
RECORDED VOICE: This meeting is now being recorded.

ALICE JANSEN: Hi Thomas, this is Alice. Thank you for joining us. We're just waiting for a couple of the review team members, then we'll start shortly.

THOMAS WALDEN: Good morning.

ALICE JANSEN: Stephanie, if you can hear me, could you join through the bridge? We need to have you on the phone so we can hear you in the room. Thank you. [AUDIO BREAK]

JEAN-BAPTISTE DEROULEZ: Good morning, everyone. This is Jean-Baptiste Deroulez and welcome to the ninth meeting of the RDS [inaudible] Review Team, and today's the first day of your face-to-face meeting in Brussels, on October 2, 2017. Today in the room, we have Alan Greenberg, Susan Kawaguchi, Thomas Walden, Dmitry Belyavsky, Stephanie Perrin, Chris Disspain, Volker Greimann, Cathrin Bauer-Bulst, Carlton Samuels, and Lili Sun.

We have one observer, Marc Anderson, and from ICANN Org, we have Alice Jansen, myself, Lisa Phifer, Larisa Gurnick, Negar Farzinnia, Patrick Dodson, Trang Nguyen, and Theresa Swinehart. And today, the first

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

item of the agenda, we have welcome and opening remarks from Theresa Swinehart.

ALAN GREENBERG:

Actually, we've done a little bit of adjustment of the agenda, and we'll take items one and three and merge them together, and I'll do a little bit of an introduction, then Theresa, and possibly come back to me. Welcome, first of all, all of you for traveling, for many of you, several days travel for two days of meetings is a push, but I do appreciate it, and hopefully, we'll have a productive two days.

I'd like to talk a little bit about why we are here, and what the objectives are for this meeting. Hopefully, when we come out of it, we will have a firm understanding, not just a list, but understanding of what we will be covering; what the objectives are. And the criteria that I assigned to these are they have to be both actionable and useful. There's no point in us making recommendations which have no meaning. Ultimately, the whole text of our document will be important, but the recommendations will be acted on and accepted by the board. So, if they don't have substance, then [inaudible] would be our work. It doesn't yield anywhere. So we need pretty good clarity on that so we all understand.

The other thing that I have a significant concern with is, are they doable? We have a review team of 10 people right now. It may grow slightly with the ccNSO. History says that in any group of 10 people, not everyone will work at the same level, and I have a real concern that we will come up with an absolutely marvelous objective list, which it will

not be doable in a reasonable amount of time by the people who are willing to put time into it. So, I think we have to be very, very pragmatic and control what we're doing to the extent that we make sure we can actually deliver on them.

We've had differences of opinion, and I think one of the things we need to settle very quickly is whether the fact that something happens to be mentioned in the bylaws is that indicative that we must address it, or do we have some level of discretion? My personal belief is we have some level of discretion. I'm going to be asking Chris whether he thinks that maps roughly to what the board thinks or not because clearly that's important. Whatever objectives we come out with, we'll go to the board for acceptance and approval.

So, I think we have to be, both constrained and careful enough to make sure that when we come out of the this room, two days from now, we all understand what we have to do, and that we're committing to something we can actually deliver in a reasonable amount of time. So, that's certainly my objectives, and I think that's mapped by my vice-chairs, but I'll give them an opportunity, as we go on, to disagree with me. But I'd like to turn it over to Theresa, now, to some general opening comments.

THERESA SWINEHART:

Great. Just to add to Alan's point, first, welcome everybody, and also just a recognition that this is part of your volunteer time and it's a lot of work, so it's very much appreciated and, in particular, under the new bylaws, it's a different approach. And so, this is the second review

that's being kicked off under the new bylaws, so it's an opportunity to also see, you know, where additional support is needed and various aspects around that.

The resources in the team that you have in place, if you need anything just let us know, so that's a given, and that's a constant, so open channels of communication on that. And you know, I know we're working very closely with the leadership team around that, but if anybody identifies anything to make life a little bit easier for you, then we're all here to serve you. I did want to share a little bit; you have also a resource with the board. Chris, obviously, being the appointed board member to the review team, and that's also backed up by a board caucus group, which is the sub-group of the board that allows for just regular conversations to be occurring, and use that as a resource.

And I don't want to speak on behalf of the board, so I'll let Christ speak to that, but it's an open channel of communication, and I think that there's an interest to make sure that that dialogue is always open, especially, as one is looking at, you know, the work and the scope and the terms of reference and various things like that -- around that. So, I look forward to seeing the work that's underway here, and again, if you need anything, let us know, and otherwise, welcome, and maybe the weather will improve, otherwise, we'll just have to enjoy the indoors of Brussels. Thanks.

ALAN GREENBERG:

May I call on Chris, if he has any comments, but to use the microphone, please?

CHRIS DISSPAIN: Absolutely not, Alan, and why would you give the board a microphone either. Morning, everybody. Hi to those of you on the phone. Do you want me to just briefly respond to your point, Alan, about, which I'm happy to do --

ALAN GREENBERG: Certainly --

CHRIS DISSPAIN: Look, I've set on a number of these review teams, and there's a couple of ways to do this, and my view is that I'm just going to be here to be part of the team, and so on, but if you want me to be specific about board stuff, I'm happy to do so, and those of you that know me well, will know that I'm usually quite straightforward about this stuff, so to deal with Al's point, I think the answer is this, I think we do have a discretion as a review team, but I think that the board will look at that, and so let me take a simple example.

If you decided as a review team not to look at the way that the last set of WHOIS review team's recommendations were implemented, I think the board would come back and say, "Actually, you've missed a bit on the top left-hand corner, you might want to look at that."

So, I think the board is going to provide input and some sort of context to what you decide to do, but at the end of the day, it's up to you. The risk factor, and again, I'll just be blunt, the risk is that if you get a hint or some guidance from the board that suggests, for example, that

something might be out of scope, you're entitled to go ahead and do that, but the risk you run is when you've done it, and you've made a series of recommendations, the board's going to simply say, "Well, that's out of scope."

So, I'm not suggesting that you -- I'll do whatever you want to do, but I am suggesting this is a cooperative effort, the community, the board, and this review team, so we probably should bear that in mind. Thanks.

ALAN GREENBERG:

And my concern, to be honest, is not that we do too much, but that we commit to too much that we can't actually deliver, and that is a real result. In days of yore, where we didn't have all this formal process, the review team could simply make a sharp left or right turn, halfway through, and we don't quite have that same level of discretion without going through some iterations here, so, it would be nice if we didn't have to do that.

Susan and Cathrin, do you have anything to add at this point? Then, we'll go on to the first substantive item, item No. 2. And that's statements of interest, and I don't know what they are, so, we'll need staff introduction a little bit. For background, we have been told that a new statement of interest had to be drafted. It was sitting in legal for several weeks, and I'm told it is now available and maybe even has been distributed. I don't know. But if we could have someone tell us what it is, that would be, perhaps, useful.

ALICE JANSEN: This is Alice, for the record. So we're just going to project the documents, and these were circulated to you on Saturday, so I'm not sure if you'll all had a chance to read them. But these points are pretty standard, and we received them from legal on Friday, so -- sorry, it's taking a little more [inaudible].

Essentially, it's pretty standard. It's the usual form. I don't think there's anything out of the ordinary here. You know, if you want to walk through these, or take the time to read them, and then, you know, flag any issues you have -- we can be as flexible as you want here.

ALAN GREENBERG: What is the expectation? You want these in writing before we leave here?

ALICE JANSEN: Ideally, but you know.

ALAN GREENBERG: Then will we get copies on paper?

ALICE JANSEN: Yes, we can arrange that. Absolutely.

ALAN GREENBERG: Thank you. I didn't bring my portable printer with me.

ALICE JANSEN: No, of course not.

ALAN GREENBERG: All right, we've already done roll call. I'm not sure what other administrative items we need to address.

ALICE JANSEN: Maybe remind everyone that we have Thomas and Stephanie on the phone with us, so if everyone could, you know, make sure they state their names before speaking, that'd be great.

ALAN GREENBERG: Thank you. And I will try to keep an eye on hands being up on Adobe Connect. Everyone around this room or anywhere else to the extent that I don't, please remind me. And the same goes for people, remotely, if you are trying to get in and I'm completely ignoring you, and no one else has noticed, just speak up. I'm hoping the physical setup will allow your voice to come through. And I think the next item is Alice talking about the scope of the specific reviews and process flows.

ALICE JANSEN: Right, that's me. Thank you. So, good morning again to everyone. I just would like to start first by echoing three specific things. We're all very grateful that you are embarking on this great journey with us, and it's going to be fun, don't worry. And we really appreciate you taking the time and commitment for this important work.

So what I'll do for today is provide you with an overview of the milestones that you will have on the road to your final report, and I hope this presentation will also help you comprehend some of the different challenges that you will face throughout your process. But essentially, it's a walkthrough of all the different phases in the life cycle of your review, as well as the associate stuff.

So, I'll be using some process slides today, and please know that these slides are an initial attempt to document the process, and that they will evolve based on the community, as well as the operating standards. As this is a storytelling, I would recommend asking questions towards the end of the presentation. However, if you do have a question, you want addressing quickly, that's fine. We'll just jump right into it.

So with that, let's just move onto the first slide. So first, a little bit of history and genesis here of the specific reviews at the origin and from the affirmation of commitments the U.S. Department of Commerce signed with ICANN in 2009. And the document calls for a number of community-led reviews to evaluate and reinforce ICANN's commitment. So, as you know, we recently moved this for -- reviews into our bylaws as part of the completion of the transition. So, we have four specific reviews. The first one is accountability and transparency review. The second one is security, stability, and resiliency review. The competition and consumer trust and choice review, which Alan is actually a member of, and then the RDS review.

So, the majority of these reviews, CCT is an exception, run on a five-year cycle, measured from when the previous review team was convened. So, right now, we have all reviews running simultaneously. The CCT is

about to wrap up its final report. The SSR is conducting its research. The ATRT3 is about to be assembled, and you all here in Brussels, to -- you know, conduct some important work, and well, it's going to be quite an agenda, but we look forward to going through all of that planning stage with you today.

So, the next slide is an overview of all the phases a review entails. Your review is almost halfway through its life cycle, and you've reached stage 3, which is planning, so that's good news, I think. And we'll just go into these different phases in detail. So first, we'll start with the team planning, thank you. So, an ICANN Org colleague, project leader if you will, is appointed to prepare for the review. The project leader will collaborate with the ICANN departments and engage with the SMAC to prepare for the review. This includes, but is not limited to assembling background materials, featuring internal resources, elaborating a timeline, and also identifying the scope of the review. When the review is officially launched through a board resolution and the board resolutions directs the community to establish and assemble a review.

And the next slide -- that's here, sorry -- is for the [inaudible] to put together the [inaudible - 00:22:42] that you all responded to. So, if we can just go to the next slide and zoom in on the selection phase? Thank you.

Okay. So, as you know, when applying candidates are asked to identify the supporting organization or advisory committee they wish to represent on the review. And so, SO and AC are presented with their individual list of candidates and asked to identify which candidate they wish to nominate. They make that decision based on their own

processes, so it's an internal decision that they make. Once we have this shortlist, the next step is for the SO and AC chairs to meet and make the final selections together, and this is subject to the relevant ICANN bylaw provisions, as well as the applicants in consideration the diversity and needed skillsets on the team.

And in addition to that, if you notice on the graphic, we also have a bylaw provision for the ICANN board to appoint a director or liaison to serve on the team, and so this means we have a board resolution that is published with the name of the board member, the lucky board member, who will be joining the team. And the board resolution also typically includes a date by which the group -- the review team is asked to send in the work plan, as well as the scope for the board to consider. We'll go back to that later in the presentation. I just wanted to state that.

So, once the review team is formed, we reach the planning phase, and this is when the group essentially maps out the project. And this phase will sound very familiar to you right now. So, this planning step is pretty crucial in the process, and that's when you will define the work you will conduct, and also establish the vehicle you will use to meet your objectives. And so, a review team typically agrees on the methodology it will use to build its [inaudible] and then cross-check the topics that identify with the ICANN bylaws and then only fleshes out the scope and timeline, which is what you're doing right now. So, this is the phase that also helps the review team, in general, to assess the data and resources it will need to complete your work.

And speaking of resources, we also usually ask [inaudible] that the reviews concern a budget owner, so we can liaise with that budget owner to monitor the budget envelope that's been allocated to your efforts. So this leads the review team to adopt the terms of reference document and the associated timeline, and then the next step will be to send that the board.

So, the board's mission here, as outlined in the board resolution and its extension is to verify that this team's scope and timeline are consistent with the requirements of the ICANN bylaws, and hence the importance of validating your scope against the bylaws when assembling it. So, this meeting is key in your planning phase, as Alan indicated in the opening remarks, you hope to reach agreement on the substance that will be embedded in the report and documents.

And with that, let's just move onto the next slide and see what happens next. Thank you, Jean-Baptiste. Sorry, Stephanie, I hope you can hear me now. All right. So, we now reached the conducting the review phase, where review team members roll up their sleeves and dive in for the data collection and analysis. This includes the assessment of ICANN's implementation of prior recommendations, and the review team and ICANN will work together on assembling the data and resources. ICANN also delivers a number for briefings; you've already received a copy, and you'll have one tomorrow from Trang and [inaudible].

Depending on the scope, the review team may also decide to reach out to the community and organize a couple of interviews or ask for specific feedback, and this is also, usually, the stage when the review team asks

itself, well, do we have the skills on the team to accomplish what we made up, and if it happens they do need help, then they can choose to ask for external help, and it's just if needed. We have some guidelines that we need to comply with, and we have a, you know, process for engagement [inaudible] happy to share with you, if you decide you need that external help. So needless to say that the budget factors are important in all these decisions, you know, our fees for external data.

All right. Larisa, can you go to the next slide? Implementing a draft report. Thank you. So, once the research is complete, the review team starts formulating its findings based on that research, the observations, and the [inaudible]. To help you frame your findings, we also have a template of an idea report, and an idea recommendation that we can share with you. It includes questions that will help you identify the substance needed and it will also be a very useful checklist for you to ensure your recommendations, an output, comply with the S.M.A.R.T. goals.

So, does anyone here know what S.M.A.R.T. stands for? No? Okay. So, it's specific, measurable, achievable, relevant, and time bound. So, we do have some, you know, helpful guidelines for you to ensure your report is meeting S.M.A.R.T., if you will. S.M.A.R.T. But anyone who implements recommendations will tell you that S.M.A.R.T. is really important. You know, when you receive all these recommendations, you want to be able to understand what the rationale is, and what we're trying to accomplish and by when. So, you know, it's important to have this information beforehand.

So, as soon as the review team has the initial set of findings, we recommend that they consult with the ICANN subject-matter experts, if they need, to obtain feasibility assessments, and the documents can be made as needed to reflect the discussion and input received through these interactions, and essential standard to check, if you will, is again, is to cross-check your findings and recommendations against the approved template of reference to ensure you recompile with what you had established from the get-go, as well as it complies with ICANN's mission, and it's important here to note that the bylaws call for you to prioritize your recommendations. So, you need to document the degree of consensus as well, and agreement, on each of these recommendations. So, it's pretty complete and matches what we have in the bylaws.

All right. Next slide. Thank you. So, once you're ready to proceed, you will issue your draft report for public comment, and that is a bylaw requirement. So, I think everyone's familiar with our public comment proceedings here, but if not, essentially it's a 40-day period during which you ask and call for feedback on your recommendations and conclusions.

And during that 40-day period, you socialize your recommendation, and you encourage the community's input, either through engagement sessions at ICANN meetings or through webinars, depending on where you are in your work plan. And then once the public comment period closes, then ICANN collect all the feedback and compiles it into a summary of public comments for you to review and analyze.

As indicated in the graphic here, and Thomas [inaudible] green arrow to show you, we also have a [inaudible] right here for the ICANN board, the caucus group in ICANN Org to submit feasibility assessments on your work, to inform your work. So this will be helpful as you reach that juncture.

So, as Chris mentioned, the caucus groups were established inline with the best practices from the transition-related work. They serve as an [inaudible] for the board to provide input through to the team on the scope of work, any recommendations, and urgent matters. And the goal here is we need to create an interactive environment, where there's an open line of communication for both parties to engage with each other.

All right, so you'll be happy to know there's no bylaw restrictions, per se, on the number of draft reports you can publish for public comment, although I doubt you would want to publish 60 versions. But just in case, you may decide to hold this complimentary public comment on the revised document. The CCT document will tell you the CCT is in the process of publishing new sections for a draft report for public comment. So, it is a possibility if you need it, you can do that.

All right. So, once the public comment summary is submitted, you will be expected, if you will, to carefully read through all the input received and establish whether some adjustments are needed to your report, and you know, Alan has gone through this with the [inaudible - 00:32:33] and Susan as well, with WHOIS on; it's a process, you know, of establishing that yes, we want to address that, and no, we don't want to

address that but it's included in the decision. So there will be more discussions happening at that time.

So as soon as you feel like your report is in the final shape, you send it to the board and the review team officially -- the mission's complete. But prior to this standing, we do ask and recommend for the review team to appoint one or two members to stay on, in case there's any implementation-related requests for clarification during the implementation phase. So, one or two of you will be lucky to hang on. Okay. So now let's move to the final report phase, and see what happens to it. Yes.

ALAN GREENBERG:

Thank you. Just a quick comment. We also have a fair amount of flexibility. Alice said we could issue multiple draft reports. We also can issue an earlier report if we are looking for input from the community, at a point where we don't have really have our recommendations ready, but believe that we need additional input. We can do that either formally through a public comment, or we can target ACs and SOs and ask them for specific input or feedback on things. So, we have a lot of flexibility of how we interact with the community going ahead, if we choose to interact with the community. Thank you.

ALICE JANSEN:

Right. Thank you, Alan. Great. Okay, so what happens to your final report? The outcome of your hard work? Okay. So, acknowledgement of receipt from the board signals the six months of board consideration phase. To inform its decision on the approval of recommendations, the

board will ask for public comments, so a new comment proceeding will be opened, and internal, it will ask the staff to put together an action plan that assembles implementation-related information on resources, timeline, budget, etc., with that.

So the ICANN board reviews all three components and then decides either to approve or reject the recommendations, or a couple of recommendations, whatever they decide. But the board will direct the ICANN Org to implement the approved recommendations and in the event a recommendation is rejected, a rationale for that decision will be made available.

So, as you will recall, there are a couple steps in the process that allow you to exchange with the board, and this collaboration, if you will, is a great safeguard to ensure success of the approval process and review teams are really encouraged to nurture that relationship.

So, next slide. ICANN Org then releases and initiates the implementation phase of the review, and we'll work on the varied details, or implementations, sorry, that match the steps in a detailed timeline, as well. And this will be a very helpful [inaudible] ICANN Org could do of course, but also for the ICANN treaty, as sometimes the recommendations are tied to them directly, and the changes will be made. If issues are encountered during the implementation, the board and ICANN Org can assess the situation and determine the next course of action.

And then, finally, a helpful note here -- we report on the implementation progress to the community on a quarterly basis, as well

as an annual basis. Tracking the implementation progress quarterly is important for action planning and accountability purposes, but also, as you know, this is frequently used in our evaluating the success of the implementation, but [inaudible] so having a detailed progress report is very helpful to them and that's why we make sure that everything is quarterly reported.

So, this ends the life cycle of the review, and again, thank you for joining us on this cruise ship. We are here to support you in any way we can. We have resources available to you as I enumerated [inaudible] that we can provide you with, and as always, we're open to hearing new ideas as well. And my colleagues and I are here to answer any questions you may have on this. The slides are posted in the mailing list as well, but if you have any questions now or later, feel free to reach out, and that's it. Thank you.

ALAN GREENBERG: Thank you, Alice. Have you now done four, or four and five? Have you now done Item 4, or four and five?

ALICE JANSEN: Oh, just four.

ALAN GREENBERG: Just four? In that case, I'll turn the floor back to Alice for five.

ALICE JANSEN: Any other questions, anyone? Anything in Adobe Chat? No? Pretty clear? You all know where you're going? [Inaudible] a few months of fun? Yeah?

ALAN GREENBERG: Thank you. Just for the record, I do encourage people to ask questions along the way if something is bugging you, or you need clarification, so don't feel bashful. Negar? [CROSSTALK]

ALICE JANSEN: Alan? Wonderful. Okay. So we'll just project the work plan documents for this. Jean-Baptiste is pulling it from -- okay, perfect. Thank you, Jean-Baptiste. So what I'd like to do now is a quick run through of a detailed work plan put together for your consideration. And you should know that you have a dedicated working session planned for tomorrow on the work plan, but we wanted to lead through this real quick, so you can give it some thought prior to the session.

So, essentially, this work plan especially encapsulates the process stages three and four -- planning the review and conducting the review. And we translated all of that into what we hope is actionable steps, and each step includes an anticipated start date, as well as an anticipated completion date. The number of days the effort will take, as well as the owner information is also reported in that sheet, and progress is captured through completion [inaudible] and where available, we've included information in the comment box.

All right. So reading through this, you will notice in the conduct review that we have carved out a placeholder for subteam. So this just really depends on how you want to structure your work and it's up you if you wish to have this sort of work process, or you wish to remain united, if you will, and plow through these all together. But, generally speaking, review teams tend to fit into different work teams.

Okay, so with that, let's go see what the highlights of the work plan are. So, it was put together some time ago, and as a result some of these might not seem adequate at this stage, but please think of them as placeholders. So, based on the initial discussions you had during the plenary call, we earmarked October 20th as the date for approving the terms of reference and work plan, with the objective of showing it to the board a couple of days later. If you do choose to divide into subgroup C marked ICANN61 in March 2018, at the deadline for subteams to deliver their reports, including recommendations for their release in particulars, so as discussed earlier, we would provide a template to help the subteams populate their reports and recommendations.

ICANN62, in June, is when you would be collecting your input on your draft recommendations, you know, through several out tweaks and engagement sessions held at that meeting, and this is the objective of releasing your report back to that meeting in September here, is established as the latest date. Okay, and part of this work plan, you would finalize your recommendations at ICANN63, in October in light of the public comment received.

The final step is finishing up the final report to the ICANN Board in early December is part of the very latest for that to happen. So, you will notice that all your working sessions were mapped out using the ICANN meeting schedule. My colleague, Jean-Baptiste, tomorrow will be providing you with a presentation on [inaudible] so that can inform also your work plan discussion that you will be having tomorrow. But, you know, this is, you know, a quick run through the template; we don't expect you to have very detailed comments on this at this stage, but we wanted for you to know that it exists and it's there for you to read through in anticipation of tomorrow. If there's any questions at this stage, I'm happy to answer them.

ALAN GREENBERG:

Well, I'll make a comment. It's Alan speaking. My experience with this kind of project is that most of the people working on it are not going to be paying a lot of attention to the details in this kind of timeline at this point, and therefore, certainly from my perspective, I'm presuming staff will be watching and waving flags if they think, either what we're predicting going forward, or what we're in the middle of right now are not in line. The people on the review team, I think, are going to have their hands full just trying to do the work, so certainly from my perspective, I'm assuming staff support on that.

And I think the important part is not only you're behind on today's schedule, but what we have going forward is probably unrealistic in light of what we've done so far, and wave flags and help us make the adjustments as we go ahead. It's nice to present this and assume

everyone's read it carefully and signed off on it, but it ain't going to happen.

ALICE JANSEN:

As indicated, this is just a template everyone can see before you have your work plan discussion tomorrow.

CARLTON SAMUELS:

Thank you, Alan. Carlton for the record. I'm glad that Alice said it because I think you look at the draft report for next June, it is going to be heavily dependent on the scoping results of the scoping discussion. That's a good target. It's a good way to concentrate the mind on what we have to do for scope, given what we have here. Thanks.

ALAN GREENBERG:

I'll take the opportunity to serve notice -- I step down as ALAC chair at the annual general meeting next year. What my involvement will be in ICANN after that is unclear. So, it would be nice if we're finished by then. We may be looking for a new chair. Well, I don't know if I'm going to be chair outside coming out of this meeting so, it would be inappropriate for me to say that. It would appear that we're almost 30 minutes ahead of time at this point. I'm not quite ready for a break. We could just take an extra half-hour off, or we can go ahead and start talking, at least, about scope.

And I would suggest a little bit of discussion prior to going into the specific program that Patrick has for us, might well be warranted. Is that agreeable? Okay

As I said at the beginning, I have real concerns that as we have been developing the scope until now, No. 1, we have been presuming that anything that is written in the bylaws, we cannot avoid spending time on, and I'd like to, as we go through each of the items, I don't want to discuss it now, but as we go through each of the items, one of the options is, we don't do it. And a number of items we have already said, well, we'll do it, but it's going to be very short, and we already know what the answer is, and typically, in all of those cases, the answer is not something that's going to require action of ICANN to implement.

I think we need to consider whether we even include that item or not or just skip it, saying it's not something worthy of our focus on. But that goes for each of the bylaw identified sections plus the few that other people have added in as we go along. I suspect some of them can be merged together. Can we put up the scope doc.? Sure. Certainly a few of the ones that we've added in, I think, probably fit neatly into the items that were already discussed by the prior review and we can tag them in there.

Within scope, I think, is one of the -- certainly if you look at my experience with ATRT2, is if we look at a recommendation that was made by the first group, comment on its implementation, but we now feel it needs to go further -- that's completely within our scope to make an additional recommendation in the same general areas they talked about earlier, and we don't need a separate scope item to address that kind of thing. And well, as we go forward, I think we will see -- well, certainly, I'll tell you my opinion.

Now, that doesn't necessarily hold more weight than anyone else's but - you know, there are some of the items that are within the bylaws that I think are just -- well, Carlton says spinning wheels -- I was going to use another analogy, but that one about as good as need. It takes energy and time, but doesn't get us anywhere. And I think we have to look at it from that perspective. The substantive items, if nothing else, 16 recommendations are going to have to be looked at in great depth. Unfortunately, from my perspective, the staff analysis, so far, seems to, uniformly, be -- we did everything. It's done.

My experience says that's perhaps a little bit rosy. We may judge that some of them are not quite as done as staff has indicated, and therefore, we really will have to look at those with a fine-tooth comb. I think that will take a fair amount of work, going back to the actual data associated with it and not just looking at the summary. So, I guess that's my piece of again, let's control ourselves, and do something we can actually do, and do work that will help as we go forward -- not just to fill a mandate that someone wrote in the bylaws. Carlton?

CARLTON SAMUELS:

Thank you, Alan. Carlton, for the record. Just to go back to those 16 recommendations and the need to have the data to support any contention, whether it's done or not -- this is a piece of work that we're going to have as a dependence on staff support -- to have and so probably, we can begin to work on those and see what turns up, the better it is for us.

So, I personally believe that we should look at those in detail. We should look at the data that supports any decision about it, and then we can take a very quick decision as to whether or not we can extend it and move forward. That is where I think we're going to spend a lot of our time -- I would suspect this is where we're going to really put pedal to the metal, where we will really have to get going and get that out of the way. Thanks.

ALAN GREENBERG:

Anyone else? Any of the remote people have any interest, please let us know. Do we actually want to start on the detailed scope discussion then? Patrick, it's all yours. [CROSSTALK] Yep. [AUDIO BREAK]

PATRICK DODSON:

Good morning, and greetings everybody. For those that you don't know me, I'm Patrick Dodson. I'm part of the MSSI team, and previous to that was part of one of ICANN's partner firms explain visual information design and facilitation, so I bring that skillset forward at least on the facilitation side. Please don't ask me to draw. I told my design colleagues of past. The other sides up on the working session, so we would like to do -- this is based upon collaboration with your support review team, as well as based upon direction from the review team leadership and the group on the purpose and activities that need to be conducted here, and what we've done is we've designed a series of workshop exercises, based upon the content that you already have been working on and working with. And doing it in a way that each exercise builds upon the previous the exercise, so we can start with the

identification of any remaining elements or gaps in the details of the scope.

We have agreed scope topics, we have draft objective text, and we have some questions that are already identified or can be extrapolated from the objectives that the review team, or the review itself needs to be able to ask and answer, or could be in the scope of what needs to be asked and answered.

So, we want spent a little more time as a team exploring what that really looks like and also, conversely, what very specifically, or explicitly should not be a part of the scope, so the whole purpose of this is to surface all ideas, discuss them, and then align as a team on the scope and the direction, and the activities that this review team needs to conduct. And that will be the second and third workshop exercises around, where is everybody as far as the alignment? Are we all in general agreement? Strong agreement? Still need a lot of discussion? We want to wrestle those things to the ground.

And forgive me, I'll try and limit my metaphors for the international audiences where those can fall short. We want to go through a prioritization element in working through this with Lisa, we're going to go through an exercise, and I'll go through and explain each of these exercises as we do them. I find that it's more helpful if I don't give you everything all at once and then I will repeat myself after 20 minutes, so we'll go through that step-by-step, but prioritization is not so that we do actually come up with a rank ordering of which one is the single most important one. It's really more directional. And it's an exercise for this

group to explore its thinking behind why some of these objectives may be of greater priority for this review team than others.

From there, we do -- knowing that you have the work plan exercise, or work plan session time tomorrow, if we get through to this point, we actually have some frameworks that will help you start that process, so that you can, I think, to the point of looking at the work plan template, stepping back from the detailed, specifics of that document, as Alan noted, is -- we're not there yet, so if we can look at the larger pieces of what needs to happen in the phases of discovery and analysis and draft recommendations and start to really think about what it is that this review team needs to do, and then you have an informed way to look at, well, what's the reasonable time frame that we should expect that those things will take, and that also, then, informs whether or not those should all be activities in scope -- back again, I think, the co-chairs direction, I wanted to make sure that what is tackled is feasible.

And then we'll round out the end of the day, and I think we'll touch on this one again, I think also tomorrow, which is just a quick checkpoint in on where the group is on the maturity and completeness and alignment and consensus on the terms of recommendations -- or the terms of reference. Forgive me.

Next slide, please? So, one of the things I'd like to do is talk a little bit about this process because the remote folks -- thank you for participating -- we will try and make this as effective as possible and we have put thought into and have support with Alice and Jean-Baptiste for Stephanie and Thomas to participate in these exercises, both in their individual contributions as well as the discussions around the topic.

And so, we'll work through that, but this a diagram I've used to explain this process of working out on the walls, with post-it notes and exploring ideas, especially when you have group decision-making that needs to take place. And in this case, for the scope activities, you're already through this idea -- or you're through the opening and you're really in the exploring phase of this, and this is a very natural arc for any discussion where you bring people together, you need to open with ideas and thoughts, you need to explore them, and then close down on some decision.

And this can also be an activity where if we can close down on the scope then that actually creates the next diagram of this where we start to look at the work plan because now you can start to open on what needs to happen in the work plan, explore that, and then close that, so it's just a very natural rhythm for this.

We tend to like to open and then go right to close, and that's just a natural human instinct because this middle phase where we explore is a bit chaotic, it's a bit uncertain, it's a bit uncomfortable, so if you feel that you're there as we go through this process through the day, understand that may actually be where you ought to be just as a person amongst many people working through ideas and thoughts and navigating through misalignments in the day. Alan?

ALAN GREENBERG:

Patrick, as I look at that document, I can't help but think of the term, brownie in motion, with the part in the middle -- which implies random

moving, I hope you get somewhere, which we may well map very well to our [CROSSTALK].

PATRICK DODSON: Well, and it is exploration, it is navigation, right?

ALAN GREENBERG: It's the randomness part that I wanted to point out.

PATRICK DODSON: Yeah. Well hopefully, it's not as random as it is -- there will be emergent insights and outcomes that happen along the way that we may not always predict. One of the other things that I was going to bring up is just as a quick activity -- and forgive me, I'm going here -- obviously, I don't assume that everybody knows this game, but everybody's familiar with Tic-Tac-Toe. I didn't know if it was a global, international, universal language exercise, so there you go -- it's just called different things, but Tic-Tac-Toe, right? The obvious, very simple game.

I'd like two volunteers right now, just help me with one 30-second experiment. Can I pick on two co-chairs? I'd like you guys to stand up and face each other about three feet apart. And apologies for those that are -- this is where the remote participants -- this is bad radio because I'm actually doing something visual -- we can do a camera here. What I'd like you guys to do is play a game of Tic-Tac-Toe, against each other, using the open, visual space in front of you. [CROSSTALK] Yes, right?

Yeah. There we go. Okay. There you go. Now, where's Susan going to go? Yep. There you go. Okay. So, you guys are great cause you're actually helping illustrate my point before you even get to the next step, which was attempt to do this, but do it with do a four-by-four grid. No chance, right?

The point and the object of that example is that when we don't have things written down, when we don't have things that we both mutually agree on and can visualize, it's very difficult to hold all of that in your -- you may sit down, please, thank you -- round of applause for -- it's difficult to hold that much thought and concepts and content in your head and it's that much more difficult when you're sharing that idea space with somebody else, let alone 10 people, or 12 around the globe from different cultures and perspectives.

This is the reason why, even outside of digital documentation, we want to put things up on the wall, and we want to use post-it notes, and sharpie pens and move ideas around and get them out of our heads, so that we're not holding onto them, while we're actually trying to, hopefully, listen to other people's thoughts and ideas. This is the reason we want to do this -- it's object-oriented communication. All right? And so, that's going to be what we do here as a part of this.

Every one of the exercises we go, and we'll jump right into the next -- the first exercise, here, right now -- the next slide, I think, might be the - - do you remember what slides I sent you. Okay. Well we'll get into this in just a second -- every exercise that we do here will give everybody an opportunity to express their thoughts and ideas as individuals, and then also, then have those out in the open, up on the walls, literally, for the

entire group to then discuss and align on, or understand where there's disconnect on just glossary of terms, or what should be or should not be in scope.

So, this hopefully, give everybody that opportunity to share and express ideas, and then we don't have to just kind of remember the discussion and the dialogue in our head throughout the day, and it also is a very nice way to just capture all the information and thinking that happens and you can very easily see where there's alignment and misalignment, and you'll see that as we go through the exercises.

Some of the final, just tips for success, we will be using post-it notes. I will be distributing notes here in just a second. Please keep one idea per post-it note. Please use a sharpie pen, and I'll be providing those as well. If you're using -- for those in the room here -- if you're using a ballpoint pen or something other and smaller, it's more difficult to read and capture. Please print clearly. All capitalization tends to be more legible -- it really slows people down when they're writing down there ideas and thoughts.

We will go through this, as you can see in the room, and as the remote participants know from the materials that we sent them last night, so that they can see what's in the room, we'll have a lot of different stations. We will be up and we will be moving around. We will also have a floating mic, a roaming mic for us, to make sure that when we get into the discussion points, remote participants can hear each other as well because we want to go to the different stations throughout the room here, and the hallways outside.

The last suggestion or on that point, as we break up into groups, and we will start to do some self-selection on the different stations to go to at a later part this afternoon, keep the groups to three or four folks. Any more than that then we're not actually providing enough attention to the topics and we'll work through that as well. This is also your time, so we have an agenda, and we have a schedule, but it's for logistics. It might be aspirational. If we need to spend more time in an area or we need to speed up in an area, we will do that. We'll make adjustments and accommodate it. This is -- frameworks for you to do your work with the content that you have.

And then, trust the process. We'll go through this step-by-step. It will start to get more familiar. I know that some of you, I think, you know, Alan; Erika, when she joins; and Chris have been through some of these workshop type exercises that I or others from my former agency have done, so you'll get the swing of it.

Next slide. Okay. So, I'll pass out post-it notes and sharpie pens here, and while I'm doing that I'll field any questions anybody has, and anybody else from staff can also address them, but the first thing we want to do -- this is the area where we have exercises -- Larisa, you can go up and just point to the first sheet here.

So, the left sheet is the first exercise, and I do have a No. 1 up there, just for reference in case anybody gets lost. We're not worrying about the right-hand side sheet yet. It's just up for efficiency. We have the agreed scope topic, and we have the draft objective text. It's directly from the latest objectives and scope grid that you all have and share. It also then has two sections -- one, is helping move from the higher-level

objective text into more of the specifics of what does this review need to address within this area. All right?

So, if we talk about, in this case, the example that Larisa is standing next to is whether the current system meets the legitimate needs of promoting consumer trust? So, we've got some of the -- what does that meet in the objective, but we can do deeper than that, and we'll need to really fuel what needs to happen in the work plan.

So, some of these questions were already there and surfaced through your plenary calls. There's space on the paper here for us to add any other questions that we think need to be answered and also, what should not be in scope for the review in this area? The idea in this next 10, 15, 20 minutes, whatever -- however long it takes is to individually go around to these sections and share any additional thoughts you have via post-it note and sharpie pen around the specifics and the details for the scope of these different sections.

After we do that, then we'll go to each section that has new content for discussion, and then that's where we'll hopefully, bottom out on do we have enough specificity here to then figure out if this something that we should be looking at from a scope perspective and build into the next exercise. If there's anything anybody wants to add, Lisa, or any questions, I'll field them now, as I'm handing out post-its and sharpies?
[CROSSTALK]

Apologies. Yeah, great. Thank you, Larisa. We have 10 topics, you guys, and a very large conference room, but not that large, so we have five of the topics in here, for simple reference, you'll see a very little

blue post-it note that just kind of maps to the objective topics that are in the scoping document, so we start with the past implementation, we look at the effectiveness of the current implementations against the three that were broken out into their own topics, and then the remaining five are outside in the hallway.

So, it's a gallery to get all of them, and you know, some of them, I know you have more alignment, and specificity on than others, so we'll see where with the content that you guys come through with as you meander through, do the gallery walk to add any other thoughts or comments, or even questions to pose to this group, and then, we can tackle the discussion topics, one topic at a time.

THERESA SWINEHART:

So, you'll see as you walk up to each of these stations that we've kind of pre-populated for you some of the issues that were already raised during our calls, but this is an opportunity for you to look at that, to think about, are there other questions that I have about this objective that we all need to discuss to reach closure, or are there things that I feel really are out of scope related to this topic, so use your post-its as a way of sort of putting that up there, and then, we'll discuss that as we read what ends up being on the chart.

And I would encourage you to go to all of the stations. So, you may have a particular draft objective that you feel strongly about, and please contribute to that, but also, visit the others and think about whether you have questions that you'd like to raise or concerns about what

might be out of scope that you'd like to, sort of, put something up there for discussion on.

ALAN GREENBERG: Two questions, I think we need to be clear on terminology. Out of scope, I typically define as it is not something this review could be looking at, which is different from we decide not to do it, it is in scope, but we are opting to not do it, and I think we need a word FOR that last one, just so we're uniform.

THERESA SWINEHART: So, just then, if I could address that -- we will get through an exercise where we prioritize, so something that ends up at the bottom of the priority list and then falls off the work plan is something that was in scope, but you decided not to do because it was low priority.

ALAN GREENBERG: Okay. So, we should use the prioritization as the indication of whether we believe we should be addressing it at all? Okay. Thank you. The other comment is how do the remote people do this?

PATRICK DODSON: Good question, Alan. So, the remote people have in-the-room avatars -- one is Jean-Baptiste, and the other is Alice. So, they're working through the exercises on the individual portions offline, and will be conveying that information to Jean-Baptiste and Alice in the chat, and then they'll be taking that information and populating for that on their behalf.

ALAN GREENBERG: That means they don't get the benefit that we have of seeing the notes that are already up there, or you'll be talking to them?

ALICE JANSEN: We are actually populating the Google doc with the contributions that are being added, and we'll project the Google doc in the actual Adobe Connect room so Stephanie and Thomas can follow.

ALAN GREENBERG: Thank you for factoring all that in.

PATRICK DODSON: Yeah, and we'll also make sure that we're taking some photos, you know, with iPhones, etc., whatever device you have and getting those populated to them as well, so they get a better sense of the mess we're making in this room.

ALAN GREENBERG: So, do we all just stand up and go to a chart?

PATRICK DODSON: Yeah. So -- yeah, I'll get the wireless mic in here in just a second, but yeah, just for the instructions here, we'll take about 15 minutes to do our individual evaluation/exploration, and posting up of ideas. Yeah, so,

we'll do that and then we'll just do a quick process check in about 15 minutes and see if we need more time. Thanks, everybody.

ALAN GREENBERG: How many charts are there?

PATRICK DODSON: 10.

ALAN GREENBERG: That means a minute and a half each. [AUDIO BREAK]

[Resume at 01:23:28]

PATRICK DODSON: Okay. I'm not interrupting anybody, just a real quick check that the break -- a lot of folks are now folding to break into working on the exercise, so it is right now a little bit before 10:30, but it's probably fine to go right ahead. I don't -- that's great -- you guys are eager to get into it, which is wonderful, I just want to make sure the remote folks know that they can do likewise. And we'll start that 15-minute time check and if we need more time, we have that as well. So, please go forward. [AUDIO BREAK]

[Resume at 01:45:25]

PATRICK DODSON: Yeah. If I talk like this, can you hear me in your ear? You did not? Yeah. Okay, so still testing -- they're talking about the fact that I need to get, so keep moving. It's working? Okay. [Inaudible]. I'm sorry? Yes, we can start recording now, thank you. [AUDIO BREAK]

I'm sorry [inaudible]. We're jumping head, which is great, but I want to make sure that [inaudible] on the discussion. So I think that at this point -- so, we're just posting up and now we want to talk through it and make sure that there aren't any other gaps. So yeah, so just real quick process check. The remote folks can continue to add. Jean-Baptiste and Alice are monitoring that.

The next step that we'd like to go through now is -- let's start at one of these boards, and we're going to read through the new information that has been offered up by the group. If there are questions for clarification, that's great. What I'd like us to do is hold the idea of a debate until we do this next step, which is the second exercise, which is where we're going to see, based upon the information that is now on these walls, where each of us as an individual on the review team is on the alignment and consensus on this.

It's very faint? Okay. I'm on -- yep, and Eric said he could hear me. I'll check with Eric here after we start discussions on this. Alan.

ALAN GREENBERG: We haven't officially gone through a break, but I'm not sure [inaudible]. Maybe we want to take five minutes and make sure everyone --

PATRICK DODSON: Yeah. We'll give a five-minute breather, and then we'll re-engage. In the meantime, we'll work on the mic issues, Stephanie, if you can hear me. Well, we're going to read through just for clarification on what's up here thus far, and then we're going to do an alignment exercise just to

see where we have the most misalignment because that's probably the place where we want to spend the most time debating, and we want to figure out what that really looks like across all 10 of these categories. So, that's what we'll do here; in five minutes, I'll walk through that again with everybody. Five-minute break. [AUDIO BREAK]

Stephanie, I'm going to ask you now if it's better. This is Patrick speaking. You can respond in the chat. I want to make sure that the volume that we're speaking on from this roaming mic is better. Okay. Great. And then what we'll do is, is we'll make sure that as we ask people to read out these different sections, they'll hold the mic and our mic will be -- and that way everybody can hear what's been added to the board, including the contributions from the remote participants. [AUDIO BREAK]

[Resume at 01:54:18]

PATRICK DODSON: Okay, one minute and we'll get going again, guys. So, one minute to wrap up. [AUDIO BREAK]

[Resume at 01:54:57]

PATRICK DODSON: Okay. So in 30 seconds we're going to start again here too. So for remote participants, we'll be going through each of the stations and talking through what's been added, here in just a second. And I will look for a volunteer to read out on the first station. As I mentioned before, what we want to do with this, as you guys are wrapping up everything on laptops, we want to just read through what everything has been added to this so that everybody is on the same page. In case something is not understood well, then questions for clarification would be good.

But we don't want to dive right into debate and discussion just yet. This is just to go through it and make sure that we all understand what's been added. And then we'll do an alignment exercise and then we'll do the debate and discussion. Okay?

Can I get a volunteer to meet me over here at the first station and read through what has been added? Or do I just pick on Chris? I'll pick on Chris and then I'll pick on Susan next. Just read through, which of the topics are we talking about here and what has been added?

CHRIS DISSPAIN:

Cool, thank you. I'm guessing that this is working. Okay, cool. So the topic is the directory service review team shall assess the extent to which prior directory service review recommendations have been implemented and the extent to which implementation of such recommendation has resulted in the intended effect. And then the note says: Refer to completed and ongoing policy work. Criteria for metrics on assessing implementation. I guess that's a question. Sorry? [AUDIO BREAK]

PATRICK DODSON:

Should I test now? For the remote participants, if you can hear me, please respond in the chat. We're checking the microphone again. I want to make sure the volume is clear. Nope. Testing. [AUDIO BREAK]

So while we're trying to figure out the microphone, what I would suggest we do to keep it rolling is, we'll ask Lisa -- because we've been

capturing the contributions from post-it notes in the Google document for the remote trackers and also so that we have this digitally captured.

And so I'll ask Lisa to read through the new additional content for these stations. And then we'll, at that point, deal with any clarifying questions on what's been captured and then we can go to the next exercise, which doesn't need microphones. And that will give us a little bit more time to see if we can solve the floating mic problem. Okay? Go ahead, Lisa.

LISA PFIFER: And you want only the additional content?

PATRICK DODSON: Yeah, just recap which topic we're talking about at each station and what's been added.

Is it working now? Alan, can you hear me in your ears? No? Okay, because it's not -- the remote participants, this is Patrick speaking, can you hear me? If you can, acknowledge it in the chat. We're trying to identify if the remote microphone is working.

Yes, it's working? Okay. I think we should still, for this purpose, we'll just go through and have Lisa read out. We'll use the remote mics when we're up and going through the discussion.

LISA PFIFER: All right, so I'm going to start. The first item that was agreed as in scope, was assessing the implementation of recommendations from the

first review team. And the new items that were identified as questions for this team to address are: criteria or metrics on performing this assessment, how will details of implementations be obtained and assessed, compliance, timing, metrics to support knowing the extent of the implementation -- I think that means the compliance data, so say it with the implementation of the recommendations, refer completed and ongoing policy work.

I suspect that was defer, not refer, how will details of implementation be obtained and assessed, and compliance action -- oh, that was the last item in our Google doc is repeated. And items, what should not be in scope, is reopening closed PDPs.

PATRICK DODSON:

Any questions or anything else that that's triggered for anybody on any other additions. If not, we'll move forward. We'll watch for the chat if Stephanie or Thomas, you have anything to add. Otherwise, Lisa can move on to the next station. Alan, question.

ALAN GREENBERG:

Reopening closed PDPs, I would argue that that we should not reopen recent closed PDPs. If something was decided 10 years ago, and we decide it was not the way we want to move forward, I think that's fully within scope.

PATRICK DODSON:

Chris, in the queue, and then...

CHRIS DISSPAIN: So tempting that that is, if something is a subject of a PDP, then does that not imply that it's policy? Maybe it's just the use of the word reopen. Reopen sounds to me like you'd end up discussing policy, whereas actually what you're supposed to be doing is reviewing. So if you want to review stuff that was decided, that's fine, but any recommendation -- so let's say, for example, a policy was made 10 years ago that set a group of darter elements, this review team could review their effectiveness, but surely not say, "We think the darter elements should be this." Because that's a policy decision, isn't it?

ALAN GREENBERG: We can recommend that a PDP be initiated. That the board initiate or request a PDP. I prefer to look at that, if we think it's time to revise that.

CHRIS DISSPAIN: Absolutely, so --

ALAN GREENBERG: I don't envision a lot of that happening, but I think that's fully within our scope.

CHRIS DISSPAIN: What triggered me was that we use the word reopen, that was all. It sounded like we were opening a PDP.

VOLKER GREIMANN: Volker Greimann speaking for the record. As the [inaudible] from me, I was just making a very short note of what I actually wanted to say. Basically, rediscuss, renegotiate everything that was in the PDP that has been chartered or completed after the first review team has completed their recommendations, i.e. that did their work in view of the recommendations and probably discussed the questions that we would like them to review in detail already. So we shouldn't renegotiate or rediscuss something or ask ICANN to rediscuss something just because we don't like the results that the PDP working groups came up with.

ALAN GREENBERG: It's Alan. On the other hand, if we actually find a result of a recent PDP which we think is dangerous or it's going in the wrong direction, then we have to say so. How it gets treated is a different matter. Luckily, although I think there are one or two of those things, I don't think they're within our scope.

VOLKER GREIMANN: Just to respond to Alan's comment here, I think that even if we think that a certain recommendation's dangerous or problematic, we can make note of that, but we should not then recommend that this question be looked at again. Provided that the discussion on that subject had been had in the working group and we would look at the work group records and see that this discussion has already been deliberated and the working group came up with the result in view of the problematic issue that we see.

If they have ignored that issue, if that issue had not been discussed in the working group, then, of course, I'm open to discussing that here as well and making a recommendation to the effect that this be revisited.

PATRICK DODSON: Susan.

SUSAN KAWAGUCHI: So I agree that we should not reopen a PDP, but if policy and implementation, which should come out of a PDP, occurred then we should review that policy and the implementation for effectiveness, just like we would review anything. So as long as we are not -- I mean, who wants to start over on any PDP? No one wants to do that. But we should not be limited in reviewing the effectiveness and the implementation of a new policy.

PATRICK DODSON: Okay, great. All of that has been captured. Alice.

ALICE JANSEN: This is Alice. For the remote participation, we have a few comments from Stephanie. She said, "First one, Chris, we need to measure the effectiveness of the policy process. As a living example, the recent IAG are finding new triggers for the WHOIS conflicts of law policies. That is a good example of where we can measure the effectiveness of that exercise. The triggers don't work, GNSO passed it anyway, and we are opening a new PDP, hardly an effective use of these processes."

PATRICK DODSON: Thank you. And we'll come back to each of these topics and wrestle further on the debate. But if there are no other questions for clarification or additions, we'll move to the next station and Lisa can read out the result there. Please.

LISA PFIFER: The next item in scope is assessing the effectiveness of the then current gTLD registration directory service. And the new questions that have been added here are: how effective is RDS at balancing the rights and interests of all parties? Would taking on this scope item be actionable? How does this scope item differ from the one we just discussed? Assessing the review team one recommendations. What would be the outcome of assessing this or taking on this scope item?

Since the RDS is being rewritten, will our output be useful, other than beyond looking at the first review team recommendations? Would trustworthiness be an issue here? What has changed from the last review and should be addressed? And a possible notation on items that might be out of scope, clearly out of scope, would be: Possibly not looking at items that were already reviewed by the first review team under this item.

PATRICK DODSON: Any questions for clarification on this topic? I think that when we get into the debate here, we will discuss where the differences between this one and the very first scope objective. But if there's no other

clarification questions, then I'll pause to allow remote participants to weigh in on the chat. Otherwise, we can move to the next station and topic and outcomes there. Anything from remote? I'm not seeing anything. Great. Lisa.

LISA PFIFER:

All right, so now looking at the third, what is the third row in the scope and objectives table, assessing whether implementation meets legitimate needs of law enforcement. And the additional questions that have been listed on the post-its here are: Defining law enforcement, to include data protection authorities. Reviewing law enforcement comments on the Privacy and Proxy -- whatever PPSAI expands to, Services Accreditation and also the implementation review team to gather needs of law enforcement. What are legitimate versus illegitimate needs of law enforcement? Are we talking about needs for cybercrime law enforcement? Law enforcement is wide. What laws and would all jurisdictions have the same standing?

Those are the questions that were raised. And then in the possibly out of scope column, a post-it: Are we going to try to balance the two arms of government? I hope not.

PATRICK DODSON:

Great. For the group, any clarifying questions on that topic? Susan.

SUSAN KAWAGUCHI:

"Are we going to try to balance the two arms of government?" I hope not. So what are the two arms?

PATRICK DODSON: That's Alan's, I think he'll respond.

ALAN GREENBERG: One of the items on the left side was when we're talking about law enforcement, are we including the enforcement of data protection laws, as opposed to law enforcement looking at access to our data-solving other crimes or addressing other issues. And if we are trying to balance law enforcement acting to address cybercrime as opposed to the enforcement of data protection laws, then we are now in the position of balancing those two arms of government who sometimes, seemingly, do not talk to each other.

At least, one would guess that. And I'm not sure that's our job, at all. So I thought we were looking at law enforcement using WHOIS to address other crimes, as opposed to the enforcement of data protection laws. At least that's the way I took the original words.

PATRICK DODSON: And Volker has a comment, and in the queue after that is remote participants.

VOLKER GREIMANN: Thanks. Volker Greimann speaking, for the record. I think we should not leave out the change definitions of data protection agencies as law enforcement. They have been pushed into this new law enforcement

role against actors that handle private data for individuals. Their role is very much law enforcement. They are a law enforcement role now.

I don't think we should try to balance it, but we should note that there is a conflict of interest there. I don't think we can solve that issue, that's not something we're tasked to do, but we should note that there is a conflict there. And we should deliberate it further, in further work, it's not something that we can --

PATRICK DODSON: Do you see this as something which will end up in a recommendation?

VOLKER GREIMANN: Possibly. I don't think where we will end up with this -- I just say that we should not exclude, at this point, that there is a conflict and there are two different forms of law enforcement that have two very opposing views on the what currently WHOIS consists of and what it's used for and how it's being handled.

I think that's a conflict that we cannot ignore in our work. I don't think we will solve that issue, so our recommendations might just end up being something along the lines of further investigation is going to be needed. I can, should undertake these investigations. I don't know what the result is going to be. I just think that we should address this issue as a problem that has to be looked at, at a certain point.

PATRICK DODSON: You're not hypothesizing the ICANN board can solve it?

VOLKER GREIMANN: I'm not even sure anyone can solve it, but...

PATRICK DODSON: Alice.

ALICE JANSEN: Yes, we do have a comment from Stephanie in the room. She's raised her hand, in the meantime, so I want to give Stephanie a chance to speak in voice or comment if she's going to. Stephanie.

STEPHANIE PERRIN: Thanks very much. Can you hear me?

ALICE JANSEN: Yes.

STEPHANIE PERRIN: Yes? No?

ALICE JANSEN: Yes

STEPHANIE PERRIN: Wonderful. So Stephanie Perrin for the record. I wanted to weigh in on this because I think it is a pretty good example of policy work that we're

not going to do. We are not tasked with balancing the two arms of government. I agree with Volker, we have to note that these arms of government are very frequently in conflict and it is the role of the court and in particular in the role of the courts to interpret the constitution of various nation's states to balance these two conflicting law enforcement agencies.

And I totally agree that the data protection commissioners must be considered as law enforcement agencies. I mean, we tend to think in terms of Europe but Canadian data protection law has, for a long time, had oversight over things like security and intelligence. So it is a mistake to think that the data protection agencies have not been active law enforcement agents for quite some time. I agree that the new directive brings them more authority and the new role of the EDPF brings them more authority but we should have been doing this a long time ago.

And in terms of how to do it, we measure how effective ICANN has been in assessing the legitimate needs of both of the data protection authorities who have given us tons of advice on what to do on WHOIS and how we have done the same thing for the legitimate needs of law enforcement agencies on the criminal side. And I would suggest that there will be a real challenge here that we need to address early on in assessing what those legitimate needs are. Because the documents that we have received from law enforcement agencies may not necessarily be explicit and so the legal basis for what they're asking for. Thank you.

PATRICK DODSON: Thank you, Stephanie. This is Patrick. Chris has a question.

CHRIS DISSPAIN: Stephanie, it's Chris. I just want to check to make sure I understood. Are you saying that you think this review team should look at what are - - and pontificate on, or make recommendations about, what is a legitimate request from law enforcement? Is that what I -- I think I heard you say that, is that what you said?

STEPHANIE PERRIN: Well, we are tasked with assessing whether our actions have met the legitimate needs of law enforcement. We haven't really articulated what those legitimate needs are. And the documents that I have looked at, in my view are not necessarily including legitimate needs that have been verified with a legal background. I give you the -- there was a document tabled after the octopus convention, in which basically the five I's, government law enforcement agencies on the criminal side, said, "This is what we want." And they said we've verified that this is in compliance with data protection. I doubt very much whether there actually was a consultation that happened because those two things are very much in contention.

So if we accept that as a legitimate set of requirements and it turns out they're not constitutional, and the courts have shown they're not constitutional, then we are accepting -- you know, we have done no evaluation of whether the request is legitimate. That's what I'm saying. Same thing goes for the association to the chiefs of police, they have

requests but it doesn't necessarily mean that those requests would stand up in court. Thank you.

PATRICK DODSON:

Thank you, Stephanie, Chris is going to respond to that. And then we have another comment in the queue.

CHRIS DISSPAIN:

So Stephanie, I agree with you, with what -- Is that not working? It's not working. Okay. I agree with what you said in the sense that you've drawn a picture of requests coming from law enforcement that may or may not be legitimate, but I don't agree that it's this review team's job to figure out whether they're legitimate or not. And, in fact, I would argue that what you have just said leads to the inescapable conclusion that we shouldn't even be dealing with this topic at all. B

because if you're right, and in order for us to respond as a review team, we need to ourselves make a call, or a decision, which I don't think we have the skill to do it, as to what is a legitimate request from law enforcement. If that is correct, and I think it probably is, then I would argue that you have to go back to the beginning and say, well in that case the whole bit of this thing is out of scope for us because we just don't have the capability of doing that.

CARLTON SAMUELS:

Thank you, Patrick. Carlton Samuels for the record. I'm going to echo what Chris said just now. I really have -- it's a stretch for this review team to determine what is a legitimate request from law enforcement.

I mean, insofar as that is concerned, and Stephanie that in the idea of the five I's, which in all of the discussions you come away with this idea that the five I's is first among equals and therefore would have greater access to this legitimate. I would reject that totally. I really do not believe that we should go down this road of trying to figure out what is a legitimate need for law enforcement.

In my view, even if they came with a warrant, and everybody has a warrant, they are still going to be questions from around the world as to whether or not that warrant is legitimate because of the court of choice. Maybe not what everybody think is a properly constitute court, or properly constituted legal process. So I really think we should consider this to be our best be out of scope, to tell the truth.

VOLKER GREIMANN:

I think we're probably not that far apart here. I apologize for the use of illegitimate versus legitimate, that was my impose, again, for brevity purposes, I chose those words. What I didn't mean is that we look at what actually is a legal request and what's an illegal request. I just think that we should balance, or in our review at least, make note of conflicting interest of law enforcement, different branches of law enforcement. As in, we should not take just the side of criminal law enforcement when making our review and say, "They asked for this, they asked for this, they asked for this. They're not getting it. So here's our recommendation of how they should be getting it."

We should rather say that this kind of need that have been brought forward, here's the conflict that these needs might come up with from

the different perspective, shine a light on the different perspectives and then say this warrants further investigation. But we should not make that recommendation that one side should be favored over the other or which side is right or which side is wrong. That's not our work, that's not our job. We should just make a note that there is a potential for conflict here and not solve that conflict but rather highlight it.

PATRICK DODSON: Remote participants and then Alan.

ALICE JANSEN: Yes, both of our remote participants wish to provide comments here. We'll start with Thomas Walden.

THOMAS WALDEN: Good morning. I may be new at this, maybe a little bit naïve, but it's my understanding that ultimately law enforcement, be it criminal law enforcement or consumer protection, ultimately their responsibility is to protect the public. And I would think that ICANN and their realm that they oversee is also in the business of protecting the public and their use of the internet.

So I would think there should be some sort of common ground because we're all working toward the same end. Whether you agree with what law enforcement is here to do or not. Of course, I am law enforcement, so I'm going to take that side and speak, kind of, on their behalf. I just wanted to put that out there that, ultimately, we're all of interest of

protecting the public, be it consumer protection or conditional criminal law enforcement.

Also, I guess, the letter of the law, I don't know if it's going to be based upon where the transgression is occurring or where the investigation is occurring. I guess that something that would have to be discussed and decided upon, maybe not by this review team but somewhere within the realm of ICANN. So I just wanted to, kind of, put that out there as a member of law enforcement.

PATRICK DODSON:

Thank you, Thomas. Before Stephanie jumps in, I just want to say something. This is Patrick. Just my process check. It's obvious that this is going to be an area where we're going to spend debate and discussion on it even further and I fear we might be venturing into that right now. And the other note, for those that aren't in the room here, is that Cathrin has stepped out and is not a part of this and I know that she is a material contributor to this topic, in particular.

So what I'd like to propose is if you need to make any statements right now, Stephanie or Alan, please do so, but if you think you can hold until the debate, which we'll come back and revisit this, then we can do that and move to the next readouts. But I don't want to cut you off if you do want to be heard. Alan said he was okay to defer. Stephanie?

STEPHANIE PERRIN:

I just wanted to respond to Carlton on the matter of this whole topic. I think because this precise charge that we measure whether we've met

the legitimate needs of law enforcement, and it comes from the article, we can't avoid this task. We are not to do policy, we are not to decide who's right, the DPAs or the law enforcement agency. That's not our role. Our role is to assess how ICANN has administered this requirement. How it, you know -- It's an effectiveness of the mechanisms taken. And I don't see a problem in doing that. We can measure whether compliance has gone after date-of-protections targets as opposed to other matters that could be measured.

And we can comment on whether the requests that are coming from law enforcement have been effectively back up without commenting on whether they're legitimate. But the problem is, we have been charged with doing something that we're not really empowered to evaluate. Thanks. So we'll -- doubt we'll spend more time on this, I just wanted to say I don't think, as much as I'm sympathetic to Kraut and Fuse, I don't think we can do it.

PATRICK DODSON:

Okay, thank you Stephanie, this is Patrick. I will ask that we would defer to the debate because I know we need bottom out on this and I'd like to make sure that we find out if there are other bigger pieces that we need to tackle as well. If I could ask Lisa then to turn back to the next topic and readout, then we'll continue. And then we'll come back to this one. This one's obviously one where we have misalignment.

LISA PFIFER:

Thank you. So the next scope topic is to assess whether the implementation of the first review team's recommendations - or sorry,

the implementation of the current RDF meets legitimate needs of promoting consumer trust.

The new questions that have been listed on post-it notes here are: Consumer trust and lawful data handling and processing. Who are the consumers? Is there a fool-proof method to ascertain and verify trust? Define legitimate? And can we use the CCT review team definition of consumer trust? And there are no items posted here as out of scope.

PATRICK DODSON:

I'll pause here for any questions for clarification on this topic, for remote as well. I see Stephanie's typing. Alan, please.

ALAN GREENBERG:

Yeah, this is another one that I struggle with because they're really nice sounding words that I have absolutely no idea what it means. And I'm not sure how we decide on whether something is effective at doing something that I don't know what it is. And we can spend a lot of time on it. The words on the chart are: is it in scope?

We had a slight discussion before we started working on the chart that in-scope is one question, whether we do it or not is something else. And given the fact that WHOIS is going to be reconstructed, one way or another, I would think this is an idea I put so low on the priority list. Partially because I don't know what it is, but partially because I'm not sure what we could do even if we find out it's not effective.

PATRICK DODSON: Thank you, Alan. This is Patrick. And prioritization, I think the exercise we have will also help reinforce we need to debate, belabor, and bottom out on it. In the queue, Volker.

VOLKER GREIMANN: Yes, I think one of the issues with this question is that it lays, basically, two little Easter eggs, where the definitions are not quite clear. First, it says, the legitimate needs, that would require again we would have to consider what needs are legitimate and what are illegitimate. That's a question I don't want to answer. I don't think we can come to an answer here. The question in itself is phrased in a way that makes more trouble for us than it's worth.

The second point is the consumer which also lacks definition. Who is the consumer? For me, as a registrar, consumer is the registrant and that's it. For others the consumer is the person that looks at the website, the website that can be reached through the main end that has been registered. So we would have to define who is the consumer here as well. In my view that should be as open a definition as possible to encompass all. Thank you.

PATRICK DODSON: Thank you, Volker. Anybody else, at this point, on this one? Remote? Do you want to speak to that one, Alice?

ALICE JANSEN: Yes, so Stephanie has typed, "Consumers of websites are not within the remit of ICANN, that is content."

PATRICK DODSON: Alan?

ALAN GREENBERG: I'm chair of At-Large at ALAC which represents the interests 3.7 billion users, it is within the remit of ICANN. The content is not, the consumers are, end users are.

CARLTON SAMUELS: It is Carlton for the record. Just working with what Alan said, since I've [inaudible] caucus of the At-Large, the people that we are supposed to represent, end users, are within the remit and it's in the by-laws, and we would be very surprised to hear that we are not covered.

PATRICK DODSON: Volker?

VOLKER GREIMANN: Maybe just in the response, because I see Stephanie's point here, and I partially agree with it, but I don't disagree with your view. Your users that you're representing, I think the use would have to be defined. If it's the use of actually accessing a website and being able to use the internet to get to the content and that use is probably covered by ICANN's remit, but when it comes to the fact of when they're on that website and how they use the website itself that's outside the remit.

CARLTON SAMUELS: And we agree with that 100%. We're not talking about content here, we are talking about the mechanisms and all of the underlying infrastructure that enables access, the DNS. That is definitely within the remit and scope.

PATRICK DODSON: Great. This is Patrick. Any others? Questions? Comments? If they're debates or arguments, we'll hold them until when we come back to the topic. Stephanie, I see that you're typing, but I do want to, in the interest of time, proceed with the next readout from Lisa on the next topic. And we'll make sure, if we need to, we'll capture your comment. Jean-Baptiste? Sorry.

JEAN-BAPTISTE DEROULEZ: I'm sorry, I just wanted to mention that Thomas has his hand raised, but I don't know if it's an old hand or not. I think it's a new hand.

PATRICK DODSON: Thank you. Thomas, if that's new, please come in.

THOMAS WALDEN: Hi, this is Thomas, that was an old hand. Previous comment.

PATRICK DODSON: Okay. Thanks, Thomas. Lisa.

LISA PFIFER:

All right, moving on to the next row in the scope and objectives table is assessing whether the current RDS implementation meet the legitimate needs of safeguarding registrant data. The new questions that are posted on the chart on the wall with post-it notes are: Defining registrants and what safeguards they are entitled to. Referring legal regulations. Data protection laws and regulations. GDPR and PDP looking at short-term and long-term, what is our additional role?

Referring legal right regulations, data protection laws and regulations -- I think that may be a duplicate. And the definition of safeguarding -- Stephanie's comment. Underneath the potentially out of scope column, there's a post-it that says, "Discuss which legal safeguards make sense." In other words, debating whether the legal safeguards should be, in fact, laws in the first place.

PATRICK DODSON:

All right, thank you. Any clarifying questions or comments? Alan?

ALAN GREENBERG:

I think we're again highlighting the fact that we're being asked to perform a task based on a huge number of undefined words and phrases. I, for one, am not going to spend my time debating whether safeguards are legitimate or whether laws are appropriate.

And there are too many laws in the world which conflict with each other for us to get into that. I think this one is, to be blunt, is far too undefined for us to even focus any time on it at all. I really can't see

how we can go through this and come out with anything useful. And that is the purpose that we're here for. Thank you.

PATRICK DODSON: Volker?

VOLKER GREIMANN: That's why I put the legitimacy of the safeguards on the right side of the "should not be discussed" side.

PATRICK DODSON: Okay, great. Lisa we'll go to the next topic.

LISA PFIFER: Okay, jumping to an entirely different subject. The review team shall consider the OECD guidelines on transporter flows of personal data. The additional questions that are posted on the wall are: Being addressed in real time for GDPR and for the long-term by the PDP. Known that current, who is ignores -- I assume that means ignores transporter data flows.

The next question is, what is the value of attempting to address this scope item. And then another question is, OECD guidelines apply to the private sector. The reason to review the by-laws is that they're no longer sufficiently effective as guidance. And then there's nothing in the out of scope column.

PATRICK DODSON: Any clarifying questions or comments on that topic and what's been added? This is Patrick. Nope. Okay. Keep rolling, Lisa.

LISA PFIFER: The next agreed scope topic was assessing the compliance, enforcement, actions, structure, and processes and the availability of transparent enforcement of contractual obligation data. And the additional questions that were posted on this potential scope item was: To evaluate the effectiveness you must understand exactly how the compliance team takes action on reported issues.

Anonymous case studies and statistics. Harmonizing contractual obligations with national laws. Comparing compliance data to other credible sources. How often and how detailed is compliance data gathered, analyzed, and published? And then a potential out of scope comment is reviewing specific cases -- I assume that means specific cases of non-compliance or compliance complaints.

PATRICK DODSON: Thank you, Lisa. Any questions or comments for clarification? Dimitry?

DIMITRY BELYAVSKY: When I suggested the comment about harmonizing, I mean not the country's cases, but no specific cases, but just providing a mechanism of such, criminalization is necessary. Thank you.

PATRICK DODSON: Thank you. Alice?

ALICE JANSEN: Stephanie's in the queue. Stephanie?

STEPHANIE PERRIN: Thanks very much. This is something where I hope we get a really good briefing because it's not clear to me how, given the vast scope of the contract and the RAA, how the compliance department decides what it's going to review in terms of contractual compliance. In other words, how often do they check whether the registrars are indeed providing their registrants all of their rights? Why have the registrants document on rights and responsibilities never achieved the kind of openness that was envisaged in the preparatory work prior to the 2013 RAA?

We never really got a -- the document that I'm -- I'm sorry, I forgot what it was called -- the AUAC worked on it for quite some time, but that charter registrant -- I guess it was called a charter, rights and responsibilities doesn't seem to be there. There are things that I think are glaringly obviously needed from a consumer trust point-of-view, namely knowing who your accredited registrar is as opposed to your reseller. And yet we have very little transparency in terms of where the actual chain-of-custody of my personal information goes, because of that lack of transparency.

So these are things that have never, to the best of my research, been evaluated and yet they are within the remit of the compliance

department. Thank. So I'd like a little clarity on how they chose what they're going to evaluate.

PATRICK DODSON:

Thanks, Stephanie. Any other comments? Alan?

ALAN GREENBERG:

A couple of comments. Compliance is responsible for ensuring the contracts are complied with. If something is not in the contract, that's a different issue. So I think we have to be very careful. There is clearly judgment call involved in a compliance process as to what extent the contractual compliance unit monitors and audits things and to what extent does it respond to complaints. And I think that's the two arms of it that we're looking at. And I don't think it is within our remit to comment on whether the contract it is enforcing are legitimate or complete.

Now, that may fit somewhere else within our mandate, but under compliance, I think all we can do is judge whether they are doing the job as they are mandated to do and no more. Thank you. And that is going to be a big enough job as it is.

PATRICK DODSON:

Thank you, Alan. Any other comments on that topic?

CARLTON SAMUELS:

Yes, Carlton Samuel for the record. It is true what Alan said that the compliant is supposed to look at the contracts and see whether the obligations in contract are adhered to by the contracted parties. If you look, in my view, one of the big open questions is commonality of what enforcement and what compliance means. If you look at the registry agreement, the base registry agreement, there is a whole section, whole specification, concerning safeguards in which they're supposed to -- the registry has obligations to do statistical analysis for DNS Abuse. If you look at the Registrar Accreditation Agreement, RAA 2013, the whole set of obligations there for capturing and reporting abuse.

And if you look at, go back to the base registry agreement, there is an obligation for the registry to have downstream contracts that actually obliges registrars to follow through with some of the specifications to help them fulfill their obligations. So there's a web of connections between the contracts that compels, obliges, all the actors to provide data and information, downstream and upstream. And you hear it time and time again that they are not obliged, we can't force them and all that. I don't know how you can do statistical analysis of DNS abuse.

And I'm the oversight that you are providing statistical analysis. How you can get that data? If you're going to do any kind of statistical analysis you have to know who, what, when, how. Those questions have to be answered for you to do any kind of decent statistical analysis. I mean, as long as I've been working, that's how I understand statistical analysis to be. And I just find that really, it's a stretch, in my opinion, for that argument to consistently arise and be accepted as legitimate.

PATRICK DODSON: Thank you, Carlton. Alan.

ALAN GREENBERG: Thank you. Alan Greenberg speaking. I think we need to be careful going forward that we are talking about contractual compliance from the point of view of WHOIS. There's lots and lots of parts of contractual compliance that are out of scope of this review team and it's tempting to wander into them, but I really think we need to avoid that. And I'll say one other thing that may sound like it's against what I said before, I personally think a good compliance operation should be looking at what other kinds of obligations or rights should they have to make sure that things are done right. Okay?

So there may well be terms in an agreement related to WHOIS or anything else that are not there but compliance should be saying, "You know, we really should have this," and then go through whatever process, be it negotiation or PDP to make sure that they have it in the future so they can do a legitimately good job. That again is out of our scope in my mind. Thank you.

PATRICK DODSON: Thank you, Alan. Remote?

ALICE JANSEN: Yes, we have Stephanie in the queue. Stephanie?

STEPHANIE PERRIN: Yes, hi. I just wanted to clarify for the record that everything I was mentioning is in the RAA. I would agree that there are things in the RAA that don't have much to do with WHOIS, but certainly things like bulk data collection, if it has never been verified by the police department, that has a massive impact if there's wholesale scraping of WHOIS going on. That is not in compliance with the contract.

So these are the things that, I think, it's pretty trivial to determine in-scope, out of scope, depending on whether it's related to WHOIS. Thanks. But in terms of the consumer safeguards, definitely knowing who you're dealing with is within scope. Thanks.

PATRICK DODSON: Thank you, Stephanie. Okay. Lisa, next topic.

LISA PFIFER: The next scope topic is assessing the value and timing of RDAP as a replacement protocol. The two questions that were added to the list are: The value of RDAP without and RDAP policy decision. And we know the desirable attributes, so state these. I'm not sure I understand that second one, whoever posted it.

CARLTON SAMUELS: This is Carlton for the record. I don't think the technical requirements of RDAP is in scope here. I don't think so. We shouldn't go down that rathole. But what I do believe is that what would be important to have

protocol that works for all the agreed requirements. We can state those attributes and I feel that it is perfectly reasonable for us to state them.

PATRICK DODSON: Thank you, Carlton. Alan in the queue.

ALAN GREENBERG: Thank you. I don't understand this one. RDAP is already specified within our contracts as something that I can require be implemented. One can argue with is the timing that ICANN is discussing makes sense in light of other changes, but it's already there. ICANN and its constituent parties have already evaluated that RDAP is suitable for replacing with as it stands today. Whether it's wise or not is a different issue altogether.

Whether RDAP is going to be suitable for the next WHOIS that comes out of the PDP, that will depend on the requirements that come out of that PDP. It may be completely suitable, it may be suitable with modifications, it may be completely unsuitable because the demands are such that it cannot be implemented no matter how much you tweak it. And we will have to request the IATF develop a whole new standard. Good luck to us. I just don't see what we are going to get out of this between things that are already in place today and in contracts today and things that are unknown. I don't see how this is something which we would even want to touch. Thank you.

PATRICK DODSON: Thank you, Alan. Any other comments to this point? Okay. Lisa, next topic.

LISA PFIFER: The next topic is also related to RDAP, it's assessing the current WHOIS protocol for the current purposes. The additional questions that were posted are: What efficient outcomes are we expecting? The IATF already judged the current WHOIS protocol not to be effective in the future. It does not all real data to be entered and thus needed for translation, transliteration -- not sure I understand that one.

PATRICK DODSON: Does not allow.

LISA PFIFER: Does not allow. All right. That helps. And then, how does this differ from the examining the review team one recommendations that were associated with RDAP. And a brief note about non-ASCII email. Those were the comments posted on this one. And then there were a few bullets posted under potentially not in scope, which is: defining purposes, a declaration on the appropriate attributes of a protocol is okay, but technical review of the protocol is not.

PATRICK DODSON: Thank you, Lisa. Any clarifying questions at this point on that topic. Alan?

ALAN GREENBERG: Again, I'll ask the same questions that I led up with earlier. What are we trying to get out, what's the measurable and actionable thing? If what we're going to declare is the current WHOIS protocol is insufficient for today's world, such as non-ASCII addresses, and we know it is insufficient for the tiered access which we believe, suspect might be coming in some future implementation. Our stamp of approval on its inadequacy doesn't make it more inadequate. Why are we going to spend time on it?

PATRICK DODSON: Thank you, Alan.

ALAN GREENBERG: As I said, we can add all the statements we want, and they won't take long to write, but I'm not sure what the merit is.

PATRICK DODSON: Thank you, Alan. We have a remote.

ALICE JANSEN: Stephanie has raised her hand. Stephanie.

PATRICK DODSON: Stephanie, your hand's up, please come in.

STEPHANIE PERRIN:

I think this is a worthwhile thing to spend a moment on. Stephanie Perrin for the record. Because Alan is basically questioning the length of our final report, I think here. Why include something if we're not going to make a concrete recommendation as to how to change it or modify it. That's how I'm reading your objection to commenting on RDAP. Personally, I think it would be useful to comment on this because it appears that the technical community has as much trouble getting its views heard as some of us in civil society feel we have on the data protection.

Because, the fact is, that the contract specs, a protocol that the SSAC said was dead quite a while ago. And yet on the RDF group that both Alan and I suffer through on a weekly basis, we still have to proclaim WHOIS is working just fine and they're horrified at the thought of a full rollout of RDAP, because of course the pieces that have been rolled out are not the ones that give us the tiered access that some of us want and they don't want tiered access.

So I think if this review were to say, look at what RDAP promises and affirm that certain of those promised elements need to be implemented, such as like the non-controversial ones like the [inaudible] is less controversial. It's worthwhile saying that and I don't think it would take us long because I think those are facts that we could easily gather. Thank you.

PATRICK DODSON:

Thanks, Stephanie. Volker and then Alan.

VOLKER GREIMANN: I'm in a bit of a different camp here. I think that promises of a new protocol are nice when these promises can be fulfilled. At this point, RDAP is still missing a lot of policy decisions that really make use of the capabilities of the system. As it stands, it stands to replace one protocol with a different protocol without adding any benefits that can immediately be tapped into. Especially since transportation is an optional field for most contracted parties, so they can choose to do it or not to do it and they would still have to implement RDAP.

I feel we should stay away from making a point on RDAP at this point. Either fault out to the faultable negative and just let it develop as it develops and maybe recommend that RDAPs policy should be developed to make use of its capabilities and then implementation should follow. Not the implementation first and then change it again when policy changes.

PATRICK DODSON: Alan?

ALAN GREENBERG: I think that's what we said on RDAP but this is the next one, on evaluate the current protocol. If you're saying on either of these, there's not a lot of merit in saying anything, I'm agreeing with you 100%.

VOLKER GREIMANN: I'm just saying that they're both connected. I mean, if we're saying that RDAP is the new protocol and the old protocol is bad because it doesn't do this and it doesn't do that. I think these should be looked as two

types of the same point, not as different questions. My view is that we should not recommend one protocol over then other just because it's there and it's technically improved but rather because if it provides benefits. And those benefits would come out of a policy decision.

So our recommendation, if we ever form one, should rather be in the direction of there's a policy work that still needs to be done before this new protocol becomes effective and addressing any inadequacies that the old protocol might have.

ALAN GREENBERG:

To be clear, RDAP is a current protocol according to the contracts, perhaps not quite implemented but it is there in the contract. But without using any of its features that merited the change.

VOLKER GREIMANN:

Then we might have to discuss about what current actually means. Because, in my book, current means, currently implemented ones, not currently foreseen ones.

PATRICK DODSON:

Cathrin, did you have a comment?

CATHRIN BAUER-BULST:

Hi, this is Cathrin for the record. I feel like we've had this discussion now on a number of calls and also -- what we've come back to time and again is that there is a technical level, which are the protocols and then

there's the policy level of what you choose to do with those protocols. I think what Volker was just saying actually illustrates why it might be worth sending a sentence or two on this, in the review team report, because we can say, okay, from the technical level this possible new protocol offers a number of advantages, we cannot yet really assess the full benefit of those because the policy decisions have not been taken.

At least from a technical perspective, it appears RDAP might be able to fulfill a number of the expectations that future policy decisions might want to have fulfilled. And if we don't say anything on this our side, it will also be interpreted somehow. And I would rather have a very short paragraph that says exactly that, and possibly not more, than not to say anything. Because I think the discussion we're now having, is it within scope.

So I would clearly vote for yes, let's have it be in scope, let's spend the 15 minutes, or whatever and feeling like there might be a bit more time on this, let's spend a short amount of time on getting something concise on paper and then lift out with that one.

PATRICK DODSON: Thank you, Cathrin. Alan.

ALAN GREENBERG: Should we note at 11:05 on this meeting, if we look at the transcript, we'll have the exact words to put in the report and call it a done deal.

PATRICK DODSON:

This is Patrick. Yes, except that it's 12:05. So we'll just make sure we have the right timestamp on that. That's great. Real quick, yes, on the time check, we have one topic left to cover. Just to cover on the readout from Lisa and then what I'm going to propose is that the next exercise I'll walk us through is the alignment. I already see where we have the misalignments but this will help us focus on the afternoon session, which I'm going to move into where we have the discussions and debates.

And over the lunchtime, you can do the alignment or you can do it on the way to get some food. But if we just take three minutes right now to cover the last topic then that's a good stopping place for us. To pause. Alignment can be evaluated through the lunch 45 minutes and then we'll pick back up on discussions and debates and talk about how that works within prioritization as well. Okay? Lisa, please, thank you.

LISA PFIFER:

And the last scope topic is assessing the progress made on supporting internationalized domain names, IDMs. The additional post-its, questions that were put on the board here: What part of this is not already implied by internationalization review recommendation? Review recent working group -- actually it says, "W6," is that working group or W6? Review recent results translation, transliteration, etcetera.

Yeah, so that was working group. How does translation and transliteration impact? And does this include translation of RDS data? And nothing within the out of scope column.

PATRICK DODSON: Thank you, Lisa. Any clarifying questions or comments on this topic? Alan?

ALAN GREENBERG: I'm not sure if it's additional or not because I'm a little bit confused. But we do have several recommendations in the current implementation related to both IDM and internationalized registration data. And remember IDM is just the domain names, not the rest of the stuff. And I'm not sure why we need or what we need an additional topic for when there's already several recommendations which are addressing the issue. Clearly if there's something that isn't covered by them, we need to address it, but I'm not sure what that is.

PATRICK DODSON: Okay. Thank you, Alan. Carlton?

CARLTON SAMUELS: Thank you, Patrick. Carlton for the record. This is to Alan, what would you think if looking at this specific one, would be probably the one that is of heightened concern to us, do you think the use of the translation, transliteration elements for the data elements? Okay. I'm not onboard the name, the domain name itself, but the WHOIS record, the piece of the WHOIS record.

Because right now, as we are right now, it doesn't specifically state that the elements, the WHOIS data elements have to be in one form or the other. Doesn't force you to do that at all.

ALAN GREENBERG:

There are several reports that have gone out and are RC supposedly feeding into the PDP that address the translation, transliteration of data elements. And there's still judgment calls to be made. It doesn't make sense to translate or transliterate the domain name itself. Well, obviously, you're not going to use a translation to go into the DNS. Only the real name goes into the DNS. Domain names sometimes have contextual meaning and there may be some value in it, on the hand plenty of domain names are random letters and translating them makes no sense whatsoever.

So there's a lot of details to be worked out, not the least of which is, who's going to pay for it? And do you do transliteration, translation, or both in our case. So lots of questions, but those are all already put on the table. So I'm not sure what's new in this instance. Is what the question I was asking.

CARLTON SAMUELS:

Just want you on the record.

PATRICK DODSON:

Thank you, Alan. Thank you, Carlton. Any other questions or comments? Okay. Great. We're going to break for lunch here in just 30 seconds. Just wanted to make sure that everybody is clear on the next

exercise that I'll ask you to do on your time during the lunch break. Which is, real quick, we just want to get a quantified assessment of where we are on the alignment spectrum on two fronts.

One is, the objective for each of the ten topics as it's written here. How aligned are you? And this is you to think about it as an individual. How are aligned are you with the objective as it's written? With a scale of zero to five. Zero being zero alignment, five, I think we have 100% agreement consensus. And you can read through these. And the remote participants have the same information and we'll transfer their scores to Alice and Jean-Baptiste. And this is, literally, just a check mark with a Sharpie pen. You don't have to put your name against it. We won't record it that way. So that's the first one.

The second one is then with these other points that have now been added to the details of the scope for the discussion, where do you think you are on the completeness and relevancy of the details of the scope. I know that we're going to have a lot of debate and discussion in these areas, that's fine. I'm not going to get surprised, I don't think, on the areas that those will be. Just want to figure out what that looks like and which ones are of a higher priority so that we can tackle them on the discussion and debate. But also, during lunch, we'll talk about prioritization as another mechanism for us to potentially structure the afternoon session. Alan, question.

ALAN GREENBERG:

The last version I looked at, and I haven't done a proofread of what's on the charts, is that many of the objectives still had things in angle

brackets or square brackets or something which were incomplete because of the questions on the left. So I'm not quite sure how we can evaluate whether we agree with the objective when it has a whole bunch of unknowns in it.

PATRICK DODSON:

Yeah, I know there are some and I know that some have also been worked on with some language recently as well. So those ones, I think, are going to be more into the many points left to discuss. The ones, twos, or threes area. Because we don't have that language. And that will be part of the discussion during the afternoon session. See if we can clarify that out. That work? Okay.

Good. So I know we have 45 minutes marked for lunch which will put us right at 1 o'clock, I think. We're right around 12:12 right now, 12:15. So I don't know if anybody who needs to provide any directions on eating. Plates, forks, we have everything. Eating utensils. Great, so we'll do that. And just put your checkmarks along the ten sections throughout the bullets where you think we're at.

ALAN GREENBERG:

Patrick?

PATRICK DODSON:

Yes, Alan?

ALAN GREENBERG: For those whose English is not a native language or perhaps doesn't speak it very well, by aligned, do you mean you agree?

PATRICK DODSON: Yes, alignment is agreement. Yes, sorry. Thank you very much. Good. Lunch break. Or whatever break it is for whatever time zone you're in. Thank you, remote participants.

[END OF TRANSCRIPTION]