
MONTREAL – GNSO - Review of all Rights Protection Mechanisms in gTLDs (Session 3 of 3)
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UNIDENTIFIED FEMALE: Review of All rights Protection Mechanisms PDP Working Group, working session #3. Thank you, all, for joining. At this point, I'd like to turn things over to our co-chairs who are Brian Beckham, Kathy Kleiman, and Phil Corwin. Who would like to take the lead?

PHIL CORWIN: Welcome, everyone, to our third and final meeting of the Rights Protection Mechanism Review PDP Working Group here in Montreal. The main focus today will be to look at the results of the survey that was circulated to all working group members in regard to the 31 individual proposals for URS changes from members of this working group. And subject to comment by the co-chairs, I would suggest that the best way to proceed would be to have staff present briefly a high-level overview in regard to the number of responses we got, the identification by interest group of the respondents and kind of a picture of how the results fell in terms of proposals that received a large percentage of support and those that got a large percentage of opposition. But keeping in mind that this was not a vote and is in no way binding.

I think we then ... I have my own personal views. I think the other co-chairs do. But then open it up for some discussion among the working groups on how the survey results should guide our further consideration of which of these proposals should be put out for

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publication in and in the initial report with a request that the community comment upon them with all of them being identified as not working group proposals but proposals from individual members of the working group. Is that an acceptable way to proceed from my co-chairs?

Okay. Staff, why don't you go ahead and give us that overview? And then we can open up some discussion on how to take these results into account and then we can decide how to proceed further. Thank you.

ARIEL LIANG:

This is Ariel from staff. As you can see from the screen, we have a total of 27 respondents to the survey and about 41% of the respondents are from IPC and then the rest are from other stakeholder groups and constituencies. And I'm not going to list them, as you can see in the chart. Then this is a pie graph of the survey respondents.

The one thing I wanted to note is not all survey respondents have answered every single question. So, some of the question has maybe 26 responses or 25, but most of them have all of the respondents responding to the survey.

This is a simple bar graph about the proposals that, when people select "no, do not publish this proposal" regardless whether the proposal has an amendment or not. So, this is the graphic that indicates the number overall. Then we have basically show the trends. The one on the very left side is the one that received the least nos, and then on the right side is the most nos.

Then, if you look at the graphic, it's roughly one-third of all the proposals that have received more than 50% of nos. So, basically, the one-third portion of the right-hand side.

When we organize the slides, because of the co-chairs – or Phil's – suggestion, we reorganized the order of the slide so you can see the proposal that has the most nos first and then is on the descending order in that way. We're hoping this can be a more efficient way for the working group to go through all the proposals.

Also, another note is for every single proposal, there are some additional comments entered by some of the respondents. So, we have included the comments from the survey. That's a brief overview.

PHIL CORWIN:

Well, thank you. Let me throw it open to the working group members. I've got to say I had hoped that we'd get more responses in 27 but it's still a significant percentage of the working group members who are really active on these issues. These aren't a vote. We're not going to say this is for guidance and to give us a feel.

Keeping in mind that the purpose of this exercise was to see if we could better focus the community's attention on the individual proposals that had a better chance of achieving consensus support in the end because that's the standard for making it into the final report.

Let me open the floor to comments from working group members on how we should take these survey results into account in deciding which

proposals to put out for public comment. Thank you. I see Michael and Martin and Zak. So, let's start with them. And Greg.

MICHAEL KARANICOLAS:

I objected to this exercise from the outset and I did so not because any of these proposals are mine. My objection here is, as a matter of procedure, that I find it incredibly problematic to reopen closed discussions because people need to be able to plan their ICANN engagement and to engage or disengage with the working group as they feel appropriate.

There needs to be confidence among those people, particularly those who don't do this for a living, who come because they're interested in a particular issue. They need to be able to come, argue for their position, and then once the working group moves on, to be able to disengage and not worry that if they don't show up for one week, the rest of the working group is just going to form a new consensus and undo their work.

Mitch Stoltz from EFF was very active in these debates. After that portion of the discussion was closed, he left on sabbatical. I have a problem with him, to take an example, coming back and finding, by the way, all those debates that you participated in, they don't actually count for anything because, after you left, we reopened it and came to a different outcome. You cannot run a working group that way, where every issue remains potentially up in the air for the entire duration of our work.

I don't want to be in a situation where somebody shows up on the last day before a report gets published and brings in 30 new people, "Oh, and by the way, we have a new majority. We're going to rewrite everything." Thanks. I'll finish. Thanks.

PHIL CORWIN: We've heard this before, Michael. Thank you very much.

MICHAEL KARANICOLAS: Right. Thanks. So, in terms of—

PHIL CORWIN: Michael, sorry. As a point of order, we've heard this before. We've heard your arguments.

MICHAEL KARANICOLAS: We're not discussing what's to be done with these results?

PHIL CORWIN: Michael, you've made this argument before.

KATHY KLEIMAN: But we've asked for the opinion of the working group on how to proceed and I think Michael has an opinion which we should probably let him finish what he's saying.

PHIL CORWIN: Okay. If you're going to make this argument, please be accurate. We've discussed these proposals a grand total of four meetings.

MICHAEL KARANICOLAS: You are responding to my points now. It's completely inappropriate for you to cut me off so that you can respond. I will finish and then you can respond. Isn't that how this works? Do you want to get in the queue?

PHIL CORWIN: We do have an understanding in the working group that when we take a decision that we don't reopen it, right? And this is the point that you're trying to make. With respect, we haven't taken a decision here. That's the precise reason why we have the suggestion for the survey.

MICHAEL KARANICOLAS: And I am making an argument against reopening it. Now, the other thing that I will add is that I also made a suggestion at the outset of this exercise that if we were going to do it, we needed to agree at the beginning what the data would be used for and what kind of results might support different avenues for it. We didn't agree on that. We didn't even discuss it beyond some vague idea of taking the temperature of the room.

So, now, we have the temperature, as it existed last week. The temperature in another month is going to be different. And looking at these results, given the fact that the IPC represented 40% of the votes, I don't see how this even gets us any closer to getting an understanding

of likelihood at the GNSO level or in ICANN as a whole of getting consensus. So, I don't see this as moving the ball up the field at all and I don't see utility of these results. Thank you.

PHIL CORWIN:

Thank you, Michael. Martin, I think you were next.

MARTIN SILVA:

Thank you, Phil. I'll try to be brief. I see this from a procedural standard and I also sort of feel weird that I have to make a decision of whether something should be published or not using this data because of the 40% of IPC but also because of the 27 people that participated. I just feel that I'm trying to justify something I want to do which is to take less questions outside ... I understand the intention with the survey. Even at the beginning, I wasn't completely sure.

Afterwards, I could actually understand what you were trying to do which it was a sensible thing to do. But now that I see it, I don't see how this could help us to reach some place. I feel I either have a criteria I could totally support a decision – I feel that we either should let all the questions go and just assume that the survey wasn't successful to make a decision or to [inaudible] any proposal, like a black or white thing. I cannot see a criteria that we can use with this data and say let's make 50% a no or 50% yes and let's go with that one. I feel it's too arbitrary for the way we have been working this working group which is a very open dynamic, consensus. That's my problem with the survey. I feel it's just not going to be useful for what we intended it to. In that sense, my

proposal, at this point, is we should try to move further, either publishing all proposals or non-proposals. Thanks.

PHIL CORWIN:

Okay, thanks. I think Zak was next and then Greg and then who else? And Jason. And I'll put myself at the end of that queue. If others want to speak to this, great. But go ahead, Zak.

ZAK MUSCOVITCH:

Thank you. So, my expectation of this temperature taking was that it could possibly reveal some individual's proposals that just simply didn't enjoy any level of support whatsoever and perhaps those could be removed.

But from my review of this data, it looks like just about every one of them has some degree of support, some more than others but they all have some degree of support. At the lowest end, perhaps 10-15%. That's not even picking on the data or the sample set or the over-representation. But they all seem to have some support.

When I last went to India, I got a gift from an Indian colleague. I brought home and my wife absolutely hated it. But she found the perfect place for it in the basement. And it seems to me that's where these proposals should end up. All of them are going into some appendix at the end of this report, individual proposals. Put them all in there and we're done. I don't see what the argument is. They just all go in, they're at the back. They'll get some degree of public response or not. Thank you.

PHIL CORWIN:

Yeah. Before going on to Greg, I just want to want to ask staff is that actually ... If we decide to publish all 31, 21, 10, will they be buried in an appendix or will they be things that were actively requesting the community to comment on? Will they have more prominence than “in the basement”?

UNIDENTIFIED FEMALE:

As you may recall from the slides we showed yesterday about the initial report, there’s a number of ways to show the various results of the deliberations of the working group, either in the form of preliminary recommendations for comment and questions for public comment or proposals for public comment.

Those proposals that the working group has agreed to put out for public comment would be put out in a section in the main report as proposals for public comment. If you decided not to publish them for public comment, you could conceivably have them in an appendix with a link to the Wiki or something like that, but they wouldn’t form the main body of the report. I suppose you could call that the basement. But frankly, anything that’s linked to the report, even if it’s not in the main body of the report, may get less emphasis, shall we say. But even if you’re linking to something and somebody can see it, frankly people can comment on anything, even things that are linked to the report.

So, it may just signify that it didn't get direct support from the working group to be included in the main body of the report but it still exists and people can comment on it.

PHIL CORWIN:

Okay. Thanks for that. Greg, I believe you're next.

GREG SHATAN:

Thanks. A couple of preliminary points. Like Brian, I was somewhat troubled by the accuracy of the statements that Michael made in terms of my recollection of what took place, but there shouldn't be a need to deeply rehash how exactly things occurred because we had agreed to set this aside.

In any case, I would also say that in terms of deciding who's aligned and who has similar interests, would not say that constituency membership or stakeholder group membership is the only way to figure that out. But again, this is only supposed to be an input to our decision-making. It's not supposed to be a tool that we use definitively, because again, we can look at this decide that it's helpful, it's unhelpful, it's moderately helpful.

I would look at it upside-down from the way Zak looked at it and look at the fact that we had a number of proposals that got broad support and that even if you want to consider the IPC a block, although I don't think there was coordinated voting, even if people tended to agree with each other, that they got something beyond that. So, one might call that even bipartisan support. And that things below a certain level seem

to have likely gotten limited support to very limited support, and that while none of that is dispositive it's at least indicative of decision that perhaps a few of these things deserve to be elevated and maybe a few of them deserve to be discarded completely – or maybe a number of them deserve to be discarded completely because, to my recollection, it's basically a whole bunch of unfortunateness that ended up with this whole individual proposal thing, which we learned the hard way, was a difficult and unsatisfying way to approach that aspect of our work.

So, in any case, I think I would take this as an indication that maybe there are a few things here that we can take up more broadly and the rest should be far away, if not away entirely. Thanks.

KATHY KLEIMAN:

I could've misheard, but I thought I heard that we hadn't made a decision on these individual URS proposals. Historically, I would like to remind us that we did make a decision. We made it in Barcelona. It could've been a decision born in frustration and tiredness but it was indeed a decision. There was a proposal. There was a discussion. There was a vote. And we agreed to put all of these proposals out for public comment.

In an appendix, in an annex, it wasn't as prominent, of course, as what's coming out of the recommendations.

What I thought we were doing here – and I may have misunderstood – was to see if anything had no support. There is a proponent of a number of these proposals who is no longer with us, and I share Michael's

concern that there are a number of people who are not at the table right now that were with us in Barcelona for the original discussion.

But what we're seeing here is that everything has at least some support and even if the proponents aren't necessarily here with us anymore. So, I think that bears some weight.

So, I don't see anything that has no support and I just wanted to put that on the record. Thanks.

PHIL CORWIN:

I think Zak wanted to respond to Greg. Maybe I'll defer to him.

ZAK MUSCOVITCH:

Yeah, Just briefly. I fully understand and appreciate Greg's point. I just would suggest that it's going to be pretty difficult where to draw the line about which ones to go in and which ones to go out. We're nearly done, the RPM sessions here. I don't see a clear way forward. So, I would encourage the group to find the path of least resistance on this.

BRIAN BECKHAM:

I think the fundamental question here is what are we here for? When we looked for inspiration from other working groups, when we looked at what they put forward in an initial report, it was recommendations born out of consensus and compromise in the working group for the community to comment on. We simply haven't done that here. I'm afraid there's not much more to say. We have 30-some-odd proposals. We haven't done the task that's before us to go through them to see if

any of them can reach the level of support needed to form a recommendation for public comment. If that's the way this group wants to decide to proceed, so be it. But with respect, I think we failed to do our job. Thank you.

PHIL CORWIN: I know Jason wants to speak. I want to speak at some point. I can wait a while. Who else has hands up here?

UNIDENTIFIED FEMALE: We have Susan has her hand up in the chatroom

PHIL CORWIN: Susan, Michael, Graeme. Let's do a first round of first comments, then I'll chime in, then people who want to speak again can speak. David wants to speak. So, let's do Jason, David, Susan, Michael, then I'll speak. Then we can have second statements from people and then maybe we'll get to some kind of – dare I say consensus. But some feeling for how we want to proceed on this. So, Jason, go ahead.

JASON SHAEFFER: Thank you, Phil. I share Brian's sentiments and concern and I also share the frustration of many in this group that we have not done our job and that is unfortunate.

At the same time, I still don't see the pathway forward today. A couple calls ago, I had mentioned that Zak and I went through these proposals

in a half an hour. Now that's two individuals going through it, but we were able to have a discussion. We weren't in complete alignment or agreement but we were able to get through it. Obviously, taking it to the broader group is a whole different discussion. I'm well aware of that. We were hoping that people would go through the exercise and do that.

Again, what we have is results that 27 respondents – where do we cut the threshold off? What is the decision that we're making? Is what we're going to decide right now, that if you had 20% support, you make it in; and if you had less than that, you don't? I don't think that's doing the job either. So, I don't know where that leaves us, but I agree that there are many proposals that I personally would strike. But we haven't discussed it as a group.

So, I'm not sure that this survey is serving the purpose other than we have no agreement at the moment. So, I don't know what the pathway forward is but I'm happy to hear suggestions on what the thresholds would be and how we would do. Michael is clearly absolutely opposed to this in all costs. So, if at least no vote entirely, I think we all kind of come in on the spectrum here. I'm definitely concerned about the validity of this but we haven't done our job and I am concerned putting everything out. At the same time, I don't have an answer in what you cut and what you keep in.

PHIL CORWIN:

Thanks, Jason. I think the order is Susan, then Michael, Graeme, then David McAuley, and then I'll speak. Then, we can do a second round for

people who want to make additional statements. Susan, go ahead. Everybody is going to get their say.

DAVID MCAULEY:

Thanks, Phil. Thank you, Susan. I would simply like to say that where I come out on this – and it is a difficult issue; I recognize that. And unfortunately the only RPM meeting I missed was the last one, the meeting at which this survey was finally blessed. I may have missed something in that. But I came out thinking that I’m close to Kathy, to your position, but I’m not quite there. I thought that it wasn’t no support. I thought that what we were looking to do was to find out if there were things that simply had such little support that we could eliminate them fairly.

So, I’m fairly close to what you and Zak were saying but I’m not there. So, I thought I should make that point. I think that we, as a group, have a right – maybe even a duty – to exercise our judgment to what we put out there for comment.

But, looking at the bar that Ariel has put on the screen, it’s obvious that it would not be very many that would be not put out for public comment. So, it’s a difficult issue. I simply wanted to say my recollection of how this was set up before the decision was made is that there would be some discretion at that end. Thank you.

PHIL CORWIN:

Susan?

SUSAN PAYNE:

So, like a number of people including Jason, I don't think I've got a solution. I've got similar concerns.

But one of my biggest concerns is just that we used a very different threshold after we had the URS discussions, then the threshold we used in relation to the individual proposals on the URS. So be it, but we did.

And what I'm concerned about is that if we put these individual proposals into the body of the report as individual proposals that we're seeking public comment on, then they appear to have the same status and have been given the same sensible review and assessment that we gave to the Sunrise and the Claims and the TMCH, and it's not the case.

And so, I'm not sure how many of these we put forward, whether it's all of them or whether we do exercise some cut, but I think they need to go somewhere different because, as things currently stand, we haven't discussed any of them properly. We haven't made any assessment to whether they've got the kind of level of support that we assigned to individual proposals on Sunrise and Claims and TMCH. So we can't treat them the same way in the report. And I recognize what Julie is saying, if it's in an annex, people can still comment on that. And that's fine, but I just don't think we can put them in the report and have them look like we did the same job on these as the job that we did on the Sunrise, Claims, and TMCH where we did, I think, exercise our judgement. And we all agree, I think, that we didn't exercise our judgement on any of these.

PHIL CORWIN: Thank you Susan. Michael?

MICHAEL KARANICOLAS: Briefly, I support what Brian had said, what Susan just said. I think if we go forward without making some decision as to these proposals — and I think it’s clear that some proposals definitely are things that we want to put before the public, before the community for comment, and there’s some that are interesting, but don’t reach that level. If we don’t make that decision, though, I think we have failed to meet our responsibility for which we were chartered and have failed as a PDP.

And I think that it’s something we do have to decide, whether it’s going to require additional discussion. But I think we cannot throw out these responses because it was made to get the temperature, and I think we have the temperature. Now we can go in and talk about what to do to deal with the bathwater to get it to the correct temperature.

PHIL CORWIN: Thank you. And now I’m going to speak. And by the way, I think everyone is aware — but just to reiterate — none of the co-chairs participate in the survey. We didn’t want to put our thumb on the scale in any way. I take primary responsibility for pushing the idea of the survey. I’ve been quite frank about the reasons I did so.

I didn't think we had fulfilled our responsibility and I thought that we were placing an undue burden on the community by asking them to

comment, solicit comment, on 31 proposals that hadn't been sufficiently vetted. And to some extent, I think putting some of these out is a bit of an embarrassment for the working group because we all know that some of these have zero chance of ever getting consensus support. We should be focused on the ones that with additional community comment have some chance of getting to that level and into the final report.

I want to say, Michael Karanicolas, I agree completely that issues which have been fully vetted and decided upon should never be reopened within a working group. That isn't what, in my view — I know you have a different view — that isn't what happened with these 31 proposals. When you divide the amount of time in the working group meetings devoted to initial discussion then by the number of proposals, they average 13 minutes of discussion each which is not real vetting.

And then in Barcelona, we said, "Well, what are we going to do? Are we going to try to examine these further to see which ones have a higher level of support?" The working group at that time decided not to, which is why we're in today. So we made this effort.

I think there's two ways we can proceed — and I'm not going to fall on my sword. I think we've been working very well together recently, and I don't want this issue to cause bad relationships within the working group as we're moving generally in a very positive and instructive way into the initial report phase.

Personally I looked at, when you look at the — and this is not a vote, but I think it's indicative of what we can kind of expect in public comment

— yes, the trademark and business constituents are going to be more interested in commenting because they care more about the trademark issues. Other groups not so much.

But if we put all 31 out for comment, I think we'll get pretty similar results where some get very high levels of opposition, some get a lot of support. I looked at which proposals, without going into merit, there are about 8 to 10 proposals that got 65% or more opposition. And I think that's a pretty good proxy for the ones that are hopeless, that are never going to come near consensus support no matter what tweaks are made.

There are about 13 that got 65% or more support and less than 35% opposition that have substantial merit and deserve to be put out for community comment. And perhaps with that feedback can be improved to the point where they get consensus — which I remind everyone is either unanimous or near-unanimous support, which is the level to make it into a final report as a recommendation. And the ones in the middle we could debate.

In my view, we can either say, “All right, let's quickly look at the ones that got lots of opposition. Let's quickly look at the ones that got lots of support and see if we can agree that the first group probably shouldn't be put out for comment. And the second group should. And at our next meeting we can talk about the others.” Or we can say, to avoid conflict on this, “Let's put them all out, but I think if they're going to be all put out, they need to be in a separate section of the report that make very clear that they received a minimal amount of vetting and discussion —

that none of them was identified as having wide support within the working group — so that they're segregated, to address Susan's comment, so that they're segregated from the other proposals and questions we put out where we set a much higher standard.

I think it's up to the working group. I think those are the two realistic options, others may disagree, but I'm going to go with whatever the working group feels we should do with this given the survey results. And I think that's probably a good place for me to stop talking.

Now, who wants to be heard either initially, hasn't been heard, or heard further? Let's take a list. Yes, Julie.

KATHY KLEIMAN: We're talking about the people on audio who want to speak.

JULIE HEDLUND: And they're unmuted so they should just speak up.

PHIL CORWIN: Why don't we hear from them, and then we hear again from people in the room?

JULIE HEDLUND: And just to be clear, we have unmuted all of the lines for those people who are on audio. I think Rebecca is one of those, and we did unmute your line. So if any of you would like to speak, just speak up please.

REBECCA TUSHNET: This is Rebecca, can you hear me?

JULIE HEDLUND: Yes, we can hear you.

REBECCA TUSHNET: So, just super quickly. If we're going to talk about these, we should actually discuss them and go through them. We definitely should not use those tools as some indication of level of support. I actually said yes to a number of things that I would not support and I would not want to be [inaudible] at any indication of [inaudible] because there's not a lot of support for it. There's merely support for the idea of it going out for public comment. And I said no to a couple of things if we're going to do this. I did not answer yes to everything.

But I want to be super clear that the poll is not actually indicative of saying there's moderate support for this proposal. In many cases, that's not how I'm answering it, that's not the question I was being asked. If you're changing the question, I've got to do the poll again. Thank you.

PHIL CORWIN: Okay, thank you, Rebecca. Who wants to ... Anyone who wants to speak further, put your hand up, so we can take ... So, I'm seeing Greg, Martin – what's that? Who wants to speak?

CLAUDIO DIGANGI: It's Claudio, can you hear me?

PHIL CORWIN: Yeah, Claudio, we can hear you. We'll work you in. Okay?

CLAUDIO DIGANGI: Okay.

PHIL CORWIN: Can staff just keep a list? Greg, Martin, Michael K., Jason, David, and Claudio and Susan. Everyone will be heard. I don't think it's that important what order we go in. So does staff have that list and can you just —

KATHY KLEIMAN: You have to go through it again. Greg, Martin Michael K.

PHIL CORWIN: Yes, Michael K.

KATHY KLEIMAN: Two Michaels.

PHIL CORWIN: You have the list? You want to call on them?

KATHY KLEIMAN: Greg, go ahead please.

GREG SHATAN: Thanks, I was just scrolling through the Barcelona transcript. It's a pretty sad collection of transcripts. In any case, first, I agree with Rebecca that in terms of how I filled out the survey was not necessarily which ones I like versus which ones I didn't like. It was more which ones seemed credible and worth getting comment on. So I voted for a number that were ones I probably would not agree with, but I thought they were well-crafted, that I would support putting them out under the concept, not that they were concept recommendations, but that they were decent, credible proposals and they were worth a shot and worth giving a light of day under the kind of lower-bar proposal. Other ones, I thought were ...

There's a quote from Paul Tattersfield in one of these things about how embarrassing and damaging it would be to publish these — some of those fell into that. And I'm not only saying ones about those that came from one person versus another or one side versus another. There were some on each side that were not ready for even sub-prime time.

The danger with surveys is surveys become polls, and polls become votes and we start talking about where we should cut it off. And this is not even a tool. This is a backgrounder. So it's not a tool you can apply like a knife. This is a picture of something that is valid up to a point and

we shouldn't throw it out completely, but we should use it for what it is, which is a sense of the room, a scent of the room. And nothing more.

So we shouldn't be using it statistically, because it's not at all statistical. I know we're missing our usual statistician, but in any case, I would agree this is not statistics. It's just something we can use to get some idea. So I think we have a limited number of options.

Option one is to go back to our first and best principles, which is that we publish recommendations that get one of the forms of consensus in the group and nothing else. And that would be to go through these and decide which ones actually get consensus and it doesn't have to be full consensus, it can even be significant, minority report, whatever it is. But they get the level that deserves to be in every other working group in the history of – well not every other one, but all the other ones I've been – deserves to get published. And we publish those. And we decide which ones they are and we can decide whether we want to advance some that we might not agree with because we think they're credible and bring out good questions or we can just vote on the ones we'd like to see made into policy. That's one proposal.

The other thing is – and it actually came around the table – is to throw them all out because none of them are proposals of the working group. They'll be somewhere in our Raiders of the Lost Ark sort of Wiki as something that came up, but they're basically all failures because none of them are proposals. So that's an option.

The other option is to kind of take some that we think seem to be better and put them more in the report, and take the rest and publish them in some sort of Siberian annex but that's still kind of there.

I would put those as kind of the main three options. And I guess the last option maybe just to put them all in a clump but publish them with some “unvetted by anybody with real sense, open at your own risk, these are not really proposals of anything other than the persons whose name is on it, do with it what you will.” And make no judgement. So that's the way I'd put — that I think are the four options. Thanks.

KATHY KLEIMAN:

Thanks Greg, appreciate it. Martin, I believe you're next.

[MARTIN SILVA]:

Yes, just a quick response to Brian's comment. What I'm saying when I'm saying we should either approve all or disapprove all, I was looking by using the survey. Of course I meant we need to properly address the proposals and see if they are meant to be out there or not.

In that sense, what I'm struggling is, like Greg is struggling as well, is trying to find the criteria, the methodology of that. So we are asking for wide support. We are asking for the ones we are sure are not going to get consensus.

I am fine with all of them, and I definitely want an open debate of this. My only problem was towards the survey that we were presented. Just that.

KATHY KLEIMAN: Thank you Martin. Michael Karanicolas?

MICHAEL KARANICOLAS: So, from my own experience here, I would argue that about half of ICANN PDP decisions are driven in whole or in part by exhaustion. So, if we're going to say that because people were tired or we're sick or arguing about a thing, that that invalidates the decision, then that's a whole lot of what we do here.

But that being said, looking at this data, even putting aside the fact that this data set is not ICANN, what this picture we are looking at is not representative of ICANN, what I see is a pretty continuous spectrum. So it's not the case that you have 10 or 15 proposals where there's a ton of support and 10 or 15 support which are very low.

So when you talk about cutting it off at 65%, or 55% or whatever, anything that uses this definitely, first of all I think that's hugely problematic since it's going to be an arbitrary line and there's going to be something slightly on the other side of it. But second of all, I think using this data set for that kind of a purpose would belie the fiction that, well, it's not a poll, it's not a vote, it's not binding, if that translates directly into that, if that translates directly into a decision, then this was a binding vote. So I have a huge problem with that.

That said, I'm sympathetic to the concerns about distinguishing these recommendations from other recommendations that received more support. I think that a level of contextualization in the final report would

be beneficial. I think you could base it on this. Even better would be to base it on the natural division that we already have among those proposals as they're listed, which is some got substantial support and some got limited support.

That contextualization of the debate as it took place would be valuable, and beneficial, and presents an accurate picture without reopening the issue. So I think that contextualization is good, but I still have a problem with reversing what I see as a clear decision that we made.

KATHY KLEIMAN: Thank you, Michael.

PHIL CORWIN: I'm going to want to do a quick comment.

KATHY KLEIMAN: Okay, Phil wants to make a quick comment.

PHIL CORWIN: No, no, no at the end.

KATHY KLEIMAN: Terrific. The queue I have – and please tell me if I've got everybody – is Jason, Susan you put your comment in the chat, right? Maxim and Phil. Jason go ahead please.

CLAUDIO DIGANGI: And I'm in the queue too? It's Claudio.

KATHY KLEIMAN: Thank you Claudio. After Phil.

JASON SHAEFFER: Thank you. Looks like we have another 45 minutes here, so I would hope we could use the time wisely.

Greg said something that it resonates and that is Greg's approach to the survey, his standard was one of did it make sense? He wasn't voting yes or no per say, but was it well thought through?

So the issue is, I think, just looking at the survey, all of us came to the survey with different standards for voting. Contextualization, as Michael said, is paramount. I'd be embarrassed to put all of these out without contextualization, I'd be embarrassed to put all of them out and say that this working group supports them, because we do not.

So, it behooves us to figure out right now, 45 minutes, how much time do we have to work on going through these points. It seems like after today I'd like to know what the answer is on your end, Phil, but perhaps we could go through the lowest ranking ones right now, one-by-one, and get some discussion on them.

But I don't think, as a group, we can put these out, and put our name on it and print it and say that this working group vetted these and supported these, because we didn't. And we need to figure out how to

get to that point. So, how much time do we have, Phil, in terms of after this 45-minute period?

PHIL CORWIN:

You know, we have a tight timeline, but I suspect that if we discussed each of them one-by-one, there's a big group where there'd be a pretty broad consensus that it's not meritorious and another group about equal, or somewhat greater, size where we'd say, "Yeah, that deserves to be put out for comment," and then we'd might take another meeting or so to discuss — I don't think we're talking about multiple meetings to vet these.

The one comment I wanted to make, which I'll just make now, we can vet them now or vet them later. If we put them out, if we vet them now and put out a smaller number for public comment, we'll probably get more focused, better comments that substantially improve the odds of the ones being put out — some of them will make it into the final report.

If we put out all 31, we're going to have to come back after the public comment period and look at each one and say, "Are we going to put this in the final report?" There's no way to avoid vetting them individually at some point in the process.

JASON SHAEFFER:

Thank you for that clarification. I think at this point, we should try to hone in on maybe either voting on putting them out as is with contextualization and saying we did not vet these but there was, as Michael said, some support, no support. Or taking approach two, which

is go through these one-by-one right now, using this as a guide, and trying to get through, so that in this meeting and the next one, we could come to some consensus.

But all of us agree in this room, one thing we do agree on is there are many proposals that shouldn't be in there. What they are, that's the issue. But all of us agree that not everyone should be adopted. So we have to do something better than this.

KATHY KLEIMAN: Maxim, go ahead please.

MAXIM ALZOBA: I don't agree with Greg saying that those proposals don't mean anything because, for example, my proposal, it was operational – a purely operational – thing, which is common for all registries and totally relevant to [inaudible]. It's a minor thing bringing clarity.

And I used to repeat it few times in face-to-face meetings, but I was under the impression that when we measure the temperature, we just go one-by-one, as we did previously did with the previous piece of information, and just mark what to do with each – if this piece goes further, or if it's this piece of information. That is because of lack of support.

Since we don't have 100% of support and we don't have 100% of members participating, just measuring what to do next. And now, yes,

I understand that it's going to be spending of time, but I don't see how to avoid that.

KATHY KLEIMAN: Thank you. The queue is Phil, Claudio, Brian, and David.

JULIE HEDLUND: And Rebecca has her hand up in the chatroom.

KATHY KLEIMAN: Thank you, we'll add Rebecca. Claudio, go ahead please.

CLAUDIO DIGANGI: Thank you. Phil actually said a lot of what I was going to say. We have to discuss the proposals, so we're either going to do it prior to putting them out for public comment or we would do it after. And my view is that putting all these proposals in an appendix is not likely to solicit the type of public comment that is going to be informative to us and help us move the ball forward because the report is going to be very long and these are very complex issues that we've been talking about for years and to expect the community to be able to respond at that level of detail in a 30-day comment period, or whatever the comment period is, is unlikely to happen, especially if they're in an appendix.

So, my thought was we discuss them – and I'm not sure how that affects the timeline for publishing the initial report. But that would be my

recommendation is that we just proceed to discuss them and I think that's what Zak was getting at as well.

My final thought is I was looking at the survey ...I thought the survey could be a helpful way to help us consolidate things and move forward, but since different people seem to have used different standards for answering the questions, my thought would be to maybe just to reissue the survey if we want to use it as a tool, with more of an up or down, do you support this proposal or not. Or we don't have to use the survey to do that. We could just do that through our discussions. But since there's so many of them, I thought maybe our survey might help. Thanks.

KATHY KLEIMAN:

Thank you Claudio. Thank you for participating remotely. Thanks to everybody participating remotely. Brian?

BRIAN BECKHAM:

Claudio said a lot of what I want to say, and so I'll just complement that briefly by saying, in terms of the timeline, my own view is that it shouldn't necessarily be the tail that wags the dog here. We're going to have to do it now or later. I believe that we will have an easier task later if we have more well-thought-out proposals, recommendations in the initial report than if we do it the other way around.

And one other thing I wanted to mention, I don't think we've really given much thought to — if you remember, these individual proposals were allowed to have some supporting rationale. And we haven't really discussed how those supporting rationales would be captured in the

initial report. I recall one where there was a sharp disagreement on the sort of premise behind one of the supporting rationales, so that may add another layer of complication to how these would be reflected in the initial report if they are in some sort of an appendix as initial proposals.

So, I personally believe the effort of going through the exercise of seeing whether they can't form the basis for recommendations now would meet that question of what would we do with the supporting rationale because we would sort of look at that and use that to answer the questions as we discuss the work.

So, again, we do have to report back to the council on our timelines, but if you think of this sort of more holistically, what we're really looking at is kind of two different questions. One is the timeline to the initial report and the end goal, so the question is does it mean if we go through this exercise it will push back the timeline for the initial report? Yes, of course. Does it mean it will push back the timeline for the end product? I actually think it might help advance the timeline for the end product because we're giving more thoughtfully considered recommendations and proposals to the public for public comment.

But I think ultimately it's unlikely to shift the final timeline significantly. It's just the timeline for the initial report. Thanks.

KATHY KLEIMAN:

Thank you Brian. David McAuley?

DAVID MCAULEY:

Thank you, Kathy. I wanted to make a comment, because after I spoke the first time, Phil you made the point about here's certain options and I just wanted to state I can live with those options. I think what you put out there was fine, I like the idea. I think it's essential, frankly, that there be contextualization as Michael described. I always assumed that would be the case because these proposals are not ones that the group has passed on.

I also come down on the side that if we do this, we should go through these reports afterwards, after we have the community input on them that could help inform these discussions in a great deal. We should trust the community in what they say. So, unlike some others, I would view putting them out in a contextualized way, if that's the word, but not that we go through them before that. Thank you.

KATHY KLEIMAN:

Thank you, David. Currently I have Rebecca in queue. Rebecca go ahead by audio, please.

REBECCA TUSHNET:

I have to admit I'm attracted by the idea of not trying to reverse what was done before, which did include, actually, some collections of how much level of support there was. As you can see in the survey itself.

I don't think the survey itself is actually good evidence for the reasons Greg and I — perhaps the fact that Greg and I agree on this is the best evidence the survey is not actually representative of the level of

support. But the earlier discussion actually does, so I would be fine going ahead that way. Thank you.

KATHY KLEIMAN: I'm sorry, Rebecca. You'd be fine going ahead —

REBECCA TUSHNET: Going ahead, releasing them with the indications of the level of support they had.

KATHY KLEIMAN: From Barcelona?

REBECCA TUSHNET: That's correct. Sorry for the lack of clarity.

KATHY KLEIMAN: Okay. Thank you for clarifying, Rebecca. So going back to some of the original tables that we created prior to Barcelona. I'm just trying to clarify what Rebecca is saying. Ariel, go ahead please.

ARIEL LIANG: Thanks, Kathy. I think I was trying to understand what Rebecca was referring to. I think she's referring to the staff summary of the level of support that we included in the survey itself. So there's a short blurb right under the link to the survey, sorry link to the proposal in the survey, so it's meant more like a qualitative description of the level of

support without providing this categorization, whether it's adequate or limited, we just noted, you know, some people support it, some have opposition. It's a description, a blurb, in the survey under each of the proposal.

KATHY KELIMAN:

I'm sorry, Ariel, I'm confused. So adequate and limited support was a ranking that we had in a table as we reviewed the initial URS proposals, initially before Barcelona. Is that right? But you're also talking about the survey that many have just taken. Two different documents?

ARIEL LIANG:

So the adequate and limited categorization was a staff categorization that was a table was shared with the working group before the actual meeting took place. And then during the meeting, basically the feedback is just throughout this categorization, so basically everything has adequate support but it's not really. So that's why we just left the descriptive blurb of the level of support describing what it is without giving the name of it.

PHIL CORWIN:

My recollection, as you pointed out, there were two levels of support that staff on their own assigned to the 31 proposals in advance of Barcelona in an effort to identify those that merited further discussion and vetting by the working group, and that was adequate support, where there was enough support heard in the initial cursory discussion of the proposal to identify it as something that merited further study

and discussion by the working group, and limited support, which in many cases was support only from the proponent and tended to identify something that probably didn't merit further discussion. But then in Barcelona we decided to have no further discussion of any of them. So we can put that in the initial report if we decide to put all of these out in some annex, but it doesn't give much guidance to the community.

I have to say, my great concern here is that – and kind of echoing what Brian said – if we put out all 31 in an annex and 23 had adequate support and 8 had limited support, I'm concerned that we'll get little ... I think the trademark people will probably all chime in and say, "Let's not forget about that annex. Let's make sure we note our opposition is to these proposals." I think the rest of the community may ignore the stuff in the annex, because unlike the other things we're putting out, the proposals and questions that we didn't have enough discussion to determine wide support within the working group, and they'll wind up in the post-comment phase with not a lot of – other than trademark interest comments – not much feedback on these and then we'll have to vet them at that point.

Whereas if we did some vetting now, and could elevate them out of an annex, we could get more balanced and informative comments from the community. That's just my personal view. It's my concern.

But, in terms of what the adequate and limited support, that was not a working group determination. It was a staff identification to help guide

further vetting of the proposals, but no further vetting was engaged.
Thank you.

KATHY KELIMAN: But to be fair, it was a staff label that was in the table for many, many weeks, so if people had objections. I mean, it was something we worked with for a long time in the tables for a period of weeks. But that said, this is really hard. I mean, what's the next step? Do we want to spend the next few weeks going forward?

PHIL CORWIN: Are there others waiting to speak? Have we exhausted the list?

KATHY KELIMAN: We have exhausted the list.

JULIE HEDLUND: So, thank you everyone. One thing we would caution is to apply the staff designation that was used simply to help the discussion in Barcelona. I don't know that it's particularly valid at this point. I mean, it would be much more meaningful, of course, if we had contextualization that was based on an actual review of the proposals.

So I'm not sure how much contextualization we can give these proposals at this point, other than to note that we did indicate a level of support in the survey. And based on previous discussions of the proposals, and then, of course, there's the results of the survey, to the

extent that you want to capture them, if you were to consider the results of, say, how the SubPro PDP working group proceeded, there were really quite a voluminous number of proposals that went out and a great deal of time was expended then reviewing the comments on those proposals, again. And there wasn't a lot of vetting ahead of time in putting those proposals out.

So, yes, you can spend the time now, or you could spend the time later. Either way, in looking at the work plan, the work plan will shift. If you want to give further consideration to proposals, either now or later, one way or another we'll have to take that into consideration and the delivery of the initial report for public comment will shift in the delivery of the initial report to the council well shift.

PHIL CORWIN:

Quick comment, Julie. We don't really have a choice about giving further consideration of these later. We're going to have to make a decision. If they're all put out in an annex, we're still going to have to have some discussion, no matter how brief on each of them, their consensus support for number 1, number 2, number 3, up to number 31, for putting in the final report, we're going to have to go through that exercise post-public comment. We don't have a choice about — we can't just not discuss them.

JULIE HEDLUND: I would make the point, though, that if in the public comment process, we could provide some more guidance in presenting the proposals — more contextualization — you might get more informed comments, or you might not get comments. You only have to discuss comments to the extent that you get comments on the proposals.

PHIL CORWIN: Yeah, Greg, go ahead. And then I have a suggestion for further temperature taking. Thank you.

GREG SHATAN: First, I commend Phil. I think it really resonates with me that we need to think about what's going to happen down the road and that we're ultimately kicking something down the road that we're going to have to deal with.

Typically, if you put out preliminary recommendations and you get no comments for or against those preliminary recommendations, you put them in your final report because that's your work product and that's fine. Here, what would we do with these if we get no comments? Or if we get some comments? And I feel bad if Maxim's proposal is really a good, solid proposal. I hate seeing it put in the basement with everything else. Maybe we'll lose some good proposals by putting them all in the basement.

And we have some very bad proxies for things that aren't really decisions, we have a survey that's not a survey that shows decisions that isn't really a decision, and we have the staff's year-and-a-half-old

temperature taking that sat around and people didn't object to it, but they didn't necessarily use it and it wasn't really a decision, either. And then we have a decision that was, basically, we have an incredibly low bar and if we're not going to vomit on it, we're going to publish it, but we need it to move on because we've had two other ... We have other things to discuss and we had the Analysis Group there.

It seems to me that the best thing to do would be to take our medicine and discuss these things and be big boys and girls and treat them like working group work. Or ... Actually, I have no other or. That I think is really the only responsible thing to do. Anything after that is exhaustion, and I think most of the time the decisions that are made on exhaustion are still decisions. And in this case, it was a just running out of the room, screaming type of exhaustion that ended up with these being where they are. But I think if we don't do it now, like Phil says, we're going to pay for it later.

PHIL CORWIN: I saw Jason has his hand up.

JASON SHAEFFER: Thank you. I think we're coming to a consensus, whether we know it or not. I mean, we're faced with the issue of what do we do now or do we do it later. If we talked earlier about possibly having contextualization, okay.

Option one, contextualization. What does that mean? Now we have to debate what is contextualization and what standard do we use and how

do we comment on it, so that's going to spend the next 20 minutes doing that.

Or we come to a vote and say you know what? We're going to go through each one, one by one, we're going to debate it, discuss it, go through the merits, do as much as we can here into next week, and do what must be done. And perhaps we can use this as a limited guide to which questions we start with and go from there and go backwards if we use this as a guide and do the work that we must.

PHIL CORWIN:

Okay, let me make a comment and see if the co-chairs want to make one. I think this is a decision for the working group to make. I don't want to be in the position of — I did argue for the survey but as to what we do and how we proceed, I think that's the working group decision.

As Yogi Berra said, when you come to a fork in the road, take it. I think we're at the fork in the road. And I was going to suggest, I think we've had a good, constructive, civil discussion here and I think it boils down to two choices. I was going to suggest we ask for a show of hands.

I think one is to publish all 31 in a segregated section of the report identify, and we'll all get to see the contextual language that surrounds them, that segregates them from the others and says, "This is not like the other proposals and questions we're putting out to the community. These did not get the same degree of vetting. They didn't demonstrate the same degree of support. But you're free to comment on them." Something like that.

Or we can, as quickly as possible – and personally I don't think it's going to take a long time on these, because some are pretty clearly quite ... And by the way, I wanted to say for Greg and others, I didn't participate in the survey, but I took it the same way. I didn't say I like this one or I don't like this one. It was more this one has merit and deserves to be put out to the community. Because that was the question. It was not do you support it, but do you support publication for comment.

So I think the two basic options – and we can ask for a show of hands. I'll wait for feedback from my co-chairs, is put them all out in a contextualized context, you know, where they're identified of being a qualitative difference than the other things we're putting out in the initial report, or spend a week or two looking at each one, and getting a sense of which ones have support for publication. Not for the idea but having sufficient merit to deserve community feedback. And that's all I can suggest at this point. Kathy, Brian, you have points?

BRIAN BECKHAM:

I agree with Jason's comment about how do we get to that contextualization. So, I don't know, I don't want to overcomplicate things, but if we're going to kind of vote on that, that maybe should be in people's minds that that is a piece of the puzzle.

MICHAEL KARANICOLAS:

I don't understand how it is less work to go through all of these again now and then to go through some of them after the comment period, than to just go through them after the comment period. I don't

understand how this argument is being made on efficiency grounds given we've spent the last hour and change on this issue. We've spent time in the working group previously on this issue.

I don't understand how reopening this issue again and going through everything again is somehow more efficient than accepting the previous results and moving on.

It's clear that people don't like the previous results. I understand that, but the idea that this debate is now being framed in efficiency terms, given the fact that we could just be moving forward, it blows my mind.

KATHY KLEIMAN:

So speaking to the two choices that appear to be on the table, the contextual publishing everything with contextualization or with a good description, or spending a week or two — I think it'll be more than a week or two, it'll probably be about double that — but if we do the latter, I think we should finish the table we were looking at yesterday, which is the table of URS recommendations that came from the sub-teams — that came from practitioner sub-team, document sub-team, and provider sub-team — so that we remember, again, what our recommendations were. And that these proposals, in some cases, are filling in the gaps, or trying to fill in the gaps. And then we can agree whether those are gaps that are filled in. So the two choices are interesting, but I'd make sure we go back to our own, fully-supported recommendations. Thanks.

PHIL CORWIN: Yeah, I would support ... Regardless of what we decide today, I would support doing it in that order. So what do we do? Working group, we're going to ask you. We're going to pose two options:

Option A: publish all 31 in a separate section of the report with background information on how these came to being and clearly demarcating them in terms of level of support from the other proposals and questions in the initial report.

Option two is after what Kathy just suggested, after we complete the review of the sub-team proposals, to actually go through the 31 and get some sense of which ones the working group, where there's substantial support for publication versus not being there.

And people on the phone line, you can chime in. So, I guess, show of hands. Option one, publish all 31 with the proper contextual language, which is language we'll all get to see and agree on at some point. Staff hasn't written it yet. That's option one. Who is in favor of option one?

KATHY KLEIMAN: Were there other hands?

PHIL CORWIN: Who would favor option two, which is doing some additional vetting of these proposals? Yes, Jay.

JAY CHAPMAN: Thanks Phil. So, we're voting? Again, for clarification's sake, we're voting or are we trying to reach consensus on whether or not we're going to do one thing or the other. I'm just trying to find some clarification here. Thanks.

PHIL CORWIN: I think what we just did was getting a sense of within the working group how the working group wants to proceed. I don't know how to do that without a show of hands.

KATHY KLEIMAN: not something we do very often. Just indicating that the remote support from people in the Zoom room is for option two. John?

JOHN MCELWAINE: I kind of support Michael on this. If we're not coming to a clear consensus here, that we probably ought to stay with what we decided in the past.

I mean, usually when you're in any sort of deliberative body and you're overturning a decision that had already been made, there has to be a supermajority-type sort of feel to it. So I would be a little bit uncomfortable if we don't have everybody sort of in the group getting close to consensus overturning what we decided to do in Barcelona.

PHIL CORWIN: Yeah, Griffin. Then Jason, and then Griffin.

JASON SCHAEFFER: We have a little less than 15 minutes. Maybe we should either put forth some discussion on these two proposals rather than the hand vote. We can spend the next 15 minutes debating the merits of either one, since we've honed in on two clear pathways. Or we punt. One way or the other. Let's do a little bit of discussion on the merits of each one rather than just go to hand vote.

PHIL CORWIN: Sure. Let's regard what we just did as taking the temperature of the room but not conclusive. Griffin?

GRIFFIN BARNETT: I just wanted to comment on Michael's point earlier about the efficiency thing and this just kind of came to mind on why it might be more efficient to try to whittle these down now if we can.

I take your point. We'll be doing exercise down the road regardless of collecting public comment. But I guess to illustrate if we can come to some agreement now, and whittle the number down from 31 to 15 or whatever the number is, it'll be substantially less public comment, I think, potentially to review once we refer down the road to discussing the public comment on the smaller number presumably that we wind up with.

I voted in favor for some discussion now sort of that reason, but I am in general kind of not super strongly in favor of one approach or the other, to be honest.

KATHY KLEIMAN:

Thank you, Griffin. Julie, then Renee is the queue I have.

JULIE HEDLUND:

Thank you very much. Just to follow on the point that Griffin made I think is one staff would like to make fairly strongly. And that is that just to remind you all, there really isn't much context right now that we can give these proposals if we were to put them all out in option one, and so we wouldn't really be able to provide much information to inform the public comment and process in the initial report.

Whereas if we did have a discussion on the proposals, even if it meant that all still went out, we would at least have the context from those discussions and that might indicate some levels of support or not. That might provide some more useful information for when we do put however number of proposals we put out for public comment. And that would save time when you are then reviewing those comments, as you would have to do, but it would save time because you'd have more informed comments. Thank you.

PHIL CORWIN:

So, Julie, just to clarify. You're saying additional vetting now would be more efficient in the long run?

JULIE HEDLUND: Yes, Griffin’s point, too, I think.

PHIL CORWIN: I think that’s the first time you’ve ever encouraged us to add to our near-term timeline, I just want to note that.

KATHY KLEIMAN: Thank you, Julie. Renee please?

RENEE FOSSEN: Hi. I’ve said this before, but some of these also have not aged all that well, in particular number four and there has been a change of procedure, so we definitely need to talk about that once so that it can come out, unless we just want to include some language that is kind of irrelevant now based on a change in procedure.

KATHY KLEIMAN: And I’ll just point out, number four is, if my notes are correct, delivering URS Suspension Pages via HTTP and HTTPS.

RENEE FOSSEN: Correct.

KATHY KLEIMAN: So a technical solution. Here’s to good notes. Greg, go ahead please.

GREG SHATAN:

Just to briefly respond to John and I wish I had a little more time to read these transcripts fully, but it's very hard to actually find a decision in the first meeting in Barcelona that we were going to publish this. It seems somewhere else we decided there was going to be an incredibly low bar for the proposals themselves, and then there was a question about whether there was a low bar for the stuff around the proposals.

There has to be a very low bar for what we've considered a decision to consider this decision something that needs to be upheld unless there's a supermajority. I encourage everyone to read it and come to their own conclusions on it and find the meeting prior to that to where we decided we were going to have an incredibly low bar. It's not something that I think I would give the full faith and credit I would give to a normal working group consensus decision, even if there was some exhaustion involved. Thanks.

[BRIAN BECKHAM]:

Okay. So, here's our idea. We want to sort of, picking up on John McElwaine, who is our new liaison to the Council's comment, we're mindful of, of course we're not talking about consensus in the kind of definitional sense of the operating procedures for producing consensus recommendations, but using the broad concept.

We think it might be useful to spend a little bit of time chatting with John. We feel that there is consensus to move forward with the effort of going through this in the room, but we think it may be useful to take a

few moments offline after this meeting over the course of the next few days here to chat with our council liaison to see if we might be able to get some guidance there.

Again, we feel there's consensus to move forward with the work. Maybe consensus isn't the right word, but there seems to be sort of a critical mass, if you will.

But if that's acceptable to the group, we feel we may be best served – I'm sorry it's not a decision, but to sort of let the audio out of the room, take some guidance from our liaison, and get back to the group over the coming days. Griffin?

GRIFFIN BARNETT:

Yeah, thanks, and I'm not to comment on that proposed path forward. But just to add something that may be helpful, and we were just discussing, had a sidebar about it just now.

If we do go down that route of getting some level of further discussion on each of these proposals to try and determine the level of support to whatever degree we think is necessary, either weeds them out or confirm they should stay in the initial report. a suggested approach to that might be to use the survey as a guide to start with the proposal, kind of moving from right to left in terms of, proposal 23 for example, which had 93% opposition, that may illicit five or ten minutes of discussion and we can agree that because of that level – and we can confirm that through the discussion – it doesn't have the level of support we would want to see it included in the report. And then move

to the next one. And if we move along that track, we might get to a point where we've gone through 3, 4, however many it is proposals, and then get to the point where the discussion is a lot less one-sided and decide that's where we kind of stop, and then maybe the rest get in. That's just some feedback that might be taken into consideration. Thanks.

PHIL CORWIN:

Quick comment, Griffin. I would suggest an amendment to your proposal. I would rather start with number 23, then jump to number 2, so we have a process where we go with the most opposition, then the most support. So we have a process of probably saying, "Not ready, shouldn't be published, absolutely should be published," and kind of move in from both sides. I think it'd be more constructive than just having a process that's negative, that's eliminating things more, where that's a more likely result.

I think there will be a group in the middle where there's more uncertainty and probably, given prior decisions, there's some bias towards publication for comment rather than elimination for those in the middle, would be my personal view.

JULIE HEDLUND:

I'll just do some housekeeping when we're ready to adjourn.

KATHY KLEIMAN:

And that housekeeping will include whether we'll have a meeting next week? Okay.

JULIE HEDLUND: Thank you, all. Thank you everyone for joining us for these last two days. And just as a reminder, we do not schedule calls the week after ICANN meetings because people are travelling or simply exhausted from the week of meetings.

But in any case, we'll work with the co-chairs so that perhaps, with discussions, and by the end of this week we can have a proposal for what we would do for starting up meetings the week after next.

So, standby because we've got meetings scheduled, we'd like to get them on your schedule for you sooner rather than later. But you will not need to expect something next week. Thank you.

GREG SHATAN: Very briefly, just looking at the last word on this from the first session in Barcelona, was Phil Corwin saying "so we have no vote on this? Are we? Did we come to a consensus or not?" And there was no answer to that, and we adjourned.

PHIL CORWIN: Wiser words were never spoken. Thank you for reminding of my insightful comment in Barcelona, Greg.

I want to thank everyone for really constructive and civil discussion, it's not an easy topic. It's difficult for the co-chairs, we're trying to respect the will of the working group and not oppose anything here, while fulfilling our responsibility to the community in terms of what we put

out for public comment, so I hope you'll give us a little slack as we try to resolve conflicting responsibilities and goals.

So, I don't know if my other co-chairs have closing comments. Enjoy the rest of your time here in Montréal, have a good, productive work, and have some fun. Do the other co-chairs have closing comments?

And thank you to staff for, as always, excellent work, particularly turning out these survey results and their analysis so quickly.

KATHY KLEIMAN:

I'd like to thank everyone for our three meetings today, and I won't say much more, for our three meetings over the last two days, and have a good meeting here in Montréal.

UNIDENTIFIED FEMALE:

Thank you, everyone. This meeting is adjourned.

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