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GNSO –EPDP Team Meeting
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Rafik Dammak: Okay. I think it's a good time to start maybe for a minute. So let's start the recording. Okay. So good morning everyone. Thanks for attending this, the third session for the EPDP team this week. And today is a continuation of what we started on Saturday with regard to the implementation. And we have the team from GDD with us today. So I think we might hear some proposal and way to move forward. But I will leave that to Dennis to maybe explain what thinking that GDD side and what, I mean, the proposal regarding the implementation.

Dennis, take it away.

Dennis Chang: Thank you, Rafik. My name is Dennis Chang. I am GDD Program Director and I have been assigned to lead the implementation part of the EPDP. So the first thing that I wanted to do with this group, and I realize that this group is a policy development group, and as such may not be very familiar with the implementation part of the policy. And I think it is critically important that implementation of the policy is very different than the development of the policy.

So what I'd like to do is start off with the roles and responsibility of the implementation review team. And hopefully, this will give you an idea of what an IRT does and what its responsibility is in support of the policy implementation. So can you go to the next slide? So we have a group we refer to as the IRT, implementation review team, and as the title indicates, this group does not develop policies. This group reviews the implementation part of that policy. And it's important that by design, the IRT is a separate body than the PDP working group, and their job is not to make policy.

And often, it's a confusion and (unintelligible) to discuss the policy matters in terms of development. But the volunteers to the IRT must know going in that they will not have an opportunity to influence the policy at all. Whenever we receive the final recommendation, which this body has provided, and the GNSO Council has adopted, and the Board has now published for public comment, that document is the authoritative policy document that we will use to develop what we call the policy language.

Now, the distinction that I'm making, and I will use the word policy language versus the recommendation. And this is the most important part of the concept of the IRT. What the PDP working group has done, your group, EPDP, has done is come up with the recommendations for that policy and those recommendations do not turn into the policy until we have policy language that's published.

And perhaps you're all familiar with the previous consensus policies that are listed on the ICANN.org site and you will see policy language as it is exactly stated, which becomes part of the contractual obligations or the contracted parties. And it's the IRT's duty, then, to review those policy language to ensure the new policy language that is contractually required are indeed aligned with the recommendations that this body has provided.

To be an IRT member, you have to have a statement of interest, like you would on the working group, and you are expected to attend meetings and

participate. But your primary role here is we're going to switch roles when you become an IRT member. Your role at the IRT is to support the ICANN staff or what we're going to refer to as an IPT. Can you go to the next slide?

IPT is an implementation project team and this is a term that you probably are not familiar with, but you will be if you join the IRT. So we make the distinction IRT versus IPT. IPT is exclusively made up of ICANN Org. It's basically a group of cross-functional team within the ICANN Org and made up of various parts of the ICANN Org. And we have a couple members of the IPT here today, and I would like to introduce. Gustavo, you want to introduce yourself?

Gustavo Lozano: Hi, Gustavo Lozano, (unintelligible) technical services team.

Dennis Chang: Amanda?

Amanda Fessenden: Amanda Fessenden, registry services team.

Dennis Chang: Thank you, Amanda and Gustavo, for joining. And I'm going to use them as an example. For example, right, Amanda is part of our registry services and engagement team within the GDD. So her primary role is to represent the registry operator's perspective, their view on this policy implementation, and figure out what the registry services and engagement team has to do in terms of implementation of this policy.

Gustavo, with our technical services team, is responsible for tracking all the technical discussions that's gone on behind the scenes and you should know that there is an email distribution for technical engineers discussing this policy implementation right now. And he will influence or participate in that discussion, but most importantly brings back any material technical factors that we have to consider to implement this policy. Along with Amanda and Gustavo, we also have representatives from compliance, and registrar, and of course, our legal team here.

So the process is designed to entrust the IPT to come up with an implementation plan and that plan is published for public comment. And based on that comment, we may revise what we do. But ultimate deliverable for the IPC is the consensus policy language that is published, as a contractual requirement and that requirement will be effective and obligated when we send out a legal notice to the contracted parties.

So IPT versus IRT. IPT does most of the work, as I said, and it's a daily, for them, it's a daily work. Every day, IPT is working to implementation policy. IRT on the other hand is a review body. So they may typically meet once a month, maybe twice a month, but they're not expected to do the development work of any kind. We may poll the IRT for advice, especially if we need interpretation of the language that we use in the recommendation, what the intent of the working group was, and get their guidance on it. But IPT will design the proposed language and put it to the IRT for review.

Now, I'm going to ask the audience here, is this clear that there is a distinction between IPT and IRT and it's very different than the PDP working group? Any questions?

Rafik Dammak: Thanks, Dennis. Yes, Kavouss?

Kavouss Arasteh: Good morning to everybody. At the end of this meeting, I will make some announcement to state my activities in EPDP and I will leave for the last minute. I think you use several terms, which is totally ambiguous. What I understand the language used in the recommendation is just a language (unintelligible). You want to translate that into the legal language to be used as the contractual clauses. So this should not be called a review. Does not review anything. We have done that for CCWG when we wanted to review and revise the (boiler) immediately after all recommendation, a group of people get together in LA with the legal team and convert it or translated the

language into the recommendation of the CCWG (unintelligible) into the legal language to put in the (model).

So this is not review. Review is something you refer at the end of your presentation. So usually, a team reviews something but whatever you start from the scratch is not review. It's just implementation, whether you call them implementation team, whether you call them (unintelligible) but it is not review. So we have to distinguish all of these acronyms and clearly define, as described, what they do, how they do, and when they do.

So you referred to implementation policy team, review team, which in my view has nothing to do with the translation of this recommendation language. One, it is finalized, which still has not been finalized, still under the public comment. We don't know to what extent that will be changed. Maybe from zero to something but not zero to 100. Zero to something will be changed.

However, at some time, maybe you solve a little bit earlier. You want to convert that into the legal language and that is a good process because the existing language is not implementable. It should be converted to the contractual language. That we agree.

After that, you have to say what is the IRT doing there and the review what. You said the IPT is day-to-day and IRT is month to day, still we don't know. This should be also discussed whether it's a month (unintelligible), whether it will be two weekly, whether it would be quarterly, semester, so on and so forth. These are the things yet to be discussed. Thank you.

Thomas Rickert: Thanks, Rafik. Kavouss, I understand that the EPDP is a special project. It's a little bit out of the ordinary in the ICANN world and it's unprecedented as well. Nonetheless, the implementation review or the IRT team is part of the PDP life cycle as it's defined in the GNSO. So I would really caution against trying to find new words because I guess that will rather - would probably

cause more confusion in the community than trying to find something special for this new endeavor.

Marika Konings: Thanks, Rafik. This is Marika. What we can maybe do as well to help everyone kind of understand and appreciate how IRTs work as well as the framework that was developed quite a few years ago in relation to the implementation of consensus policies, we'll send around the relevant links to the documents that relate to this. As Thomas said, those are processes and procedures that have already been applied to a number of implementation cycles. So we're not inventing anything new here or changing any of those rules.

Rafik Dammak: Thanks, Marika. So I see Georgios and Margie. You want?

Georgios Tselentis: Yes, good morning. Georgios Tselentis for the GAC. Just maybe you said it but I can capture it. I understood that regarding the implementation project team, you have the ICANN Org project manager where the members are reporting to. So for the IRT, it was not clear for me if there is a kind of Chair or where they're accountable and where they report to, and how somebody can trace back and see how they are doing properly their job. Thanks.

Dennis Chang: Thank you for that question. IRT, by design, does not have a Chair or its own leader. IRT is a voluntary group and right now, the process is open for anyone to join. And typically, what we'll do is after the Board resolution, the first thing that staff does, ICANN Org does, is announce a call for IRT. And I just did one for the Red Cross names, right. We have a call for IRT for that name - for that policy implementation and will be starting our work at the end of March.

And what we typically look for are perhaps a different set of skillset here. Because as I said, this is not a policy development group, but more of an implementation group. So I often see members change, right, from the

organization. They will insert people who are more familiar with the system implementation, for example, who can give us - review technical specification, for example, right, and advise us what would be a reasonable time to affect changes within their system and their process for implementation.

And therefore that all those IRT members have equal parts and as this group is completely voluntary, and they try to coordinate with their own colleagues to bring back information to us and try to represent wherever they feel they belong to as a group.

Now, is there is a liaison to the GNSO Council. For example, the IGO INGO policy implementation IRT liaison member is (Kit Greybeck). And for this IRT, Council is expected to assign someone to the IRT. And this particular member has a unique role of being the liaison to the Council. So if there is any issues, or any concerns, or any questions that the Council needs to get involved with, this person will do that duty.

But that person is not expected to perform as a chair or leader of the group. Quite clearly, this implementation project is led by the project manager, in this particular case, the EPDP, I am that person. And by design, it's made very clear to an individual supported by cross-functional team within ICANN Org and the IRT, I am accountable to all of you, the community, as well as ICANN Org, to deliver this policy to the satisfaction of everyone. And that's a careful balancing act, because as you might expect, I get feedback all the time in the opposite direction. You're going too fast, you're going too slow. You're giving too much time for implementation. You're not giving us enough time for implementation.

So this is something that we will discuss first with the IPT and devise a plan, and present to the IRT for implementation. Does that make sense?

Georgios Tselentis: If I can have a follow-up. If there are complaints about the way the implementation is performed, they should be direct to you?

Dennis Chang: Yes, directed to me or one of the members of the IRT if you are associated with that IRT member, or any of the IPT members. We're a team. We work as a team and we move as a team.

Rafik Dammak: Marika, you want to respond?

Marika Konings: This is Marika. Just to add to that as well that the IRT guidelines also outline a specific process, for example, if there is disagreement between the IRT and staff on the implementation. There is a specific escalation path foreseen with a role for the liaison to first of all try to facilitate or mediate the disagreement. But if there's a persistent disagreement on whether the implementation is consistent with the policy recommendations or not, there's also a path to escalate that then back to the GNSO Council.

Rafik Dammak: Thanks, Marika. So we have Margie and then Amr.

Margie Milam: Thank you. This is Margie from the DC. It seems to me that the recommendations we have in the final report are quite extensive and wonder if having one or two meetings a month is going to suffice given the implementation date of February 2020. I mean there's data processing agreements, all kinds of things kind of built into the report that are going to require a fair amount of engagement with the community.

                  And so I would encourage you to think about having a faster, more frequent pace for that. Because otherwise, there will be huge amounts of documentation that have to be looked at without a lot of input from the various parties that are affected.

Rafik Dammak: Amr?

Amr Elsadr: Thanks, Rafik. It's Amr. If I may, I also wanted to expand slightly on what Dennis was saying and Marika's follow-up. And not just for Georgios but for

the benefit of the whole EPDP team that the implementation review team principles that are a part of the consensus policy implementation framework state that the policies that are consensus policy language that have developed by implementation review teams has to conform with the intent of the original policy recommendations.

And part of the liaison rule, as Marika said, was sort of working out any disputes that may rise in terms of interpreting what those recommendations or what their intent might be. But also in terms of follow-up, just so that the GNSO is not part of the IRT. The GNSO Council is meant to stay up to date with progress that's being made via the liaison. So that's part of the liaison's role is to keep the GNSO Council up to date on this.

And if questions come up on the IRT, like whether there is lack of clarity on the intent of a policy recommendation, this is something, again, that the liaison can take back to the GNSO Council for guidance to provide feedback to the IRT and clarification what that intent may be so that the consensus policy language that has developed would be consistent with that intent. So I hope that was helpful. Thank you.

Rafik Dammak: Okay. I don't see anyone in the queue. So maybe Dennis, if you want to continue the presentation.

Dennis Chang: Yes. Thank you, Margie, for the suggestion. And this is precisely the kind of things that I was hoping to share when I come here. So let me tell you my view on the EPDP right now. And to me, there is two clear deadlines that was provided by the recommendations. One, 20 May 2019. 20 May 2019 is the date when the temp spec is no longer effective because of the Board resolution last time said 90 days and that's when the 90 days runs out. Now, there is also a 25th of May 2019, which is often referred to as the expiration date and that is also accurate.

But I want to make sure that we stay in sync here, on the same page. I am going to treat 20 May of 2019 as the expiration date and that's the date that I'm going to work for. Because I think the five days gap, trying to do something about those five days gap is just too much overhead that we cannot afford.

So I want to hear from you if you have opinions about what happens when the 20th of May 2019 - what would be your expectation from this implementation team on that date?

Rafik Dammak: Yes, Alan. God ahead.

Alan Woods: Alan Woods for the record. So on that particular one, so we had that discussion obviously at the end of Saturday and I think there was a good reaction around the table when you mentioned about this concept of perhaps needing an interim sort of a policy. So you gave us the task, effectively at that point, to come back to you and say, well, give me an alternative.

So what we have done and the registries and registrars sat down, pulled together a wording, which technically would amount to what is a compliance advisory. And we've shared this with the entire EPDP team as of yesterday and we've asked people to review that and see whether or not that they would have any particular issues or misgivings about that.

And basically it says that, using the wording within recommendation, my brain is, forgive me, the 28th - well, the recommendation about what we would do in the interim. Using the wording of that within the actual advisory itself that would say that a registry or a registrar would follow that, which within the temporary specification, which expired on this date. And they may follow either the temporary specification or the consensus policy until the date of implementation of the consensus policy, at which date it will only be the consensus policy.

So it is just a bridging wording that would be sent to all registries and registrars without having to reconstitute an interim policy or without getting into the sticky situation of having this weird bridging mechanism, which could cause some issue and precedent, which we would like to avoid.

So we've sent it around. If the EPDP team has read it and reviewed it, I would really ask you to come back today so that we can get, if we have an agreement on it, that we can go to Dennis and send that to Dennis for his review and for sending onto ICANN legal, I suppose, would be the next step on that one to see whether or not they are comfortable with that.

So that's kind of where we're at. Hopefully, we can be creative in this particular instance because it seems to be that we really have to get hopefully a consensus on that pretty quick.

Dennis Chang: Thank you, Alan. I really appreciate that. Because obviously, we're just getting started as an INSTITUTE and we are struggling with how we can get something done by 20th of May, right, 20th of May, Alan, not 25th. And then plus the fact that, as you pointed out, we do not have a Board resolution and Board approved and adopted, and the direction for us to implement, yet, right? We're sort of in the interim phase.

But it's clear that we are doing things differently for the EPDP and we're trying to cooperate and collaborate as much as possible for efficiency, for everyone. So anyway we can be creative and get over that 20th of May deadline and do something, that would be just wonderful. So I'm completely open-minded right now and we accept all your inputs for that.

In terms of continuing coordination and collaboration, and I do want to ask your advice on this, because I cannot constitute a formal IRT until the Board resolution, which I expect to happen early May, right. There's a Board workshop 3rd of May. I think that's when I would I expect a resolution to come out on this. From that point on, I'm going be prepared to call for IRT so

that Board resolution comes out. The next day, you will see a call for IRT from me.

And I'm going to give you maybe one week to respond to me and then we will actually have an official IRT. And at that time, I'm going to present to the IRT formal plan for the 20th of May deliverable, right. So in fact, 20 May deliverable publication of whatever that is, that legal vehicle, the contractual requirement, will indeed have an IRT review. So that's a good thing, right?

But for us to get there, we need to be coordinating now and all the time, right, like we're doing today. And then I have a couple concerns. I know there are figures that's very concerned about the Phase 2 now. You're going to be busy with Phase 2, right, everybody here, right. So I want to make sure that I'm getting some attention from some of you in the way we're going to coordinate on the implementation part two.

And I'm expecting that it will be rather informal, but I'm not sure whether it's proper for me to be discussing the implementation part of the policy, using this EPDP email group, right. So in that case, how do we do this? Do you have opinions, advice for me? Go ahead.

Alan Greenberg: Thank you. A number of comments. I think at this point, we and you have to presume that the Board will approve the full set of recommendations. If they don't, we will have to react, all of us. But at this point, I think the presumption is it will be approved. The wording that Alan W. proposed I think is slightly problematic in that it says you must follow the recommendations and at this point, we don't - the whole IRT - the whole implementation project team is translating recommendations into policy and we don't have that wording yet.

So I think we need to squiggle the word slightly to say what we mean there. But the bottom line is I don't think you need to do anything regarding the bridging period. Compliance will have to think about it. We need a document published but it should be no real task on the IPT, the IRT.

In terms of the delay between now and when the Board takes action, I think we should be calling for an interim IRT or whatever, convene that group right away. Because you're going to be working. Even though you don't have a formal approval of the Board, I hope you guys are going to be working over the next six weeks and I believe you should have a quasi-IRT to talk to. Until that group is formed, this mailing list could do. But I think we need to form that group now and not wait for May. Thank you.

Rafik Dammak: Thanks. So we have Margie and Thomas, and I think, yes.

Margie Milam: This is Margie. I took a look at the language that Beth circulated. I think the concept works. I hadn't thought about Alan's issue but generally, I liked it. It's a lightweight approach and it just gets us - gets one issue out of our way and we work on other things. Thank you, wherever Beth is, for putting it out.

Thomas Rickert: Thanks. It's Thomas for the record. I also like the language that's been suggested by Alan because I think it's a lightweight, or by Alan and team, it's a lightweight approach and prevents us from over-engineering things in the meantime. Nonetheless, there is work to be done because the recommendations require us to agree on how certain processes are being implemented, what language is to be used when consensus is offered and stuff like that.

So that needs to be worked on. But, and maybe you are not the right addressee, nonetheless, I think it's worthwhile bringing this to your attention. I think it is highly problematic to wait until the Board has adopted the full package of recommendations before we start working. And one specific area in particular, and that is for the contacted parties to come up with the appropriate agreements with ICANN.

Because a lot of the implementation work, the language to be used, the information to be passed on to the registered name holders to inform them

about what data is being collected, who is responsible for it, requires us to say who is the controller, who is the processor for certain things. So it all depends on what agreements are struck and implemented. And that affects both the implementation for Phase 1 and it is a condition precedent for the work that we're doing in Phase 2.

So I would really hope that you and your team, that our Board liaisons, that staff as well as the rest of the EPDP team sends this message to the Board and the contracted parties that they should start negotiating and discussing these agreements now. Because that's going to be a roadblock both for Phase 1 implementation as well as for work in Phase 2.

Rafik Dammak: Matt, go ahead.

Matt Serlin: Matt for the transcript. Yes, I agree fully with what Thomas said. I think it's important to start that work now. Thank you for the feedback on the language that Beth circulated. To the extent that others can do that as well and respond, I think that would be important in order - I mean the intent of that, obviously, was to make that as smooth as possible. So we're trying to give Dennis the best vehicle with which to do that.

The only other point I'd make, Dennis, is that keep in mind that it's not just this group that's participating. We all have alternates behind us as well. So I do think that between the folks that are in the room now and the alternates that putting out that call to the EPDP members is critical and you will get participation. We'll find ways to make it work because we understand how critical it is for us to be involved in both going forward. Thanks.

Rafik Dammak: I think. Yes, Chris?

Chris Disspain: Thanks. So just on things that we might need to consider after May 20. So the only thing that I've not heard yet is obviously we've made recommendations about elements that need to be redacted and whether we

need to consider updating the temporary spec to follow the recommendations that we've made. Because obviously, the team has spoke a long time about that being compliant with GDPR. So just to make sure that we're fully compliant with GDPR on what we're redacting.

Rafik Dammak: Thank you. Just to check before going to - Thomas is it an old or a new? Okay, Dan go ahead.

Dan Halloran: Thank you, Rafik, and thanks. I think I'm following up on the same point that Chris just made. I looked at just a preliminary look at the language that Beth had circulated. I think it's promising. I think it sounds a lot easier than what we had initially been thinking, which is that we would have to go back and look at the 188 pages of the final report and translate that into actual requirements that registries and registrars would have the option to implement.

So in the next - from May until February, registries and registrars either must implement what's in the temp spec or they must implement what's in the final report. And our concern was that the final report is 188 pages of process and recommendations. Some of the recommendations are to the Council. Some of the recommendations are to ICANN. It's not - so our concern was that if you just hand 188 pages to - and not the registries and registrars maybe that are on this team and living it every day, but all the other registries and registrars, they would say, what is this? What am I supposed to redact? What am I supposed to be doing? What's different in this than in the temp spec?

So our thought was that it was our job to discern that, distill it into actual requirements for registries and registrars, and get that out to them by May 20th. But that's just initial thinking and we appreciate your feedback input on it. Thank you.

Rafik Dammak: Thanks, Dan. Alan?

Alan Greenberg: Thank you. That's an issue we brought up the other day that if registrars and registries are going to implement the new consensus policy by the 29th of April 2020, they have to be given it earlier because you have to presume it's not all goodwill and intent. There may actually be work involved in doing it. That's sarcasm.

Therefore we need to know what the target is for when this policy will be ready to be published. Maybe not formally approved by everyone. There may be some details but we've got to know when are we going to give people guidance for what they're supposed to implement. And I believe when I was talking about tweaking this thing, I think until ICANN has published that, the details of the temporary spec rule.

Because otherwise, people are going to be giving their own interpretation of what the recommendations mean. In other words, they'll have their own little IRT and IPT and decide what they think it means. So I think we are saying stay on the equivalent of the temporary spec until ICANN publishes, which I'm hoping will be sometime in the July-August timeframe, you've got to give people at least six months to do the work. And after that point, they have the option of doing it quickly or waiting until the end of February. Thank you.

Alan Woods: Thank you. Alan Woods for the record. Yes, Alan. I absolutely agree. I suppose as we approach into the IRT, where the intention of what the wording is, is key, this is probably your first looking at the intention. The intention of this was us to say, we're not presupposing that people actually interpret, as you suggest. We're also not presupposing what that policy will ultimately look like. What we're saying that if the policy is to come out earlier then there is an option there for the registry or the registrar to implement it earlier than the date that is specified. But again, we have that six-month period but we're not saying you cannot implement before that.

So it's not saying let's have a stab at making our own policy in the meantime. It's still paying homage to the actual process that we are now currently in. So I agree your concerns are valid but the intention was not as you thought there, just for the clarification. Thank you.

Alan Greenberg: Just to be clear, I knew what the intention was. The wordings needs to (unintelligible).

Rafik Dammak: Okay. Thanks, guys. So I see nobody - that's an old. I don't see anyone in the queue. So maybe, Dennis, you can continue on.

Dennis Chang: So I think we agreed that we're going to perhaps wait for this group to give us that language. Maybe you guys all agree with. Do you want to go ahead, jump in? Go ahead, Trang.

Trang Nguyen: This is Trang. Alan, just a point of clarification just to make sure I understood what you said correctly, because I thought it may be different from how we had been interpreting the EPDP recommendation around that bridge, that implementation gap and the bridge. Are you saying that that recommendation assumes that the contracted parties would be complying with the requirements in the temporary specification until such time that if the final policy is available prior to the February 2020 date, they have the option to then comply with that as well? And if not, they could, starting day one, comply with both?

Alan Woods: Alan Woods for the record. Probably you might have to clarify your clarification. There is no policy for us to implement. That's the thing. So until the policy has been created, we will not implement it. We're just saying that if a policy exists during this implementation bridge, the rainbow bridge of implementation, then we can - some registries might say, hey, I would like to implement this today. We have a policy in our hands and I know I've been given six months to do this. But in the magic world where there isn't actually

technical work that was needed to be done, they'd say I would like to follow the consensus policy.

And I think that's been done in the past with other policies where you're saying you have to have it implemented by this particular time. But there's an option that you can begin to follow that policy at your option. There's been a few policies (unintelligible) if I remember correctly. RDAP, RDAP being a very good example. Am I right? Does that help?

Dennis Chang: Thank you, Alan. Yes, you are correct. The policy implementation that I am implementing even now says we use the term no later than. And when we do that, you are free to implement earlier but no later than the effective specified date. So that allows the contracted parties to go ahead and implement on day one of the announcement.

The legal notice is the vehicle we use to communicate with the contracted party to make it clear there is new requirements for them to implement. So this is why it's so critically important how we do the 20th of May legal notice, right. And what I'm hearing just between Alan and Trang converse, is that we would put out a notice that says continue with the temp spec until such time there is a policy, consensus policy language, that is published. And at that time, you may implement that policy language or the temp spec, right. I think that's what I'm hearing.

So we're going to go to the 29th of February 2020 date as the next milestone we're going to discuss. So on that day, right, I think the intention from this group was the effective date, you're looking at that as an effective date, consensus policy effective date, meaning that you're done with implementation, right. Which means that for "six months" to have any meaning, you're expecting the consensus policy language in August of 2019, right? Was that your expectation? It's a question to the group.

Rafik Dammak: Okay. Thanks. So I think we have Amr, Alan, and then Matt.

Amr Elsadr: Thanks. This is Amr and I've been trying to follow the conversation but I'm not sure who I'm agreeing and disagreeing with. And I thought Dennis was taking us home on this, but then again, I got confused with what the expectations might be in terms of August and when the policy effective date might be.

My understanding is that the policy effective date is determined by the IRT not by the PDP working group or the EPDP team recommendations. So for the policy effective date to actually be set, we would first need a draft consensus policy language that would be published for public comment. And following that and following review of these public comments by the IRT, then the announcement that Dennis mentioned would be shared. And in that announcement, the policy effective date would be determined.

And the policy effective date is not the same as the date of when the consensus policy language is finalized by the IRT. Like Dennis explained, the policy effective date is the date by which time contracted parties are expected to have actually practically done all the work required of them in the consensus policy.

So again, I'm not sure who I'm disagreeing or agreeing with. But I think I got it right, didn't I Dennis? You're nodding at me so I feel reassured.

Dennis Chang: You are absolutely correct in terms of standard policy implementation process. But what I'm trying to understand is - I am reading between the lines. When you're giving me 29th of February 2020 as a deadline to meet, I'm trying to make sure I understand what is it that you are trying to communicate to me in terms of implementation? Is it a policy announcement date or is it a policy effective date? Or is it a guidance date that is somehow related to what we're doing?

So I'm here to listen to you because as Amr understands the IRT process because he's been on the IRT. So for those of you who haven't been may not be familiar with all the public comment proceedings that we have to go through with the finalized policy language that we have to draft. And that doesn't fit in the August timeframe. That's why I'm asking the question.

Rafik Dammak: So we have Alan, Margie, then James and Kavouss.

Alan Greenberg: Thank you. Look, a normal PDP issues a recommendation. They eventually get approved. An IRT is convened and the intent is saying - the message from the PDP is don't dawdle too much. Let's get this done as soon as practical, but there's never any date. Well, I've never heard of a date set. And if you look at certain PDPs, they've taken years.

This one, for whatever reason, and we thought we had good reasons sitting in Toronto do it, we put a date on it. The date is there now. We now have to work backwards from it. Is that inconvenient? Yes. Do we have a choice? Unless we change the date and quickly tell the Board we didn't really mean the 29th of February, we have to live with it. And we have to give contracted parties enough time to implement.

Matt Serlin: This is Matt. I just wanted to clarify one thing. There's a reason why we had to pick a date, because the temp spec expires on a specific date, right. So we had to come up with some bridging mechanism. So that's why we came up with the February 29, 2020 date was to - we got a lot of resistance about having the recommendations in the temp spec live on indefinitely. So we agreed to a date.

So to answer your question, Dennis, I think our intention was that would be the policy effective date. I guess to Alan's point, if you are telling us as the implementation project lead that that does not give you enough time to complete normal implementation work, ten we need to have a different conversation and come up with a different plan. But I think everyone would

agree that our intention was that the policy would be effective on that date and the temporary spec would really go away on that date. Thanks.

Rafik Dammak: Okay. Sorry. We have Margie, James, and then Kavouss.

Margie Milam: I think what Matt said was what I was thinking as well. And Dennis, I think from your perspective, you kind of have to look at this differently because it's an expedited policy development process. So the rules that typically apply to a normal PDP don't - I don't think you necessarily translate here in the same way. But really I guess is a question for the legal team. If you feel that you have to have that for the contracts, the REA and the registry agreements then I guess we need to know that and that might affect when you have to announce the policy.

But if the traditional process of announcing six months in advance is a best practice versus a contract requirement, then I think it just means that you have to adapt the implementation timeline because it is an expedited process.

Rafik Dammak: Thanks. James and then Kavouss.

James Bladel: Hi, thanks. James speaking. So first off, the fact that it's an EPDP really doesn't I think come to bear here. We have urgency. We have external deadlines. We need to hit them, okay. I'm struggling a little bit this morning because I feel like we're trying to find reasons why this isn't going to work and we're standing on precedent and I think that's, frankly, the path of least resistance.

We have a date. To Amr's point, normally a PDP doesn't give a date of enforcement. That is a function of the IRT. Not the case this time. We're throwing out the rulebook to get this done. Okay. And I think when you have all the parties involved are nodding their heads, like let's not tie ourselves up with what we've done in the past or what we are worried about happening in

the future, and focus on getting something in place ASAP and getting - with enough of a window for contracted parties to be able to act.

And Dennis, that means that the date for ICANN staff for an IRT is going to be August 29th. And that means you guys are going to have to light a fire under the IRT in the same way that the EPDP pushed to get to an externally imposed deadline. I'm sorry if that means that that's not what we've done before. I know there have been some IRTs that have listed for years but this one is only going to get about four or five months and it's going to have to come up.

Now, the good news is, is that registries and registrars have looked at the delta between the temp spec and the EPDP and it should be doable. It shouldn't be a boil the ocean, set up a colony on Mars type undertaking here. So can we - and I'm sorry, I'm going to take breath now, can we dispense with our ICANN culture of making this harder than it needs to be and focus on what we need to put exactly on the critical path to make this easier, and faster, and lighter.

Because we can add bells and whistles to this thing all day and we can be having this conversation in 2022. I don't want that. I don't think anybody in this room wants that. So I'm asking can we kind of just clear the table from the meals we've eaten in the past and focus on what we have to do between now and August and between August and February? Thank you.

Rafik Dammak: Kavouss?

Kavouss Arasteh: Yes, this situation is totally ambiguous. Too many dates, August dates, 20th of May, 29th of - too many dates. We don't know what is what. Announce date, effective date. We have to be quite clear. If for any of you it's clear, please announce that. Who is clear of what is you're talking about. Yes, please okay. Don't talk about all the dates that you want but not effective

date, August date, announce date, 25th of May date, and 29th of February 2020. Announce what date we are talking about.

James Bladel: Can I respond? Because I think we can map this out in a timeline very easily, okay. The temporary spec expires on May 20. We have to announce the new policy on August 29 and it becomes effective on February 29 of 2020. That's three dates. Expiration of the existing policy, announcement of the new policy, enforcement of the new policy, three dates.

Rafik Dammak: Okay. Thanks, James. But just checking, I think Diane is first and then you, Thomas. Okay, Thomas.

Thomas Rickert: My suggestion is pretty quick. We have a proposal on the table that Alan has posted. Those who are requiring changes to that language, make concrete suggestions as to what the language would be.

Dennis Chang: Thank you, Thomas. Yes, exactly. I'm anxious to receive that because that will give me clarity on what to do on the first date, which is the 20th of May of 2019.

Thomas Rickert: I forgot one point. To your point then, I think nothing prevents ICANN from pulling out information, the report, and passing it onto contracted parties for information purposes. But I think that we really need to get to grips with the language. I think we're spending far too much time on this.

Rafik Dammak: Thanks, Thomas. We have Diane and then Matt.

Diane Plaut: My point was just simply to say that we've all worked extremely hard on this work to date and if we have motivation here to have these firm dates that we have to really put aside rules that existed in prior situations and recognize that the community is in need of implementation.

We have the contracted parties willing to effectuate that and work hard to put it into effect. And therefore, it seems to me that we all have to come together to work backwards now and to make the implementation and the legal framework around that doable. Because we all are on the same mission to get something done and in place.

Rafik Dammak: Thanks. Matt?

Matt Serlin: This is Matt for the record. I wholeheartedly agree with what Diane said. And actually, Rafik, was going to ask you to tell us at this point if we can put some kind of deadline in place for people to provide feedback on that language maybe by the end of the week so we can get that over to Dennis early next week. From the feedback we heard, Alan, maybe there's one or two words that we need to tweak. But it sounded for the most part, like people were okay with it. So I think if we could do that and get it moved forward that will be a good step in the right direction. Thanks.

Rafik Dammak: Thanks, Matt. I think we can do that. So I know that people are traveling but it seems the end of this week is something doable. Okay. I see no objections. We'll go with that. I don't see any in the queue. So Dennis, maybe?

Dennis Chang: So if I may, I have more questions about the recommendations. And I think I heard earlier when I met with you that some of those recommendations that are there are meant for ICANN Org task and we can do them later separately. But you do not - you had not intended that we have to compete all those tasks by the effective date such as the 29th of February.

So give you an example. I'd like to ask Amanda to quickly explain, maybe in a couple of minutes, what the registry agreement update process is. Because I don't think that everybody is aware how that gets done. Registry agreement is a contract between ICANN Org and registry operator. And

Amanda happens to be our service management SME, subject matter expert, for the registry agreement. Would you mind?

Amanda Fessenden: You're talking about amendment to the base RA? Well, it can be a long period of time. So I'm not sure we want to go into that just now. But maybe you want to talk about it just now.

Dennis Chang: Specifically but I think the quick steps and how long it typically takes. Because we're - I think what some of the expectation here is that we have that contract updated in effect by the 29th of February 2020. Is that something that is reasonable?

Amanda Fessenden: To do a full RA, like the base RA update process is, I think, anywhere between 200 days and 300 days depending on if we need to do a discussion period for the amendment itself. So there's a negotiation time. There's a voting period. There's a posting period for public comment. So that can be a lengthy time. So I think we need to discuss internally how we're going to be doing the actual amendment updates. If it's going to be an amendment or if it's going to be policy than maybe the amendment happens after that.

Russ Weinstein: Hi, this is Russ Weinstein from staff. I work with Amanda on the GDD team. But Dennis, I'm sorry, I'm not following the connection here because I think the introduction of new policy language is embedded into the contracts. I know there's references to data processing agreements that need to get put in place. But I'm not sure you envisioning amendments to the base agreement. I think it will just be the policy agreements, right? Sorry, if I'm speaking…

Dennis Chang: That's my expectation and I wanted to ask this group that if somebody is expecting such things like - and that's what I meant by there are recommendations in there that we have to do some time but I'm focused on the 29th of February 2020 effective date and trying to honor this group's

which that we do all the setback schedule to meet that date. That's why I'm asking the question.

Margie Milam: This is Margie. I guess I don't understand what we're saying. You're saying you need to negotiate contracts when there's a new consensus policy because that doesn't make any sense to me at all. So I'm trying to really understand what you think needs to be done.

Dennis Chang: What I'm trying to understand is which part of the policy recommendation has to be implemented, "implemented" and be finished by 29th of February 2020. That's what I'm trying to understand. So I'm kind of envisioning there is a bucketing of the recommendation right now, right. The things that we have to be done by 29th of February and then there are things that we can take longer to do, but put it on our to do list by 29th of February 2020.

Because the completion of an implementation plan has to be very clear on when something gets done.

Margie Milam: If I could respond, this is Margie. I would think all the recommendations have to be done by the time period, unless you've read the recommendations and have a question about it. But we weren't thinking of changing that, right?

Matt Serlin: This is Matt. I fully agree with Margie. What I was going to suggest, and I think you're getting a lot of head scratching around the table because I'm not sure how we got to contract negotiations from policy recommendations. But it might help, Dennis, if maybe once you've gone through the report again with your team, maybe you could just outline for us over email what the sort of outstanding issues in your head are, and where there's questions, and where we can provide feedback.

Because I just want to make sure, to Diane's point, we collectively did all this work and it's obviously in all of our best interests to make sure that what we

intended is what ends up happening. So that would be my suggestion maybe. Thanks.

Rafik Dammak: Thanks, Matt. Marc?

Marc Anderson: Thanks, Rafik. Marc Anderson for the transcript. When we met with you on Saturday you spoke a little bit about how you're reading through the policy recommendations and looking at what all - trying to discern what all the deliverables from that. And I think also you've pointed out that some of the recommendations in there aren't policy recommendations per se, so much as recommendations to GNSO Council, for example. And that would not be something that staff implements.

So it seems like what's needed is a list of those items and who owns them to make sure - something that we could all look at and make sure that we're all on the same page. So I think that's something you talked about that your team is starting to work on. And maybe that's what's needed here. Because as Matt said, there's a little bit of head scratching but a list like that could help get us all on the same page and that may be helpful moving forward.

Dennis Chang: Yes, I agree and it's precisely what we're intending to do with the IPT. I was trying to see if I can get a head start from you, if you have thought about such things and can help me do that quickly. But our next action for the IPT is to review all of our recommendations, all of your recommendations, and as I said, bucket them to those things that we have to do by a certain date and who must do them.

And the other thing that I was wondering, but I think it's becoming clear, is that if we are implementing the Phase 1 recommendations, and we discussed that this internally that Phase 2 work outcome is completely out of scope of our implementation. And therefore we will not be tracking your work on Phase 2 and any of the work outcome from your Phase 2 is not something

that you're expecting us to add to our implementation. Can I get a confirmation from you all?

Rafik Dammak: I think people are showing agreement. They are not saying it but they are showing it. Okay. So can I have a time check here? We have 15 minutes left and I think we might need on our side some time just to update team members about our plan for tomorrow and next steps.

So Dennis, you have any other questions or you have, let's say, maybe ten minutes for any other question or issue you want to ask the team for input and feedback?

Dennis Chang: No, I think I have a lot and I appreciate your time and talking to me. This is rather unusual that I have the benefit of having the working group intact to advise me like this, because typically when I start an implementation, the working group has disbanded, right. And this is a good forum for me to get the intent of your recommendation. And I think it's made very clear and I appreciate that.

Ongoing, we're going to have to devise a methodology of where I can still communicate with you and let me think about that a little bit. And it's been suggested that we start another small group, or just use this EPDP working group. And I'm not sure what the best thing to do there is, but let me consult with my colleagues here and we will come back to you on how we plan to do that.

And so the next thing that I would be expecting from the group is the language that Beth has kindly worked out, and you're looking at it. And then I'm going to be formulating some sort of a bucketing system where I categorize each of the recommendations for who, and how, and who is it for, to make sure that that gets aligned, and I'll communicate that to you. And put a timeline together that is consistent with what we just talked about.

20th of May is a legal notice that effectively communicates that what's in the temp spec is not expiring but you're continuing, and you have the legal document so that you can do that. And then end of August is our plan date for announcing the new consensus policy that basically replaces the temp spec. And until the end of February that the contracted party has the option to continue with the temp spec or convert over to the new consensus policy language. So that's what I'm getting.

So feel free to contact me. I'll be here for the rest of the day and I would love to have continuing dialogue with you guys. Thank you.

Rafik Dammak: Okay. Thanks, Dennis. So just a question. You listed several kind of proposal and things that you will come back to the team to share them. Do you have a tentative date for that?

Dennis Chang: No.

Rafik Dammak: Okay So I'm just trying to see when we can get that noted as to do some planning. But with regard to the idea of the small group, I think we can also - need some coordination in the way to not impact - I am assuming that some of our EPDP team members will, I mean, will join that. So in order to coordinate our work and that implementation work in terms of the workload.

Okay. Thomas, you wanted to add something?

Thomas Rickert: Just to get back to the point I mentioned earlier, if I may. Has an invitation to negotiate been made by either ICANN or the contracted parties already? So I'm a pragmatic guy. Can we make this an action item? I don't want to be at the table when this is being discussed but I think that we should have some visibility as to whether there are invitations, whether there are meetings scheduled, so that we can at least get a feeling for whether there's something making progress.

And maybe you guys can them work on a plan until which, and a timeline until which you will produce those agreements. Because I think we will need to build our own planning as an EPDP team on when you're done with what you need to do between ICANN and the contracted parties. Does that make sense? I don't want to impose too much pressure but a little bit.

Rafik Dammak: Yes, Alan. Please go ahead.

Alan Woods: Alan Woods for the record. I mean the conversations have certainly talking - they've started in the sense of we're looking into how we could arrange that. But in reality, we kind of need to wait until there's an IRT because we need to parse out those, which are going to be in the policy versus those that would be in the remit of contractual negotiations. Now, they're clear enough under the recommendations because they're the ones that say you need to have entered into contractual negotiations. But yes, there is preliminary chat I would expect but nothing formal.

Thomas Rickert: Alan, thanks for that. I think that we do know that one way or another, this needs to be discussed. We'll get the memos from ICANN legal. Obviously, there was information that was missing according to ICANN legal in order make a determination, so what the legal construct should be. And I think nothing prevents you from getting these discussions going maybe formally or informally. But the sooner the better I'd say, and maybe we can make it an action item for staff to get meetings hammered out and invitations sent so that we - I'm just afraid that we are going to be waiting for this and that this might hold up the train for the EPDP work.

Rafik Dammak: Thanks, Thomas. Diane, you want to add something?

Diane Plaut: Yes, I want to add that I think that it's really the responsibility of this group to be able to encourage what Thomas said on behalf of the entire group and on behalf of the contracted parties to push ICANN to set a timeline and a date in the calendar with the contracted parties to negotiate these agreements that

are essential to this whole entire functioning of this policy. And certainly, it would be fundamental to be making any kind of implementation feasible.

Rafik Dammak: Thanks, Diane. I think there was a message received by Dennis here and hopefully, he will follow-up. So thinking the last eight minutes in our meeting to prepare for tomorrow meeting. Marika, maybe you want to share some updates and give us some update for tomorrow.

Marika Konings: Sure. Thanks, Rafik. So this is Marika. So tomorrow, we have our last meeting of this week. I think we're starting at 8:30 in the morning. I'd like to think it's in this room but let me double check the schedule for confirmation. So staff has been going through the notes and outcomes from some of the discussions on Saturday.

So what we've tried to do is put together a number of proposed agreements or proposed next steps in relation to how to - the working methods of the group, some of the resource conversations. But I think we will be looking for a bit more input on how you plan to tackle especially the conversation around the standardized framework for access. There have been other conversations here this week. Do they have any impact on how the group should tackle that topic. So we're hoping as well that maybe through a bit of brainstorming tomorrow and getting ideas out of there, we'll get a better sense of how you intend to tackle that topic and that will help us then to build out a more detailed proposed timeline and work plan to deal with the different topics.

Of course, there's some other items as well in the Phase 2. So what we've also done is already kind of reorganized the mind map a little bit and linked topics that seem to be linked together in the same kind of category, and especially the annex, there are a couple of topics that relate to the access conversation. So we've tried to combine those and we can send that out later today so you can really have a look at that. So we also want to confirm that we've made an accurate assessment of how certain topics link together.

So again, in the work plan, those can be then considered together and again, want to think about some of the dependencies that have been identified in relation to some of the items where we're either waiting for legal advice or consultations with other groups for input on the topics. There's of course one as well where I think a study by ICANN Org has been identified as providing input.

So hopefully, again, with that kind of conversation tomorrow, we will have something that will allow us to build maybe one or multiple kind of draft timelines work plans or approaches for then further review by the group. So that's a bit what we currently have in mind for tomorrow.

Rafik Dammak: Thanks, Marika. So the idea is on the purpose that we go in input and we discuss it. But we need to start translate that on proposal and the plan. So I think we shared the map today and we expect everyone to review it prior to the meeting. So for tomorrow, can we start to move more towards the work plan. Okay, any question or comment? Seeing none, and I guess, I think we will end before the allocated time. I mean that's okay.

So thanks everyone for attending today meeting and see you tomorrow.

                              END