because we know, to a large extent with the current WHOIS, we are not particularly safeguarding the data, so is there a lot of merit? And there's not a lot we can recommend with the current WHOIS to fix that problem. So, the question, originally on the table, was whether we do it all; the consensus has -- yesterday, was, yes, we probably should based on the ratings, and so the question is how do we do it, and I think Volker has summarized it pretty well. Volker, go ahead.

VOLKER GREIMANN: Not everything that we debate and discuss needs to end in a recommendation, I believe. I think sometimes it's just helpful to point the finger at a problem without specifically saying that there is a solution under the current WHOIS system that we have. We just acknowledge that there is an issue that will have to be resolved, but is impossible to resolve under the current system. That would lead into the further development of the next RDS, and they would be tasked with solving that problem, but the current system would be left alone from there.

ALAN GREENBERG: By then, we will be, at least in Europe, under a new set of rules, by the time we likely finish, but we can't predict exactly what those are.

VOLKER GREIMANN: Actually, I would like to point again, we are already under the new rules, it's just that the enforcement isn't there yet.

ALAN GREENBERG: We may have implemented something to address rules. Stephanie, go ahead.

PATRICK DODSON: Yeah, Stephanie, and then Dmitry.

STEPHANIE PERRIN:

Stephanie Perrin, for the record. Just to follow up on what Volker just said, there are no major differences between the directive and what it requires, and what the GDPR requires, so we've been under these rules for the last many years, we just haven't followed them because they were no funds. The risk of funds was lower.

Anyway, I put up my hand because I do want to point out, Alan, you keep saying we're talking about the current WHOIS, which is public, but there are current provisions for the WHOIS conflicts with law, where the data would not be displayed, and there are also the privacy proxy services, where, you know, the data would not be displayed.

And I think I did query, either yesterday or on the previous call, as to exactly how the data is being revealed when requested because as you know, we have a very vigorous assembly of private sectors, cyber security people on the RDF, and they don't seem to have a problem with privacy proxy services, which immediately raises the question, "How are they getting data when they want it?"

I mean, I do understand there are certain data elements that are useful to them, whether they are named or not, you know, date of registration and all that kind of stuff, but it does raise the question as to how automated is the request for reveal, and how is that happening, and how diligent is the data being safeguarded against only revealed? So, that I think needs to be [inaudible] in order to talk about this.

ALAN GREENBERG:

Sorry -- Stephanie, you faded at end, I'm not sure what you were saying.

STEPHANIE PERRIN: What I was saying is if we want to examine safeguarding this data under proxy services, then you're looking at how easy is it for it to be revealed. If there's an automated query process that is immediately dumping the data, then it's not much of a privacy proxy service, and may be an empty fig leaf.

ALAN GREENBERG: I can give you one way to grill the data from a privacy proxy service, file URDP against it. Well, it's not cheap to file a URDP --

STEPHANIE PERRIN: That's not what I'm talking about, Alan. What I'm talking about is automated query systems. I mean if there's an automated query system that automatically dumps the data, whether there's a legitimate request or not, then the privacy proxy is not adequately protecting a registrant, and I'm led to believe that there's automatic querying, so you know, there's never been an investigation of how this happens.

Back when the WHOIS studies were done, I believe there was -- it was explored and nobody wanted to answer questions, so, to me, that's -- if I were in a data-protection commissioner's office, that would one thing I'd be looking for, or if I was civil society making a complaint under the current regime. Thanks.

ALAN GREENBERG: Susan?

SUSAN KAWAGUCHI: So, Stephanie, I just wanted to push back a little bit on the notion that there was some sort of automatic querying of privacy proxy data. I think that's you know, absolutely not correct in my experience and experience of other people I've spoken to, and that was the purpose of the working group because we needed to establish something.

It's very burdensome, and I would venture to say 90% of registrars that offer a -- and don't quote me on the statistics, I have no study to base this on but my own experience -- 90% of registrars who offer a proxy or a privacy service, will not even to respond to you, let alone provide any information unless you get a court order or file a URDP and name them as the respondent. So, you know, just there may be other issues that we could look at in safeguarding user data, but I don't think that is one of them, and I'd hate to go down that rat hole.

ALAN GREENBERG: Anyone else? Dmitry?

DMITRY BELYAVSKY: Dmitry Belyavsky, for the record. Should we treat various services we share for WHOIS history of either sub-party or by registrants or registrars as a gap that should be closed by our review? Thank you.

ALAN GREENBERG: We could certainly consider it. I'm not quite sure how one would close it, but different issue. [AUDIO BREAK]

Where are we? Is anyone suggesting any wording changes to what we have or do not consider this at all? I hear no one saying they either want to delete it off absolutely, or from our list or make any wording changes, therefore, I presume we are accepting it as currently presented.

ERIKA MANN: This is safeguarding?

ALAN GREENBERG: Safeguarding.

PATRICK DODSON: Yes, any objections to the language, as is, or in keeping it included in the scope? Stephanie's typing.

ALAN GREENBERG: Sorry, could you speak on microphone so everyone could hear you, please?

ERIKA MANN: Erika, again. I mean I said it before, I don't think that you can safeguard it, so why would you want to include something that you probably can't to -- but I mean if the majority's in favor, it's fine, try it.

ALAN GREENBERG: Taking off my chair's hat, I was one of the ones who said it's not worth discussing, but that wasn't the general consensus.

PATRICK DODSON: So, we had six that should be in; two, it is important but not feasible; and one that's important but not valuable at this time.

ALAN GREENBERG: So, I was in the first column. I don't know who was in the second column, but we had six in the --

LISA PHIFER: Couldn't I suggest that we redo that level of support, now, given the subsequent conversation?

ALAN GREENBERG: Yes. So, you're looking at the wrong column. The wrong one. Alice?

ALICE JANSEN: Stephanie has her hand raised.

ALAN GREENBERG: Okay. We'll go to Stephanie in a moment.

PATRICK DODSON: We'll watch for Stephanie's raising her hand in the chat. Raise of hands for important, but not valuable at this time.

ALAN GREENBERG: Okay, let's make clear to Stephanie and --

PATRICK DODSON: Thomas?

ALAN GREENBERG: Is he online? We have all 10 members? Thomas is online? Okay. We are redoing the poll right now, and we are asking how many people believe that, in terms of safeguarding data, it is important but not valuable at this time?

PATRICK DODSON: Show of hands.

ALAN GREENBERG: Show of hands.

PATRICK DODSON: Volker's got a question.

VOLKER GREIMANN: Why are we just redoing the poll on this specific one? Why didn't we redo it on the previous ones, where there even less support for the "should be done?" I don't understand this?

ALAN GREENBERG: It was just suggested, and no one said, no. All right. We're not redoing the poll.

PATRICK DODSON: So, it's in?

UNKNOWN SPEAKER: Can I just say, I actually do think, seriously, I do think that if -- it would be sensible, after having had the discussions to reset the polls because if you think about it, the basis upon which we've been having the discussion is, you know, three against, four in favor, whatever. And after the discussion, you really should reassess. We really should reassess where people are. Yeah. It's not that hard. I mean it's just a simple call -- just my two cents worth.

ALAN GREENBERG: Is it the will of this group that we reassess this recommendation? We'll consider the other ones next. Lisa, who doesn't have a vote, is putting her hand up. Lisa, please?

LISA PHIFER: I just wanted to comment on why I suggested it, which is that methodology, we said we had many points left to consider, so I was just asking for, now that we've considered many points, but made no changes, do we feel that it is feasible to do this, worth doing it, should be done.

ALAN GREENBERG: May we simplify the poll and make it a yes/no, we include it or not include it, but regardless of which reason you're not including it, it ends up being the same? All right. We have agreement across the board, and I hope with the two participants who are not physically in the room. We would like to take a poll of whether to include it or not to include this item in our review. Those online, please use a tick mark, or a checkmark; the red X to say don't include it; the tick mark to say include it. And I ask people in this room to put up their hand if they want to include it.

No hand implies -- we have one hand up to include it. I see no checkmarks or red marks online. I'm not sure if we have anyone still alive there. Sorry, you see some? Sorry, the checkmarks are not migrating to the top. We have two checkmarks online, saying to include it, and in this room, Volker said to include it. That is -- [CROSSTALK] Sorry? [CROSSTALK]

ALICE JANSEN: Stephanie is giving a green light, and Thomas says include.

ALAN GREENBERG: Well, he also had a tick a moment ago, so online we have two includes. [CROSSTALK] My apologies. We have two includes online. In this room, how many includes do we have? We have Volker. I see no other hand, and Dmitry. We have four total out of 10. [CROSSTALK] Chris, you said you're considering yourself a member of this group. Are you voting in this, or not? You are voting to exclude? We have four to include, seven to exclude.

VOLKER GREIMANN: I think that's a sizable minority.

ALAN GREENBERG: Are you suggesting -- what are you suggesting? I'm just looking for clarity.

VOLKER GREIMANN: I think that the safeguarding of registrant data is an important topic, especially in the current environment that we're in. Ignoring this topic will not benefit the work of this group, and I think if we want to avoid a minority opinion, then including it would be the best option.

ALAN GREENBERG: Everyone willing to accept that? Then, we'll include it. Next.

CHRIS DISSPAIN: Alan, may I speak? So, this is Chris. Look, I'm not really much fussed one way or the other, what I am fussed about is that we -- if we're going

to have a system, we use it. I'm concerned now that we've just gone through that we all accepted that we were, you know, that we would -- in other words, I don't want us to get three months' time and be talking about even more important things and find ourselves in a situation where we poll the group, and you know, two people say, no, and everyone else says, yes, and then we end up saying, no, because two people say, no.

I mean, we need to establish the ground rules. Otherwise, it's a slippery slope, and the thin end of the wedge, and a recipe for disaster. Thin end of the wedge. seriously, we need to be clear about how we're going to do business, and if we're going to leave things in because one person says we're going to leave it in, then that's fine, but that means that we need to be clear those are the ground rules. Well, three people or two people, or whatever.

ALAN GREENBERG:

We did have that discussion a little bit earlier, and the formal rules state consensus without being specific. I suggested that the ALAC rules are 80% consists of consensus. If 80% agree, it is consensus. If less than 80%, it is not consensus.

CHRIS DISSPAIN:

So, the default then, if, again, so we're clear -- if the question is should something be included, it only gets included if 80% say it should be, and if something -- and if the question is, should something be excluded, it only gets excluded if 80% say it should be?

ALAN GREENBERG: That is what it would normally be.

CHRIS DISSPAIN: So that's effectively a 20% liter?

ALAN GREENBERG: Yes. Well, less than 20.

CHRIS DISSPAIN: All right. Let's not split hairs, as well as other --

ALAN GREENBERG: According to the consensus, according to the call, it would have been included because we did not have a consensus to include, however, Volker said, he believes that it would look badly on us if we ignore this subject at this time, and I asked are people are willing to accept his recommendation.

CHRIS DISSPAIN: And does that mean you'll do that every time?

ALAN GREENBERG: No.

CHRIS DISSPAIN: Okay.

ALAN GREENBERG: His argument may have not been compelling to other people. This time it seems to have been.

VOLKER GREIMANN: I would raise another point. We are now debating on whether to exclude this based on our unproven feeling that this may be hard to do, or this may be hard to define later on. If we find that to be the case, we can still say that we were unable to determine this, we proclaim failure on this point and make it a very brief statement to that effect. It does not prevent us from not having significant work to do on that. I think we should still try it and excluding it at this time is premature if we haven't even attempted to do the work, I think -- this topic is too important to just leave on the wayside at the scoping phase.

ALAN GREENBERG: You're attributing motive where I don't believe is necessarily appropriate.

VOLKER GREIMANN: I don't want to attribute motive.

ALAN GREENBERG: Well, you did. You said we're not doing it because it's too much work. I am --

VOLKER GREIMANN: Let me rephrase that. We are now proposing that this may be not doable. What was the --

ALAN GREENBERG: I said it's important, but not valuable because the conclusions are relatively clear that we are not safeguarding any data, and putting a significant community effort into recognizing that, I don't think changes anything. That was why I voted not to. I can't speak for other people.

PATRICK DODSON: Yep. Remote person.

ALAN GREENBERG: We have a remote participant, who would like to speak, I think.

JEAN-BAPTISTE DEROULEZ: Stephanie?

STEPHANIE PERRIN: Stephanie Perrin, for the record. I would just like to clarify why I support Volker in this. I agree with Erika that there's a lot of missing logic here in this particular paragraph, however, it is the only concession to the safeguarding of registrant data that we have in our charge -- that I could find. And I do agree that dumping it from an optic perspective is dreadful, whether it's going to wind up with useful data protection --

from my perspective, that's not likely, but dumping it really looks terrible.

So, I don't really think that this review team could afford to do that. We would be accused of mediacy in our own scope -- I mean our data-protection options. Thanks. And I mean, no matter how much you say the RDS is looking after that, the review team has a responsibility to do that. It's in the charge and in the terms of reference, and in the articles of commitment. Thanks.

ALAN GREENBERG: May we go on?

UNKNOWN SPEAKER: Okay. Keep it with -- yes, so Erika, please?

ERIKA MANN: We could keep it with the modification on the explanation Volker made, in addition to it, and then I think we will have to come back to it once we evaluate it and see how far we can move the topic, and how realistic is it is what we want to achieve.

PATRICK DODSON: Okay, so we need to revise the language and then revisit it?

ERIKA MANN: Why don't you say it again -- what's your idea.

VOLKER GREIMANN: I'm not sure what you're referring to right now, sorry.

ERIKA MANN: That you said if we then figure out it's not feasible, then we [CROSSTALK].

ALAN GREENBERG: Excuse me; I don't think that was a qualification of this one. I think it's a qualification of all of them. We are doing our best efforts to create a terms of reference, submitting it to the board. The board may give us some comments, which may cause us to change it, and should we, at any point in this whole process, find that we really do not want to do one, and can explain why, we will do that, and similarly, if we have to add something that doesn't fit anywhere else, but we feel is crucial, we will do that. If we don't have the mandate to do that, then we don't have the mandate to do our job properly. So, I'm not worried about that at all.

VOLKER GREIMANN: I'm happy with that.

PATRICK DODSON: Great. A lot of nodding heads in the room, which is good. So, we have now five topics that we can move into exercises to start to flush out the working plans. We will talk about that in a second. I don't want to lose sight of the fact; we still have four other topics here.

One of the things, I'd like to do here, and at the risk of obviously needing to be corrected, I think that in a couple of these areas there was clear directions, we just didn't land on it and align on it for some of these topics, and in particular, there is the consumer trust, and there's a discussion to be had there. There are two topics that are RDAP-related that I believe the general thought and impression of the group was that they needed better clarification of the ask of the those topics from the providers of those topics, GNSO, in order to actually make a determination.

I don't think that that's something that you guys can address today without risk of spending a lot of time on it where time could be better spent in work planning on the topics you have alignment on. So, if we could identify what those next steps might be to get that clarification, then we can put these in a holding pattern, pending on further information. Alan?

ALAN GREENBERG:

Forgive me, but on Item No. 9, we had one person said we should proceed with it. I see no reason to keep it on the table right now. On Item No. 8, we had one person.

PATRICK DODSON:

There were four that were -- and both of those though have fives and fours and too soon to make conclusions? That might be part of the clarification that I'm --

ALAN GREENBERG: I think we need to move on, and we're going to have to make some decisions here.

UNKNOWN SPEAKER: Alan, I, frankly, disagree. I do not agree that too soon to make a decision is a no. I think that was a let's discuss this further and see where it takes us, at least that's why I made my checkmarks, when I made my checkmarks in that column.

ALAN GREENBERG: Then let's discuss, and if we don't get out of here at 6:00, we don't get out of here at 6:00. [AUDIO BREAK]

PATRICK DODSON: So --

ALAN GREENBERG: Forgive me. We have an obligation to eventually turn in the terms of reference to the board. That wasn't my direction. I'm told we have no choice. I'm told we have to do it moderately soon. If we can't solve it here, we're not going to solve it on a teleconference. In my mind -- in a moment.

So, do we really have an alternative but to eventually make a decision today? Can we really defer it? I'm asking staff. We've been told we have to submit this -- I'm happy to never submit until we have to. Chris,

representing the board, has told us we have to, so how can we not make a decision.

CHRIS DISSPAIN:

Wait, wait, wait, wait. This is Chris. Let me be absolutely clear, do what you like. But and I think that timing is important, but if this group wants to take extra time to work through stuff to decide whether to leave it in or chuck it out, then they can. I mean, I don't want to give the impression that the board is sitting on the edge of its seat with bated breath waiting for you to come with the thing.

But it would good if sooner rather than later, especially given the what else is going on in the WHOIS environment, right now, and the need to get this stuff going. But I don't -- I mean, I'm not sure that, you know, we can easily spend much more time discussing the principle if we talk about -- I just want to get clear about what's in and what's out, and the basis upon which it's in and out. But I don't think it matters whether the board's chomping at the bit or not.

ALAN GREENBERG:

To be clear, it wasn't how much the board is chomping at the bit; the point was, I'm told we are obliged to do this, if we want to go ahead, and yes, you could fire us all -- some of us may be grateful, but I don't see the chance that we're likely to come to agreement on a teleconference, if we can't face-to-face with at least eight of the 10 of us in the same room. And I see that as higher priority than assigning tasks, which I think we can remotely. I have two vice-chairs, if the vice-chairs would like to disagree with me, then please, go ahead.

CATHRIN BAUER-BULST: This is Cathrin. Oh, sorry. I would suggest that on these two points, maybe we take 15 minutes to have a discussion on them, and try to come to closure because maybe it's not so difficult. I mean -- yeah. And I agree that we have to take a decision, maybe, we can just do that first, but if we all agree on this, then perfect.

DMITRY BELYAVSKY: Dmitry Belyavsky, for the record. I suggest to take into account that ICANN has started the pilot program, which should be concluded in -- well, in July, next year. Shouldn't we take, well, three or four months to get the preliminary results of the pilot program to decide whether we should take the RDAP-related questions into scope or not? Thank you.

VOLKER GREIMANN: Indeed. I mean -- as the pilot is going on, and we'll probably conclude before we finish up our work. Ultimately, anything that we write might be superseded by the pilot. I just would like to have clarity on what we would be discussing, if we were to put this in; what the value would be of discussing it; and then, make the decision based on that determination. I just feel bad about checking off a point because we do not know what it includes yet. I would like to have some clarity of what we would be discussing; how that work would look like; and then, make a determination, if it is valuable under the circumstances that are currently going on.

CHRIS DISSPAIN: Can I just ask what that means practically, so are we going to put these in a car park and get back to them, or what are we actually doing to do.

PATRICK DODSON: I'm hearing that we want to discuss them now, so we can --

CHRIS DISSPAIN: Okay. Cool. Good.

PATRICK DODSON: Moving forward with the two, I think, that are under discussion or the RDAP-related ones, so we'll start with No. 8, as the topic that will be put out for comment and discussion. Yes?

ALAN GREENBERG: We started talking about de facto, might as well complete it.

VOLKER GREIMANN: RDAP has a replacement protocol.

CHRIS DISSPAIN: Perhaps, is there's somebody who thinks we should do it, that person could speak to why they think we should do it, as a sort of champion, and then we could decide whether they've convinced us or not.

ALAN GREENBERG: Can we have speakers in the other direction, also? Who would like to speak?

VOLKER GREIMANN: Personally, I'm not in favor of implementing RDAP, at this time, so I'm the wrong person to look at for a speaker in favor of, so -- but we have someone who made the checkmark that felt that it was valuable to discuss, so maybe we start there.

DMITRY BELYAVSKY: I just say forget the -- not excluded it from scope, both of them because of we should weigh the results of pilot program.

ALAN GREENBERG: Okay, but are you the one who put it in the third, in the middle column?
No. 8, third to last row.

DMITRY BELYAVSKY: No, my point was the second column.

ALAN GREENBERG: Okay.

DMITRY BELYAVSKY: The -- my point -- [CROSSTALK]

PATRICK DODSON: Did they cross it out? So, there's zero in there; four, valuable but not feasible; five, too soon to make a conclusion.

ALAN GREENBERG: All right. I will give my reasons why I believe it should not be included. No. 1, we are not protocol experts. No. 2, ICANN has already evaluated it, subject to the pilot program, that is capable replacement of the current WHOIS protocol, and I've heard no one provide any suggestion other than the cost of implementing it -- why that is not the case, and whether it is a suitable protocol for the next WHOIS is going to depend on what the requirements are of the next WHOIS, and we are certainly not in the position to judge that right now. Therefore, I don't think think it's a valuable thing for us to look at. Cathrin?

CATHRIN BAUER-BULST: This is Cathrin. I've put too soon to conclude because I'm sent by the GAC, and it's part of the mandate that we got from the GAC, we endorse most of the GNSO proposals putting in, including this one. I have -- I think the aims that the GAC has in putting this on the agenda could also be satisfied if we include the reasoning for not including it here in our report. So, that might be an alternative for us.

So, if we explain, you know, we have no reason to believe that RDAP is not a suitable protocol, but along the same lines, since the policy decisions that are needed to assess the value of RDAP have not yet been taken, we believe that this is not the appropriate time to assess the value of the protocol as a replacement for the current WHOIS, and we could take note of the fact that at least for the IDNs issue, it would

address that which been raised as significant issue with the current protocol, if I'm not mistaken.

ALAN GREENBERG: Indeed. Volker, go ahead.

VOLKER GREIMANN: I really like that proposal, and I would just like to add one sentence, maybe to that as the community is currently deliberating whether to replace WHOIS with a different protocol or a different system, the new RDS, it is not yet clear whether RDS will meet the requirements of the new protocol that's being designed, which make the evaluation even more complicated and --

ALAN GREENBERG: RDAP -- whether RDAP [CROSSTALK]

VOLKER GREIMANN: Yes, yes, yes -- yeah. Which makes it even more complicated to issue a statement on the suitability for -- while current, it is probably suitable, but as it is going to be replaced, the timing may not be quite right, therefore, we find ourselves unable to discuss it -- something along those lines.

ALAN GREENBERG: I note the time is 13:37. We have a recording that we can go back to for the words. I think we've decided not to proceed on this item, but to

explain why we're not proceeding in the report, and this one goes out.
Next item, please?

PATRICK DODSON: Topic 9. The second RDAP-related, I will read it out. Oh, no, I'm sorry --
assess current protocol for current purposes.

ALAN GREENBERG: Anyone want to speak? I'll note that one the RDS PDP, there is one
person, I believe one, who has said repeatedly, he believes the current
WHOIS protocol is just dandy, and we don't need to change anything.
Other than that, I believe there is general uniformity and agreement
that something needs to change, and the current protocol -- if we
change anything, whether it's the fields supporting internationalized
character sets or tiered access that we're going to have to change the
protocol.

So, it currently is not suitable for handling internationalized character
sets in addresses, names, or anything else. It is a 7-bit ASCII code. It is
generally accepted as not being suitable, even for today's registrations,
which happen in other parts of the world, or using other scripts. We
can spend time investigating that, or we can simply say we take that as
a given, and not include it as one of the items under our scope. How do
we go? Show of hands. Is there anyone here or online, who believes
we should include this one in our scope? We have Cathrin.

UNKNOWN SPEAKER: She's not voting.

ALAN GREENBERG: No, no, I understand. I'm waiting to hear the question.

CATHRIN BAUER-BULST: I just wanted to propose that we proceed just like we did for the previous item. So, we explain why we're not going to cover it.

ALAN GREENBERG: Anyone disagree with approach? I see no hands online. Stephanie says online, "Could you please point to or highlight the text you are talking about? I'm having a real hard difficulty following the order of the discussion." I'm not quite sure when that message was typed. We are currently looking at the second to last item on the two-page document; assess current WHOIS protocol for current purposes. The recommendation at this point is that we not include this within our scope, but we explain why, in our document. Stephanie has her hand up. Please, go ahead.

STEPHANIE PERRIN: Just out of curiosity, are we not a little concerned about just summarily dispensing with all of the discussion of the protocols? Because we do hear the internet architecture people saying, "For heaven's sake, it's broken. When are we going to replace it? When is somebody going to listen to SSAC?" Even a nod in their direction, saying, "We accept the recommendation of the SSAC that it's broken, and we need to do something, and once again, we're reviewing the failure to replace," would be at tweeting this rather important subject.

In other words, well, I guess what I'm saying is the arguments for tossing it out and having a very narrowly focused review leaves out a lot of important topics that other people feel have been neglected. I'm not saying we're going to back the new protocol; we're not drafting policy either, but we can talk whether ICANN has effectively moved forward with recommended technical changes. That's easy.

ALAN GREENBERG:

I have Lisa, Volker, and I have a comment.

LISA PHIFER:

This is Lisa. I just wanted to mention that this actually would already be included as part of the first objective that we identified, assessing the implementation of the first review team recommendations, which did touch on protocol suitability and RDAP.

ALAN GREENBERG:

Volker?

VOLKER GREIMANN:

I have no issues with making this very short -- making this a very short point, however, one concern strikes me, and that is that what you said earlier that we basically all agree that there are certain issues where the current protocol is not suitable for the current purposes. Why not include this and make that the statement? That we say, these are the purposes that we currently find that the current protocol is not suitable for.

I mean, if we have a conclusion where there is already much support for a negative response, why not include that in our report, and say current WHOIS has certain issues with current purposes? Why do we want to ignore these problems? It's just I understand why leaving it out might be a good idea, I just -- it doesn't sync well with what you said earlier -- with the problems with the current process has.

ALAN GREENBERG:

Two parts to my answer, and I have Cathrin and Lili in the queue. No. 1, as Lisa pointed out, it already is implied in the existing recommendations. No. 2, many years ago, the IETF chartered the WRR task force to look at a replacement protocol because there was general acceptance in the protocol community that it was -- that the current protocol needed to be replaced. That's my rationale. Cathrin, please?

CATHRIN BAUER-BULST:

I just wanted to pick up on something that Susan said yesterday, and I think it was just when we were having a discussion among the leadership team with staff about how we define the scope of this, and Susan said, which I fully subscribe to, that if we define something as being in scope, then we have to have a certain depth of assessment to that, and so the kind of conclusions that we're now talking about, where I have never looked at these protocols. I have no clue what they say, what they do; I'm not a technical expert.

I'm willing to look into it if we think it's worth it, but if, instead, we want to say okay, we're just going to pick up on what SSAC said without looking into it ourselves, then I personally would feel much more

comfortable with saying, "Okay, we've decided not to look into this, but we take note of other reasons that the community has put forward that we subscribe without having looking into these -- without having made a proper assessment ourselves."

ALAN GREENBERG: I thought that was our proposed way of going forward.

VOLKER GREIMANN: I agree with that approach, as well, but when you say removing something, it means that -- it sounds to me as removing in its entirety, and that's not something I would support, but this, absolutely, I get behind.

ALAN GREENBERG: Yeah. I believe Cathrin, earlier said, I suggest proceeding with this one like we did in the previous one. I thought that's what we were discussing. I think we've made a decision. Next.

PATRICK DODSON: Stephanie has a comment.

ALAN GREENBERG: Please go ahead, Volker.

VOLKER GREIMANN: Hello, Stephanie, Volker here. We are not taking these out of the report in their entirety, we're just referring to work that has already been done, and we're not making the analysis ourselves. Again, because A) we're not technical experts, B) we would have to delved into a depth and duplicate work that has already been done, so we are not saying we find that this is problematic, but there's problems here because of this and that, and that we're just referring to the reports that other groups have already made that refer to these problems. I think that way; we still include in our report these issues without having to do additional work that we may not be qualified for.

PATRICK DODSON: Next topic?

ALAN GREENBERG: I think so.

PATRICK DODSON: Topic No. 4, assess the effectiveness of the then current gTLD registry directory service, and whether its implementation meets the legitimate needs of promoting consumer trust. Lisa?

LISA PHIFER: Based on our preliminary discussion of this yesterday, I did make a small modification, which would be to include defining the terms consumer, and consumer trust in the review. But that was the only change made.

ALAN GREENBERG: Could you read that out to us, please?

LISA PHIFER: So then, the objective currently reads, "Consistent with ICANN's mission and bylaws, section 46e2, the review team will assess the extent to which the implementation of today's WHOIS meets legitimate needs to enhance consumer trust in gTLD domain names.

That would be done by A) agreeing upon a working definition of 'consumer' and 'consumer trust' to be used in this review; B) identifying the approach used to determine the extent to which consumer trust needs are met; C) identifying high-priority gaps, if any, in meeting those needs; and D) recommending specific measureable steps, if any, the team believes are important to fill those gaps."

ALAN GREENBERG: Discussion? Volker?

VOLKER GREIMANN: I think the same applies to this one; this is very similar to the previous ones. There's a lot of work that has already been done on this question, and we may not be the experts for the question. I think we can, here as well, refer to previous work done, and also refer to the community -- not that -- different topic, I learned yesterday. But I think the same applies here as well.

ALAN GREENBERG: Could you enumerate what previous work has been done? I'm not aware of any. Remember, we're talking about the implications of WHOIS on consumer trust of domain names. Erika?

ERIKA MANN: Actually, I'm very much in favor of Lisa's recommendation because, in particular, because she's talking about a working definition of consumer trust. So, we're not defining what consumer trust means, but the only defining within our limited scope, which is very difficult, and I think if you don't define it, the first part becomes really extensive and very broad. So, you have to limit to some degree, and you can only limit it if you do a kind of framing. Maybe not even definition, but a kind of framing. Otherwise, you have no frame, and it becomes everything.

Consumer laws, for example, consumer laws are so broad, and if you don't, you know, frame it within our context, you might end that somebody might challenge something what WHOIS is doing based on whatever kind of part of the consumer law, and this could be quite problematic. It can and in a similar debate one day, like we see with the data-protection laws, consumer laws are similar broad and complex and difficult, so in framing it, you narrow it down to particular environment. So, I'm very much in favor in supporting this. It was a long explanation, and not maybe very helpful, but --

ALAN GREENBERG: Originally, the evaluation was: three, important but not valuable at this time; important, but not feasible at this time; and four said they recommend doing it. So, Volker is suggesting we treat it like the other one, although I'm not sure what the previous work is, and Erika is suggesting we proceed and keep it in scope. Lisa, please?

LISA PHIFER: In terms of previous work done in this area, I would point out that the first review team actually did include this as part of their objectives, and they conducted a survey of consumers, and they define what they meant by consumer, in conducting that review. They used those survey results to lead to some of their other recommendations, for example, the accuracy improvement, subtlety were tied to that.

I believe also some of the compliance recommendations may have been driven by feedback from consumers. I know that some of the recommendations related to outreach to the community were directly tied to that, that consumers didn't really know what WHOIS was, or how to use it, or what the value was. So, that was the way that team addressed this particular objective.

ALAN GREENBERG: Further comments? At this point, by the consensus definition that no one has argued we use, we do not do this, based on those numbers we had there. So, the question is do we have sufficient interest in doing this at this point? Dmitry, please?

DMITRY BELYAVSKY: Well, I think, though common people rarely use WHOIS as a relevant data source, there are a lot of people who obtain data from WHOIS and try to rely on it, for example in a different -- sorry, sorry -- for example, [inaudible] try to rely on WHOIS data, and we can imagine such as that more than one example, but it's not about broad amount of consumer; it's mostly about specialists. Thank you.

ALAN GREENBERG: I'm not sure if that is a recommendation that we include it within our scope or not, since we are looking at consumers, not specialists.

DMITRY BELYAVSKY: I want to say that specialists are consumers, in this case, and in fact, are the only consumers in this case; common people are not.

ALAN GREENBERG: Susan?

ALICE JANSEN: This is Alice, reading comments from Stephanie. "I agree with Erika, laws are very broad, and we hear a lot of talk; we talk about the extent to which WHOIS contributes to consumer trust. I think there remarkable strict limits as to how much consumer trust can be generated through the WHOIS because of that slippery slope into comfortable sites." End of quote.

ALAN GREENBERG: Carlton?

CARLTON SAMUELS: Carlton, for the record. The CCTRT did a survey of consumer trust, and there's a small element that says that the WHOIS accuracy tends to promote consumer trust, but it is a very small piece of it. I don't see this as -- there might be some element of responsibility we have on this team to explore that, but right now, I don't think we would have moved the ball further down the field, in having this as part of the scope. I really don't think so. I think we can trust the output from the CCTRT team, and you can have a look at it to see how it informed this judgment. Thanks.

ALAN GREENBERG: Would anyone, further, like to speak to this before we take a poll? Please go ahead, Susan.

SUSAN KAWAGUCHI: So, having been a member of the first review team, and we spent a lot of time on consumer trust, and who is the consumer, and a lot of good recommendation came out of that work, though they were not, you know, we did not name them consumer trust recommendations. You know, they were accuracy, but it all was generated from looking at the consumer and consumer trust. So, I think it would be valuable to, and I was one of the ones that said let's review this, to leave this in, and move forward with another round of brainstorming, and looking to see, is

there something that the first review team didn't hit upon and missed, and to do the review that we've been asked to do.

Now, whether or not, and it's a little hard cause I haven't looked at this deep enough to decide that we could rely on the existing recommendations of the review team, one, to cover this or not. You know, my gut feeling is that we need to leave this in, so that we can look at consumer trust and not be limited to what the first review team did, so my vote is to keep it as part of the scope.

ALAN GREENBERG:

Further comments? Stephanie, please?

STEPHANIE PERRIN:

Stephanie Perrin, for the record. I tend to agree with Susan because there is a tradition that we are evaluating the work and the implementation that stemmed from the earlier work. I also think there's a lot of rhetoric surfacing about consumer trust and WHOIS. I don't think that the stats validate that. I don't think consumers actually rely on it; that doesn't mean that we don't have work to do in improving WHOIS from the consumer-trust perspective.

So, I think it's crazy to take it out. I appreciate the idea of finishing our work sooner, but I think we should be able to have a look at what needs to be done, and pointing to the work of the group that Carlton was on, that's an easy win right there. We can have a stat there we can point to. Thanks.

I would also point out that, of course, from a data-protection perspective, the lack of understanding that the average consumer of what -- how far WHOIS data goes, how it's scraped, how it's repackaged, how it's used in profiling; they have no clue, and therefore, we need to examine from that front alone because so many people are going to rely on consent as a mechanism for continuing the collection of personal data. Thanks.

ALAN GREENBERG: Volker?

VOLKER GREIMANN: Yes, I tend to agree with what Susan said earlier, as well. I think leaving it in makes some sense, however, I am curious with just one question, which is -- a statement first, I think when we take this on, we need to base this on facts, and I would then ask what methods we would use, employ, to gather those facts; how would we measure consumer trust; how would we obtain the facts that we need to come to a significant conclusion here; would we be undertaking studies again; what is the outlook of this -- on the investigation on the discovery of this other? I mean we cannot base our report on gut feelings.

ALAN GREENBERG: Lisa?

LISA PHIFER: Just an observation, you could repeat exactly the same survey done by review team 1, and see if there's difference, which may help you in assessing the effectiveness of the first review team's recommendations that were intended to address deficiencies in consumer trust. Carlton, if you're going to speak, please use the microphone.

CARLTON SAMUELS: Okay. Carlton, for the record. This is one of the reasons, I pointed to the survey that was executed on CCTRT, say that you may have a look at that and see what we came out with, but being on the team myself, I know there was a small component.

Now, what it's talking about here is the promotion, how does it promote trust? That's how it's listed here, so if you just look at the lettering and look at what came out of our review team, you might see that there's a very kind of component, and I'm just suggesting that we look at that, and then make a decision. Thanks.

ALAN GREENBERG: Are there any more speakers? All right. This is one of the items that is in the original bylaws, so it's not something the CCWG accountability added. I'm sensing around the table that this is something we do want to keep in here with the understanding that a lot may not come out of it, but we do need to look at it. Is there anyone who disagrees with that? Made a decision.

PATRICK DODSON: Decision made; it's now not orange, it's green. It ruins or them of prime numbers on the approval part.

ALAN GREENBERG: I think green is going to reflect the color of the people when we start asking for volunteers.

PATRICK DODSON: And last topic before we probably need to take a break, and then move into the next activity, which we'll discuss jointly, is Topic No. 6. This is the one from the bylaws, regarding OECD.

ALAN GREENBERG: All right. This is an item, which was added in the deliberations of the CCWG accountability. There was no substantive debate on it there, essentially, one person suggested and it got added. It has been pointed out that the guidelines themselves are somewhat obsolete, and clearly, we are in a world where we're looking at real laws that are coming in that are not replacing the guidelines, but being the actionable items. It had been claimed at OECD guidelines are only governments, although Stephanie put up her hand earlier to talk about that.

I open the queue for this. Sorry, we should review what the ratings were before, and 1, 2 ,3 ,4, 5, 6 -- we had two people saying we should do it; one person says, important, but not valuable at this time, and six people saying not feasible. Queue. Cathrin?

CATHRIN BAUER-BULST: Yes, Alan, I just wanted to -- this is Cathrin -- I just wanted to come back to Stephanie's question on who asserted that this was addressed to governments, and identify myself as the one who asserted this. And it clearly says in the recommendations that those are recommendations for OECD member countries to be included as OECD member countries design legislation. I can see that, of course, anybody could be free to look at these and take inspiration from them, but as they were designed; they were designed as recommendations for the OECD member countries.

ALAN GREENBERG: Erika?

ERIKA MANN: Erika. I think the only, maybe what is wrong here in the sentence, and this is what, maybe Stephanie was referring to -- only applicable to government. I think the word "only applicable" to government is not correct. Recommendations to government, yeah. So, I think it's just the terming has to be changed because applicable makes no sense.

ALAN GREENBERG: Is Stephanie in the queue?

STEPHANIE PERRIN: Yes. If I may, I mean governments were charged, and I went to the OECD for Canada for 10 years during this period, and governments were charged to encourage the private sector, and we duly wrote letters to

the private sector to adopt the OECD guidelines, and they did nothing. This is why we legislated, and I would like to point out this now -- 120 laws, according to Brian Binley's latest count after the [inaudible] level.

So, it's not like they're coming in and they've been there, we've got a huge body of data-protection law. I want to stress that I still think the OECD guidelines are useful, particularly for countries that haven't adopted law; they're good principles. You know, we're not throwing them out, but they don't really contribute to helping RDS in any way that I can see. So, I think it's a red herring, in terms of our focus. Thanks.

ALAN GREENBERG: So, for clarity, Stephanie, you are suggesting that we not consider it within our scope, as an item to be considered, is that correct?

STEPHANIE PERRIN: Yes, I would say take this out. It's misleading, in many ways. Not that they aren't guidelines, but they're not going to help us.

ALAN GREENBERG: Thank you very much. Anyone else in the queue? So, we had seven, not considered for various reasons -- two, consider it. I have not heard any arguments today that we move it into the consideration column. Seven to two is a pretty strong consensus, we omit this item. Thank you. Stephanie?

STEPHANIE PERRIN: The only qualifier I would add is that it would be very useful to remove it from the bylaws, for the same reason --

ALAN GREENBERG: Thank you, Stephanie. As chair, I have already strongly suggested that one of our ultimate recommendations is to how to change the bylaw, so some future group does not struggle with some of the same problems that we have, and I would suspect that just as this one added without any great fanfare that we requested it be removed with a similar lack of fanfare. But we'll consider that later as we go forward. Thank you, Stephanie.

PATRICK DODSON: Okay.

ALAN GREENBERG: Mr. Sticky-Note, are we done? [CROSSTALK] So, do we have tick marks clearly on the ones we're doing? You've just put No. 6, which we decided not to be done, in a column -- [CROSSTALK]

PATRICK DODSON: Take out, but fix the bylaw.

ALAN GREENBERG: Okay. Fine. Ah, there's notes on them [CROSSTALK] leaves.

PATRICK DODSON: Everything else is close. So, you guys remember that two-ended pencil diagram, I showed yesterday, as far as the process? You need to -- it was hard, but you guys actually got all of the pieces to the far end, which is you've closed. You've closed to include Topics 1, collapsing in 10, 2, 3, 4, 5, and 7. You are including 8 and 9, but not new work, just hitting the topics and addressing them in the draft document. So, there's no more further work to really do on those, specific for scoping. And you have removed Topic 6, OECD with the note that there will be a likely recommendation about addressing it in the bylaws. Is that a fair characterization? Volker?

VOLKER GREIMANN: It is to me. I just had one question. I mean the problem of -- even if the OECD is not applicable and I agree with removing it, I think the problem of transborder flows of data that is currently inherent in the current RDS that we have is still a sticky position, so we might want to consider it under the section of two -- on the topics that we are addressing -- we are not addressing it under the scope of the OECD because that is something that we've agreed shouldn't be there, but it's still a sticky problem, and we should omit this problem because it is currently very much in the focus of public eye, and data-protection officials.

ALAN GREENBERG: Noted. And we may well do that as we discuss further.

PATRICK DODSON: Okay. How's everybody feeling? We have a break scheduled in about an hour, 45 minutes, I think, from now. Do we want to keep going on until that break, or do we want to take a short break now? Just ask you guys cause you just went through a whole lot of wrestling.

ALAN GREENBERG: What would we be doing if we stayed and worked now?

PATRICK DODSON: So, and I'm -- well that's fair, and I'm going to boomerang it back. So, the next topic here, in thinking through the progression of the original agenda is -- having aligned on the different topics for scope, now comes the work that I think was characterized in the agenda as owners and assignments, and we're not ready to go to that level, specifically, yet, but there is a precursor step, which is looking at the work efforts now that we have alignment on the scope and objectives text. There is now the, "Okay, based on this, what are we going to actually do?"

So, I think part of this is going to actually, I think, help with one of Volker's comments about 20 minutes ago, on getting specific about what all of this really is, and that may very well inform how big or small of that effort is, so we have developed a framework, and it's a framework that is subject to change based upon your experience with it.

But the general thinking, by the support team, in thinking through this is that generally speaking, there are three phases. There's your discovery phase, which can cover things, and there's some framing questions here, I'll read them out. And this is the document in exercise four, for

the remote participants following along. “Where will we get the content for analysis? Where does it live? Is it in documents? Is it in experts’ heads? Do we commission research? Secondary or primary?”

The second bucket after discovery is analysis. How will we work together to analyze the data obtained? So, what would be our working method for going through that? Third phase, the development of our report, and what elements should go in the report? How should we format it? We know within ICANN, there have been very lengthy documents, there have been shorter documents with appendices, there’s a lot of those, and some of this data here can help inform the outline structure content approach.

And then finally, after all that work is done, you’ll have a clearer sense to potentially look at -- well, what are the biggest risks for this review team with this work plan? So, you start to really get in to the feasibility, and pressure testing, and prioritization, and who should do what and when.

So that was the exercise, and what we were going to do, and what I propose, if you’re open to it, is looking at how we might do this in a breakout format cause we will not get through this if we do them sequentially as a group, one at a time, and there are a variety of experiences and experience on the topics, as well as in experience in having done reviews within in ICANN or similar review-type activities elsewhere.

So, what if we go through a quick exercise to see if there are relevant subgroups of three people or so that can tackle these different topics

that are now in scope, in the green, and we would do this process very much like we did the first exercise.

So, the first part would be a discussion at the station here with post-its and to capture the ideas of the elements and nodes of information and activities that need to be, or that you think might need to be done, and then after that is done, and we should do that in a breakout; it would take maybe 15 minutes to get a straw-man prototype of ideas for consideration, and then we would go to each station as a full group and discuss them, read it out, and see if there are any gaps, or questions, or experience, or other ideas that would be brought forth.

The outcome of that would then be very much just the straw man that the staff can go to take back and put it in a digital format, which starts to inform the work-plan aspect of the scope, in terms of reference. So, that's the proposal. Open for comments or suggestions, or other priorities or topics that this group would like to address at this time.

VOLKER GREIMANN:

I like the proposal. It's workable, and I think it saves us a lot of time; however, it doesn't include the remote participants as far as I know.

PATRICK DODSON:

The way that we would -- thank you, Volker -- apologies for forgetting to mention them. So, we have Thomas and Stephanie on the call. They have this framework as a template right now, offline, and so I think what we'd have to do is work similarly to what we did with Alice and Jean-Baptiste being a proxy of comments that they put into the chat, we

make sure get reflected here, and then when we do the group discussion; then they'll have a better chance to get into the queue. Okay? So, from my own understanding, I have already captured, but I'd like to do a quick show of hands in the room of the individuals that have previous review experience at ICANN.

Okay. How about other review-type experience, similar experience of working through efforts like this, if not at ICANN, somewhere else? Erika? Okay. What I'd like to do now because everybody's been sitting for a very long time as it is anyway, I'd like you to all stand up at this point. We have work stations around that are similar to the framework that the remote participants have.

We have the topics, and they're highlighted, and I will bring back in Topic 4, here momentarily. We have compliance. We have law enforcement, meeting the needs there. We have the safeguarding registrant data; that's on there. We have the Topic 2, which is anything new. Topic 1 is the review of the previous activities because that's probably one that is more of a plenary group exercise to understand what that looks like, we would do that in second cycle of this breakout, and readout.

And then we have -- forgive me -- we have Topic 4 that I'll bring in as well. I'd like you to stand by the station that you have subject matter experience or expertise in. The working hypotheses here for the support of the post-up and post-out exercise, having a combination of people with previous ICANN review experience and previous subject matter experience of the topic will be helpful in informing what elements would go into this from the first go around.

So, for those that had raised their hands, we just need to make sure that the folks that have ICANN review experience, and forgive me, if Stephanie and Thomas -- if they raise their hands in the chat at all, I'll capture that as well. But wanted to identify what the groupings might look like, and if we have a dispersion, to see how many of these stations we can take. Take a 15-minute exercise to post-up and get information out, so that we can start to work with it.

So, if you would all please stand up and go to where you think you're appropriate. I will go and grab station 4, and we'll ask Stephanie and Thomas to raise their hand on which topic area they think they would want to contribute to, and then we'll make sure that we have dispersion. [CROSSTALK] Yeah, the framework for exercise four.

Also, a note -- consumer trust, No. 4, it's an orange one that's now green. This one here. Okay. Bring that in, and I'll grab the table. Yes. [CROSSTALK] Hold on, let me just get the -- let me get the weapons. Let me get the weapons of mass-collaboration. I'm going to start using that. [CROSSTALK] Yeah. We can make space for it. We can turn the projector off, perhaps, maybe. Somebody had a question for me. Yes, this is the activity.

So, do we have everybody at the station they'd want to work at right now? Registrant data -- Erika? [CROSSTALK] yes, safeguarding registrant data, sorry. [CROSSTALK] I did. I did, briefly, but we'll mention it -- okay. We have four -- that's the progress tracker we have. You'd like to be a part of that? You are a part of that. [CROSSTALK] And one, I need to pull one in here, and that's the previous -- Topic 1 is one, two, three, four, five, six -- yeah, so you have four on that wall; we have

one here, and then the sixth one -- yes. That's all right. It got moved -- yep. No worries and we're going to grab those other sheets.

So, we have the topics, I just want to make sure that we actually have Alan, Chris, Stephanie, and Susan, and Carlton in a different grouping, so they have some previous experience and background. So, consumer trust -- you'll keep it small in scope, in effort -- and their trust -- [CROSSTALK] well, then you're good counterpoint, and then I'll make you do the -- then, you'll do the readout. Thank you. Thank you. Thank you.

The other point is you guys are -- as you guys are organizing -- well, hold up, so real quick -- so, process check here guys -- real quick, I want everybody's attention -- process check -- is it going to be better to have small groups that actually have a discussion, or is it better for you guys to roam all around the room at the different topics, and post up everything that way, and then we'll just take one topic at a time on the readout, and discussion? I've got -- I think I have, I think, two people is quorum for that.

Okay, so let's do that because it is also easier to make sure cause I can see people already migrating to explore with it, so all topics are on the wall now. All six topics -- one, two, three, four, five, seven; we'll make sure for the remote participants, we clarify exactly which rows and the form that that is. Make your notes and post-ups in the appropriate columns, and we'll do that for 15 minutes.

It's okay if we don't exhaust it because we're going to go around through each station and talk to them, and we'll figure out the right

sequencing and timing for that until we get back on the agenda topics and see if we want to spend more time on this, or move into the agenda topics that are scheduled for post-break at 3:30. So, we'll have 15 minutes, I'll start the clock now.

Any ideas of what activity or element we might consider in the discovery analysis and report-development phase for each of these current topics. More pens and post-its are over there, and I'll -- yep -- weapons of mass-collaboration. That would confuse the remote participants. This is Patrick, sorry. What are we? [CROSSTALK] Okay, so, yes. So, you'll see here on the scope topic [CROSSTALK] remove the ones that are not being considered -- so we're considering one and two and three [CROSSTALK] -- Yes? [CROSSTALK]

[LOW-LEVEL BACKGROUND AUDIO DURING GROUP EXERCISE]

PATRICK DODSON:

Yeah. Apologies, Stephanie and Thomas. This is Patrick, and if you can't hear me, please let me know, and we'll speak up or I'll use a different mic. What we're doing at this point now is very similar to the first exercise that we did yesterday. We are going around the room and go around these frameworks for the six topics that are now in consideration for scope -- Topics 1, 2, 3, 4, 5, and 7.

And in the framework for exercise 4, there is a columned framework for work-activity efforts for phases that we're just generally grouping and bucketing as discovery, analysis, developing the report, and a final column of our there any risks, specific to this work plan and these work-plan elements are this general concept and approach, it's not a specific, line-by-line tactical work plan, yet.

So, at this point, if you can make your comments as you did yesterday morning, Alice and Jean-Baptiste will transcribe those and put them into post-it notes for each of the topics or in the Google doc, rather, as we did yesterday, so that you can follow along and contribute, and then we'll come back to the microphones, and we'll do a work effort to read out the results and have discussions for these topics to land on a general framework with some specific elements around the working plan. Please let me know if that isn't clear or if you have any other clarifying questions in the chat, and I'll be happy to address them. Fifteen minutes on this, and if we need more time, we could certainly extend it.

Okay. How are we doing on post-its, I think most people are done. I think we're ready to regroup. I am going to ask everybody to stand up and move over towards our topic of compliance. We'll just start at this end. We have a half an hour on the clock until our scheduled break, so let's see how many of these we can get through in 30 minutes, and I'm going to ask for volunteers of the review team to actually read out, to the best of their ability, the post-its, so that we can have a discussion and align on activities and -- heavens, look at that.

So, [CROSSTALK] that's right. You think so? Yeah. As best you can for the column buckets -- yeah, but let's make sure we get everybody's attention. So, we have Cathrin going through the compliance topic, and I'm going to hand over the mic.

CATHRIN BAUER-BULST: All right. So, for compliance, we have for the discovery, data gaps between ICANN compliance reporting and anti-abuse organization; then we have issues requested by ICANN community compliance feedback -- so just read them all in one go? Okay. Analyze triggers for compliance actions; identify if there is a common set of data that could be collected in all jurisdictions, or anonymize data -- or anonymize data -- sorry; review processes to determine gaps in consistent enforcement; when are exceptions made to processes and why; ask for input from community; collect anecdotal evidence; find patterns; investigate.

So, those are our discovery ambitions. We have no ambitions to analyze or on developing the report, so we're going to skip those columns, and then in the column, what are the biggest risks for the review team with this work plan, we have -- I'm not sure what this is -- not focus -- or staff-position focus -- thank you. And I put availability of data. So, those are the biggest risks that we identified.

PATRICK DODSON: Great. Any other thoughts or comments -- and before Volker goes, one thing I do want to make a note of is there was some discussion in the room, as the post-up exercise was happening that we may very well find consistence/redundancy in some of the areas around analysis and approach to analysis, and potentially on drafting reporting, so the fact that we're absent, I think we can see what we get in the collective and revert back once the group is aligned and even if it's not today, on subsequent calls. Do you want to keep going?

CATHRIN BAUER-BULST: Just one comment, on this, in fact, cause for analysis, I put, which I think can work for all of them, that we decide on smaller sub-teams to do a first assessment on the basis of whatever input we gather, and then present this to the full team, and I put that as a suggestion, in fact, for all except for the safeguards one, which you know we might even just have person looking at and then reporting to the full team, but just as a proposal on how we could proceed on the analysis.

PATRICK DODSON: Do you want to keep presenting the rest of them, or does somebody else want to read out the next topic on the anything-new topic, which I believe is Topic 2?

CATHRIN BAUER-BULST: I can keep doing it seeing this -- create enthusiasm -- I feel a little bit like that person on -- what is it, "Jeopardy" who turns around -- all right. So, for anything new, discovery, we put a staff report and analysis of that report. So, here we're talking about what we're doing to basically assess today's WHOIS, as far as it's been shaped by previous recommendations. Right? So, we're looking at the staff report and analysis of the report. We want to request further feedback from DPOs.

Somebody can explain that acronym? Oh, data-protection organizations, okay. Ask for input from SGs, stakeholder groups -- thank you. I put down, WHOIS policy and WHOIS complaints, as a possible starting point -- WHOIS contract of laws, proxy privacy, and I'm assuming those refer to the different processes that were going on, which might provide data. Then, we have --

ERIKA MANN: First step, done by staff. Second fact, to this group evaluation of what staff has prepared, and then decide about, talk about future steps. This was in relation to the [inaudible].

CATHRIN BAUER-BULST: Okay. So, for Stephanie and Thomas, Erika was proposing that staff compile a first inventory for us to review, and then possibly expand upon. For analysis and developing the report, there's no specific post-its, and then what are the biggest risks for the review team with this work plan -- people put down, sufficient focus, and then close cooperation with the sub-team working on implementation of previous recommendations would be needed to avoid overlap, and we need a good definition of effectiveness to assess against. I guess that also goes for the other ones. Now, I get to pick the next person, right?

LILI SUN: So the next escape topic is whether its implementation meets legitimate needs of law enforcement agencies. For the discovery column, we have the inputs like need a real compliance law enforcement agent survey and review final comments from law enforcement community to ICANN, like PSWG and [inaudible] talk to paid law enforcement agencies and conduct a survey. Get legal analysis. Oh, sorry, I really have discourage recognize [CROSSTALK] --

ERIKA MANN: [CROSSTALK] survey and input to CCT review team.

LILI SUN: There is also one input, I disagree, this is our scope. For the analysis column, we have the inputs here, the current approach, and framework for law enforcement agencies to request data, or do a first analysis in [CROSSTALK] and how to develop the report, we have the input based on legal requirement framework [CROSSTALK] feasible -- [CROSSTALK] for the risks, identified here, we have jurisdiction and sufficient focus. This is for the scope 3.

ERIKA MANN: Let me do it. I don't know if I can read -- I'm very bad in this. Do we have to read the first one as well? No? Okay. Ah, here, so discovery, WHOIS misuse studies; contracted party statements; registrars, registries ICANN we could use or something a target questionnaire; data-protection legislation; [CROSSTALK] third-parties -- oh, god, thank you so much -- third-party services; check safeguarding against data retention.

Analysis, this should be a small-team effort for endorsement by full team; and determine what is regulated by ICANN, and what is not, and probably shouldn't -- or probably should -- yes, yes -- probably should. Develop report -- nothing. What are the biggest risks, sufficient focus. Somebody else want to continue? No? Ah, there comes -- wonderful.

VOLKER GREIMANN: Okay. We're on to consumer trust, and the first one we have is a new survey of consumers for CCTRT; then we have the study of who uses

WHOIS data; read something to contributors to WHOIS users unhappy -- no, mapping, mapping; reach -- I can't read the second one, but it's same -- reach out to consumers, protecting agencies, [inaudible] GAC, public service working group; input from community; redo or tweak previous study -- how accurate; WHOIS promote consumer trust; check relevant consumer laws applicable to WHOIS fields; check against previous checklist.

In the analysis department, we have, we could appoint sub-teams to do a first assessment and present to full team, universal, so that applies to everything up here, apparently; and of course, Alan's common risk of insufficient focus. Who's next? Carlton, I'd like to hear your voice next.

CARLTON SAMUELS:

Read question and iterate -- that's the first one. First report, follow up with review team members; in-depth analysis of ICANN's implementation efforts; question-and-answers with ICANN staff; community comments; interview IRT teams. On the analysis, we have, we could appoint sub-teams to do a first assessment, then present to full review team; and small-group reports -- what's that -- results and recommendations, and then Alan's risk, sufficient focus.

PATRICK DODSON:

Thank you, Carlton. Thank you everybody that did the readouts. Those are the topics, and that was a really good first wave of input that if anybody has any other comments or discussions or observations, we have 18 minutes left before our next break, so we can do the break

earlier or we can earlier, or we can look at what the additional agenda topics are for the rest of the day.

This effort will obvious get put into a draft document for then the review team to continue to work on, flesh out, revise, discuss, etc., but this gives us a big jumpstart into some of the specifics that need to occur and how they would happen, and I know that there's going to a discussion around timing and how long these efforts might take. So, I don't know if you guys want to tackle that now, or defer. I leave it to the group, or Alice, with our agenda.

So, I think, Alice, as you're looking that up, I'm missing something, but I did have a real quick -- we're done with that one. We'll have a break. I know that we have these on the agenda for the section after our break, but I think I might be missing one piece, which is about team structure, aside from just review-team leadership.

ALICE JANSEN:

We also have the work-plan discussion, I think, to go through.

PATRICK DODSON:

And that discussion -- what are we envisioning for that? I was thinking, based upon yesterday's conversation, and this is open for everybody -- running hypotheses that we weren't ready to go through the detail-specific work plan, line-by-line, and against the timeline, or if that is something that needs to be brought up this afternoon, this gives us a rough cut at some of the elements that the group is thinking it needs to

tackle, so I don't know what the best approach is for the time we have right now, but Lisa might have a thought or idea.

LISA PHIFER:

Just one suggestion, which is that yesterday, we had a brief overview of the work plan, and one of the things that we could come out of this meeting with is maybe a feel of whether that overall set of milestones, the ICANN meetings at which we'd have the initial discovery done, the meeting at which the first report might be done, the meeting at which the final report might be done -- does this fit in that bucket, and if not, that will give us some guidance on prioritization.

PATRICK DODSON:

I see nodding heads in the room. We'll check the chat to see if Stephanie and Thomas agree, and then, if so, then I think walking through the high milestones on that timeline, and having that discussion right now, would be a good use of the time before our break. Alice? Stephanie can't hear me? Oh, not loud enough. Okay. Do you want to do a break and then meet back?

UNKNOWN SPEAKER:

It's up to you, Alan.

PATRICK DODSON:

All right, so let's get a quick read of the room. Would you guys like to take a break now, for 15 minutes, and we'll reset for these last series of activities and go from there? I don't see any disagreements, so let's do

that. We'll take a break for 15 minutes, address audio issues, if we need to, and reset for the final phase of activities.

ALAN GREENBERG: Okay. Before we leave, I note nobody came to me to change their night hours or blockout hours. If you plan to, you better do it now.

PATRICK DODSON: Add that to list of things to accomplish. Okay, great, 15-minute break. That brings us back at what time, Alice?

ALICE JANSEN: 1:15 UTC, which is 3:15 local time.

PATRICK DODSON: Okay. 15:15. [AUDIO BREAK]

ALICE JANSEN: So, welcome back. Excuse me. Patrick.

ALAN GREENBERG: Folks, we are about to start.

ALICE JANSEN: All right. Welcome back. Hope you're all enjoying the cruise, so far. Okay, so we're just going to go a little deeper into the work plan. As you

remember, we scanned through this real quick yesterday, and seems like we're going a little more of our time on this today. So, the plan review process, one of the key dates we've established here is for methodology to be adopted to prioritize your issues for -- September 14th is established as the end date. So, I think you're pretty clear on the methodology you're using, and I think we're ready to mark that as a completed. Correct?

Oh, want me to repeat? Okay. I was saying, one of the key steps in the plan review is for you to determine the methodology you're using to prioritize your issues and scope. And I think you've established a methodology, here, so I think we can mark that one as complete. Correct? Okay, great. Okay.

The next step is for you to adopt and publish your terms of reference, which as you know, includes the scope. We had marked October 20th as the anticipated completion date, but judging from the discussions earlier today, it sounds like you will need a couple of conference calls to ratify the scope. Is that correct? Okay. So, does October 20th sound feasible at this stage, or do you want us to push further away?

ALAN GREENBERG:

So, if we have weekly meetings, we're talking two meetings away. That's probably reasonable to ratify the scope. That means getting firm words; make sure everyone feels comfortable with it, one iteration if there's any minor changes. That should be okay.

ALICE JANSEN: Yes, and so this one include the terms of reference as well, cause you know, it's embedded in there, and as you will see, I already know from Lisa's list, there is not that many items left in terms of reference for you to address. Okay, so we'll keep that date. What about the work plan? How do you feel about that one? Cause we had also -- we'd actually marked today, as the date for the work plan.

ALAN GREENBERG: Clearly the detailed work plan, no one has looked at except staff, so I don't think anyone's going to sign-off on that --

ALICE JANSEN: So, we'll use the same date then, okay.

ALAN GREENBERG: For the detailed work plan? Or...

ALICE JANSEN: Work plan, general work plan. Cause the board resolution calls for both, the work plan and the terms of reference to be submitted.

ALAN GREENBERG: Okay, but that work plan is essentially a number of checkpoints, not the huge spreadsheet. That's what I got from a discussion earlier today, or yesterday.

ALICE JANSEN: There's no -- I mean, there's nothing in the board resolution that determines the level of detail needed here. I think as, you know, as long as you have a more or less, precise road map of all the key milestones along the way, I think that would sufficient.

ALAN GREENBERG: I'm not comfortable signing off on that until we have a higher-level of comfort of who's going to be doing the work and really understanding the time frame. I mean, when you start taking off that -- pretty well as soon as the ICANN meeting is over, we're within two or three weeks getting to the holiday season, where getting people to work very heavily is pretty hard. And that goes well into the middle of January in some jurisdictions, so I'm not -- I don't feel very comfortable saying in two weeks, we will have the work plan locked in. I'd like to hear from other people, but that sounds a little bit optimistic to me. Lisa?

LISA PHIFER: I just want to ask a clarifying question, so when you say you're not comfortable having the work plan locked in, are you talking about this detailed level of work plan, or just the milestones?

ALAN GREENBERG: Milestones.

LISA PHIFER: So, the milestones are included in your terms of reference, so in order to formally ratify your terms of reference, you need to have some level of confidence in that overall set of milestones.

ALAN GREENBERG: I would tend to say at least two weeks after we get back from Abu Dhabi, and I'm not quite sure when the first week is, so we're really looking at towards the end of November to feel comfortable. I'm willing to push it, if everyone else feels aggressive. I see Volker nodding his head at me, but I don't see any other reactions from anyone else, so.

ALICE JANSEN: So, November 24th, for instance, would be the --

ALAN GREENBERG: That sounds more than reasonable [CROSSTALK] we may do better than that, but I don't feel comfortable committing to better than that.

ALICE JANSEN: Okay. So, all three -- scope, terms of reference, work plan -- all three components. Okay. Thanks. Can you make a note of that? Thank you.

ALAN GREENBERG: [CROSSTALK] scope is within the terms of reference, but with some objectives outlined, which I think we will have -- we've already committed to doing two weeks from now, and the work plan is the next item, which means we have volunteers to do the work, and have done a

little bit of assessment as to how many more months it's going to take to do the rest of the work. I don't see how we could push it much faster than that.

ALICE JANSEN:

Okay. Perfect. Okay, so one of the other steps in planning the review is for you to determine the division of work structure that you'd like to have for this effort. Would you like to you know, have sub-teams work on all the individual items in your scope? Would you rather work as a team together? So, that's up to you, as well. And we marked October 20th as for you to come up with a decision on whether or not, you wish to, you know, divide yourself into groups.

ALAN GREENBERG:

We talked about that a little bit during the break, and the suggestion that was made is start with the first part, which is a review of the recommendations, and there's 16 recommendations. They were divided into 10 groups for the purposes of the presentation to us.

Now, some of these are nigh on trivial, and some of them are going to be a huge amount of work, but the suggestion was to start with, we each take one of them, to do an initial assessment of you know, how much work is this going to involve, scope it out a little bit and then we can come back to the team and start doing assignments. My personal preference, and we only 10, 11 people, if we include Chris, and Chris -- no, I don't know to the extent you want to really participate in the review -- Okay. Sorry?

CHRIS DISSPAIN: So, I'm available to help when I can, but I think we need to be careful to make sure that I'm not seen to be influencing too much. I don't think that would be appropriate, would it? [CROSSTALK] I can hold a pen. Or indeed, a tool, Erika. So, I'm happy to help, but --

ALAN GREENBERG: Okay. But regardless of whether Chris is there, or not, 10 or 11 doesn't change the overall dynamic. I am uneasy about one person taking complete control over something. Although the reality is, if we assign two or three people to something, chances are one person will take the strong lead. But at least there's someone else to bounce things off of. Go ahead, Volker.

VOLKER GREIMANN: Maybe one person as the lead and one person as the reviewer to formalize these roles to ensure that everybody has a certain topic where he really has to do the work and someone to check that work.

ALAN GREENBERG: Once we get these scoped out, we then merge the results in. And I suspect we're going to find that we can merge some of these together into a single task just because they're relatively minimal amounts of work, and other ones are going to be very significant. And some of them overlap with this. For instance, we have recommendations forwards to compliance, along with our major new topic of compliance.

And clearly having those done by completely separate people might be problematic.

So, I think, once we get the initial scoping done on these recommendations, and I'd like to think we could have it done within a week. We can then decide on how many overall topics we have and start assigning teams. And I would say, pretty much as Volker did, one lead person, one to two other people on the group, depending on how massive the task is. And go from there.

My preference is to have one of the leadership members at least auditing most of the groups, once we get past the first phase, but also taking full responsibility for some tasks themselves. So that puts a little bit of an extra load on, but also means we're covering, we having someone watching over the whole thing. I can't put a lot more detail to it than that. But does that sound reasonable? Essentially, we're saying everyone here is going to have to take lead responsibility on something, or a very strong secondary role on some of the really big issues. I think the big issues are going to be the ones related to data accuracy and the previous reviews, compliance is clearly one, legal, sorry --

UNKNOWN SPEAKER: Law enforcement.

ALAN GREENBERG: Law enforcement, thank you. I knew it started with L. It's another one that I think is going to be moderately heavy. So that's what I was thinking, nothing's cast in stone. But if that sounds reasonable then

we'll proceed on it. And I would think that the first task that we want to do is do a show of hands, and we can do it electronically afterwards, with some sort of poll, of which sections are people willing to work on. And if we get any sections that nobody's willing to work on, we have an interesting problem. And putting up your hand for six sections doesn't mean you will work on six sections, it just means you're willing to take it on. Chris.

CHRIS DISSPAIN:

Alan, at what stage do you think we'll be ready to go back to the CCNSA and say our scope is done and give us people?

ALAN GREENBERG:

I've already said that we will have the scope ready coming out of this meeting, so we are going back to them now. Well, not this moment, but very soon. Once we have a cleanly typed up version. I don't think we need to do the final editing to do that. And so, I'm hoping we will go back to them this week. And I'd to think they'll move quickly and decide that either nothing is of sufficient interest to proceed to add members or they will add some.

I'll be honest, I'm not quite sure what the impediment was to adding people, given that we certainly were going to review the other recommendations and we're not doing any real design. This isn't the RDSPDP, so I'm not sure to what extent the experience that her people have either applies or doesn't apply to what we're doing. But that is the decision they made and we'll work with it.

So I would think the next step is we will do some sort of a poll of all members, and I ask you to all respond pretty quickly, as to what sections do you have an interest in or willing to put some work into. I'm assuming anyone who volunteered for this group at all, is willing to put a significant amount of time into this process in exchange for the glorious cities we're visiting for two days in a building. Volker?

VOLKER GREIMANN:

Yes, that's well worth it. Just a question. Never have been part of a review before, it would be helpful to see just will we get any indication of what this scoping exercise would have in -- what the scope be of the scoping, i.e.: Is there a formal template? Is there a certain definition to follow? How many pages? How much detail to we expect in the scoping? Etcetera. It would be helpful to have a bit more, a picture of the work that's being expected before we're volunteering.

ALAN GREENBERG:

I really don't have any wisdom on that, because when I look at the list, one of them alone is annual reports. Well you're going to have to look at the reports quickly and it's almost a binary decision. Yeah, they seem to be doing a pretty good job of it, we may want to make a couple of small comments. On the other hand, assessing the data accuracy work that they've been doing, or compliance, is a major activity. So I'm not sure there is uniformity. Cathrin?

CATHRIN BAUER-BULST: Yes, thank you Alan. This is Cathrin. And thank you Volker for the questions. We discussed this also during the break because it's a bit difficult to dominate 10 different people for the 10 topics and then send them off and everybody comes back with a different product. So what we thought might be useful, is to have a template that lays out a set of questions that we would try to answer.

And this goal, which would cover issues such as, what further analysis would be needed, what steps should we take, who should we talk to, those types of things. And as Alan was saying, that would be very short for some of these elements, and it could be quite extensive for other ones. But, I think, the premise was that for this first effort, it's more of a scoping exercise than actually trying to do the assessment as of yet.

ALAN GREENBERG: To be clear, we're not asking the work to be done, we're just asking to give us some measure. After looking at it, you'll probably have a moderately good idea is, can this whole thing be assigned to one person and in fact we can group it with three others as a single or is this a multi-person job that's going to stress them. And that's really the level we're looking at at the scoping. Alice?

ALICE JANSEN: So as indicated yesterday, we do have a template for an ideal recommendation and an ideal findings document. So maybe we can share that as a first draft and see how we can expand that to incorporate all the scoping everyday questions that you wish to see addressed.

ALAN GREENBERG: That's probably overkill for what we're looking at in the first pass of the previous review recommendations, but sure. Alice, you were leading the questions. Are you comfortable now?

ALICE JANSEN: That's fine. Are we ready to move on?

ALAN GREENBERG: We do have an action item that we'll have to send out a survey pretty quickly with [CROSSTALK].

ALICE JANSEN: Yes, we've already noted that down. Okay.

SUSAN KAWAGUCHI: This is Susan. Since we have everybody in the room, should we just go for a hands up?

ALAN GREENBERG: Do we have the people online? So let's make it clear, this is not the formal commitment, but we're trying to get an idea. Do we have anyone that's interested? Or are we going to have trouble selecting who it is? Because there's so many that want to do it. Is that fair to do? Just a straw pull, we'll call it.

LISA PHIFER: By expressing interest or not committing to the --

ALAN GREENBERG: Expressing interest. Not expressing interest is silence. Do we have both people online who we believe are...? Stephanie is on, Thomas is not? All right, then we'll assign Thomas to what we think he should be doing.

All right, we'll go through the recommendations first and then we'll do the new topics we've added.

The first one, expressing interest on number one, making WHOIS a strategic priority in ICANN. This is a moderately short item. Interest? We're waiting for the screen to come up. Got it. We're not ready yet. Now, nothing is being shared as opposed to in processes being shared.

LISA PHIFER: Jean-Baptiste has displayed the list of items that we'll assess interest in and I'll be just taking notes manually about who expresses some interest. Again, you're not committing to do it, but you're expressing some interest in being considered to do it.

ALAN GREENBERG: Number one, strategic priority. Lisa, you can put my hand up for all of these. I've already done this for the ATRT, so I can take on any of these if, indeed, there's an interest. No one else interested in doing it.

Strategic priority, any hands up? Volker and Cathrin. Is that a hand up? And Carlton.

Single WHOIS policy. Volker, Cathrin, Carlton. I see a pattern.

Outreach.

LISA PHIFER: The first one, strategic priority, was Alan, Volker, Carlton, and Cathrin.
The second one?

ALAN GREENBERG: Same.

LISA PHIFER: Same thing.

ALAN GREENBERG: Outreach. Okay, we don't do outreach. Cathrin. She's not volunteering for all of them, she says she's willing to. And I'm already on the list for all of them.

LISA PHIFER: And just to remind people, so that was outreach to consumers and registrants.

ALAN GREENBERG: Compliance. Or you're joining outreach? Compliance. Is Susan allowed to not put up her hand for this one?

Recaptured data accuracy. We have Lili, Dmitry.

Privacy proxy services. Susan, Cathrin, Volker, Dmitry, Lili.

Common interface. I honestly can't remember what that is. Oh, that's the common WHOIS interface. An ICANN based WHOIS interface. What they're calling the WHOIS portal. Volker doesn't remember what it is. It's so well advertised, I only found out about it during the presentation to us. Volker, Susan, and me.

IDN. This one, Dmitry has no choice. Anyone else for IDNs? Remember, this is just the initial review, it's nothing. And almost all of the work says let's do something and then it's, let's put it on a shelf for a few years while the RDS PDP is going on, so it's probably not all that onerous.

Next one, detailed plan. That is, put together a detailed plan to address these recommendations. Erika, me.

And annual reports. Come on folks, this is an easy one. We have Lili. To look at annual reports to see if they were published or not. To see if they were published or not. Chris, just for the record, that was a facetious comment.

ALICE JANSEN:

Stephanie has volunteered for topics three, four, five. So fade her in the list.

LISA PHIFER: We were, I believe, if I understand the proposal, was for each review team member to take one area in the review team's report, at least one area. So if we have someone that hasn't expressed an interest in any of the areas in the first review team report, you might consider if there's one area you'd like to express interest in.

ALAN GREENBERG: Thomas is not on the call at all right now, so we'll have some gaps to fill in. Privacy proxy for Stephanie.

LISA PHIFER: Sorry, I just wanted to address that anything new was the second scope item which was assess the effectiveness of the current RDS. If there's anything the first review team missed that requires review, that was that one.

ALAN GREENBERG: That's not a fast pass. That's not a fast preview of it. That's starting to do the actual work. So these are two different ones we're taking volunteers for. So now we're looking for people who are willing to do the overall assessment. I'm assuming we can have staff compile a list of what has changed. Is that a reasonable assumption? I know we can ask anything, can we get anything? I'm afraid if staff can't compile what has changed, then we don't have much chance of doing it. [AUDIO BREAK]

So a tentative show of hands, this is not a formal commitment, but we're trying to gauge interest to work on law enforcement project. So we've got Erika, Chris, and Cathrin, and Lili.

ALICE JANSEN: Stephanie is --

ALAN GREENBERG: And Stephanie.

ALICE JANSEN: She wants to speak. She has her hand raised.

ALAN GREENBERG: Okay. Go for it, Stephanie.

STEPHANIE PERRIN: No, I was actually just raising my hand, because I thought you didn't see me. I put it in the chat that I was interested in that one. So I'll just raise my hand as you list them out, okay?

ALAN GREENBERG: Thank you very much. That pops to the top of the list, at least on my display, so it makes it easier than scrolling for checkmarks. Thank you.

LISA PHIFER: When you said you wanted to be signed up for everything, was that including these topics, or...? Okay, so for topic two we don't have a member of the leadership team expressing any interest? The anything new topic.

ALAN GREENBERG:

I'm not sure we really need to recruit for anything new at this point, until we find out if there's anything new that really needs focusing. So I suspect the plenary will take a look at what's new and say, "Is there anything here we think we need to identify." Because what is new is not going to be what we're going to investigate, it's just going to trigger a possible idea. So I think that one we'll bring back to the plenary once we have the initial cut down.

Next item is consumer trust. So we have Susan, Erika. Remember these are not formal commitments, we're just trying to get a feel. If we don't have anyone interested, we're going to have to rethink whether it's in scope. Dmitry. Oh, it's on the screen too. Thank you.

Safeguard registrant data. Dmitry, Stephanie, Volker.

And compliance. Susan, Chris, my hand's up, Erika, Cathrin. We've got lots of people who are willing to work on compliance.

Are there any people who didn't put their hand up for anything on this second group? No, Thomas, we know is not there yet. Stephanie. Carlton isn't doing any work. Which two?

ALICE JANSEN:

WHOIS one, two, I mean. More correct, one and two, but not any of the new topics.

ALAN GREENBERG:

No, no, on the new topics we're talking about, not just the recs. Anything new, law enforcement, consumer trust, safeguards registrant data. I think one of the points Carlton may be making is, once we do the initial assessment on the prior recommendations, we are going to have to do substantive work following that. We didn't, nobody saw you.

All right, summary is: it looks like we have people who are willing to work on most of these topics. Once we do the initial cut on the prior recommendations, and, as I said, I think we can get that done within a week, then we're okay. So what we need to do now is assign the initial subjects to somebody. Lisa, could I ask you to either arbitrarily or with malice, assign them a primary and secondary for each of the ten groupings? Not necessarily this minute, but in time.

LISA PHIFER:

Sure, not in real time. We can take a stab at it. Since the same people volunteered for many, many things, we may need to go back to those individuals and say, "Okay, order your interest," and that will help us. But yes, we can take a crack at it.

ALAN GREENBERG:

Okay, thank you. I think that's about as good as we're going to be able to do today. We have some level of interest in everything. It's going to be hard to even out the work, or at least of some approximation of evening it out, but we seem to have either willing or gullible people here. I think we can move forward.

ALICE JANSEN: And we will reach out to Thomas and see what he's interested in.

ALAN GREENBERG: Yes, please. What is next on our agenda?

ALICE JANSEN: Do you want to go back to the workplan discussion? Or maybe talk about the review team leadership at this stage.

ALAN GREENBERG: Okay.

ALICE JANSEN: I mean, you're driving this. You're cruising.

ALAN GREENBERG: Why do I feel like I'm not really at the wheel? All right. Leadership is we had originally confirmed me as interim chair and Cathrin and Susan as vice-chairs. Is there any interest in changing that at this point? Just to be fair, we should talk about workload. The three of us spend at least an hour, typically, recently, we've been spending an hour, or almost an hour, in teleconference with staff prior to the meeting. And then a moderate amount of email after that.

The other work, I think, as we go forward, I think the leadership is going to have to take a semi-auditing role over pretty much the whole project

going forward. So the workload will be somewhat heavier than our regular member. Yes, Volker?

VOLKER GREIMANN:

Maybe just one comment. I don't have any problems with the grand leadership team, and I think you're doing a good job here that could continue. However, I have a very small concern, which results from your comment yesterday, Andy, which is your planned retirement from ICANN, or your prospective retirement from ICANN. As we cannot be 100% certain that we will have finished our work by then. That would be a problem, or might be a problem.

So I would just like to see how you see that issue. If it would be a problem or if we should maybe do it Roman style and put in a triumvirate or something like that, with three leaders all at the same level. I think we currently have a leader and two vice-chairs. One chair and two vice-chairs. So I'm not sure how that will pan out, just something I would like to hear some comments on.

ALAN GREENBERG:

Sure, fair enough. To be honest, I hope that was more of threat than anything else to get our work done. I am stepping down as ALAC chair, roughly a year from now. And if anything else, that frees up time. I don't necessarily plan to leave ICANN completely and ultimately.

At this point, I'm not committing to starting a lot of new projects, but I have a long history of when I stop one thing, I go on to something else. I get withdrawal pains from not being involved in international

networking issues. So, at least in the past, I have. And at this point, I'm not planning on disappearing altogether, and I reserve the right to have a heart attack or something though. But, you know.

VOLKER GREIMANN: You better not.

ALAN GREENBERG: No, that too was a joke. I have no serious plans on that. So I do plan to see this through. I would, on the other hand, hope that we can get it done close to a year from now, which is what we're talking about. That will amount to a 15, 16-month tenure on the review team. And I honestly think if we cannot get review teams to work in that kind of time frame, then we need to rethink the concept.

Otherwise, it's an unreasonable load, because half the people who participate in these things already have other things on their plate, and I think we need to keep loads reasonable. So my target, certainly, is to complete in under a year from now. But my pumpkin isn't going to evaporate immediately if we don't, to mix metaphors. Go ahead.

LISA PHIFER: I just have one quick, clarifying question, which is: so after you step down as ALAC chair, you don't intend to completely disengage, but would you still be a member of ALAC?

ALAN GREENBERG: No. No, my ALAC term is up.

LISA PHIFER: So that is potentially a consideration.

ALAN GREENBERG: Why?

ALICE JANSEN: The connection is based on the representation of the different S7H teams.

ALAN GREENBERG: Dmitry and Carlton aren't ALAC members. They're endorsed by them, by ALAC as am I, but they're not ALAC members. And Volker is not a GNSO member, I don't think.

VOLKER GREIMANN: I am very much a GNSO member. Just not a councilmember.

ALAN GREENBERG: Sorry, GNSO councilmember. The ALAC is comparable to the council. That is not an issue.

ALICE JANSEN: Stephanie has her hand up. Stephanie?

STEPHANIE PERRIN: Hi, Stephanie Perrin for the record. I do think that we have a nice balance to triumvirate, as Volker put it, because we have a GAC person, and ALAC person, and a businessperson. I wonder about that bustier ALAC representative then when Alan steps down, because Susan and Erika and I are GNSO council representatives. Maybe I'm confusing, we just happen to be councilors, but I thought that was definitely a consideration. Maybe I'm wrong.

ALAN GREENBERG: Stephanie, it may be a consideration of those who endorse them. I can't tell you whether the GNSO used that as a consideration or not. But certainly, in the ALAC, that is not an issue. Being able to communicate with the ALAC is an issue, but not being a member. And, that notwithstanding, people are appointed in their own right, not necessarily in their office. So if you look at the first WHOIS review, the ALAC person was not an ALAC member. Neither of them were, even though one resigned partway along the way. So, no, that is certainly not an at-large issue, we regularly appoint people who are not ALAC members. [AUDIO BREAK]

VOLKER GREIMANN: We don't have an issue, I don't think. We might have an issue down the line if timelines start slipping and we are realizing we don't get ready, but I don't think so.

ALAN GREENBERG: I can provide a sealed letter of resignation that you can invoke any time you like. You won't know what's in it until you unseal it. No. All right, I'll take that as given, I don't think we need a formal vote. And thank you very much of your confidence on behalf of Susan and Cathrin. And we will attempt to do our best to see this project through and to a successful conclusion. And having worked a little bit with Susan and Cathrin now, you're not going to see your leadership slacking off, I suspect. So it should be fun going forward. Next agenda item.

ALICE JANSEN: I'm sorry, I'm jumping back to the work then. Do you want to continue going through the key dates that were identified? We sort of went off...

ALAN GREENBERG: I'm working on automatic pilot and assuming you know what we're doing. Yes, please, if that seems appropriate.

ALICE JANSEN: Okay, let's jump back to the workplan then. Okay, so still in the planning phase, we also have the Outreach Plan that we need you to put together for the review team's consideration. So my assumption based on the discussions that we had earlier, is that we should push that to once we have an adopted Terms of Reference document. So we'll make an adjustment on that date as well.

All right. And then we have the template for findings and recommendations, as well as a structural report. So we have those ready to get started and we can tailor them based on the needs from

this group. And as we just discussed, we'll also do the scoping component that we talked about.

Okay. So let's just move on to research and studies. So, as you know, you've got a pretty meaty list of background materials on your Wiki that we will continue populating. But if there's anything you want to see added here, as always, feel free to flag anything for us. We've established December 31st as the end date for that list to be, more or less, complete. It's just a placeholder.

Okay. There are briefings and data sources you need. Same here, we've identified New Year's Eve as the last day for you to send any data and briefings you need to complete your research. And that also entails if you need a survey or a study conducted and so on.

ALAN GREENBERG:

Wait, say that again. We have until New Year's Day to...

ALICE JANSEN:

To let us know what you need in terms of research data and so on.

ALAN GREENBERG:

That sounds, to me, somewhat aggressive for things like law enforcement, where we may well want a meaty survey. But I don't think we're going to be in a position to have created by then. I'm not sure what other areas we're looking in terms of surveys for our external studies. But, it sounds rather aggressive to say we're going to be ready

to even go out or call for a tender or something if it's a significant study by then. Erika, go ahead.

ERIKA MANN: Erika on the mic. I was exactly wondering about the same. So are we actually asking by 31st of December that you will see from us what we think should be done? Or do you want this already then be finalized? No.

ALICE JANSEN: No, no, the requests.

ERIKA MANN: Requests from us. Just simply, the request.

ALICE JANSEN: Yes. The requests.

ERIKA MANN: Maybe end of December or January?

ALAN GREENBERG: Well, she said January 1st, so that's end of December. I can see us serving notice that we are going to want to do something, but not be in a position to fully specify what the something is at that point. Again, I'm giving my opinion, it's not necessarily of great value. Volker?

VOLKER GREIMANN: I'm not a big fan of the January 1st deadline for anything because there is not much work being done over the Christmas holidays. Personally, I'm going to be on parental leave until January 15th. Travelling all the time. So that's one thing. But that's only me. But I generally feel that's either timing it before the Christmas holidays or with enough space after the Christmas holidays would be much wiser than to have it after a time when everybody is still recovering. Food and festivities over New Year's will also -- it's not the best date for a deadline.

ALAN GREENBERG: I mean, and the 1st of January is middle of December, at best. Plus, there's also an --

ALICE JANSEN: So end of January?

ALAN GREENBERG: Well, let me ask a question? What is the need for urgency in getting that? We now have a process that we think may go on for the rest of the calendar year.

ALICE JANSEN: Planning, because if you decide you want a consultant, well, it depends on how much work that consultant will need to do. You need some consultations, it's a lot of planning.

LISA PHIFER: So for internal requests, maybe a little bit less lead time is possible, but for external requests, you're looking at a potentially an RFP process and formal engagement of someone to fulfill your needs. And that can take time, not to mention the actual execution of the research can take time. So getting that request in sooner would allow you to use the time that you have on other things more effectively.

ALAN GREENBERG: I think that part is understood. So if we're going to undertake some major study of some sort, yes, there is certainly a huge long lead times in getting that done and getting the report done. On the other hand, if we're looking at surveying 100 people, perhaps with an online tool, I don't see that as being nearly as onerous.

I have a real problem saying there's a hard deadline there which says we may not prepare properly for, and a study that isn't prepared properly for is probably more dangerous than anything else. What do other people feel? At this point, I'm not foreseeing any major significantly funded studies. I haven't heard of reference to one that I'm aware of. Erika, please.

ERIKA MANN: Thank you, Alan. I haven't put in studies, but I put in twice or three times quick, short, legal overviews about certain topics. So typically, you need, in most cases, these law firms which can do this, they can do it pretty quick, but they will still need, typically, a month. You will need

a month because they don't know if you want to tender or how you want to do it. So you need, probably, two months, they will need internally, depending on how well it is already done and how much information they have available. [AUDIO BREAK]

To get the first slot, about things at the end of December, the way you wanted, and we can confirm we do a quick review of what we really need and the bigger pieces, you try to get it done by the end of December. Then you have a second slot, ideally, for the lighter issues which can be done either internally or... Which we assume they are ready by the end of January, maybe. Maybe this helps if something comes up again. You have two slots.

ALAN GREENBERG:

Yeah. Got [inaudible] a moment. My concern is, we said we're going to try to allocate the work and commit the team-type things by the beginning of December. So we're only looking for two weeks later at that point.

ERIKA MANN:

The beginning of December. Where is the beginning of December coming from?

ALAN GREENBERG:

We said we would commit to the timeline, which implies allocation of work, end of November. That's beginning of December. Cathrin, sorry, Larissa and then Cathrin.

LARISA GURNICK:

Thank you, Alan. As you were discussing possibly hiring third parties to do any type of work, it's probably not necessary to take up the time now, because I know time's precious, but maybe at one of the upcoming plenary meetings, our team could provide you with a quick overview. Because we actually have a process and it's pretty reasonable.

It may not necessarily have to be an RFB, but it will be a procurement process that will require you providing us with some clarity around the scope of work of whatever it is that you want the third parties to do and so on and so forth. Depending on the magnitude of the work is the level of formality of the process, but we can walk you through how that all works so that you have an idea of what we would need to get that process going when you're ready to do that.

CATHRIN BAUER-BULST:

Thank you, Alan. This is Cathrin. Just in terms of efficiency, I think we're spending too much time on this. I think, we're doing the impact assessment now of what we want to do on each of the items that we've had emphasized. Ideally, we should have a rough idea of what we need outside help for by the time we finish these notes. And if we do discover later on that there is a surprising need for a study that we haven't identified beforehand that cannot be dealt with through an online survey or whatever, then maybe we can find some flexible rule.

But how about we set the deadline, perhaps even earlier, for identifying the need for real studies that need procurement, which I think should be part of this first scoping exercise. And then if really there is some

emergency situation that forces to come back on this, we insert some little item there saying, okay, secondary deadline in case of need. Let's put it end of January or mid-February or something, if really there is a problem.

But I feel like we're starting this game of deferring. We need to get started on the work at some point. We're not really committing, we're not really doing anything, we don't want to set any deadlines. I think we should just set a couple deadlines, get on with it, and if we discover there's a problem, I'm sure we can find a solution.

ALAN GREENBERG:

Alice, that sound like something you can handle? Not quite what you were asking for. Thank you, Larissa.

ALICE JANSEN:

Okay, so with that, let's just move on to the conduct review phase. So as explained yesterday, we have a placeholder here for sub-groups but we'll make any adjustments needed. But the important date to note here is the San Juan meeting. We had earmarked that week as, it's actually when the sub-groups would present their suggested recommendations to the review team for consideration.

So do we want to keep that milestone in the schedule? Do we want to have the different workforces present their findings and recommendations in San Juan for the whole group to discuss?

ALAN GREENBERG: I think it's a reasonable target. If we make that target, then we'll probably be well within the additional year for completion of this overall project. We may find out, going along the way, that it's a little bit aggressive, but I think it's a reasonable target. Anyone else? That gives us, essentially, two, two and half months to do a substantive amount of work after people come back from the New Year's break. I think that's more than reasonable as a first guess.

ALICE JANSEN: All right, great. And then next step is for you to finalize your draft recommendations and collect some input prior to submitting the report for public comments. And all this engagement with the community would happen in Panama in June.

ALAN GREENBERG: Sounds like a reasonable target.

ALICE JANSEN: Okay. Perfect. Following Panama, you make any adjustments needed to your report and then [inaudible] sign it off for public comment. Is that okay?

ALAN GREENBERG: I think that's fine. It's completely in line with what I would like to see. I'm well aware of other review teams that have to elongate their timeframe because the world doesn't unfold the way they want. And that could happen to us too. But I think it's a reasonable target.

ALICE JANSEN: Okay. And the next destination is the ICANN63 meeting where you will be taking all the input received on your report, as well as any additional input received for engagements sessions and then compiling everything into a final report for board consideration. So October meeting, following by a board submission, at the latest, in early December.

ALAN GREENBERG: Great target, I think. Unless anyone thinks it is too aggressive. Not aggressive enough is not an issue, we can always do it early. I see no complaints. I see no hand up in the Adobe Connect.

ALICE JANSEN: Okay, great. So we'll make the adjustments to this workplan and recirculate to the group. And we'll do that probably next week.

ALAN GREENBERG: Are we at the session or a time we should talk about future teleconference plans?

ALICE JANSEN: Yes, can do.

ALAN GREENBERG: And I would like to also, before we adjourn, I don't remember if it's on our discussion or not, to talk about meetings at ICANN meetings.

All right, teleconferences, I think we tentatively decided to start one a week. We may, as we go forward, decide that they are targeted towards sub-groups instead of the plenary, but we will set aside the time, in any case. We have been doing them on Thursday until now. Is there any objection to continuing on Thursday? Weekly. We could alternate days, or something like that. We haven't talked times yet, but if people are comfortable on Thursday, then we'll just look at Thursday. Go ahead.

ERIKA MANN: Erika. I have no problem with Thursday, we just have to check the potential overlap as the auction proceeds timewise.

ALAN GREENBERG: We will try not to overlap with the auction procedures.

ERIKA MANN: That would be great.

ALAN GREENBERG: And that could be problematic, we are settling in on a one and a half hour call each day. The alternative would be to alternate one hour and one and a half hours, which gives us more flexibility with regard to the auction proceeds. Well, about that time, is indeed the times that people are available. If we look at, there are how many meeting before Abu Dhabi? We are not meeting this week. We would meet the 12th, 19th, 26th, I'm already in the air. So we're talking two meetings.

The optimal times for a two-hour meeting, or an hour and a half meeting, if we cover that, is 1300 hours, which does overlap with auctions. Erika a sharing that one, so she doesn't have the luxury of missing that. We could start a half hour earlier, say 12:30 UTC, and that butts up directly with the auction. We're still talking Thursdays.

CHRIS DISSPAIN: It's me again, Chris. How's that going to work in respect to the clocks changing in LA?

ALAN GREENBERG: That's why I'm saying, the meetings before Abu Dhabi, because the clock changes in both Europe and North America fall during that week.

CHRIS DISSPAIN: Oh, do they? Oh, okay, super.

ALAN GREENBERG: One at the beginning of the week, one at the end of the week.

CHRIS DISSPAIN: Excellent. Thank you, Alan.

ALAN GREENBERG: And the hours do shift for some people, but not all people, which is why it's a little bit different now. What's going to happen with auctions? Is that going to stay at the same time UTC and move an hour? Haven't

decided. Okay. I don't remember where it started before summer started. I think it was always 10 o'clock my time, but I'm not sure. I'm just looking at this.

I would suggest that we do it after Abu Dhabi that way we make sure that we don't overlap, and start it either at 8:30 or 9:30. I'm sorry, I'm not looking at UTC - 11:30 or 12:30 UTC. And we can check, pretty quickly, which it will be. Does that sound reasonable to everyone? That avoids the 6:00 to 8:00, 6:00 to midnight, midnight to 6:00 timeframe for everybody. Except, possibly Chris, if he's in Australia.

CHRIS DISSPAIN: No, I'm not.

ALAN GREENBERG: Okay.

LISA PHIFER: I'm sorry, could you clarify the time again?

ALAN GREENBERG: For the next two meetings, we will hold the meeting starting at 12:30 UTC. 12:30 UTC. I can tell you what time it is for you then, if you'd like. 7:30. Are we talking about Susan?

ALICE JANSEN: Sorry, we're having an off-mic conversation on UTC.

ALAN GREENBERG: It has been 11:00, we're talking about 12:30. So an hour and a half later than we have been holding it. Susan and the staff in LA, it means 5:30. But we may change, we're saying that's before. Remember not everyone changes time, so the dynamics change a little bit.

But, in fact, there's a larger window after the time zone change than before because of some of the people not moving. For the people from here on, don't move. You can look at the graph, there is only a two-hour window that everyone is outside the midnight to 6:00. You're at one end of it, Lili is at the other end. Yes?

DMITRY BELYAVSKY: Do we really need to the weekly meetings or just to stay at meetings once a fortnight?

ALAN GREENBERG: My inclination is to schedule weekly meetings and hold them as necessary. It's very hard to put a new meeting into a calendar at the last moment. So I'm comfortable doing meetings every two weeks, but I would prefer to put them into our calendars weekly, knowing that we can go to them when it becomes necessary. Does that sound reasonable?

I suspect for the next two weeks, we will have meetings because there's only two meetings before the Abu Dhabi meeting. I suspect those will be necessary. But once we get into the real working groups, probably

not. But we may want to use the off meeting for a sub-group to meet if they have enough to talk about.

All right, so we will do 12:30 UTC for the next two weeks. And once we verify what's happening with another group, we'll set the time. But it will be that time, plus or minus an hour. Or actually, that time minus an hour. It can't go farther because Lili doesn't change time zones. She's at one end of the extreme. Actually, the demarcation is here, everyone to this side doesn't change time zones. They sat carefully that way.

All right. I think we have a decision now and I'd like to talk about meeting at the next ICANN meeting. I would like to allocate two days prior to the meeting or after the meeting. The real problem is, I know there are other groups that are also talking about meeting prior to. The group that has been meeting recently is the CCWG accountability, and we'll get to there. I think I'm -- Chris, go ahead.

CHRIS DISSPAIN:

Just before we start the detail, can you tell me when you think the meeting actually starts? Because you said two days before the meeting. So when do you think the meeting actually starts?

ALAN GREENBERG:

I think the March meeting starts on a Saturday. Or does it start on Monday? I've lost track now.

CHRIS DISSPAIN: Right. So we're talking about, in essence, the March meeting is an A meeting, so it's a full meeting. So you're thinking it starts on -- that's fine. I just wanted to make sure. So when you say two days before, what you mean is Thursday, Friday?

ALAN GREENBERG: Well, no, the A meeting is a five-day meeting. And I think it ends on Thursday, so it may only --

CHRIS DISSPAIN: Anyway, it doesn't matter. The point is, you're saying -- Larissa's got her hand up, so maybe she knows the answer.

LARISA GURNICK: Thanks, Chris. No, I don't know the answer, but I just wanted to remind the group that we went through this planning process with the community leaders that plan out meetings. There's some restrictions now on the number of days that activities can take place before the meetings.

So once we have an understanding from you all, what you'd like ideally, we can take it back to the meeting team and the community group that's organizing the meeting to confirm availability. And the fact that there is a CCWG, and various others, that's --

CHRIS DISSPAIN:

Exactly. The reason I asked the question because generally speaking, the board would meet, if we're ever going to start meeting officially on a Tuesday. Sorry, on a Saturday, certainly on the Friday. So if you want to have a clear two days, I think you need to go for the end, rather than the beginning.

And you might want to consider the possibility, and I don't know this, I'm just floating this as a possibility, is whether it's actually within the scheme of things. It's easier and better to not try and do that and to actually set a separate time, given where people are located in the world and how easy it is for people to get around. Just a thought.

ALAN GREENBERG:

There's a cost issue. Flying ten people is a lot more expensive than flying the relatively smaller number who are not otherwise going to be going to an ICANN meeting.

All right. What I was going to say is, yes, I'm aware of the community scheduling and I'm also aware that the other review teams have been meeting prior to the meetings. The CCWG has been meeting prior to the meeting. And I think it's generally accepted that the meeting time was allocated for the public meetings that are published in a schedule and not necessarily private meetings. Just like they're not for the board.

There is an implication on the board, I understand. There's implications on other people as well. I think two days are going to be necessary and that's what I'd like to plan for ahead of time. I believe I'm the only one. The CCWG will almost surely be meeting then and I'm willing to skip that if necessary. Carlton, your review has to stop sometime. So an

overlap for March is not a problem. Going on into the third year is probably not. Erika, please go ahead.

ERIKA MANN:

Alan, and I mentioned this to you already, I might have a similar request coming in from the auction proceeds, because that's the deadline when we have to finalize everything to get it on for public comment. But I'm sure we will find a solution and I'm pretty sure Merika will contact you as well, so that we can find a solution. Either we do it afterwards. We shouldn't worry about this right now, we don't have to discuss it. Just that you are aware and that you can a vote with her.

ALAN GREENBERG:

I will note that meeting before, there's lots of things that happen before by hook or by crook. Meeting afterwards, the meeting team tends to tear everything down pretty quickly. I do normally schedule a meeting the morning after the ICANN meeting stops. And we don't presume we have Internet or anything else for that meeting. So it's more difficult after than before. We'll just divide you and me and we'll be in both meetings at once. Alice, please.

ALICE JANSEN:

Stephanie says she's not willing to skip the GNSO council meeting.

ALAN GREENBERG:

We're not talking about overlapping with the GNSO council meeting. We're talking about meeting before the GNSO council meeting

convenes. I'm not willing to skip two days of ALAC meetings either. So holding them concurrently with the ICANN meeting, I do not believe is an acceptable option at this point. Cathrin, please.

CATHRIN BAUER-BULST: Yes, sorry, just in the interest of moving this forward, I'm wondering whether it would be helpful for everybody to look at scheduling and then come forward with a couple of options. And then we take a vote on that basis. Because I don't think we're going to close this now.

ALAN GREENBERG: I was just serving notice that we would likely want to schedule it and start thinking about it. That's all, I think, we have the ability to do at this point. Chris, go ahead.

CATHRIN BAUER-BULST: Sorry, that's my German efficiency.

CHRIS DISSPAIN: And also in the spirit of trying to move this forward. I do take your point, Alan, about flying people around etcetera, but may I suggest that, it might be worth asking for a look at the costs. Because if you are actually going to be requiring a room set up in Puerto Rico with all of this stuff etcetera, and then there are going to be some people absent because they can't go.

You've got to look at that cost, as opposed to the cost of flying people into, and I'm going to say somewhere like here, where the actual cost of the meeting itself is minimal because it's in the office. And the cost of that is minimal. Whereas the cost of actually doing it in a venue, like Panama, may actually work out more expensive. I'm not asking people to do more travelling than they want to, neither am I in favor of people doing more travelling than they want to. But I'm just questioning the assumption that it may be cheaper to do it in Panama. It might not be and I think we should at that and find out the answer.

ALAN GREENBERG:

Larissa.

LARISA GURNICK:

Thank you, Alan. Can I propose, would it be helpful, if we came back with some estimates and proposals and availability and cost for around ICANN61 and 62? Along with other reasonable options so that you know what the choices are and then you can make a decision based on that.

ALAN GREENBERG:

I've lost track of what we still have to do and what's done.

ALICE JANSEN:

Sorry. I just to let you know as well that we'll be working on the meeting statement blog, that people circulate to the leadership and

then to the group. So you should expect a draft from us in the upcoming days.

I am also conscious that we have not had a chance to talk about the times of reference this meeting. We needed to scan through the documents, go back to the sections and determine where work is needed and see if there are any volunteers in helping move that forward as well. So do we want to do that quickly right now? Or do we want to do that on the next call?

ALAN GREENBERG: 4:45. I think we have enough time if people have the stamina to, at least, watch it flow by us. Let's, at least, identify the sections that you believe need work. If everyone's agreeable.

LISA PHIFER: I believe, Patrick actually has a little exercise.

ALICE JANSEN: Patrick.

PATRICK DODSON: Hopefully the remote folks can hear me. Let me know if they can't. We have identified, based upon the outline of the Terms of Reference, the main elements of that report. And prior to arriving here, we went through and prepopulated where, on a spectrum, not unlike what we've

done on alignment and other things, where we are as far as completion of those elements.

And we want to go through it now, at the end of the two days, to see where we've made the progress that we've made, reflect that back, and then identify where there are any remaining gaps to close. So it should, hopefully, go relatively quickly to go through that. If we get the document up. [AUDIO BREAK]

If we can expand it, to make it wider on the screen and legible. Okay. So everybody can see this. The top row in the spectrum of progression here, starts with the far left. Incomplete and lacking consensus, meaning we haven't done it yet. Second stage is drafted, but lacking consensus or consensus uncertain. Could be either or. Depending upon that, we would then go through and identify any gaps that need to be closed. But the end state that we're going after is, drafted and initial consensus and alignment.

Starting with the top element, mission. We're not talking about ICANN's mission, right? So that one's done.

The next one is scope and objectives, which when we came in, it was incomplete and lacking consensus. Where does the review team think we are now on that? Carlton, do you want to do it on the mic?

CARLTON SAMUELS:

Carlton for the record. I think we're [inaudible - 03:19:34] for our gaps to close. We've looked at the ones, we gave them the green ticks and we have some gaps we're going to look at to close it.

PATRICK DODSON: Cathrin.

CATHRIN BAUER-BULST: Maybe that's already a little optimistic, but I would say we're even farther than that. I would say we have initial consensus. I mean, there's some definitions that we agreed we would still include, but otherwise, I thought we were, sort of, good on scope.

PATRICK DODSON: Alan.

ALAN GREENBERG: Yeah, I think we're initial consensus but not drafted.

PATRICK DODSON: Okay. Susan.

SUSAN KAWAGUCHI: Sorry, I don't want to derail this discussion, but what is consensus?

ALAN GREENBERG: That's a section, later on, that's defined. So we're using it, even though we're not having defined it yet. Consensus is, general agreement with some people objecting. Or, of course, it could be complete consensus, which is unanimity. The rule of thumb I said I would use, and no one

has objected, is about 80 percent agree, to call it consensus. So far, at this point, I think we have unanimity on most of these items however.

SUSAN KAWAGUCHI:

Susan, again, for the record. I do think we need to have a discussion on that. Is 80% acceptable. I'm not saying it shouldn't be, I'm just saying, just because we've, sort of, been going along. Because we're going to get to some hard points down the way.

PATRICK DODSON:

For the purposes of the circular conundrum we find ourselves in, potentially, on this table, let's go down to that line item and start with the decision making and consensus and have that discussion.

ALAN GREENBERG:

Well, the document uses the term consensus. It does not define a metric, and, in general, groups tend to be somewhat flexible. I suggest the 80% rule, but it's not in the document. Chris, go ahead.

CHRIS DISSPAIN:

So I don't particularly feel the need at this juncture to get into a discussion about whether it should be 80% or 75%. My question is, which I think will then lead us to that discussion, is: and what happens in the event that we have a situation where, say, it's 80 percent and we have 75% agreeing and 25%? What's our plan for dealing with whatever our definition is of consensus, and we don't get it? Are we voting? Are we having people shot?

ALAN GREENBERG: Do we have that option?

CHRIS DISSPAIN: It depends on what country you're in to be perfectly honest. But seriously, I mean, what are we going to do? Because there are some really serious issues here that I guarantee you, we will not get consensus on. So what are we planning on doing in that event?

ALAN GREENBERG: We seem to have a speak queue. Lisa was up and then Erika.

LISA PHIFER: I'll just jump in here. That we actually did, previously, on our call five adopt the decision-making methodology from the GNSO. What that doesn't do is give a precise number for what full consensus or consensus is. But it does give a process, by which there would be additional evaluation and the chair would ultimately make the call in the case of lack of consensus.

ALAN GREENBERG: Erika and then me. Erika.

ERIKA MANN: Yes, we do have this, but it didn't prevent when you look, in particular, into the working group, legal definition working group, I would have to

check. They are having serious issues about it. In particular, about a minority, or about a definition about a minority opinion shall be collected and how it shall be done. There's no threshold. They haven't set an 80 percent threshold.

So I agree with you. I like the threshold, but then we still need to define, clearly, what is happening, the processes. And shall it be just published in addition, or shall the debate continue forever? Because that's what they do. They, practically, can't close the debate. So we need processes in place to avoid it.

ALAN GREENBERG:

Thank you. I heard Chris ask a different question. I heard Chris ask the question: what happens if the number is 75 or 60? We are not at consensus, we cannot claim consensus, what do we do then? And I think the answer is, we have a problem. And either we modify the results to get consensus, or... We've had PDPs, GNSO PDPs, which stalemated, because we cannot reach consensus. The RDS one may end up like that. And we don't have a methodology in our multi-stakeholder model for when we are extremely divided. We don't. Chris.

CHRIS DISSPAIN:

I don't think you can assume that.

ALAN GREENBERG:

We can't assume that. But I don't have an answer either.

CHRIS DISSPAIN:

And the reason that I asked the question, and I'm not in any way, picking on this to pick on it. I'm just using it as an example. We just went through a process where we were talking about particular thing and there was a clear, significant majority of people who said we should take it out. And then Volker, it' nothing to do about Volker, it just happened to be Volker who said, "Well, I think we should put it in and here's why." And we changed the question to say does anybody actually object to it being in.

And that is not a process that is going to be reliable, going forward. We have to stick to a thing that says, if we've got this, this is what happens. And everyone has to be prepared to accept it. Now whether 80% is the right level or 75%, I don't know. But we must have a process and we must stick to it. Otherwise people with come up with incredibly inventive and creative ways of returning to a point that we thought we had already dealt with.

ALAN GREENBERG:

I can easily live with that and say, once we've made a decision, we do not reopen it. Most other places in the world do reopen if someone decides to approach it in a different way. But I'm happy to say, if it doesn't reach consensus, it doesn't reach consensus. It doesn't address your question of going in direction A or B, where we have to go in one direction and we don't have a consensus.

CHRIS DISSPAIN:

That's, I think, my point. If we end up in a situation where we have, let's say -- how many of us are there? 11, 12. 11. Let's say 11, for now. So

let's say if we end up in a situation where we have 6 and 5, which is clearly not consensus, then all I'm asking is that we are clear that we have some sort of a process that deals with that. Whether that is that we have two branches, whether we have a report that can't make a recommendation. In other words, we can't make a recommendation, because we can't reach consensus.

For me, I'd be, personally, comfortable with that. If you can't reach consensus, you can't make a recommendation, end of story. As long as you define what consensus means and it's acceptable. Because if you decide it's 100 percent, that's daft.

ALAN GREENBERG:

I'll go over to you, Volker, in a minute. In the ALAC, we try to reach consensus, but barring consensus, we will take a vote. I don't think that's acceptable in this group if we have decided that we want to make all decisions by consensus. But that doesn't remove the possibility that there are some decisions that are there are not makeable. I'm not sure you can plan ahead. If it's a statement that we must make, then I don't know how you proceed. But you can be silent on an awful lot of things, if you can't come to an agreement on what to say.

CHRIS DISSPAIN:

I'm happy to bounce backwards and forwards. I'll happily wait in the queue.

ALAN GREENBERG:

Volker, Chris, and Cathrin.

VOLKER GREIMANN: Yeah, I just looked at the GNUs all consensus policy definitions and they're not really helpful because they also don't have percentages in them. But I still think that we can use them to guide our way so that we have full consensus. We don't need to debate this, what that is. Consensus, where only a small minority disagrees, but most agree, that would be probably in the 80% range, I would guess. Then you have strong support, but significant opposition, and no consensus. I think we should stick to these definitions. Not necessarily determine at this point what exactly they mean.

So if we have four against seven, if that's already strong support but significant opposition, or still consensus, I think we need, at some point, to define that. But in our report, it doesn't really matter because, as long as we're open about the level of consensus, you can reach a recommendation that each statement has. And we still display the diverging opinions in our report, then I think we're fine. As in, when we have a situation where we cannot reach consensus on a recommendation, then we put that recommendation in with the caveat that there is no consensus on that with the arguments.

ALAN GREENBERG: And expect the board to make the decision?

VOLKER GREIMANN: Not really. It's still a guideline for the community and the community may then decide if they want to have a PDP on that or a [CROSSTALK].

ALAN GREENBERG: But our recommendations go to the board and we ask the board to take action on them.

VOLKER GREIMANN: Yes, but the board can then decide what to do with it and they can say, "GNSO, do you want to do something with that or...?"

ALAN GREENBERG: If it's GNSO.

VOLKER GREIMANN: Yes, it's GNSO.

ALAN GREENBERG: Look, the GNSO says the chair makes the call, and then if someone disagrees, they appeal to God or the GNSO chair, council chair, or something like that. It's not clear who we would appeal to. So I'd prefer not to have that level of responsibility without people having a recourse. I don't mind making decisions.

VOLKER GREIMANN: I don't think you have to. I think, if we are detailed enough with displaying why there was a lack of consensus, so to speak, for a certain position. Then we have still done our work, we have still displayed the

position, and the current status quo of the debate, and leave it to the community to make a decision on that.

ALAN GREENBERG:

We have Chris, Cathrin, and Stephanie. So I'm going to...

CHRIS DISSPAIN:

I apologize, I won't take too long. I might take me a little while to build to this, but I will say this today and I don't ever anticipate saying it again. It is very, very difficult for the board to resist a recommendation that comes from a review team where that recommendation is signed off by everybody.

It is extremely easy to resist a recommendation that comes where there is dissent. And if you structure this review team in a way that allows that to happen, in anything other than exceptional circumstances, then nothing will happen. Because anyone who disagrees, will simply say, I will put in a dissenting opinion.

It would be incredibly useful to try and build an understanding that if you get to X, then that is it, and that goes in as a recommendation. You can never stop anybody putting in a minority opinion. But as long as the review team says, this has been signed off by the review team as a recommendation and there happens to be a minority opinion, that's fine.

But with respect to what you've suggested, Volker, if I understood it correctly, sticking in a recommendation but saying, well, there's six who agree with it and five people that don't, is not of any use at all to us.

Because it will simply get ignored, and that's not what you want. I assume, this review team, it's not just about running a process for 12 months and coming up with a fancy looking report, it's actually about coming up with a set of recommendations that are useful.

Now, they might not get done, but at least you can look back on it and say, "Actually, we did good." So that's my strong suggestion, from the point of view of the board. I mean, it would be great to see clear recommendations.

ALAN GREENBERG:

Cathrin, and Stephanie, and then Volker.

CATHRIN BAUER-BULST:

Thank you. This is Cathrin. I think we have some pretty clear guidelines in the by-laws which say we should try for consensus and if we cannot reach consensus, we can take a majority vote. I don't see the point of the chair making the decision as explicitly here. But how we decided to implement this was that we adopted the GNSO guidelines, which provides some idea of what consensus might be. So it says it's still consensus when we have a small minority.

So one, we should define what we consider is a small minority. We could say, if there's two people of the 11 who disagree, that's still a small minority. That would be my proposal. If we cannot reach consensus, then we could use this process that the GNSO foresees, where the chair plays a role in trying to mediate and meditate, and do whatever else it takes to try to build consensus.

To my understanding, you make proposals and if they are acceptable to everybody, then we reach consensus. If we cannot get there, then we might wish to take a vote, and at that point possibly say, this recommendation was arrived at by a means of a majority vote. I'm not in favor of putting all the arguments, because, indeed, we cannot expect the board to then decide on the basis of the arguments whether they think this should be taken forward or not. I think we have to send a clear message. And my clear preference would be that we don't have any recommendations adopted by majority vote. So that's my two cents on this.

ALAN GREENBERG:

What I heard Chris saying, but confirm, is that if we did something by majority vote, which means 60% agree, 40% disagree, you would treat that as something that does not have consensus and probably would not happen.

CHRIS DISSPAIN:

I'm not saying that. I'm kind of saying that. I'm saying more. If this review team agrees to make recommendations based on a 60% vote, and everybody on this agree team agrees that a 60% vote, that's a recommendation, that's fine. But if having 60% as your threshold leads to the other 40% lobbying in reports every time against someone they disagree with, that's not fine.

So it's better off not to make a recommendation, basically, if you can't get to a threshold that's acceptable to everybody. So if 80 percent is acceptable to the review team as a threshold, cool, stick with it. But if

you can't get there, you can't there, and that means you don't make any recommendations.

CATHRIN BAUER-BULST: Allow me to just add one thing. Sorry, this is Cathrin again. So I was coming up with a two-person minority, so that we make sure that we don't outvote an entire part of the community. Because everybody is appointed three.

ALAN GREENBERG: Not everybody, but understood. Stephanie, please.

STEPHANIE PERRIN: I think this is very crucial conversation that we're having. Stephanie Perrin for the record. I have written two dissenting reports since I've been here. The first one was labeled more of a blog and the second one was labeled an appendix. I do think that Volker is correct, we have to find a way of articulating why agreement was not reached. I'm not proposing to offer dissents on every item. I realize I'm difficult. I speak up all the time. I'm certainly, I cannot agree to things that are, in my view and in my realm of expertise, wrong.

So, for instance, on the WHOIS conflicts with law, there is no way you can get somebody who actually knows how privacy law is implemented, to agree with the procedure that was set up for the WHOIS conflicts with law. They look like idiots. So, I'm sorry, there are some situations where dissent is required and it should be documented. We're not trying to stop things moving forward.

But the fact of the matter is, we haven't dealt with this well at ICANN over the past 18 years. There have been too many processes where everybody just blinked and swept the dissent under the carpet and didn't address it and moved on to the things they could address. Now, that has many positive aspects to it. We've got greater accuracy. We've moved on. The Internet has grown. Yada, yada, yada. But that's why we're in an interminable argument in the RDS group because we've been acting like, "Oh, this wasn't a problem," and it's a fundamental problem. And heaven help us if it requires a friends-type court case to get it resolved. But that seems to be where we're heading.

So I would urge us to operate with transparency, to make recommendations, to be honest when we have disagreements, not sweep it under the rug. I'm perfectly happy. I'm well aware that it's probably going to be me and Volker against nine others in some of these situations. I'm okay with that. But don't tell me that I can't say it, or that we have to duck what the issue is. Thanks.

ALAN GREENBERG:

Thank you. Just to be clear, I don't believe anyone is saying we can't say it. The question is, how do we decide whether we have reached a decision or not? And how do we proceed?

CHRIS DISSPAIN:

If I can just add one more thing, Alan, because I think it's critically important. I think you have to count me out in the voting. I don't think it would be appropriate for me to be voting, given that I'm going to be taking this into the board. So I think when you do your numbers, and

you come up with whatever your thing is, you need to count me out. I'll express an opinion, but I'm not going to vote. Is that fair enough.

ALAN GREENBERG:

You have taken the words out of my mouth. I was going to suggest that we probably need to ascertain to begin with, whether it's 10 or 11 and I would have identified those problems with the 11. So thank you, Chris. I will try to put in words, and you can put an action item down for me, to express how I believe I, on behalf of the leadership team, will make decisions and we will have to come to agreement on this. Go ahead.

SUSAN KAWAGUCHI:

So that I need clarity on. You're saying you're going to put it in a document, but if we've come to lack of consensus, are you advocating that you get the final vote? Is that what I'm understanding?

ALAN GREENBERG:

No. I'm suggesting, and I will document, how I plan to judge consensus or lack thereof. I am not giving myself an extra vote to break a tie. In any case, that only applies when if we're looking for majority or not. It doesn't help in the consensus world. I do believe I and you and Cathrin should exercise our hats as members of this committee and take positions and not be impartial. But, no, I was not going to propose. I'm not that either gutsy or stupid.

As ALAC chair, if we have a tied vote, I can take as chair, at my discretion, one of several paths to re-hold it, to reopen the discussion, or cast a vote. I would not contemplate doing that in this case. The

latter, that is. And those rules weren't written by me to exercise. Those are the rules that have been there for a long time. Volker, go ahead.

VOLKER GREIMANN:

One of the views of the multistakeholder in my view is that everything is consensus based. Every decision has the input and the support by more than the majority of the group. Basically by definition, by almost all parts of the community. That's, in my view, one of the beauties of the system because it forces compromise, it forces every part of the community to come to the table and agree on a position that may not be their ideal position but may be, in some parts, close but there's a give and there's a take for everything.

So, I think, not having consensus does not block us from reaching a decision or reaching a position, it just means that we have to possibly talk longer and discuss more and find compromises. I don't think having a mechanism to break consensus, so to overrule minorities, is in our best interest. It's not how ICANN has operated in the past. We need a compromise solution for most problems, where we can't reach consensus in the classical sense of the way.

ALAN GREENBERG:

However, we don't always reach consensus in ICANN. We often do. And on the more substantive issues, which are emotional and important to us, we sometimes do not reach consensus. And I can live with that. And I don't think, in this environment, what we're doing is so crucial that we have to say, "We absolutely must come to consensus on every

single item." It's just not that important and we may not be able to easily in the timeframe we have available. Chris.

CHRIS DISSPAIN:

Yeah, so thanks Alan, and thank you Volker. Two things, I think, and one is: I'd ask you to ask yourselves the question, what would you expect the board to do in the event that it receives a recommendation from six of this group that said, "Please paint everything red," and a recommendation from the others that said, "Please paint everything blue?" The board is basically look at that and, chances are, do neither of those two things.

And secondly, and much more importantly, on this question of compromise, there is a real challenge with that because if the majority of this group think that everything should be painted yellow, and two or three members of this group think that everything should be painted blue, green is not actually the answer necessarily. The fact that if you put yellow and blue together you get green, doesn't necessarily mean that is the answer.

The problem with compromise is exactly that. You end up in a situation where you're not making, you're often better off to say nothing, than to say, "Paint it green." Just be really careful because the whole point about compromise is that it can be extremely dangerous. That said, if we agree what level of consensus is and kind of stick with it, then I think we'll be fine.

ALAN GREENBERG: Cathrin, then Susan.

CATHRIN BAUER-BULST: Just to come back to this idea of the iterative process, I think that's what I was trying to outline earlier when I was pushing for this idea of, seeing whether we have consensus, seeing where there's a minority going through the iterative process and seeing whether we can arrive at something that works for everyone, or at least for almost everyone.

But I would agree that if we're trying to achieve compromise on everything, that's probably not in the spirit of what we were sent here to do. And that's one of the reasons why I think everybody has a number of delegates that they send. This is not something where, by being more vocal on something, you should have more power or whatever, or by sending more people.

We're sent here to represent the interest of our various communities and the proportion reflects our influence on this team. And if we can reach consensus on stuff, that's great, and if we can't reach it, then I think I'm a bit with Chris, if we don't want to accept the majority vote thing, then I think we're better off not saying anything. But, indeed, the green option is not necessarily the best one.

ALAN GREENBERG: I've got Susan and Stephanie.

SUSAN KAWAGUCHI: So I think we can figure out what consensus is, but I do think that we need each and every one of us to state that and agree to that. And I know you've been saying around 80%, and I did miss some meetings in August, so if that was discussed then, I just don't remember agreeing to that.

ALAN GREENBERG: It wasn't agreed to. I tossed it out yesterday.

SUSAN KAWAGUCHI: Okay. If we have a process, if we develop a process, then everybody needs to sign on to that and agree to that. We need consensus about the process.

LISA PHIFER: Like Terms of Reference.

SUSAN KAWAGUCHI: Right. But I think it's very important that everybody takes that seriously and really focuses on it and determines if they can live with it before we move forward on all the hard conversations.

ALAN GREENBERG: I've got Stephanie and Lili. And I just want to ask a question, going forward, that very often, as Susan mentioned, she misses meeting, other people miss meetings. Are we allowed to make a consensus decision if everyone isn't there? And, if not, how do we handle it? As I

said, I'm asking the question. There are times when you have to move on and not everyone's available. Something to think about. I'm not necessarily looking for an answer today. Stephanie, Lili, and then we have Volker.

STEPHANIE PERRIN:

Stephanie Perrin for the record. I just want to reiterate that it's extremely important, from a perspective of trust, that all of these arrangements, percentages, procedures, how we go to a vote, be ironed out and agreed to as part of our charter before we start making decisions. Because that's where the trust goes down the toilet. If it was not clear, or somebody has to make a decision in mid-stream.

I'm perfectly comfortable, as I said a moment ago, that I'm likely to be overruled and lose on certain issues as they come up. I'm expecting that. I'm not going to be grumpy about it. But I do want to document my views in some other place than, say, Mountain Mueller's blog. So, I think, we need a vehicle for dissent. And I, quite frankly, don't understand why ICANN can't accept that. This is inherent in all governmental decisions, political decisions, that there's going to be people who are happy and people who aren't.

We have a blessed pipeline going through in Canada. The people in British Columbia who didn't want that pipeline dumping into their port, are never going to change their views. The whales will die, there will be cargo ships going up on shoals, etcetera, etcetera. Nothing's going to change. You have to have the stamina to take a decision, the company's best for the economy, and go with it.

So it's the same with WHOIS. I don't object to losing an argument. What I object to is having the arguments disappear from the historical record, of having this stuff repeatedly swept under the rug. I think that, to me, belies the multi-stakeholder model, turns it into a farce, and you know. ICANN should be at a level of maturity that it can accept dissenting views, document them honestly, and say, "We're moving forward, but doubt this will come up again." I think that's the way to proceed. Thank you.

ALAN GREENBERG:

Thank you. I will ensure that we make a decision, presumably by consensus, but I hope unanimous, that any formal report we produce will allow differences of opinion and label them as such. And labeled as such. I understand the past history, that doesn't predict what we're going to do. I think Lili was next.

LILI SUN:

This is Lili for the record. Quick question for Chris. What's decision procedure for the board? To take recommendations from the review team, is it also like consensus or the majority vote?

CHRIS DISSPAIN:

Thank you, Lili. That's a really good question. It's a vote. The board strives to achieve agreement, in the sense of everybody agreeing or being prepared to go along with. But if a vote is called, then it's a vote. And it's a straightforward vote of the board, of a majority of the board. Now, I say that, unless there are some provisions in the by-laws, but I

don't believe this is one of them, where the board has to have a super-majority to vote something.

But, I think, for example, to reject a policy decision from one of the SOs, they would have to have a super-majority. In this case, it would be a simple majority. It would be a simple majority if the board would vote yes or no. There is a, presumption may be too strong a word, but there is a "leaning towards" accepting the recommendations that come from review teams.

In other words, the default is to accept those recommendations. But if there's discussion about that, and the board members are not comfortable, then there will be a discussion and there will be a vote. Okay? Does that answer your question? Thanks.

ALAN GREENBERG: Jean-Batiste. Oh, it was Stephanie? Stephanie then, please.

STEPHANIE PERRIN: Sorry, just an old hand.

ALAN GREENBERG: Volker was supposed to be next anyway. So, Volker, go ahead.

VOLKER GREIMANN: Like I said, I'm perfectly fine with accepting a decision that's made by a standard that defines consensus. Provided that all views are reflected appropriately in the report. I don't have any doubts in my mind that

that is what we are planning anyway. When it comes to decision making, that point was raised by Alan, I would prefer we employ an offline method to make decisions when we don't have the full group present. Just to avoid any appearance of in proprietary decisions. To make sure that nobody has the ability to complain that they weren't involved in the decision that may go against their interest.

ALAN GREENBERG:

Susan.

SUSAN KAWAGUCHI:

I agree everybody should be involved in the decision making, but things happen in people's lives, and we've all signed up to do this work, and if somebody has an issue where they can't attend for a month, then our work should not stop. So if you can't be there for a meeting, one meeting, and we could have come to a decision on one meeting, that's fine.

But we need to, again, write down the process, be very clear, have something to refer back to and say, "Okay, this person hasn't been here for three meetings and has not communicated by email what their opinion is," just off the top of my head. But what I don't want to do, is find out that every time we go to make a decision on something, we can't get everybody here to do that. So, again, process is everything in this group, I think.

ALAN GREENBERG: So you don't want us to wait until you're not here to make the decisions?

SUSAN KAWAGUCHI: Exactly.

ALAN GREENBERG: Volker, go ahead.

VOLKER GREIMANN: Just to come back to that. I don't think that presence at the meetings needs to be a requirement. I mean, we have the email list, we have the ability to do Doodle polls, or whatever, that would also be sufficient for us to make an alternate decision making process, provided that the topic has been discussed at length. Everybody should be given the opportunity to be able to influence the decision, to provide their input to vote on a certain matter, or indicate their concerns.

If somebody has said, for example, that you won't be able to do meetings for a month because they're travelling or whatever, then that should be taken into consideration. But they should, if a decision needs to be made urgently, then an offline process can be employed where they don't have to attend the meetings. We have so many abilities to do that. And I think everybody is able to do some form of communication to indicate a consensus.

SUSAN KAWAGUCHI: Absolutely agree, but that needs to be written down.

ALAN GREENBERG: This meeting was somewhat unusual that we had a long string of decisions to make and we really needed to get on with it. And, luckily, everyone was participating for the bulk of that meeting. I don't foresee huge strings of decisions that have to be made that day. So I don't foresee a major problem. We do have a queue. Stephanie.

STEPHANIE PERRIN: This is Stephanie Perrin for the record. I think we should establish a proxy system. It's easy enough to provide a proxy from your constituency or stakeholder group. And, I think, because of the numbers in the group, we need that. Thanks. Because, as Susan says, if somebody is ill for a month, the work can't stop.

ALAN GREENBERG: I would accept a proxy from within the group, but not someone who hasn't been participating in the process. My personal opinion anyway. Anyone else want in? I'll draft something, you won't agree with it, but we'll see. Sorry I didn't hear what Stephanie said. Go ahead Stephanie, and then Lisa.

STEPHANIE PERRIN: Can I draft something that you won't agree with then? I mean, we have a procedure and it works really well.

ALAN GREENBERG: Let's discuss it as we go forward, please. At this point, let's not have competing drafts. Lisa.

LISA PHIFER: Hi. I just wanted to ask a clarifying question. So we have a section in the Terms of Reference that is our decision making methodology. So what you draft would be some amendments to that section, to provide clarity around the questions that were raised here?

ALAN GREENBERG: Either that or an agreement within the group, not in the Terms of Reference. I don't much care which it is. I don't care. If everyone else cares, then that's [CROSSTALK].

CHRIS DISSPAIN: What we do in the group can't be not reflected in the Terms of Reference. But that's fine. The way I looked at it, Alan, is that you were actually going to go and look at what was in the TOR and then enhance it, put into it stuff that we discussed and come up with a complete thing. We can then look at and say yes or no to. And then I'll give a how many of us have to agree to it before it actually becomes the way we operate.

ALAN GREENBERG: As I said, I don't care which way it goes, so that's fine with me. Anyone else on the subject at this point? Chris.

PATRICK DODSON: I do need a microphone, sorry. To repeat, apologies for the remote participants, he asked to identify proposed language to be drafted, Alan has taken the action on that. And we are still in the consensus uncertain column. We'll go back up. Mission is addressed. Scope and objectives, we had discussion there before we went into this topic, of it being either in identified gaps to close or I'll say initial consensus.

I know drafted is potentially premature, is a way to evaluate that one. Or general consensus and alignment on scope. Comments on that one? Anybody do not feel like we have general consensus and alignment, even though there's some final drafting to be done? Hearing none. I think we can move that X all the way over to...

Next element is definitions. We have some definitions drafted, as I understand it. But there are likely others to be needed. So we're in that category. I don't know if we want to discuss what other definitions are need to be developed for inclusion in the TOR. Or if you want to table that discussion for a future call.

ALAN GREENBERG: I'm happy to have people submit new things they believe need to be defined and a proposed definition. If, indeed, anyone thinks definitions need to be added. And the group will consider them. Lisa.

LISA PHIFER: And just bearing in mind that any new language added to the Terms of Reference potentially delays adopting the Terms of Reference. So focus on the definitions that need to be in the Terms of Reference versus those that can be defined down the road.

ALAN GREENBERG: Cathrin.

CATHRIN BAUER-BULST: Yes, I would submit that this one, who we have also have drafted an initial consensus [inaudible] because I'm not sure we need much more for the Terms of Reference purposes. I mean, we might need definitions for the report, but that's not what we're talking about here. It's really Terms of Reference, we're defining all sorts of things from DNS to WHOIS. Not sure we need anything else. So in the interest of moving to closure on something that I don't see as a crucial point, I would put this as drafted in initial consensus and alignment.

ALAN GREENBERG: I'm just not convinced that everyone has actually read the list that we have already. I'm giving people a quick out, but it has to be quick. Dmitry.

DMITRY BELYAVSKY: Do we need the provided list, the definition of consumer trust, if not, I think, if yes, versus undefined gaps, if no, I think we have a draft consensus.

ALAN GREENBERG: I think those are things we're going to be defining as we go forward. So we're not in a position to define them today.

VOLKER GREIMANN: I was saying to Dmitry that I don't believe they're in the Terms of Reference. The definition, it's okay.

ALAN GREENBERG: We have scope items which say define them. They cannot be in the Terms of Reference.

PATRICK DODSON: Any objections to marking this one on the far-right column then for definitions drafted, initial consensus and alignment?

Moving on. Deliverables and timeframes. That one, of course, before we arrived here, is over in the incomplete and lacking consensus. Where do we think we are now?

ALAN GREENBERG: On the last one, I did ask people if they had any definitions, to submit them. So conditional on that. Yes.

LISA PHIFER: If I might ask, is there a target due date for submitting, after which you can't any longer?

ALAN GREENBERG: Meeting a week from Thursday.

PATRICK DODSON: Great. We're capturing that note. Deliverables and timeframes. Where does everybody feel like we are? Lisa.

LISA PHIFER: If I might, we don't even have draft text. I think we have a feel of the room about the targets that Alice has in the workplan, but we don't actually have draft text in the Terms of Reference to reflect that.

ALAN GREENBERG: And until we have draft text, I will not ask people to agree with them.

PATRICK DODSON: Absolutely. Incomplete and lacking consensus is where it is.

Membership roles and responsibilities is the next row. And it's roles and responsibilities, leadership and members. Okay.

Changes to review team members or dissolution of review team. It's in the done area. I just want to make sure that we have characterized correctly. Done.

Moving on. Support and dependencies from ICANN organization. Done.

We just hit at decision making methodologies and captured that one.

Accountability and transparency. We have marked it as done. Any objections?

Reporting. Consensus uncertain. Lisa, for clarity.

LISA PHIFER:

There is a section in the Terms of Reference that describes the obligations of review team members to report their work, progress reports on their work, and of course their findings. There is draft text in the Terms of Reference right now, borrowed from, I believe, it's the CCT, but I don't recall the source of it. But there is draft text and this group has never actually taken time during a plenary call to discuss whether that text was, in fact, satisfactory or needs to be modified or completely replaced with something else for this team.

PATRICK DODSON:

We can't. So we can just make a note here to add it an agenda item for an upcoming plenary call or discuss offline to review the text approved or suggested. Everybody okay with that? Any comments or objections?

Review team working structure, sub-teams, the roles of observers, and the approach to how observers will interact. We have that one in as done. Any objections? Lisa.

LISA PHIFER:

Let me just say, that section doesn't identify what the sub-teams are, but simply that the review team may form sub-teams to accomplish its objectives.

PATRICK DODSON: Thank you. Outreach. It's in the completed column.

Process for using independent experts. It's in the done column. Any objections?

A need for independent experts. With a question mark. Hasn't been discussed yet, so it's going to be in the not complete area and probably a plenary agenda item coming up. Or draft text. Lisa.

LISA PHIFER: Actually, the Terms of Reference doesn't actually have to state what the needs are. So this is a forward-reaching to the point that was raised earlier about what we would need to identify by the end of the year in order to allow timely procurement of engagement of experts that are identified as needed.

PATRICK DODSON: So where does that categorize for us then?

LISA PHIFER: I think it's not in the Terms of Reference.

PATRICK DODSON: Strike it. Last one is closure and review team self-assessment. I think there's text in there. I think it's boiler plate. Good to go? Okay. So there's a handful of pieces to complete in the timeframe you guys had

discussed earlier. And that's the last part of the element of the TORs and I think that's the last agenda item on the day of the wrap up. No, Alice is like, not so fast. I'm going to stop talking, take the mic away from me.

ALICE JANSEN: Sorry. In the interest of time, I think we'll take the action item, we'll send you a recap for approval of leaders. We did want to touch really briefly on the ICANN60. We had this Doodle poll issued. Jean-Baptiste, if you can give the update.

JEAN-BAPTISTE DEROULEZ: We had send a Doodle poll and asked to get a possibility to have an informal meeting at ICANN60. Based on the results of the Doodle polls, we have 60 polls that would be available on October 31st, around lunchtime. So this is just to know whether we should move forward on this or not.

ALAN GREENBERG: Of the four or five that aren't there, how many of them are going to be at the meeting? Do we have unanimity at this point already?

CHRIS DISSPAIN: So I'm not there because I decided I would just fit in with whenever you guys wanted to do it. And if I can make it, I will and if I can't, I won't, so you can take me out.

ALAN GREENBERG: And my name's not there, because I understand the only slots that were opened... You counted me. Okay. How many people here will not be at ICANN60? Okay. So we only have eight to begin with and we have six. That's about as good as we can do.

JEAN-BAPTISTE DEROULEZ: So then it's five now.

SUSAN KAWAGUCHI: I can make that meeting.

ALAN GREENBERG: So it's decision made. We'll talk about catering offline.

ALICE JANSEN: Sounds like a plan. And Larissa, I think you had a couple of remarks she wanted to share with the group.

LARISA GURNICK: First of all, thank you for hanging on the cruise ship. On the cruise ship there's a lot of mates, so I just wanted to acknowledge some of the team that really put forth some pretty impressive efforts. I know this is your first face-to-face meeting. But it doesn't just come together seamlessly. Although we try to make it happen like that.

So Jean-Baptiste and Alice, thank you for really hosting us in the Brussels office. And also the fact that Stephanie and Thomas have been able to hang in for as long as they did, thanks to both of them, of course. But also to Alice and Jean-Baptiste for making it a slightly more engaging experience for them.

Also Trang and Akram, I think that was useful to have them here face-to-face, so I'd like to acknowledge that and the fact that they were able to be here. Lisa and Patrick, thank you for experimenting with the group, for being the scope man and scope lady, or whatever you want to be. Eric for technical support, he came in from the Istanbul office to make sure that we had sound and connectivity. And I'd say, all in all, it worked out pretty good. Jennifer, who has been shuttling everybody in and out of the office, also thanks to her.

And you might wonder what happened to Brenda, our secretariat, she actually was dialing in periodically to make sure that everything was smooth for the people that were dialing in online. But since she's in a completely different time zone, we let her off the hook.

So all in all, this was the team that was supporting this work effort. And of course, more than anything else, thank you to all of you for being here, making the time for this, coming on this important review journey with us. And also, we would really love the feedback about what could have been done better. Particularly, the exercises around the scope and some of the other things that we tried to facilitate to make the work move forward faster or more productively.

It's all a journey for us, as well. We'll apply the lessons learned to other reviews as well as other face-to-face sessions that we help you organize. So please do let us know, in whatever way you feel comfortable, what could have been done better and what you thought worked pretty well. So thank you very much. [AUDIO BREAK]

ALAN GREENBERG:

Are we adjourned or is there a...? We are adjourned, we'll let you do the happy dance on the table. Thank you, all.

[END OF TRANSCRIPTION]