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CLAUDIA RUIZ:

We will now begin the official recording of this call. Good morning, good afternoon, and good evening, everyone. Welcome to the At-Large Consolidated Policy Working Group call on Wednesday the 31st of October, 2018 at 20:00 UTC. On the call today we have Olivier Crépin-Leblond, Olivier Crépin-Leblond, Sebastien Bachollet, Cheryl Langdon-Orr, Holly Raiche, Rainer Rodewald, Maria Korniiets, Kaili Kan, Alfredo Calderon, Christopher Wilkinson, Gordon Chillcott, Jonathan Zuck, Tijani Ben Jemaa, Marita Moll, Alan Greenberg, Hadia Elminiawi, and Krirstin.

We have received apologies from Maureen Hilyard, Sergio Salinas Porto, Justine Chew, Baastian Gosling, and Carlton Samuels. From staff we have Evin Erdogdu and myself, Claudia Ruiz on call management. Before we begin, I would like to -- and Heidi Ullrich just joined -- and before we begin, I would like to remind everyone to please state your name before speaking for the transcription purposes. And with this, I hand it over to you, Olivier, thank you.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much. It's Olivier Crépin-Leblond speaking, we seem to have just separated from each other last week, a few days ago, and yet we're back together again for this wonderful new call for the Consolidated Policy Working Group. On today's call, we'll have our usual agenda items. The update from the PDP from At-Large. A number of things have happened this week and in the last few moments of the ICANN meeting in Barcelona, so we'll have an update on that. Then we'll have a conceptual view of the temp spec EPDP in the unified

access model. We have a guest today that will join us, Steve DelBiano, with a graphic overview of this.

If you don't have access to a computer, please try and do so because it's all going to be visual there. And after that, if we have time -- and this is really as an update -- the community feedback on the proposed unified access model will be discussed. Greg said he had a few more things to share with us. Finally, we have policy common updates on assigning penholders for the common updates that. Those have been updated. Any other business, and then I think, for the next meeting afterwards. Do we have any changes to the agenda or amendments for the current agenda as it is? Yes, please, go ahead.

JONATHAN ZUCK: We're going to get a quick update from Holly on a call from the WHOIS 2. This can go under the penholder's thing. So, on WHOIS 2. And also, Marita and Christopher are going to take 10 minutes to talk to us a little bit about Work Track 5. Geographic names.

OLIVIER CRÉPIN-LEBLOND: Okay, that sounds good, Jonathan. So Holly, of course, will be during the agenda item 6, and the Work Track 5 updates --

JONATHAN ZUCK: I think Holly needs to go higher because she has to get off the call.

OLIVIER CRÉPIN-LEBLOND: She has to get off the call? Oh, dear, so now we're going to have to chop up this call all together. Fair enough, and can we have the rest on AOB at the end of this call?

JONATHAN ZUCK: Sure.

OLIVIER CRÉPIN-LEBLOND: Okay. So since Holly has to get off this call quickly, shall we just do the review of the action items? And then we'll go straight into Holly's part. The action items, as they currently are, have two outstanding action items. One is the update on registration WHOIS review team, direct report of recommendations, and the other one is for Sebastien Bachollet to have a discussion with the five members of the CPWG auction proceeds. On the initial report of the gTLD auction proceeds, CPWG. Have these being done? And I guess the first one can be ticked off once Holly speaks to us. So, let's see. Jonathan, you still have your hand up?

JONATHAN ZUCK: No, sorry.

OLIVIER CRÉPIN-LEBLOND: Next is Alan Greenberg.

ALAN GREENBERG:	Thank you. Regarding the RDS WHOIS 2 review interim report. That comment period has been extended by two weeks. IT hasn't been captured on the At-Large website yet, but it is on the ICANN website.
OLIVIER CRÉPIN-LEBLOND:	Okay. That's great for this, thank you for the advice. That's good news. And so I guess we can turn straight to Holly, then, for an update on the RDS WHOIS review team direct report. Holly Raiche.
HOLLY RAICHE:	Good. Thank you, Olivier. Holly Raiche for the transcript records. I put what is perhaps a lot more script than I would suggest we put in the report on the Wiki; just my initial thoughts. And I'm really glad that we've got an extra two weeks, because it will give time for people to read what is actually an extensive report.

In summary -- and this is just my thought, but -- to remind people that the WHOIS review was 2012 and an awful lot has happened since then. So, if you look at the recommendations in that light, you realize that they have been over taken by many events, most particularly the Board -- well, the EPDP, the Board's response to the EPDP, and so forth.

Now, my suggestion is after reminding people in perhaps a sentence or two, "Look, the review is literally six years old," and any recommendations in that review, you have to recognize, is six years old. The focus, nevertheless, of our response, which is consistent with what we've been saying for a long time, would be on the security. There are some really, really good recommendations on security and accuracy.

The accuracy thing we should know is one of the major things is that following 2012, the 2013 RAA did have specific requirements -- clause 378 for people who look at it -- and a specification on accuracy. So, some of what was said has been over taken.

That said, there's some recommendations on accuracy, which I think we should accept and say, "Yes, we need accuracy." And compliance would be perhaps the other really important area. Compliance -- also since the 2012 report, and 2013 RAA and so forth -- has done some work on the accuracy of the data collected. And that's been acknowledged in the report. There can be more done; we should probably say, "Yes, there could be more done," but my feeling for the rest of it is it would be really hard to do things like more outreach given that we don't know what we're outreaching about.

We're still in the process of EPDP, what actual information is collected, who gets access, all those sorts of thing. And until those issues are sorted, I think we have to put a lot of this report, saying, "Fine. Once we have a policy, it's accepted by the Board. We know what data is being collected, we know who has access." Then some of that stuff really should be on hold until we have final answers.

So, summary points would be mainly the stuff about data accuracy, recognizing that at least in the temp spec most of the data that was previously collected on the RAA is being collected. That may change, but for the data that is collected, it's important to secure it. So we keep with that emphasis and also the emphasis on compliance, really in light of the 2013 RAA and the specifications that accompanied the 2013 RAA. So really, I think those two points.

The thing with this report is it's a lengthy report. It's close to a 150 pages, there are a lot of recommendations. It's not clear to me whether we want to respond point by point -- it would be a very lengthy response in that case -- or whether we simply want to make those points. So I put stuff on the Wiki -- I haven't addressed as yet, because I didn't have time -- the recommendations that were added by this working group.

The original terms of reference for this working group were simply to review the WHOIS recommendations from the WHOIS final report in May, 2012. This group has added some more action items. I haven't had a second look at those to come up with some further recommendations. But I just think the framework, a lot of what we do, has to be on hold until we know the final shape of what the EPDP and the unified access model is going to look like.

So, for those who haven't read it, Jonathan's point was, "Can we boil it down to a few dart points?" I would agree with that, but I think people have to have at least a little bit of background to make sense of what I'm saying. So, any questions on that? Silence.

OLIVIER CRÉPIN-LEBLOND: There's a hand up from Alan Greenberg.

HOLLY RAICHE: Alan?

ALAN GREENBERG: Thank you very much. It's Alan Greenberg. A couple of things, Holly -- I will respond on the Wiki, but I hadn't seen what you had put on until now. The recommendations that you say should be put on hold, if you actually read the recommendation carefully, it says, "Don't do it until we know what's happening with GDPR and the EPDP." So they are implicitly on hold until the dust settles. So on those --

HOLLY RAICHE: I did see that, I'm just saying we should explicitly say, "Some of these recommendations are on hold." Sometimes it's simply implicit. And let's just make it explicit.

ALAN GREENBERG: Okay, but the ones that say, "Don't do it until --" you're simply agreeing, I think. Yeah, I'm not finished yet. In terms of how you're going to answer, there is a web form which you're not obliged to use, but you may use, which may make your life a little bit easier in terms of addressing the specific issues.   And yes, some things have been overtaken. In some cases, they have made overtaken; they are the implementation. A lot of what's in the 2013 RAA is in response to the first WHOIS review team. It's, not accidental; those things have been done. And, lastly, in terms the temporary spec in EPDP certainly I hope that ICANN itself will have access to a full data.

So for compliance right now, they're in a really bad position because they're asked enforce things and they don't have access. The things like the accuracy reporting system that was put in place does not have access at all right now, and hopefully out of the EPDP, ICANN itself will

have access to all of this data. So some of that will be put back into the state it was before by the time we finish; at least that's certainly my intent.

HOLLY RAICHE: Thank you, Alan. That's why I had a little bit of difficulty. First of all, within the 12 items there are probably two or three additional recommendations within each 12. So we're asking people to get their head around a number of recommendations. I don't know if we want to do that or not. That's really not my choice, that's everybody reading it. And I think that it is the fact that the events have overtaken the 2012 recommendation. My first sentence would be, "Let's wait until the dust settles," because yes, compliance has a whole new regime in it, but they don't have access to any data to right now.

We don't know what access to what data they will have, so it makes it difficult to do much more than repeat what we're saying, which is, "Yes, accuracy of data is really important. That was came straight out of the 2012 report. Yes, compliance needs to continue their program and expand," which is what you suggested anyway in the report, which is fine.

But saying much more, I have a little bit of difficulty with because we just don't know the shape of what's going to come out of the EPDP in terms of what data is actually collected and who gets access to it, because we don't know what the access model is going to look like, either. So it means, to the extent that we can say, "Yes, accuracy and compliance are important," we should, but if we use a web form, we're

going to be saying a lot of times, "This depends on the final shape of what the agreement looks like."

Now, if we want to go down that path, okay. And I suggest to everybody, if you don't read the 148 pages, at least have a look at the summary and the recommendations. And we've got to make a decision; do we have a lengthy response, or do we want to make it quick? And that decision is with Olivier and Jonathan and others. So, I know exactly what you're saying, Alan. It was a little bit difficult coming up with what the recommendations are going to look like. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks for that. It's Olivier speaking. I think, having covered this quite well; Alan, you still have your hand up? I don't know whether that's --

ALAN GREENBERG: No, I have my hand up again.

OLIVIER CRÉPIN-LEBLOND: Okay. So, Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you. This is an aspirational document. It's making recommendations. If they're not viable, the Board will reject them. We don't have an option to wait six months and see what happens; this review will be over in the next three months. So recommendations

need to be made; if ALAC supports, that's fine. If ALAC rejects them, fine. But, we can't just say, "Let's not think about it until we know what happens with the EPDP." Very few of the recommendations directly depend on the outcomes, and those that do have conditions in them. So I've had my piece. Thank you.

GREG SHATAN: Hi, this is Greg Shatan, and I'm joined the call.

OLIVIER CRÉPIN-LEBLOND: Thanks, Greg. Welcome. Any other hands on this topic?

HOLLY RAICHE: Olivier, a final thing. I suggest people at least read the executive summary at the least, even if they don't want to wade through a 148 pages and then start reading the relevant documents. But have a look at it. And as I say, it's just not clear to me the extent to which people really want an extensive response at this point. I've put a lot of information on the Wiki, which I invite people to read and respond to.

OLIVIER CRÉPIN-LEBLOND: Okay. So thanks, Holly. It's Olivier speaking. And I understand the extension has now gone to the 18th of November. So originally it was the 4th of November?

ALAN GREENBERG: That's correct. We extended two weeks.

OLIVIER CRÉPIN-LEBLOND: So it's extended by two weeks. So, we still have time to comment on this. And please, everyone, take some time to read through this and comment on the first rap that Holly has put in the relevant Wiki page.

ALAN GREENBERG: And, Olivier, just to be clear, there is not going to be another extension. We're meeting relatively shortly after that to decide on the final report.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. So next, since Steve DelBiano has arrived on the call, I propose that we move from the action items, which we have now finished, to the conceptual view of the temp spec EPDP and the unified access models. And we'll concede to this call. This is the weekly fun that we have together in At-Large discussing policy matters. I guess I should hand the floor over to Jonathan for a quick intro. And then leave it in your capable hands. Jonathan Zuck.

JONATHAN ZUCK: Sure. Thanks, Olivier. So, Keith forwarded me a power point that was a result of the conversation that he had with Keith [0:20:00: indiscernible]. So two people not on the EPDP trying to wrap their minds around a conceptual way of thinking about what's in what's out. It happened in the initial part versus let's look at this stuff later, et cetera. And as Heidi had mentioned, I'm not sure that it's all entirely uncontroversial, but it's great that the business community and at least one of the contracted parties are agreeing on some things. So that

seemed worthwhile running by this group for a brief discussion. And then we can get Steve off the call and talk about him behind his back. But, right now, if you can put up this slide and we'll turn it over to Steve DelBiano. Thanks for getting on the call, Steve.

STEVE DELBIANO: Thank you, Jonathan. Olivier, can you hear me all right?

OLIVIER CRÉPIN-LEBLOND: Yes, perfectly.

STEVE DELBIANO: And I know most of you, and I'm very grateful for you to give me a few moments to get on the call. I think that motivation that I had to do some kind of a diagram was actually that Thursday morning, expedited PDP meeting, where Allen and Hadia were alongside. t was one of the most frustrating ICANN experiences I've ever had. And some of that was due do a single group who wants to be obstructionists. But I felt that a lot of the frustration arose because of lack of understanding as to how the EPDP and the temp spec fit in with this notion of a unified access model where ICANN can be the responsible party.

I'm convinced that some of our frustration could be eliminated or reduced by a shared understanding of the distinction between publishing, disclosing, and unified access. And the distinction between what the PDP should accomplish at its first report and what a unified access model might be, and how the PDP and the access model interact.

So, making those distinctions and trying to get that is the primary purpose.

I'll give you one other purpose. I believe that if the EPDP appropriately focus on our first deliverables, stage one, could actually be a very uncontroversial process. Maybe I'm being too optimistic, but if we focus the EPDP on just codifying the temp spec and the policy with this notion that access is something different than publishing and disclosure, there's a chance we could actually get this report out in the next week, get a public comment, and deliver on ICANN's obligation to have a community-driven, bottom-up policy development process. So perhaps that's optimistic, but I do think it can't happen.

So I thought what I would do is just take a few moments to talk through what this is meant to display and invite suggestions from ALAC, this group, on how to make the diagram more suitable to its purposes. Again, the purpose is to clarify important distinctions and to focus efforts on the deliverables we have in front of us. I know that that won't necessarily eliminate the obstructionist tendencies of a single group in the PDP. However, if it consolidates the understanding and consolidates the support of everyone else, well then no one group is going to be able to block process.

Okay. So on the diagram in front of you, we follow down the center of the page of the flow of data between registrants, registrars, and the two kinds of registries thick and thin. I think you all know that common nests are thin registries. And despite the best intentions of policy to force them to be thick, I don't think there's any chance that the thousand registrars with common net registrations are going to send

out data over the rest of Virginia any time soon with the GDPR hanging over their heads.

On the left side is this notion of an expedited PDP and it has two element to it. The publication of registrant data --Hadia and Alan were part of the frustrating meeting on Wednesday afternoon -- where there's even questioning of whether to publish the very limited, unredacted data that the temp spec has. In the lower left-hand corner is this notion that registrars and registries -- that is to say, the thick registries -- that upon request are obligated to give a reasonable access -- the word "reasonable access" is in the temp spec.

It's not really part of GDPR -- the notion there is that if they're given a request for the non-public WHOIS, that those registries and registrars are supposed to look at and evaluate the balancing test for legitimate purposes and to return an answer in some reasonable period of time. A lot of you heard that 60 percent of the time no answer comes at all to queries of registrars and registries.

So it would be a big win if we just got a standardized form of requests, an expected response time, and if they're not going to give the data, to have some reason for the denial. And those three very simple elements of standardization are fully supportive by the contract party. It doesn't compel disclosure, right? It's just says, "Give us the standard form that we can use to submit requests to you, make a promise about a response within X number of days or hours, and if you're not going to disclose the data, at least explain why." And that's what's symbolized by the "must publish" via the webinar DAP later this year and may disclose on request.

The right-hand side is a different process. This notion of the unified access model where ICANN would step up to be the responsible party -- and it's a conceptual, hypothetical, optimistic view -- not of a world where we returned to the old WHOIS, but a world where truly legitimate entities who have been accredited under a code of conduct, approved by data-protection authorities -- that's what the DPA is -- they could make requests our data in an automated fashion.

It doesn't mean bulk, it just means automated, like part 43 is automated, an rDAP query, registrar data access protocol. And if that clearly went to ICANN, they would run an rDAP hub. And ICANN would validate the credentials of that particular law enforcement officer. They would log the reason and the request that was made. Those laws would not be public; law enforcement insists that they not be. And then ICANN would make a query to the registrar, who actually has the data with the original source. The registrar in this model would be required to reply to ICANN's query.

And that reply would go to the actual accredited entity who made the request. And that would include not necessarily all registrant data. The profile of the data that comes back might be a function of who requested and of the reason. Some entities might not get all the data. Other entities like law enforcement might well get all the data. The key word there is that they must disclose. It wouldn't be an opportunity for the registrar to consult with its attorneys and to evaluate its risks, because the whole point of the unified access model is for ICANN to take the risks with respect to GDPR. The risks of fines.

Under that scenario, the registrars would be able to be required by contract to return that answer to an ICANN query. With that sort of picture laid out, I think that the right-hand side takes some of the pressure off of the left-hand side. And it says the left-hand side is about codifying the temporary specification and maybe defining some new standards, as it were, about the format, the response time, and the reason for denial that comes back.

With that laid out, I'd like to stop talking and take some suggestions and questions from all of you about whether this is a legitimate purpose in mind -- simplifying and focusing -- and whether this is the right sort of conceptual diagram that'll help advance those purposes. Thank you, Olivier and Jonathan.

JOHNATHAN ZUCK: So does anybody have any more questions? There's an arrow.

STEVE DELBIANO: That's me with the arrow, just in case.

JOHNATHAN ZUCK: Oh, wow. Fancy. Greg Shatan, go ahead.

GREG SHATAN: Thank you, Jonathan. And thank you, Steve. Greg Shatan for the record. I'm wondering what you think are some of the challenges and specifically how we can get those who find this most controversial

aligned on this and what might have to give in order to get that alignment in that context of that for us and for users. Thanks.

STEVE DELBIAN: Thank you, Greg. And Greg, you've been in a number of the calls and meetings and you know the challenges to be thinking of. I believe that the first step is to help the PDP just focus on our initial report on the left-hand side of the diagram. When you do that, the word "unified access" or "access" of any kind is not really in the conversation. I have adopted the phrase the NCSG wants to use; one is "publish," which is the public, unredacted WHOIS, and the other is "to disclose." So they don't like to call it "reasonable access," they like to call it "disclose."

And I find that whenever possible if I adopt the vocabulary of an opponent -- in terms of advancing something -- it's much easier then to help us all agree on what we can focus on. So I think that the first answer to your question is by focusing only on what's in the orange on the left-hand side, I believe we avoid so much of the suspicion and controversy that arises from NCSG if they believe that all of this is designed to restore the WHOIS to the pre-GDPR world.

I realize that currently the NCSG is very upset about the unified access model. In fact, they wrote a letter to the ICANN Board, challenging the whole idea of ICANN pursuing such a thing. A number of you realize that ICANN's Chair responded last Saturday with a very forceful letter indicating it's fully within ICANN org's re-net to explore feasibility of a unified actress model where they take the responsibility. So I believe that ICANN will pursue that and that we should feed in ideas to that.

But that is a separate process right now. Then the idea of rolling out phase one of the EPDP.

Phase two of the EPDP might well focus on something different, right? It could be where in phase two of the EPDP, after we've implemented the temp spec policy, some PDP, probably this one, could quickly look at what are the accreditation rules on the right-hand side of the diagram? What are the logging rules and the validation procedures? What is the audit procedure to make sure that an accredited entity isn't abusing and is following the code of conduct that is approved.

For instance, they're not allowed to necessarily accumulate the data, to package and resell the data that it obtains through the unified access query. So, Greg, when you ask a question, you usually have an answer in mind. So why don't I let you follow up on that? Did I come close to what you were looking for?

GREG SHATAN: I think that's very helpful and adds to the flavor of things. I would point out that Goran's letter was unusually forthright. And we're putting some of the same things that were being -- or at least the underlying presumptions that NCSG had in their letter. Or I don't know if we're not supposed to name them.

STEVE DELBIANO: The letter was from Cherine. It wasn't from Goran, it was from the Chairman.

GREG SHATAN: I'm sorry, it was from Cherine, the Board Chair. I think that one of the challenges I see is a lot of people are saying things that don't hold water, but that other people can't really identify as lacking in accuracy and the like. I hope that we can find a pragmatic way through all of this. But, thanks. You're very helpful. I'll turn the like mic back. Thanks.

STEVE DELBIANO: Alan, go ahead.

ALAN GREENBERG: Steve, I'm afraid you're being overly optimistic. If it was just a matter of, "Let's agree that we keep on collecting the data and we'll worry about who gets it afterwards," We would not be spending nearly as many hours talking about things as we are. Unfortunately, in the name of data minimization, which is an aspect of GDPR, there have been many attempts to make changes, some of which may make sense at some level, but it doesn't need to be done now and it certainly isn't part of implementing GDPR.

I mean, as examples, there's a huge campaign going on to remove fax numbers, because they're no longer relevant. Well, that ignores the fact that in some parts of the world, they may still be relevant, number one, and number two, how does it hurt? They are trying to implement business simplification in the name of GDPR implementations. So that's one of the problems.

The second part is there is also an attempt to do other types of changes because this is an opportunity to do it. And there's a dozen fields in the

current WHOIS that registrars, registries supported by one or two others are attempting to get rid of. It has nothing to do with implementing GDPR but it's an opportunity, a kick at the can to change the model. And because we're spending a huge amount of time with that -- and I'll talk more about the Wednesday and Thursday meetings later on when we get to the EPDP -- but there is no will to simply get the job done at this point. Thank you.

STEVE DELBIANO:　　　　　Number one, I'm often too optimistic. Number two, there are people in EPDP who are being opportunists. And you can see that both are true and ask you this question. In an effort to portray it this way, in a diagram like this, will it help at all consolidating understanding and support from the other elements -- the non-obstructionists elements -- of the EPDP in the community?

ALAN GREENBERG:　　　　My answer is, I think so. But of course, you asked the question earlier of, "What are the impediments?" And the major impediment is we do not know if the data commissioners and the European data protection board will accept this, and that is allow us to reduce or eliminate the liabilities of the contracting parties by us taking it on. That's a huge unknown and until it's well known, I think we're not going to find people accepting the model.

STEVE DELBIANO: I think you're completely right about that. And my meetings with European Commission officials and others indicated that what we ought to do is ICANN org has to quickly put together a package the presents the unified access model as a legal concept. And they don't have to include in the package -- I was told explicitly -- don't load the package up with all the rules by which the codes of conduct for law enforcement would work, or the codes of conduct for cyber security and IP protection.

Just say that assuming we eventually get approval of the code of conduct in GPD Title 40, would the data protection board be able to approve a concept where ICANN takes the legal responsibility in such a model? That is a gating question, and you're absolutely, Alan. If that gating question comes back with a big "no," then we visit how to do things in the lower left-hand corner.

More than likely, the data protection board will offer guidance; certain things we can or cannot do, and then we'll take an iterative process by which the unified access model tries to get to a point of a concept that might work legally. And if that's happening in parallel with our left-hand side of the diagram, it lets our job on the left be a little bit simpler while we're waiting to figure out if the concept can work. But you're absolutely right, it is a gating question on the right of whether ICANN can become the responsible party.

JOHNATHAN ZUCK: Thanks, Steve. This is Jonathan, to give to the record. I'm going to just say that I think we should simplify our question today about not trying

to see who can predict future, but just whether or not making this distinction between the left and right will help to cordon off discussions that are sort of polluting EPDP now and focus on the issues on the left.

My initial impression when I invited Steve is it was probably made obvious what the purview of the EPDP was, at least at stage one, and made that separation, and that it'll help make the conversation on the left-hand side less nerve wracking if the unified access model is considered parallel, or phase two rather than of the phase one of the EPDP. So, I feel like that's really our gating question right now is, "Is this diagram going to be helpful in easing some concerns in the near term, even if she doesn't answer every questions?" Hadia, go ahead.

HADIA ELMINIAWI: Actually, Jonathan, you said most of what I was going to say. But I want to send me that this data-flow diagram is actually what most of us are working for and I think it's our ultimate goal. And we are definitely working on the left side now, the orange part, and all of the tension and arguments in there -- which need to be collected and published -- so there's some on this orange part, but we should report only speaking for this orange part. I have this group according to the charter, it's also mandated to pack the access part as to answering the gating questions. But I think what you said here is actually what we're supposed to do.

First, it's the initial report, which does not speak about the access, and then after answering the gating questions, then we go to the green part, which speaks about the access bundle. However, I think if you put this diagram out now for a;; stakeholders, it will be opposed by some of the

stakeholders, because of the mention of the unified access model and ICANN would be able to stop those parties, This way, we keep them up. So I think it's a great model. I'm not sure if you should present it right now, because I think it will lead to more arguments. Yep, that's it. Thank you.

JONATHAN ZUCK: Thank you, Hadia. So, Steve -- Jonathan again -- I wonder if what Hadia is saying is that maybe the diagram needs to make clearer that the unified access model is separated in time or something like that, as opposed to feeling -- your whole purpose of doing grading the right from the left, but in that sense, it's not clear that it's a separate efforts and not part of the expedited PDP process.

I think what Hadia is reacting to is it feels like you're presupposing there will be a unified access model as part of the ultimate solution, and what you're really doing is cordoning off two conversations that are still happening, and neither one of them is set in stone in terms of what data will be collected, what the standards will be for disclosure, or anything about the unified access model. So it's more about your cordoning off conversations, in a way, as well as just talking about data flow. That's sort of my interpretation of Hadia's remark.

HADIA ELMINIAWI: You're sort of right, Jonathan. I do see that this is our ultimate goal, that this is what we would like to see, but presenting it right now, jumping to conclusions, "We will have a unified access model," ICANN's going to get [inaudible]. This will heat the other parties up.

STEVE DELBIANO: And, Hadia and Jonathan -- this is Steve -- I would love to cordon the conversations off, but many people identify that the temp spec annex and phase two of the temp spec does involve the unified access model. And that was written -- the charter -- was written before we had an appreciation that ICANN org was willing to step up to be the responsible party. That happened after.

HADIA ELMINIAWI: I did receive that this group, the EPDP group, is mandated to tackle access after answering the Charter in question. So, yes, we should be doing this. But to tell people know whether hand them access and this is going to be a unified access model, this is part of IT that we don't need to present right now. We should let this happen when the time comes.

STEVE DELBIANO: I would note for you, Hadia, that the cat is out of the bag. ICANN has publish no less than three blogs indicating their full intention to do this with the data protection authorities. It was the topic number one in every meeting I had with government officials. The cat is out of the bag and the NCSG is upset about. They got their answer from the Board on Saturday, and it was a strong answer. The answer was, "ICANN is going to pursue this," and on Monday in Barcelona, the contract parties endorse the exploration of this model with that very public, two-page letter.

So at this point, it seems as if everyone is on board other than NCSG, but they may not be able to stop the exploration of it. So it is a conversation that can't be cordoned off because it's going to happen anyway -- ICANN org is driving that conversation -- to at least get a concept that can be approved. And conversations can never be separated, but I can say this, we have to get a report out on the EPDP in the next week or two, and we're nowhere close right now. Anything we can do to relieve the pressure by pushing off to the right what could be, in the unified access model, allows us to focus on a much more modest set of deliverables for the EPDP phase one.

GREG SHATAN: This is Greg. I think that the unified access model is more of an implementation models than a policy model. So the idea that this is stepping on the toes of the EPDP, I think, is overblown. And while I do see Jonathan's suggestion that maybe we don't call it the unified access model, we just maybe say "access model" or "access process," because unified access model seems to become a red rag to a bull. Part of that, I just wish people would grow up and not respond knee jerk to titles.

And the fact is that the only access model that is floating around right now is the unified access model. There is one that was submitted by the some of the commercial stakeholders, which is a variation on the theme, and might get put back in there. But when the EPDP gets around to access, they're going to have to pick up where the unified access model discussion is and not pretend that it didn't happen. That will just be a recipe for disaster in the time we have.

So I think people really need to be pragmatic about this rather than ideological and not assume that every time ICANN org decides to take the lead on something, that they're supporting the multi-stakeholder model. Because sometimes you've got to get done what you need to get done.

JONATHAN ZUCK: Thanks, Greg. We're going to continue to have a conversation generally about this after we let Steve go. So if we can, we got quite a queue. If we can kind of stick to suggested improvements to this diagram before he socializes it with other people or whatever, let's see if we can get through that quickly and then we can let Steve go and let Hadia and Alan take over on a generalized conversation about the EPDP. Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: Yeah, thanks so much. Olivier Crépin-Leblond speaking. I have a question with regards to what's in the orange box on the left-hand side. We've got here registration data that is published and the stuff that is disclosed, per policy and practice. And in there, I'm disappointed to see tech contacts.

It was always my understanding that WHOIS was supposed to be a tech contact in case something went wrong with the domain. If we don't have that and if that goes through some elaborate way of standard form with the response time and I don't know what else, return thing, then what good is the original WHOIS going to be about? How do we get in touch with someone whose domain is causing problems?

STEVE DELBIANO: Olivier, it's Steve. I should allow idea Hadia, Alen, Greg and others who've been following with the EPDP to discuss with you what's happening on that front. But that battle was lost when the temporary spec was approved by the ICANN Board. And it's not clear if we have the leverage to back the published data.

OLIVIER CRÉPIN-LEBLOND: So are you saying that all the things that are in the boxes on the left are pretty much sent already now?

STEVE DELBIANO: You know, Olivier, they're part of the temp spec that was approved by the Board, and we are allowed to develop policy the differs from that. But it does require a healthy consensus of the PDP. And then it requires at least a majority, if not a super majority, of GNSO to adopt policies. So we have to be attentive to what can and cannot be accomplished, given the opposition of the same group.

So, Alan said earlier, "Let's not just fall prey to those who are opportunistic and trying to do business simplification or win battles they've never won before in the process of participating in the EPDP," because that's going to make it nearly impossible to get it done with anything like the consensus. The answer to your question is, "Yes," I have reflected in this diagram the stuff that the temp spec made the current policy. Thanks, Alan?

ALAN GREENBERG:	Thank you very much. I guess my position is if we push this out to the EPDP team, it would be taken as an example of how this side of the table with, as it were, is trying to bring focus back to the access issues. So I'm not sure that that's where I would push it out. The stuff on the left is not firm right now. We had general agreement with what was in the top white box, and we had complete reversal from some parties and strong pushback. "We shouldn't be able to publish the registrant organization anymore. We shouldn't publish the state or province; country is good enough."
	So it's not a given that those boxes are set in stone right now. They are still being debated almost intra-nightum. And, optimally, I would slip this to someone in ICANN and get them to publish it with their documentation not coming from us. I don't know if that's possible. The current ICANN is not very receptive to stuff from outside.
STEVE DELBIANO:	I understand, and I did want to indicate that the contract parties are most likely very supportive of this portrayal and this model. I'm very certain of that, and based on many conversations and letters and the fact that the commercial stakeholders met with the contract party late Wednesday in Barcelona and endorsed the idea of standard response time, standard forms, and endorsed the idea, of course, of a unified access model.
ALAN GREENBERG:	If I may quickly, Steve, the unified access model is strongly supported by most of the big registrars and registries. Not all but most. Regardless of

who assumes responsibility, because they can't afford to have individual people doing each request one by one. The smaller contractor parties are really, really worried about liability. So they may have a common letter, but their view of this varies differently based on whether ICANN can be successful or not in assuming liability. Thank you, and I'll stop interrupting.

STEVE DELBIANO: Okay, Marita.

MARITA MOLL: Thank you for this explanation and this diagram. It's helped me understand some things that were pretty fuzzy. But I am hearing from both Alan and Hadia that this going out there from us is like waving a red flag in front of a bull. So I think that we need to hear what they're saying, although I like it.

Although I would say maybe it would help if, in the unified access model part, there was a little piece that said, "Pending decision from European data people, that this is even a possibility," because it seems like this is just air, unless they're approved of this direction. That's what I understood from you. So I would put something in there about pending. That might ease some fears, but that's all I have to say.

JONATHAN ZUCK: Thanks, Marita. And Hadia, is that a new hand or an old hand? All right, go ahead.

HADIA ELMINIAWI: My question is actually to Steve. So, when do you propose that we present this data flow diagram to the entire EPDP team? Because right now, we cannot actually discuss access and -- [AUDIO BREAK]

JONATHAN ZUCK: Hadia, something strange happened with your voice.

UNIDENTIFIED SPEAKER: Hadia dropped the audio, we are dialing out to her again. One moment, please.

JONATHAN ZUCK: Thanks a lot. If I could ask you just a process question. What do you imagine that this diagram find its way out into the world?

STEVE DELBIANO: Thank you, Jonathan. It's Steve DelBiano. What I did with you in the ALAC is similar to what Verisign is doing in the contract party house. And of course they shared with the Business Constituency, the ISPs, and the IPC in my own commercial stakeholders group. Each of them are digesting and trying to reactivate. Some may have particular tweaks here and there, such as the suggestion we heard earlier. I also shared it with Kurt Pritz and with Ashley Heineman on the GAC. I have not shared with anybody in SSAC. And I'm hoping that if there's

appreciation that this can help to focus and clarify, it actually accomplishes what Hadia was worried about.

By moving the access conversation to the right-hand side, and that is really enabling us to focus on what's in the left-hand side in the orange box. So I think that when you put the diagram up, in order to have everybody talk about everything that's in here. The point of a diagram like this is to say, "All right." Kurt Pritz would be saying, "Okay, today we're going to talk about this. Only this right here in this particular section."

And for the half of us on this planet who are right-brain oriented, we really do appreciate pictures to create context and to remind us where it is in the process, where it is in the context, that we're having the current debate or conversation. And so I don't have a recommendation for who and how to present it, and I realize that ownership could be a liability. On the other hand, if it's several people that have it and talk about it in one or another EPDP meeting, there's a temptation for staff to stick it up on Adobe if only to let the speaker draw attention to the context.

To say that I'm talking about the lower left-hand corner of disclosing on request, but that is not an access station. This happened last Wednesday and Thursday, Alan and Hadia will remember. As soon as you talk about the lower left-hand corner there were some in the room that said, "Wait a minute. We're not supposed to be talking about access," but that's not really access. That's a request for disclosure that may or may not be honored at contract.

JONATHAN ZUCK: Okay, great, Steve. We'll get back to if we have further suggestions on it other than what you got from Marita. But thanks very much for coming on and talking us through that and taking the time to try and parse this out into something visual to make it easier to follow. So I, for one, am supportive of it as a tool. And we will probably talk about it further, but for now we'll let you go. Thanks again for your time.

STEVE DELBIANO: Thank you all.

ZONATHAN ZUCK: Olivier, I guess it's back to Alan and Hadia for the discussion on general EPDP.

OLIVIER CRÉPIN-LEBLOND: That's correct, Steve. We're going to go to agenda item number three, the update on the PDP from At-Large. Alan Greenberg, you have the floor until we get Hadia back on the line as well.

ALAN GREENBERG: Thank you very much. Alan Greenberg speaking. Well, Steve stole my thunder with his introductory line. The EPDP met in Barcelona on Saturday and I think Monday, Wednesday, and Thursday. We made a little bit of progress at the beginning. We went backwards after that. Steve said this was the most frustrating meeting he's ever been to in his

ICANN history. I can't remember among some of the frustrating meetings, but it may well be that this was the most frustrating one I went to also.

We had, the NCSG specially, and I'm not afraid to name names, had made an initial statement during the triage process that they were willing to accept that the items in Steve's upper left box, the white box, where essentially part of the public WHOIS, they reversed that and started talking about whether we need any of this information and talking at length in some of the items. The frustration is just palpable among many people and I'm not quite sure how this going to progress.

There were strong questions later on in the meeting about some of the dispute processes and what information is necessary and what information is necessary to file a UDRP or URS and to defend one and I had a conversation with someone who said, "Well, if demonstrating that this particular registrant has done this kind of thing many times before," which currently is a criteria that the parties use to demonstrate that this was deliberate action against the trademark and not just something accidental and I was told, "Well, if we ever use that, we should never have."

Not only denying that it's in use but saying, it was mistake 18 years ago when we put that in. The revisiting things like that is really problematic, now it's fine to say, "Sorry, you can't do that anymore." But that's different then reopening the whole question. As I mentioned, as a huge attempted by the contracted parties to open issues that are not even relevant to this discuss because the data commission officers clearly accept the concept of multiple values so we don't have single points of

failure and even suggested ways of addressing them in our implementation and yet, we keep on going back to issues of, there's too much data, we have to minimize it or we don't need that field at all, it's never used or well, only 30% of registrations use a separate type of a contact, so it doesn't matter. It get's as silly as, the registrar's saying we should eliminate things like technical contact.

Now, the registrars are pushing back on anything which would require them to actually contact or discuss something with the registrant, thus the distinction between legal and natural persons and yet they are suggesting that for 30% of the registrations, which have unique contents in the technical contact verses the other contact, they can simply merge without even contacting the registrant and literally erasing information that the registrant has provided without providing exactly how they're going to do that.

What they're saying does not necessarily make a lot of sense but there's no way to focus on this. You make a comment and because the speaker cues are so long, it never gets addressed, it gets lost in the next six people commenting on something that happened 10 minutes ago, so the whole process I find right now exceedingly frustrating and I agree with Steve, how we're going to get out a report at this point is not at all clear to me, maybe magic will happen.

There was discussion of a face to face in December, that's pretty well dead now. The next face to face is likely to be January, which is three months away, without any real opportunity to make progress because face to face seems to be the only easy that we can actually make some progress. I'm not particularly optimistic right now.

The question on the table today because it is going to be back -- discussed tomorrow I believe on the conference call, is the issue of geographic distinction, that is the GDPR says that the GDPR has to be implemented by contracted parties with a present in Europe and for natural persons present in Europe. Some contract parties, one large on in particular has implemented that based on the country that you specify in the registration. Remember, country is one of the few fields that under the temporary spec is revealed and they are using it. Others say it is impossible to do, it would take a huge amount of implementation, there's too much risk.

The other issues are, a contract party may have a processor in Europe, even if they're not in Europe, my response to that is, if you don't know who's doing your work for you, you're in big trouble as a business. The other issue is reseller. The reseller chain can become infinite. A registrar may have a reseller who has resellers who has resellers who has resellers and so on and the registrar has no idea who the resellers are below the first one they contact with and that's caused significant problem already because the RAA requires certain registrar responsibilities to be passed down the chain but we have no idea who these people are or how to audit them or how to even check to see if there's a problem, so that is a problem I think needs to be resolved.

I really worry that if we give the contracted parties a free pass to redact all-natural persons information and possibly legal persons because we may still lose that battle, then we're essentially making life completely impossible for the people that we care about having access and that's cyber security people. We don't know how good the access is going to be through this unified access model or non-unified access model and I

think it's problematic that we are going to great pains to make their life more and more difficult and I think we should be putting rules on registrars and registries to follow the European policy and not to adlib on it.

That's exacerbated because there are going to be laws and there are laws, not all of which we be as stringent as the European ones and I believe we need to ultimately work on a flexible model, which will be table driven, based on a whole bunch of parameters, where the registrant is, where the contract parties and so on and so forth. Simply saying everything can be redacted right now if the registrar wants it or the registry wants it, I think is rather problematic. Thank you.

HADIA ELMINIAWI: With regard to the natural verses legal persons that Alan just talked about, I think we are going to win this battle. We currently have the word registries and registrars are allowed instead of required to between natural and legal persons, however we do have --

JONATHAN ZUCK: Staff, if you can reach back out to Hadia again and let's move on to Olivier.

OLIVIER CREPIN-LEBLOND: I just have a question; what Alan was saying earlier. He mentioned a number of times that he is not particularly positive on this EPDP succeeding to the various opposition and so on that there is. I was under the impression that only one specific part was objecting to

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everything. There's a consensus, it doesn't need to be unanimous consensus on everything doesn't or do the parties that don't agree and block things have a significant number of people that are able to actually block the PDP from succeeding?

ALAN GREENBERG: May I answer that? I assume I can. There are a number of different issues. The contract parties acting together have an absolute veto in the GNSO once it gets to the GNSO, so because they have an absolute veto there, they affectively have a veto on the EPDP, that's never been discussed but it's quite clear and they of course, want to minimize risk and minimize work. That puts them in a very, very strong position.

In terms on NCSG, they don't have a veto in the GNSO unless the Non-Com appointee in their side of the house agrees with them. If they can sway the Non-Com appointee to agree with them, then they do have the equivalent of a veto but more important, they are acting as if they have a veto in the EPDP when at the last or second to last meeting, Curt made that preannouncement saying, "It looks like we have consensus with the exception of one group."

And that was them and the expressions on the faces, it's as if they were in acting class and trying to demonstrate surprise and horror that someone would dare to say that they're not agreeing is not sufficient to break consensus. There's certainly an attitude that implies they have a veto, even though according to the rules they don't. Right now, on some of the issues but not all, they are very much in line with the contract parties who are looking to minimize risk and effort. No, you

don't need a unanimous consent but it's not far off from that in reality. Thank you.

JONATHAN ZUCK: Thank you, we've got Hadia back on the line, give her another shot.

HADIA ELMINIAWI: I'm sure what was said or not said but basically with regard to matter of legal, I think this is a battle we are actually going to win. With regard to the…

JONATHAN ZUCK: Hadia, we can't seem to hear you at all.

SEBASTIEN BACHOLLET: If I can be added to the list of speakers, thank you.

JONATHAN ZUCK: Sebastien, why don't you go ahead. I'll ask Hadia to write out her comment.

SEBASTIEN BACHOLLET: I will try to be short. First, I think we need to have a distinction between person physic and person more on natural person and organization. The GDPR is for natural person, not the other. If a non-natural person wants to put data from any person from the organization it's their right but we don't have to take care of that.

My second point is that we need to allow privacy for all what I call end user, Alan will tell me it's the registrant, okay for all registrants, all around the world. If they need to access by law enforcement or other groups, that's a question of access, therefore we need to have the possibility to gather the information that they will be needed by law enforcement and so on and so forth. What I think we need as At-Large, if it's aligned with one group or another, for me it's not the question, what we need to do for end user and inside the end user there is the registrant here that we need to take into account. Thank you.

JONATHAN ZUCK: Thanks Sebastien. Greg, go ahead.

GREG SHATAN: As I indicated earlier, I've been an observer of the EPDP and I would note, picking up on what Sebastien said, we do need to look out for the needs interest of the end user, however, I think needs and interests of the end users and of the registrants or at least those who believe that needs of the registrants are to make WHOIS as protected as possible, even beyond the requirements of any law, they're completely in opposition.

I find it very hard to imagine a way to harmonize the needs of the 4.2 billion end users and the needs of the several hundred million registrants, many of whom are not natural persons or may in fact bots, regardless, I don't see how you can align the two. If you try to take a position that is acceptable to both elements, then I don't think you end up with a position at all.

I would note that I think the NCSG is doing a fine job of representing what they believe to be the privacy needs of registrants, whoever they may be but in doing so, it's my view and listening to them as they have completely abandoned the end user or any sort of view that they might be thinking about the non-registrants and that's based on a lot of hours of listening and reading, not just some sort of view point, I was actually hoping that there would be a bit more nuance in the positions coming out of the group but it's not completely monolithic but ultimately that's kind of where it goes. I don't know where if they're not taking the needs of end users into account, who is? Thanks.

JONATHAN ZUCK: Thanks, Greg. I guess one of the things that excited me about DelBiano's diagram was it presents the possibility of kind of aligning ourselves with the contracted parties and potentially isolating the NCSG, since they seem to have such a strong alignment for practical but in alignment with parties. Alan, I'm going to give you the last word and then close cue because we need to keep moving.

ALAN GREENBERG: On the issue of natural verses legal, the current wording we have says, we will require them but the implementation is to be decided and there is a strong indication that some contracted parties are going to push very heavily for essentially an unending infinite timeline for them to actually implement it, that is what they did on the validation or verification of contact information in 2013 RAA.

There is no requirement for them to verify the contact information unless a domain is transferred. If you stay with the same registrar, your information will never be verified, no matter how many times it's renewed. There is going to be strong pushback when we come to the details, to essentially give an open-ended timeline and that's essentially the same as saying it's not required, so I really worry about that.

On the issue of end user verses registrant, if we say we must protect the data of all registrants around the world and for sake the users, in the particular case, we are essentially reversing our whole position and we might as well get out of the EDPD and let the NCSG do the work for us and I'll certainly have a lot easier life. I think we need to decided, who's side are we on? We cannot say, we care about registrant rights all around the world, when we're taken an opposite position, saying end users takes precedence in our position.

The NCSG by the way doesn't say they don't care about end users, they're just claiming that WHOIS is irrelevant issue in fighting cyber activities, cybercrimes, cyber malware, whatever. They can claim both of those because they discount any of the reports that are starting to come out about the impact on cyber security research and cyber security activities. Thank you.

JONATHAN ZUCK: Thanks, Alan. I think we still need to fight a good fight on that particular issue. Thanks for your report in, and Hadia, I'm hoping that you can maybe send around an email since we're having so much trouble with

your audio on this particular call. If we can, I think, let's try to jump ahead to the update on Work Track Five from Chris and Marita.

MARITA MOLL: I think Chris was going to speak on this, Chris, you're muted.

OLIVIER CREPIN-LEBLOND: In the meantime, I think Staff is going to upload the diagram. Thank you, Claudia and Christopher Wilkinson, you are on, he might have dropped off.

JONATHAN ZUCK: That's still DelBiano's slide, we're looking for the bullets that I sent that you were going to cut and paste. Thanks Claudia. Yeah, those are the ones. Chris, are you able to speak?

CHRISTOPHER WILKINSON: I'm here.

JONATHAN ZUCK: Please, go ahead.

CHRISTOPHER WILKINSON: Good evening everybody. Sorry, I was nearly fast asleep. I think the main point that we have to bear in mind is to understand the difficulties have arisen in Work Track Five, is that there was an assumption in the 2007 and 2012 documents about the previous round that unless there

was a specific rule applied to certain categories of geographical names, notably city names and 3166 names, that all the rest were open and not protected.

I've understood the arguments for that but I've made the point and I think others have done as well, that politically it's untenable. If you ask people about how a place name should be used, particularly if their associated with that place name, they do not conceive of the name being fully available for any other purpose. There are exceptions, two major exceptions of existing round names, and the most notorious of course is .Amazon, and the case of multiple use several places having the same name.

Those exceptions have to be managed somehow but unless we can get an agreement that geographical names are a specific category and that they are morally and politically protectable, I don't think Work Track Five is going anywhere. The rest is details and I don't want to take too much time on the present call in examining the details.

On the other hand, if geographical names that are not specifically trademarked or are not jointly used are as I said open registration and uses independently of the rights and the wishes of the places concerned, in the future we will have scores of Amazon like problems and I think that will be a very bad thing. I will leave it there at the moment. The notes that are on the screen are an abbreviated and edited version of some comments that I wrote earlier today. I thank Jonathan and Marita for helping to boil that down to something that's concise enough for your purposes tonight. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this, Marita, you have the floor.

MARITA MOLL: Thank you and thanks to Christopher who did a nice job of presenting where he thinks we are in this group, which is basically pretty well at a stalemate. We also had a meeting in Barcelona which came to just about nothing. There will be a report coming out, well there was a report written and it's very hard for anyone to go through it let alone comment on. The organizers have asked for a small group to work on making that report a little more understandable and I have volunteered to be on that small group.

I guess writers or editors and I don't know exactly what we're going to come out with because really, Christopher I think is correct, there's a lot of I guess very similar stuff going on as in the EPDP, just completely situations, some groups have tried to make some compromises and other groups have not and so it's not going anywhere. That's all I've got to say.

OLIVIER CREPIN-LEBLONE: Thanks for this, Marita. The floor is open now for any comments and questions. Greg Shatan.

GREG SHATAN: Thanks. I've been an active participant in Work Track Five and have also volunteered for the small group of ink stained retches who will try to

make something out of this report that can be understood by the general public. I think Christopher's view well encapsulates Christopher's view of the group. I do agree with both Christopher and Marita that we are definitely ground if not to a halt to kind of a space where little progress is being made.

I think trying to think outside the box, trying to do some work, I created a while ago a spreadsheet of all of the geo names, TLD's that actually went or applied for in the previous round in order to try to see if we could analyze a path for the future and since that doesn't seem to consistent with anybody's goals there, the work isn't been -- that's gone unused, which I think is exemplary of the larger problem there, is that there's a lot of interest and position taking but not a lot of interest in producing results, which is exquisitely frustrating.

I would not use the work notorious to deal with Amazon but again, it's a difference of viewpoints but I think it's important to note what is currently happening with Amazon that might break the six-year log jam over that domain and might point a path forward that we could use in resolving some of these issues. It's really at this point -- I would endorse too many of the bullet points on the screen. We do need to try to find a way forward. The chairs and Javier among them are doing a great job of trying to move things forward but it seems like we're moving in a circular type of forward motion and keep ending up in the same place. Thanks.

OLIVIER CREPIN-LEBLOND: Thanks for this Greg. Anybody else? It doesn't seem to be very helpful. Today sounds like a day when we're -- it's Halloween I guess, we're just seeing the darkest of the darkest outcomes for things that are happening in processes that are taking place. Anybody else wish to use a magic stick to clear any problems? I don't see anybody else wishing to take the floor. Suddenly two more people. Marita Moll, you have the floor.

MARITA MOLL: Well, I wish we could take it or somewhere along the lines, find a general position that At-Large on this particular issue. If we're going to talk about end users and what end users need, I really think that end users would be very unhappy to see their city and place names and the locations their tied to going to a third party.

If we're really going to be talking about end users and what they need in here, we are not really talking about it. What we're talking about right now is the fact that this thing is not going anywhere. At some point it may just die or maybe we'll just have to actually -- it would help if we would take a position that we could pursue as a larger group.

OLIVIER CREPIN-LEBLOND: Thanks, Marita. Next is Alan Greenberg or no, Cheryl Langdon-Orr, sorry.

CHERYL LANGDON-ORR: Thanks, Olivier. I was trying not to engage here because of the role I have as the overall CDC co-chair, which of course encompasses Work

Track Five, so I'm going to be cautious in what I'm saying. Just reminding you all that in terms of the actually progression of what's going on, there will be some modifications to proposed text, etcetera as Marita mentioned and some of the penholders or contributors to try and polish up based on interactions that were observed and noted during ICANN 63 of the initial report.

The initial report posing a number of recommendations and questions to the community will be out shortly and this group obviously needs to prepare itself to decide what it wants to do with it, I trust it wants to do something with it because it would be extraordinarily valuable if you could respond to that public comment. Remember please that, I hate using the word fallback position but let me use it in an inverted context, for all of the work of all of the sub pro is one where if we cannot come up with a recommendation to modify or codify what was in either the 2007 resolved GNSO new gTLDs or the applicant guide book and the actual implementation that went on in the 2012, then things would be not changed.

Try and see this as an opportunity to make some important changes if you can agree on what they would be. I think also the recent and I think very positive proposals of trying to find mutually more satisfactory outcomes in the .Amazon case for example, is one that resonates with at least some of what I've seen Work Track 5 being proposed in getting a reasonable amount of support and that is the encouragement of early engagement negotiation and basically socialization of any use of a GEO name for geo purposes with communities that they would have a fair claim as the significantly interested party.

At that I will stop but I will also point out, I'm probably from one of the very few communities at the CC level, the ccTLD level, that has in fact successfully implemented local use of geographic names because we actually have geo terms for community use, restricted to community use within Australia, so it's not that I'm anti any of this. I could argue on quite the opposite. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Cheryl. Next is Alan Greenberg.

ALAN GREENBERG: Thank you, very much. There's a lot of similarities between this and the EPDP in that those who feel they have or should have and absolute veto, have absolutely no inclination to negotiate and that's what it comes down to. Marita said we need to come up with the user perspective is on this, I'm not sure that was the exact word, I'm not sure there is one. Certainly if you talk to people from Argentina, they will tell you how important it is that they have absolute control over Amazon. Certain people in certain cases have a strong position certainly.

OLIVIER CREPIN-LEBLOND: Maybe not Argentina, I think we're speaking more of Brazil and those countries that are Amazon.

ALAN GREENBERG: Okay, fine, thank you. When we discussed this a year ago at the transition meeting after Abu Dhabi and Work Track 5 was the sample

thing we discussed, the answer that came out was remarkable but not that actually has similarities positions At-Large has taken before. The generic answer that came out is, we don't care but we do care that there aren't any major losers. If you have big winners and losers, that's going to significantly hurt the multi stakeholder model and ICANN's ability to defend its position in the governed world.

It's the exactly the same reason why we got so heavily involved in the IANA stewardship transition and accountability because ICANN's creditability was involved. Similarly, if we end up having a big winner or a bigger loser, that is if those who want free use of domain names lose and the GAC and the people defending geographic terms win or the other way around, it's going to significantly hurt our model.

I'm not sure we come out on a particular side but I think it's important that we come out with a balanced answer out of it. I think our position should be using any ability we have to move towards a middle and not be supporting particular positions, whether it's on behalf of protecting the geographic identifiers or saying they should be wide open. I think that's where we should be moving to as part of the group, part of the overall community that is trying to find an answer. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks, Alan. Greg Shatan is next.

GREG SHATAN: Thanks. I think Marita brings up an interesting point but I kind of tend to go where Alan goes, that there may not be a single end user view

point. That the idea end users are interested primarily in and in every geographic name I think is supposition, I think there's a lot of other ways to look at what the interest of what end users might be. I do think the bigger picture is that if this grinds to halt without producing a result we A, end up with the old result, with all the strengths and weaknesses and B, the multi stakeholder model takes yet another blow.

I think the real interest of end users within the multi stakeholder model succeeding because it's the closest thing that private individuals get to direct access to discussion making, not saying that governments, aren't representative and all that but the multistakeholder is unique and this is the primary instantiation of it that I'm aware of. Trying to find a way to broker some win, wins would be a big win for the multi stakeholder model and trying to get all of those who are plastered to the wall of the dance and not stepping out away from their free held position, is really hurting everything.

I think we need to look at every possibility for compromise that allows -- and I don't want to go into a long speel here because I already have but I think there are certain fundamentals of policy making that need to be kept in mind, such as that reserving names is generally been a disfavored, especially for non-technical reasons and a few other sorts of things.

In the end, if there's something we can do to move people and I'll freely admit that my positions are as positional as Christopher's but not very aligned but I think if we all try to take a step forward and tell everyone to stop. If we take a position at all, maybe where we can try to kick things into gear, just try to be useful in some fashion. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Greg. Next is Christopher Wilkinson. We have a problem again, sometimes muting and unmuting again will unlock.

CHRISTOPHER WILKINSON: Any better?

OLIVIER CREPIN-LEBLOND: Now it works, go ahead.

CHRISTOPHER WILKINSON: Very briefly, Cheryl, I've made it very clear from the very early stages of my participation, I do not recognize the 2012 document as legitimate default. I think it is not recognizable as a product of the multi stakeholder procedure and policy and the 2007 document, even less so.

I know that is the position of the co-leadership but I do not recognize those documents as legitimate default. Precisely because it's clear from the way that they were prepared and the policies that they came up with, significant parts of what is today recognized as the multi stakeholders and cross community of process was lacking in those days. This will turn out to be a very serious problem if that was the outcome.

I hear what Alan and Greg are saying and [inaudible] could say much of it myself, so I should not repeat it but there are certain positions in the working group which I find almost absurd and know from a long experience geography and the domain system that if we continue along

that line we will fail. Ultimately it's more important to keep names available for future use but people concerned in those places and to open everything up next year or the year after for open registration.

Particularly as we have seen and I don't want to refer to specifically to any particular donuts but we have seen that certain registries are financed to the point that they are able to accumulate large portfolios of top level domains and as long as that was limited to cybersquatting the English dictionary, I suppose we put up with it but if anything like that occurs in the area of geographical names internationally, the multistakeholder process in ICANN context will take a very, very serious setback.

That's enough for tonight, as I've indicated to Jonathan and Marita, I've been writing some stuff about this and I suppose if I do finish it over the next few days, you will have the opportunity to review the document. Thank you and good night.

OLIVIER CREPIN-LEBLOND: Thanks for this, Christopher. We'll close the cue with Marita Moll.

MARITA MOLL: Thank you. There is one position we could take, which I think is one step forward before the whole thing dies on the table and that is around the fact that in the current situation, a third party could -- if third party applied for a geo name and intended to use it for geo purposes, they would have to get to the support of the local authorities, government authorities, some around, if they were going to use for geo purposes. If

that same third party wanted to buy a name and not use it geo although it was a geo name, not use it for geo purposes, they wouldn't have to get the support of anyone.

Now, that really seems a little backward, strange situation and that could be a possible position that's pretty much a walk back from a lot of people's positions, that at least we'd get something out of this, if we could just move that ahead. That small bar ahead, that little piece. Maybe we just leave it at that, think about that for a while and maybe I haven't explained properly, I hope I have but that is one thing we could do. If we came across as a group maybe that would help.

OLIVIER CREPIN-LEBLOND: Thanks, Marita. I see that Greg has put his hand up. I'll ask Greg to be very, very quick and then what I would suggest is that we continue that discussion on the mailing list.

GREG SHATAN: Thank you. But the problem with that suggestion is that a string can be both a geo name and have other meaning. If there is some string which is completely and uniquely a geo name and have no other purpose, then that makes sense but if there's a string for which there may be other uses or names or the like, whether it's for a community or a generic open TLD or a restricted TLD or a brand or another kind of a community, then that is an issue where I don't see trying to pick a winner between -- especially when we're trying to pick a winner between a non-registrant geographic interest and a registrant non-geographic interest in the same domain.

Now, there may be ways to resolve some of the issues on that and there have been some discussions of notice or sunsetting of rights or some way to avoid it being a total veto of power and of ways through ticks or otherwise to assure that there won't be gaming where somebody says they're going to use a string like top for one thing and then go and use it for the geo meaning, although I think that was currency which I think didn't not gain traction in calling a geo.

In any case, that's the problem is that if strings meant one thing and one thing only, the trademark interests wouldn't even be here because things either only be a trademark or only not a trademark or only a community or only not a community but given the glorious world of multiple languages and means we live in, trying to decide that one meaning is always superior runs us into problems. Any solution here is going to have to be more relativists then that. Thanks.

OLIVIER CREPIN-LEBLOND: Thanks very much Greg for this. I can certainly agree with you on your last sentence and not everything is either one thing or another, something has to be done somewhere in the middle to reach a compromise and it sounds like we're still some distance away on this. If I can ask that this discussion continues on the mailing list. The agenda now has been absolutely slaughtered since it's in various pieces and equally our time has been slaughtered. We haven't done the policy updates and assigning penholders.

Jonathan has had to go, could I just ask of the points, we've done the RDS WHOIS2 Review Team discussion. The Draft PTI and IANA FY20

Operating Plan and Budget, currently being drafting by Jean-Jacques Subrenat and Mohamed El Bashir. I note that Mohamed was on the call earlier, I don't know whether he has survived this nearly two hours of call. Did you wish to say any words on this Mohamed or are we just waiting for comments on this?

MOHAMED EL BASHIR: Thank you, Olivier. I have survived. I won't take very long of your time. Last year we did submit comments from ALAC on the PTI. This year also there is a draft from Jean. You can go through the draft, there's nothing major.

I will provide also a comment that we need to maybe focus on end user perspective, what do we need to see or what is missing in the budget, commenting on the -- let's say editorial issues on the current budget. I think that's what is missing. That is what we did last time but it's straight forward draft which you can review. PTI is doing very good job last month, they had 100% FLA achievement, they responded to all the questions they received. That's all from my side. Thank you very much.

OLIVIER CREPIN-LEBLOND: Thanks very much, Mohamed. That's very helpful and thanks for submitting that first draft, it's currently in the relevant WIKI page if anybody wishes to comment please do so directly on the WIKI. The next one on our list is the Competition Consumer Trust and Consumer Choice Review Team. Both Jonathan and Holly have left the call due to the late time or early time for some of them. I note at present there isn't a first draft submitted but the public comment closes on the 27th of

November, so we'll be able to discuss it on next week's call and in the email. Same thing for the initial report on the New gTLD Auction Proceeds Cross Community Working Group.

I know that some discussion was initiated in Barcelona when we met face to face, obviously that needs to be sustained. May I just ask that somebody steps forward to hold the pen on this. I know that there is a requirement for the ALAC to -- not a requirement but I think that it was decided that the ALAC should comment on this. At the moment, without a penholder we're not doing well. If somebody would like to step forward please let us know.

Finally, we seem to have twice of the same public comment competition so nothing there. There are two public comments at the moment which are still to be checked with a much later closing time. One of the draft final report of the second security and stability advisory committee review SSAC 2 review, what we might need to do is to ask Andrei Kolesnikov, our SSAC liaison, to take us through the report and provide us a quick intro on this, maybe during the next call.

Finally, the supplemental initial report on the new gTLD subsequent procedures policy development process over arching issues work tracks one to four, that additional initial report is out there. Do we have time for just a couple of words about this? I'm not sure who can speak to us about it from the people of presence here. It is so new that it is not even listed in the current agenda that we have listed here on the PDF, we'll leave that till next week since we really are out of time on this call.

We now have any other business. No any other business. Next question is, try not to clash with the other calls. We have to rotate, which is what we usually do. I'll ask now, our usual timing if I understand correctly is 0700 UTC or is it 0600 UTC, 1300 UTC and 2000 UTC? I'm not quite sure, I might be wrong on those times. Which one can we avoid here? We can certainly do the morning one next week. Morning as in morning UTC one. Can I ask Staff to please let us know what the usually morning session is at?

STAFF: 1300 UTC.

OLIVIER CREPIN-LEBLOND: 1300, well, I thought we also had some other ones? Really, we only have 1300?

STAFF: No, we all finished between 1300 UTC and 2000 UTC.

OLIVIER CREPIN-LEBLOND: Okay.

ALAN GREENBERG: Part of the world has already changed time zones.

CHERYL LANGDON-ORR: That will clash with CDP won't it?

OLIVIER CREPIN-LEBLOND: 1300 UTC would be the natural course of events if we were to rotate. Is there something going on with PDP? Did you say that there was something at 1300 UTC Cheryl next week?

CHERYL LANGDON-ORR: No, the next one is 1500. If it's going to be 1300 then it's a few hours before more work but who gives a shit, let's just do it.

OLIVIER CREPIN-LEBLOND: Okay, thank you for agreeing to this elegantly. Let's go for 1300 UTC next Wednesday. With this, thanks everyone. It's been a long call with a lot of information. Please follow up on the mailing list. I think I don't even need to say that because the list is getting really filled with a lot of discussions there but thanks for participating and thanks for all your input and for all the people who have brought in their perspectives today. Have a very good morning, afternoon, evening or night. Thank you and good bye.

STAFF: Goodbye, everyone. Thank you for joining the call. Please remember to disconnect your line.

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