

**ICANN
Transcription
RPM-Sub Pro-Council leadership Call
Tuesday, 05 September 2017 at 22:00 UTC**

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Adobe Connect recording: <https://participate.icann.org/p6upmqoxxzr/>

Coordinator: This meeting is now being recorded.

Woman: Please continue.

James Bladel: Okay, thanks. And once again just note that we're being recorded. The record this is James Bladel speaking. We have a number of folks from the leadership the GNSO Council, the leadership of the Subsequent Procedures PDP and the leaders of the Rights Protection Mechanism PDP one thing we refer to as RPM and Sub Pro. We also have a number of folks from ICANN staff.

And our general topic today and then I'll just kind of throw open the floor is that we'd like to understand timelines as they stand today for each of the PDPs in terms of delivering their work particularly those that are creating dependencies in the other PDP. And I think specifically that I think that's right now it's the RPM – I'm sorry the Sub Pro PDP that is awaiting output and work products from the RPM PDP but there may be some examples and instances of where the reverse is true.

I note that we have two phases established for the RPM PDP. One of the ideas that I think we'd like to table is whether or not some of the items currently in Phase 1 could be moved to Phase 2. Mary mentioned that there

was a data-gathering initiative being proposed or discussed in RPM, what's the impact of the timeline going to be for something like that, is that something that can be either done in parallel or can that be even disconnected from the tendencies of Sub Pro and just all these things let's get them on the table. Let's talk about ways that we can streamline these.

I think the concern is that if we had a month or two RPM and that translates into two to four months into Sub Pro and the, you know, the ball bounces back and forth and before you know it we're a year or more off schedule. So I think any and all ideas and brain stores brainstorming about how we can need to move – keep the work moving forward is a welcome kind of contribution to this call. So starting to get a queue now. I'll turn it over to Jeff first. Jeff go ahead.

Jeff Neuman: Yes thanks. I apologize for all the background noise too. So can you guys hear me? All right assuming you can, good. One of the ideas that we had come up with was potentially seeing if the RPM group was amenable to moving the URS into Phase 2 along with the UDRP since they're closely related and that by the time that any URS is needed, you know, you're talking way after around launches, you're talking not so delegation of new TLDs.

So hopefully by that point in time either you'll be done with recommending changes to the URS and the UDRP or even just the URS. But it just seems like if we have to wait for the URS to be done and talked about especially given its relationship with the UDRPs that that will delay us considerably for subsequent procedures. But that was one idea I kind of wanted to throw out there.

James Bladel: Thanks Jeff. And then just to be clear that was taking URS out of Phase 1 moving it to Phase 2 so that...

Jeff Neuman: Yes, sorry.

James Bladel: ...URS would essentially only be trademark clearinghouse right would be left in?

Jeff Neuman: Well trademark clearinghouse, sunrise trademark claims PDP RP and that stuff yes.

James Bladel: Okay, thanks for clarifying and setting me straight. Okay Phil you had your hand up. Go ahead.

Phil Corwin: Yes thanks James, Phil for the record. I'm speaking personally now. We haven't – I haven't – we haven't discussed these issues with among the co-chairs so I'll let J. Scott and Kathy speak for themselves. Well let me say a few things here.

Number one the new TLD program was unfortunately designed without any data collection built into it. I don't know if there was a thought that – you know, I forget that the - when it became clear that a review of both the procedures and the RPMs would be required before a second round or open – an opening of the window permanently. But clearly when the program was designed a lot of things that could've been built in at the start that would have considerably eased the efforts of our working group were not built-in and therefore we're kind of operating in the dark. We're being asked to make decisions about whether things are working properly, whether changes have to be made without much to go on.

And we don't want to – second staff has brought to our attention that there are now requirements for working groups to base their policy recommendations in data for the maximum extent possible. So as a result of that we are – the co-chairs are working with policy staff to put together a proposal that we will file by the 10th or just hopefully for discussion within counsel on the 20th for to describe the surveys we're requesting, the data we expect in the yield on the funding we will – that would be required for them.

But in a note from Mary this afternoon I think it's very realistic when you put together a time to get the funding, get the experts to help design the survey, conduct the survey and analyze the data all of that's not done till end of first quarter next year. That doesn't mean we're not doing other things while that's going on. But between the lack of data and the requirements to base recommendations upon data that's the box we're in.

Third, so as far as URS I'll say two things on that. One that would – I don't know the procedure for changing the charter but our charter currently requires us in Phase 1 to address all the new TLD RPMs. So I'm not prepared since this is a new thought just put out there by Jeff to even opine on whether I've, you know, what I think on the substance. But procedurally my understanding is that we would need to change the charter to move the URS into Phase 2 if that became advisable. And I'm not sure that needs to be done to stay on a reasonable timeline because we could be doing other things while these surveys are conducted.

But as I understand we would need a consensus of the working group to go back to council and ask for our charter to be altered. And I have no idea what the overall consensus would be within the working group members if we put that on the table. So I'll stop there. That's quite a bit and happy to continue to join in the conversation as we go along. Thank you.

James Bladel: Thanks Phil. James speaking again. Quick question just for my sake. When we say that - I'm just trying to understand, you know, what the critical path looks like for the RPM Sub Pro. When you say that, you know, collecting data, getting funding, getting the funding approved, analyzing the data could take from now until, you know, it's starting to sound like six months let's say, two quarters, Q4 and Q1. Does that add an equivalent amount to the tale of the timeline that we've understood so far or other sorts of workstreams can proceed while that is occurring because I think, you know, that's the part that gets folks I think causes concern is when we start talking about, you know, a potential six month delay.

Phil Corwin: Yes, you know, that's something we haven't addressed yet. We just got this memo from Mary this afternoon. It matches with my own thinking. You know, once I became aware of this data collection necessity and we started to – the co-chairs started to review the breadth of the different data that would need to be collected. And the first question I raised in response to Mary a little while ago was while we're waiting for those surveys to come back what can we be doing on the URS and other things to minimize the delay caused by the need to collect more data? But I don't have a good answer for you yet. I'll look to my co-chairs and staff to add thoughts on that.

James Bladel: Thanks Phil, appreciate the context there. Heather's up and next and meanwhile staff has loaded the timeline, I believe it's the timeline for RPMs we're looking at. So Heather you're up.

Heather Forrest: Thanks James very much, Heather Forrest. Phil has in part answered my question. I think it would be helpful to have a bit of specificity and then I take Phil's response to staff to say, you know, they haven't yet got that specificity in terms of what can be done while the data request is happening. But it's not clear to me let's say there seems to be a disconnect to Mary's response in the chat and Phil's response about timeline. It seems to me that Phase 1 and Phase 2 are pushed out by this – by the data request irrespective of whether we move the URS into Phase 2.

What is it about the data request that impacts both phases I guess is my question? You know, specifically what data points are we looking for that impact both phases as they stand now is my question? Thanks James.

James Bladel: Thanks Heather. Before we go to Jeff do any of the RPM chairs or Mary want to take a swing at that at (unintelligible)? Yes Mary go ahead.

Mary Wong: Thanks James. Thanks Heather. I was just going to type in the chat but it might be faster to speak up. Heather just to be clear the data collection that

the RPM group is talking about now is really just for sunrise and claims. So while there's some URS stuff built into that I would say - and I'm happy to be corrected by my chairs on the call that most of the data collection tasks that have been identified so far really are very directly focused on sunrise and on claims. And so hence to your question about impact on timeline it means that it would push out a completion of the initial review of both of these RPMs and we're not even talking about URS. And I - if my co-chairs would like me to I would be happy to upload a list of those (unintelligible) that will be helpful as well. Thank you.

Kathy Kleiman: Hi James and all. This is Kathy. I'm not in the Adobe Connect room.

James Bladel: Okay thanks Kathy. I'll put my hand up and hold your place.

((Crosstalk))

James Bladel: I have Jeff and Susan. Jeff Go ahead.

Jeff Neuman: Yes thanks. But here's my - and I think it's in the chat but bring it up with Kathy and for everyone else. But the issue is we need to think about not just finishing the, you know, getting a final report of the PDP as being completion right? We need to think about the steps beyond that.

And so once the RPM group has its final report that gets forwarded to the subsequent procedures PDP according to the charter for us to consider all the tangentials that may be implicated not to redo anything but to like fill in any holes if there are any. At that point it then goes to the council for approval. The council may or may not push that out for public comment but we know that council takes at least three to six months to approve anything and that's if it's not even very controversial. And that's not saying anything bad about the council. So you're talking to another three to six months after, you know, now it's 2019, mid 2019. Then you have to go to the board.

The board then puts it out for a 42 date – at least a 42 day public comment period. And again that's if everything gets accepted on the first go around and that there's no revisions and nobody – everyone's happy with it which of course it's unlikely but let's assume that. So now you're talking about the end of 2019. And let's say the board does approve it at the end of 2019 now you're talking about 2020 being the start of implementation work and inclusion into an applicant guidebook.

We're just, you know, I really think that we need to not just map up to a final report but we need to take all the steps forward to set realistic expectations with the community is to when things are going to - by its earlier start. And the reason I bring it up is the registries have a letter from the board after September 2018. Obviously that's not even close to being possible but, you know, I think there are still some expectations of 2019, 2020. So we really need to go through the entire timeline and set realistic expectations -- whatever it ends up being. Thanks.

James Bladel: Thanks Jeff and good, you know, a good overview of the dominoes that all have to fall in order not just as part of the PDP process but once it's concluded as well. And I think that's the theme of this call is that this work is feeding other efforts that are dependent on that. Susan you're up next. Go ahead.

Susan: Yes thanks. I respond to something that Heather asked and then was doing in the chat about the data collection and the impacts and on the pushing out of the timeline and whether it is only sort of is directly impacting on Phase 2 if you like. And I just wanted to flag as Mary said the data collection exercise people we've got at the moment is – have not dealt with the URS yet.

Almost certainly when we come onto looking at the URS it's almost certainly going to be data that we will decide we need to gather just as there would be for the UDRP I would imagine. But I think the Phase 1 Phase 2 thing in terms of what's currently in Phase 2 I mean we don't have a timeline for Phase 2

and Phase 2 was not envisaged to be something that needed to feed into subsequent procedures. So I - the timeline doesn't impact on Phase 2 directly if I making any sense. But obviously you know Phase 2 doesn't have a timeline set out yet that all.

But when we get to Phase 2 almost certainly there will be data that needs to be gathered for Phase 2. And that will take as long or short a time as it takes. But the data requirements or the data-gathering that we're talking about at the moment is only Phase 1 data gathering and actually only taught us Phase 1 and there will be more that we'll need to do and it will push the timeline.

James Bladel: Okay thank you Susan noting that Phase 2 doesn't – is not created dependency or sub pro. Next up is I hand up my hand up for Kathy. Kathy are you still on the line? If so go ahead.

Kathy Kleiman: Yes, yes of course. Thanks James. And I have to say there's a lot to think about on this call and it's not the conversation I thought we'd be having. So I just wanted to share some of the thoughts, you know, support some of the things that Phil said in that we're learning a lot in the RPM side about how long the data-gathering's going to take. And at least I'm just hearing Jeff Neuman's proposal for the first time about pushing the URS to Phase 2.

Like Phil I figured during our down time on the data-gathering for the sunrise period in trademark claims on additional marketplace protections we would probably – and we hadn't really fleshed this out but we had talked about it briefly, we would probably be moving on to the URS. And probably some of the scoping and data-gathering discussions would fit very well in the downtime that we're going to have for, you know, the trademark claims and related areas, you know, issues. So I can't imagine what we would do to fill that time if we moved the URS into Phase 2.

This is a whole new kind of thing to think about. So I'm wondering whether there'd be a more productive discussion on some if this these very, very

constructive ideas and questions James that Heather is asking and Jeff is proposing come through and we could think about it and prepare a more coherent response perhaps in light of some of the data-gathering and information that we're getting from Mary and others on ICANN staff. I think we've got a better answer. Thanks.

James Bladel: Thanks Kathy. So just taking your comment to heart Mary before I go to J Scott I have a question for Phil or – no I'm sorry for Jeff and Avri. If RPM is Phase 1 is delayed let's say four to six months does that leave a void in your project timeline being, you know, does that mean that there's not sufficient, you know, sufficient to work for sub pro to proceed or to fill that gap or is it like what Kathy was saying you're sitting around and waiting for some other process to complete?

Jeff Neuman: Well I would not – this is Jeff. I think the way I would answer that is I would likely propose that we would continue with doing our preliminary reports public comment period final report on the timeline that we had set and then almost start like a phase – a separate phase incorporate the RPMs when that finally comes along. Unfortunately it would divide our work to a different phase. But we wouldn't just let it cause a void. We would still want to move forward with everything else.

I mean there's a ton to do and a chunk to move implementation that don't involve RPMs at all. You know, to the extent that we can move forward with those aspects because that would be my proposal. But that hasn't really been discussed with Avri or the group yet. That's just off the top of my head.

James Bladel: Thanks Jeff. And just for the record we're all kind of shooting off the top of our heads. That's the only way we can probably be effective at all today so thank you for the clarification. J. Scott you're up.

J. Scott Evans: Yes this is J. Scott for the record. I, you know, I just want to say that first of all I don't know what timeline there is here other than an iterative process that

we've been going through and as we've learned new things it's changed our timeline which has always been sort of fluid because we're trying to do good work. We were not told that there was going to be, you know, a second round that had to be about X date and therefore works needs to be done by X date. What we were told is that our work had to be thorough and databased.

And so as we've gone through this process and learned new things and found new things we've had to adjust that timeline working with Mary and staff trying to keep us honest about what's realistic. And, you know, so often in ICANN land we rush the work and then there's a ton of Monday morning quarterbacking going on because it gets rust. We're trying to be as thorough as we can and do the best we can with what we have. And what we found is some of this information isn't available readily and we're going to have to ask for it. And as Jeff noticed in the chat he doesn't believe even if we ask for it we'll get it but we certainly have to ask for it.

So I keep hearing people saying well you're delayed and you're behind. We're just adapting a timeline that has changed due to the requirements of the work. We were never told that there was a specific deliverable that had to meet a certain date. We were just told to do good work to make it databased.

James Bladel: Thanks J. Scott. And I think the question here is not, you know, to hold anybody's feet to the fire but just a note that when a timeline changes significantly let's say compared to the last update that we received at Johannesburg and then that's magnified their dependent timeline so we're just trying to get an understanding of, you know, why it's happening, what the root cause is and what, you know, what we can do to either streamline it as much as possible or to reduce the dependencies I think is – and that's why we're having the call. I had – I thought I had some more folks but Jeff you're back in the queue. Go ahead.

Jeff Neuman: Yes so I think – and I agree with J. Scott. We want to do good work and that's not – I don't think that's – it's not intended to rush people. I guess the issue

really is that existing GNSO policy says that we will – there'll be a predictable process for the introduction of new gTLDs on a continuous basis. And the last round started in 2012 with a note in the guidebook that says that the round out for that would started in 2013 essentially. Obviously that was not very realistic and but we are, you know, 2017 and 2018 fairly soon.

We do have an obligation to the community to let the community know what the timeline for new TLDs will be to comply with already existing policy. And so I think that we need to weigh the pros and cons and then say, "Well look if it's going to take us longer to do the work on RPMs then, you know, we shouldn't hold up the next round necessarily." And again I'm not trying to advocate here. I'm just trying to like, you know, someone who's come from the registry community, read the letter from the registries and maybe Donna you're more – you're better at advocating this point.

But, you know, to the extent that the council has created dependencies or in our mind there are dependencies we need to get those out on the table and make sure that the community's clear as to where we're heading. And if that means that, you know, we need to delay the timelines and let everyone know that means well that's what we have to do. But I want to set realistic expectations. Thanks.

James Bladel: Thanks Jeff. And I agree with you and I agree with J. Scott. You know, I don't think anyone on the call today is advocating that we cut corners or rush the work at the expense of the quality of the output. I think we're just trying to strike that balance between those two aspects of the ICANN (unintelligible). But, you know. things take forever and they're also never done. It – and both of those statements could be true that they don't seem to be exclusive.

But I mean I think from where, you know, Donna and Heather and I like I had to check with them -- I hope I'm speaking to their thoughts -- is that, you know, to manage the process, you know, we have other issues that I think might potentially be fodder for future PDPs. You know, we're being asked by

staff to weigh in as a community as part of the empowered community now on budget and all of those things are driven by the timeline. So it is that kind of thing where we want to afford as much time as necessary but not so much that the timeline starts to look like a wish lists rather than something that we can plan against. Okay so well I must have said something wrong because now we have a heck of a queue starting with Phil. Go ahead Phil.

Phil Corwin: Thanks James. Let me speak to a couple of points here. One council the end of this week we're going to be submitting a proposal to council for assistance, professional assistance to design these surveys. Council had the opportunity to look at it and decide whether it thinks any of it is unnecessary.

But as I said we – the timeline we provided was a very good faith timeline at the time it was submitted. It's only since we submitted it that we've become after setting up sub teams of multi-stakeholder members to tell us what data would be needed to make sound policy projections and identifying what was available which was not much and what might be developed that we understood the breadth of the project before us.

The co-chairs are not in any way happy about the situation but we have a charge to do a thorough job. And council will soon have the information to see what we're proposing. And if council think's some of it is unnecessary we can factor that in.

I would say one thing in regard to the wants of the second – and this I'm putting my BC hat on here. I can tell you that for the BC at least and but I don't think this would be a different position within the IPC so I'm not speaking for them. The BC is very firmly of the conviction that a second round should not proceed until the new TLD RPMs have been thoroughly reviewed and if necessary adjusted. So I don't see my constituency changing its mind because completing the task might delay the launch of a future round. And I thought it's let's be frank let's get on the record now. Thank you.

James Bladel: Thanks Phil. Avri go ahead.

Avri Doria: Okay thanks. And I'm afraid what I'm going to say sort of runs counter to the last part of what Phil said but it's not intentional. In looking at the construction of the problem I see three elements that sort of need to be taken into account. One is that within the Sub Pro there's been a notion all along that if consensus can't be found on changes one continues with what existed previously.

There's another notion something that we haven't done any work on yet what but the idea that we should never have one of these halts in the process again but the kind that we have to start learning to behave like engineers in terms of, you know, future jobs of the AGB for continuing application procedures and things that are ready to go in at various change points. And as we haven't figured out yet how we're going to do continuing policy changes on the new gTLD policy.

The other thing that the Sub Pro is constructed is things like RPM are really segmented out and should almost be able to be slipped in at a later time if we can't reach consensus. Now I know Phil just said but the BC would be against that so I apologize in terms of that but that is one of the mechanisms that are sort of part of Sub Pro. So in terms of the timeline those are the kinds of things you can play with and in terms of filling things in later when there is consensus, the continuous change, et cetera. Thanks.

James Bladel: Thanks Avri next up is...

Donna Austin: Are you with us James or did we lose you?

James Bladel: Sorry can you hear me now?

Donna Austin: Yes.

James Bladel: Okay, go ahead Donna. I just called your name but I must not have hit the mute to - appropriately. Go ahead.

Donna Austin: Yes thanks James. I guess I'd like to understand so, you know, this group has been motoring along for 18 months now and obviously there must be a, you know, a pretty good pattern going with the way that you're doing your work. I don't know that working harder and faster is going to get us any closer to, you know, wrapping this stuff up quicker because it seems that we're going to have to take a significant chunk of time out for to get this done our analysis.

And Phil I'm a little bit concerned that, you know, we have to get this to a third-party and they have to develop the questions. And then, you know, that's - it's a long lead time to get to actually doing the survey and then whatever the results come back and then do that analysis. I have some sympathy for where, you know, Avri suggested in the chat can we – is it absolutely necessary that RPMs have to change to move on to the next round. And Phil I take your points that, you know, there are elements in the community that want a thorough review before we moved to the next round so that's a problem.

But my concern here is that we also have this you hear it every now and then that, you know, people are delaying intentionally. And we need to be careful of that. And I think to James's point early on that there's a perception problem here that the way that we want to hold this model up is though the one, you know, to get work done according to the multi-stakeholder model and this is the way to run things. But the delays here in the - really run counter to this being a good model.

And I'm concerned that we're struggling a little bit under the weighted numbers that we have in working groups. And I know that you guys have experienced new people coming in. So I just wonder whether there's – we need to find a solution to this because it's not looking – it doesn't look good

for council. It doesn't look good for ICANN but we need – we probably need to continue this conversation a little bit more but we need to have a really solid path forward so that we understand exactly where the timelines are going to line up and how we're going to kind of mitigate against the risks that I think we're getting into.

You know, Jeff said that I'm a strong advocate for getting to the next round and I am. I mean it's part of Nuestar's for obvious reasons we want to see a next round sooner rather than later but, you know, 2012 was when we had the last one. If we're looking at 2020 that's eight years. There's an eight year gap so we need to try to manage that a bit better.

So I just wonder if moving forward I think we understand what the problems we have but we need to I think document the path and then stick to the path and get to, you know, complete the work that we - with these surveys as quickly as possible. So to the extent that we can, you know, butt our heads together and document the process moving forward and agree to the timelines that are set in that then I think we're just going to have to, you know, do that as a matter of expediency. Otherwise we're going to be spinning our wheels trying to work out how not to have more delays when in the actual fact what we're doing is delaying. Thanks.

James Bladel: Thank you Donna. Next up is Susan.

Kathy Kleiman: And James may I join the queue, this is Kathy, thanks.

James Bladel: We've got you in the queue Kathy. Go ahead Susan.

Susan: Thanks James. And I'm going to apologize at the outset if I'm speaking out of turn. I'm one of the liaisons between these two PDPs but that's never really had any formal status and so I haven't, you know, I don't participate in the leadership meetings of either of the PDPs. And consequently I'm kind of a bit uncertain about what my role is and what I'm - what I ought to say and what I

shouldn't. And certainly I'm, you know, I wouldn't – I don't want – I apologize if I'm saying anything now which the leadership advisor of PDP would be unhappy about.

But I just wanted to comment on the point that Avri made about the process that's being adopted in Sub Pro about the sort of, you know, sticking with the status quo unless there is a consensus for a change. And I would say in the RPM it's that similar concept is frequently expressed but I wouldn't say that everyone in the working group accepts that, that is the position for the working group even though as I say it's frequently expressed.

And I think if we were all actually following that concept and that notion we I believe my view is and I think others would agree with me that we could all say now that on many of the issues that we're talking about and that we're seeking data on we will never get any consensus for a change and so we could be going forward with something that is the same as it is now, now because there is no prospect given the makeup of the group and the very interesting positions that are expressed of us ever getting that kind of consensus for change. There are some improvements and tweaks and changes that I think many people have expressed a desire to work on but whatever - whenever there's a suggestion that we focus on those things that we effectively all have an agreement need fixing then someone will immediately pipe up and say it's too soon and we're trying to rush the process and we're trying to stifle discussion.

So I think it's a very, very challenging PDP. And as I say I think if we were genuinely following the if we can't reach consensus on a change we continue with what we've got then we could go forward now because we know what we can change and we know what we can't. And it doesn't matter how much data we try and collect which we won't get. We won't get consensus. Sorry for being really frank and as I say I'm apologize here if I'm speaking out of turn.

James Bladel: So thank you Susan. First off no apologies necessary. I think you've laid bare that core of the problem which is that on some issues maybe around the margins you can, you know, come closer together different divergent positions can come closer together. But if there are some issues were no amount of time, no amount of work will achieve consensus and there's no agreement on what that lack of consensus means for the work product I think honestly I think everything, else data collection and everything else, needs to come to a screeching halt until those two questions are answered. That's just me speaking personally.

But I feel like, you know, I think those – everybody has to be on the same page with regards to those two, you know, almost foundational existential questions for the work because otherwise, you know, it's not – I guess I'm seeing, you know, the fast forward six months from now where we have this pile of data then that lack of consensus shifts from the data collection to the data analysis. You know, now we have the data, what does it mean, what's it telling us, does it answer any of our questions, does it change anyone's position?

So I think you kind of laid it bare for us and I think that I would ask the leaders of both PDPs, RPMs in particular but also Sub Pro to take that to heart and say for each new project that we're undertaking, you know, can you hold them up to those two questions that were raised by Susan which is, you know, are there - is there a hope of a consensus with additional work, additional data, additional input and is it clear to all members what lack of consensus means? Is that support for the status quo or does that mean you keep at it? I think those are important. Thank you Susan. Phil you're up next.

Phil Corwin: Yes James wasn't Kathy waiting to speak? I don't want to jump in line ahead of her.

Kathy Kleiman: Phil go ahead. I'd be happy to follow.

Phil Corwin: Okay, yes a couple of quick comments then. Thank you Kathy. Number one I have seen no evidence that any member of the working group is trying to engage in delay for the sake of delay. And I can tell you that the co-chairs would much rather that this job be done sooner rather than later.

Second the question was Donna asked the question I mean the discussion of the working group, the value of this data collection this – these recommendations for data collection come out of the sub team's form to identify what data was available to help answer the questions we're required to answer in our charter and where such data was not available to recommend where, how it might be collected. So this is all consensus views developed by sub teams of the working group.

Third I'm not ready to concede that we're not going to reach consensus within our working group. I think it's rushing the question to ask people to make decisions on whether certain things should change before there's data on which to base those decisions. Fourth where the co-chairs have been told by policy staff that under recent changes we are now required whenever possible to base working group decisions on data. So if council wants to reconsider that directive and rescind it we'd be in a different situation. But I don't think it's fair to say you must now develop data on which to base policy recommendations and then to be criticized for developing a survey proposals for generating that data.

And finally again we – the co-chairs we've been busy working with staff to prepare this request to council to support these surveys to collect the data. But again moving the URS into Phase 2 may not help at all because I actually believe that -- and we need to discuss this among the co-chairs with staff -- while we're delaying final decisions on trademark claims and sunrise registrations waiting for this data to come back we can be working on URS.

So pushing URS to Phase 2 might just mean that we parse the working group and do nothing for several months when we could be working on the URS

which I don't believe is going to require the same kind of – where a lot of the data in terms of number of decisions, which providers made them, which way they went -- all of that -- that kind of data is already readily available.

We're going to need some qualitative analysis of the URS but that can be done while we're waiting for this – these surveys to be completed. So I said a lot there and now I defer to my co-chair Kathy. Thank you.

James Bladel: Thanks Phil and just to be clear please don't accept this as a or interpret this as a criticism of the request for data. I think we're just trying to because particularly leadership because it's a new request or at least maybe something I didn't appreciate when I first heard it just trying to get an understanding of the impact that that's going to have on the timeline and then what the subsequent follow-on impact will be for Sub Pro. So that's, you know, not intended to be a contradictory request versus the idea that data should fuel policy development efforts. I'm holding a place now for Kathy. So Kathy you're up.

Kathy Kleiman: Thanks James and appreciate you doing that. Were I online I would say plus one to what Phil has said and also what J. Scott has said. I think we're trying to equate the way two working groups operate. And I think they've developed different types of operations certainly different types of assumptions. We are – we have taken very seriously in the RPM WT our job to review policies that were developed in some cases very quickly and to try to understand what the impact has been. No one's looked at the sunrise period. No one's looked at trademark claims.

You know, we were asked, you know, pages of questions by the GNSO Council and we've taken these questions very seriously. And sub teams as you see and have worked very hard to try to figure out what we need in order to be able to evaluate and answer these questions.

I followed the Sub Pro working group a little bit on an invitation from Jeff Neuman. I came onto Sub Team 2 and just kind of by way of the difference I came on for a discussion of an issue that I have been involved with in its first round. And we – the sub team that I was working with, you know, on that - those Thursday afternoons -- and now we're in the Sub Pro working group -- laid out a lot of data that we would need to answer the questions that were being raised about the issue. And so I followed the discussion for a few weeks and participated actively and then came on at one point and they had moved on to the next issue. And I hadn't realized that you stuck to the calendar regardless of whether you'd finished.

And none of the data had come back. None of the answers to the questions had come back. And in fact I hadn't even understood if there was a process for getting that data back. And I certainly still don't understand when that data is coming back and how it will be evaluated by the Sub Team because they moved on to other issues. We do things a little differently in RPMs. We do ask the questions. We do go after the data. We do bring it back. And it's – and then people are involved in the discussion.

And so it's a different approach perhaps but it's one that has the consensus of our working group. It's one that people have really become very involved with from all stakeholder groups that participate and all of the groups the participate and really defining what we need, what we want, what the questions are and how we want to answer them and then we debate very vigorously. But it is a data based process and, you know, I think there's a lot of good faith going on.

And I think there's - you asked us to do a, you know, a solid review. And we're trying to do it but it is very time-consuming and it's time-consuming for people who are doing this as volunteers. Thanks.

James Bladel: Okay thank you Kathy. We have Donna, Avri, and Jeff in the queue. We have about six minutes left in our allocated time so I'm going to close the queue

from here and we'll see if we can bring this one in for a landing and come away with some concrete actions. So go ahead Donna you're up.

Donna Austin: Thanks James. I just want to go back to something that Phil said and a suggestion to move forward with URS. And I don't want our current purchase of the RPM PDP to take this as a, you know, as a slight in any way at all but I wonder if just from a pragmatic perspective if, you know, this survey's going to lead to a hiatus of the work that is currently going on perhaps it might be worthwhile to, you know, to start the work on URS but perhaps do it with different working group chairs because then, you know, you can – so you can start the URS work and then when the other work picks back up again when you get the results of the survey then you more or less you're not going to be disjointed. So you still have, you know, separate chairs for the URS work and the current work that you're doing so that in, you know, at the time when you are running the two tracks potentially in parallel you're not going to have pre competing priorities. You still should be able to manage that work reasonably smoothly moving forward. So that's just a suggestion James. Thanks.

James Bladel: Thanks Donna, Avri you're up next.

Avri Doria: Yes hi, a couple of things. One Donna said much of what I was going to say on one of the things which is yes we do, you know, have a different process at the two PDPs and basically we do use a cycling through process that every subject is getting at least hit three times in the cycle and people go away saying find data whatever it is that needs to be done -- different for each one of the subjects.

But I think that the fact that we do have different processes, different ways of consensus-based bottom-up ways of finding our answers is one of the things that points stronger towards a modular type of schedule that allows certain things to get into the next cycle of new gTLD applications and then there'll be other things that get in the cycle that comes later and sort of thinking of it as versioning the policies here.

I think, you know, in the Sub Pro it has been reviewing every single issue than anyone thought of. We had a working group before this or some such thing that came up with a very long document of what everything people wanted to have reviewed. So we're certainly doing that. There will be things in Sub Pro that I don't believe will reach consensus but that doesn't necessarily mean that those subjects will be done for all time. Some of them may revolve, you know, involve more work at later dates. And we as I said we have said we need to constantly changing process. So I would just sort of say that the difference in the way we're working may indeed be a good reason to look at the modular approach.. Thanks.

James Bladel: Thanks Avri. And to my ears it sounds like you're making a case for agile policy development which I'm totally behind but we would have to invent that and probably not in the next two minutes. But I'm in agreement. Jeff go ahead.

Jeff Neuman: Yes Avri took most of what I was going to say. The only thing I will add just for anyone who listens to the recording, you know, it's Kathy you almost made it sound like we don't do our diligence on this collecting data. Not true. We just do it kind of on a rolling basis because there are 100 different - so we've broken everything up into 100 different topics.

We didn't, you know, we knew the subject areas. We didn't rewrite any questions because we knew going in what exactly our job was. And even if the council or in the charter didn't state the questions very well we quickly came to an agreement as to what they were trying to solicit and move forward. I just think, you know, you're right there's definitely two different ways to do things but again there is existing policy, GNSO policies that there will be new gTLDs in a predict - introduced in a predictable continuous -- whatever the words are manner. And we're not following that policy.

So we need to either set (unintelligible) which is we're going to wait till this is completely done or we need to continue with existing policy. But either way our community needs to know where we're headed. And I think that action item is for Abu Dhabi to make sure we're, all the leaders are on the same page as to timelines and where we're going. So I think that's what we should shoot for. Thanks.

Kathy Kleiman: And James may I respond briefly?

James Bladel: Briefly Kathy because we're running out of time.

Kathy Kleiman: We're at time, we're at time. I agree we do all need to be on the same page instead of timelines. And Jeff I apologize if it sounded like a criticism. It was more commentary that we have very different ways of doing things. And you have this enormous breadth. And we in a lot of ways have this enormous depth.

And so just different ways. So policies if it was critical just that I found it a very, very different approach. Thanks.

James Bladel: Okay, thanks everyone. And that takes us to the top of the hour and the end of the queue. So let me see if I can boil down a couple of points here. First off is that we are waiting the data request on council for our discussion in our next meeting on 20th of September. So I would encourage everyone to make sure you make the document cutoff on the 10th of September which is Sunday. So please be mindful that that is the deadline. Otherwise it's just going to be deferred into October and that's an additional delay. So make sure that as you are constructing that request, that document, that proposal that the data set is essential and not including anything that you might in your judgment or discretion believe falls into the category of a wish list versus those things that are absolutely critical to keeping work moving forward.

Donna had a suggestion about either moving URS to Phase 2 or parallelizing it with a separate effort with different leadership that could focus specifically on that and then Jeff mentioned that this group needs to continue its discussions particularly as we get into the run up to Abu Dhabi to make sure that we're all on the same page. And particularly if - when we get to the part of our traditional agenda for an ICANN meeting where we all sit around and talk about timelines. I think just, you know, heads up. The council leadership and the leaders of the other PDPs and the council and the broader community are going to be putting these timelines under a microscope just because of all of the dependencies that will flow through on these. So we need to understand the impact of all these changes.

I'm sure I've left about 20 things off the table in terms of action items including some of Avri's thoughtful suggestions about how we can just, you know, take a more iterative developmental approach to PDP' in general which I agree with but I don't even know where to start to implement something like that. But I think that's something that we can take under consideration as well.

So that's what I have. It's two minutes past the hour. Thanks everyone for your patience and for setting aside the time and certainly grateful to those who've already had to drop. We can continue this and it certainly if you think there are other things that come up later don't hesitate to send them around.

Thank you and I may work with staff to set up a coordination mailing list just for this group even if it's only an interim list. But we can stop the recording. Thanks.

Man: Thanks, James.

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