

5 September 2019

KARLA HAKANSSON:

Hey everyone, Karla Hakansson with ICANN. We got Russ on the line, as well. As Russ had put in the email back to everyone a few days ago, I think we just needed to take a step back and regroup a little bit from the conversation last week. I think we were getting a little ahead of ourselves in terms of some of the provisional points that we were proposing as part of the RDAP amendment for the RA and the RAA. So, we wanted to just take, like I said, a step back and regroup on what the scope and the principles of this pre-negotiation phase should look like and make sure that we're in alignment in terms of what that means, and talk about the process and timing.

One of the things that we had provided a couple weeks ago following our first discussion was an overview of the timeline, and I wanted to make sure that we had that so that we've got a very clear direction in terms of how we are going to be proceeding with these discussions and initiating the formal discussion period to begin the negotiation phase of the amendment discussions. So, what we plan to do today is really regroup on those pieces of it, get a general agreement on the scope of these conversations and align on the process and timing. Let me stop there for just a minute and see if the rest of the group has any thoughts or questions about following up on that piece of it.

GRAEME BUNTON:

Thanks Karla, this is Graeme. So, I think the goal of these discussions was really to, for lack of a better term, pre-negotiate the negotiations to make sure that we're all clear about how we're approaching this, what we think is reasonable, surface the issues in places where we've got some friction or some difference of opinion, so that when we actually

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kick off, and hopefully we can resolve those things, and so that the actual formal process of negotiation is very clean, that we shouldn't have any disagreement in that space, because that's where things get expensive and painful.

So, my goal here is to head all of that off, pre-negotiation discussion, let's put it all on the table, let's figure out the things where we have some divergence, let's see if we can resolve those so that when we go, okay, we're formally negotiating, these are all the things that we discussed, these are solutions that we've got, and all of that is just to avoid conflict when it becomes formal. That's what I'm hoping for.

KARLA HAKANSSON:

Great, Graeme, thanks, this is Karla. I appreciate that and I absolutely agree, and I think that the two primary pieces around this is to try to define the SLAs that we have for RDAP as we put those into the amendment and have clarity on those, and then also thinking about the retirement of WHOIS and what does that look like. And many of these things were contemplated as a part of the SLA document that was provided in advance of these conversations.

But as you start putting them into the amendment and what that actually looks like, I agree, we should be able to agree on the principles of what those look like and we were collectively to understand what the retirement of WHOIS looks like, and those have to play off of each other. The element around the retirement of WHOIS, was it necessarily contemplated as a part of the SLA document, and those are a couple of the things that we need to try to work through as a part of these conversations. Rick, I see that you've got your hand up, do you want to go ahead and jump in there?

RICK WILHELM:

Sure, thanks Karla. Rick Wilhelm from VeriSign. I generally agree with the stuff that Graeme was saying there. The one thing I would offer is that we might want to be a little bit careful about how deep we get into too much of the negotiation on certain topics as they stray farther, or perhaps into things that might be more controversial. Just because we ought to be a little bit careful about this relatively small group trying to negotiate something relatively large on behalf of the stakeholder groups. That would be my only, maybe a tempering, kind of, of somewhat stuff that Graeme was saying, but generally I agree there. Thank you.

GRAEME BUNTON:

I'm going to respond real quick, this is Graeme again. I think you're right, Rick, we can't pre-negotiate everything, nonetheless, I think the actual formal process is going to look very similar, which is we're going to have a small team of people that will essentially go through this work again or at least summarize this work, and then it goes back to the SGs for a vote. This work I think narrows down all of the options so we can then present that to our stakeholder groups. But the actual practice I think is going to be very much like this. Thanks.

KARLA HAKANSSON:

Thanks, Graeme. Jeff you've got your hand up?

JEFF NEUMAN:

Yeah, thanks, this is Jeff Neuman. I just want to disagree with one thing you said, Karla. As part of that group that was coming up with the SLA, and it's unfortunate that I guess we don't have commonality with the

people that were in the room from ICANN side, but I do want to say that it was absolutely understood at the time that we would be sunseting WHOIS when we were negotiating those SLAs. So, I don't think it's a correct statement to say that we were negotiating those SLAs without considering the impact on the sunseting of WHOIS. I think 100% we were. And I'm not sure why you guys are being told something else from people at ICANN. I have emails that would actually show that we were contemplating that, and I'm happy to send them your way.

But as far as I'm concerned, we spent a year on those SLAs and frankly they are fully negotiated. We should not even be touching those SLAs. Even the legal language around those SLAs were examined by your council, by us, so I think the only thing we really have to do is to figure out how to incorporate the RDAP profile, the sunseting of WHOIS, and the process for changes to those in the future if we don't want to just follow the normal contract amendment process. I think that's it. I'm actually surprised to hear the notion that the SLAs were being negotiated, because I remember Cyrus many times saying guys, we all want to get rid of Port 43 and WHOIS, it came up so many times. Thanks.

KARLA HAKANSSON:

Thanks, Jeff, this is Karla again. Let me clarify one point. You're right that WHOIS was definitely contemplated as part of the conversations. I think the question that needs to be addressed as far as how and when WHOIS is retired. So it's the details. I think that there is every expectation that RDAP was intended to replace WHOIS, but at this point there aren't specific details as far as when WHOIS is going to be retired. And until we actually have the RDAP in place to the degree of how

WHOIS behaves today and finding that information in the lookups, then we need to be able to define that within this group.

JEFF NEUMAN:

Thanks, Karla. I don't see that as an SLA discussion. I see that as what you said, the how and the when, or when it's considered where we're done enough to do it, but we shouldn't be touching the SLAs.

KARLA HAKANSSON:

Okay, that's great, thanks Jeff. Did anyone else have anything that they wanted to, I was just looking at the comments, okay, I think we're good. So to take this a step forward. One of the things that Rick had mentioned, the next phase of this is really to open this up, let me step back for a second, first we need to begin to bifurcate the conversations that we've got the registry focused RA discussion and the registrar RAA discussions and the additional members of those groups from both the registry stakeholder group and registrar stakeholder group, plus invitation to other contracted parties to bring them into the conversation will need to happen and that's really the next phase of this.

So as we look at the timeline which we had discussed a few weeks ago and again as we put it out in the latest draft that we had sent over to you, that the formal letter from Göran will be going out in a couple weeks to set up those conversations. And Jeff, I see that you've got a comment and you're not 100% convinced that we need to split the negotiations. Do you want to address that?

JEFF NEUMAN:

I do want to address that. I'm very much worried that there is a lot of dependencies and we tend to get into the divide and conquer strategy, so I would propose that everything is joint unless and until the parties feel like we need to have separate conversations on something. So I understand that there are some issues that are uniquely registrar, I understand that there are some issues that are uniquely registry, but at the end of the day I think the structure should default to the joint negotiations simply because I've been through too many where it ends up being a divide and conquer. Thanks.

KARLA HAKANSSON:

Okay, thanks Jeff. Rick, did you want to weigh in here?

RICK WILHELM:

Sure, thanks Karla. Generally I echo what Jeff is saying. I would offer that it's important for both contracted parties to stay in alignment on their RDAP implementation approaches and the various elements around that like the SLAs, the sunset, and things like, and bifurcating the negotiations too early will make it be more likely that there could be divergence as different folks have different tradeoffs and value judgments in some of these things.

So, while I would agree with Jeff that there are certainly things that are going to come up towards the end, I would agree that towards the end there's going to be, because it's going to get into specific language, but completely bifurcating the negotiation at this point, at least early on, doesn't seem to be the way to get the best output for a good, clean RDAP deployment throughout the community. Thank you.

KARLA HAKANSSON:

Thanks, Rick. Jim, you've got your hand up, did you want to weigh in?

JIM GALVIN:

Yeah, thanks, Jim Galvin. I also want to agree with this not splitting the discussion until such time as it is clear that we have to, and we have identified specific issue that needs to be addressed separately. This RDAP discussion, partly having been motivated by GDPR and everything else, it's being dealt with as a joint issue across the board in all ways. To frame this in a somewhat more positive way, just reflecting the fact that there is an absolute relationship between the deployment of RDAP and what it means to registries and registrars, and even the policies that are being developed, there is a relationship here between us. We have different roles even though we have essentially the same information that we're displaying or publishing, but under different circumstances.

I really would encourage us to keep this stuff together and all be talking about it together at all times, unless something comes up that we can identify clearly that requires us to be separate. Everything else has been done in the public as Rick was saying, too. The whole issue with the profile, the interoperability, we've all been working together even up to this point, with what we're doing. So yes, I wouldn't support splitting this stuff until we absolutely need to. Thanks.

KARLA HAKANSSON:

Thanks, Jim, thanks everyone. This is Karla again. Okay, I think just from reading Donna's last email earlier this week, I think that there is some alignment that may need to happen with the group. I think that she's got an expectation that there would be a split, and I don't know if maybe she's the only one who has that thought or if there are others who may feel that way, but I think that's something that maybe the

group from the contracted party house needs to consider and to come back on. We're going to be fine either way in terms of having these conversations, and it can continue as a collective discussion and then you guys make the decision in terms of splitting off into different groups in terms of thinking how you negotiate specific items with regard to the RA and the RAA.

Okay, so I see Jeff's note, in terms of talking to Donna, so that's totally fine, and let us know if there is any change with regard to that. What I would suggest as far as next steps just from a process standpoint and some of the logistical things that we need to think about relative to the next phase of these discussions, as I was talking before, we need to send out that letter to the respective stakeholder groups to formally kick off the process.

We'll then be putting out an invitation to the contracted parties registries and the registrars in terms of inviting them to participate in these conversations. And we'll need to have a mechanism for those who want to participate in these conversations can be looped into this group either from the collective registry/registrar group, and then also if you have separate conversations. So, have you guys considered this at all, in terms of how we will be looping in or how you will have other contracted parties as a part of this conversation once that formal discussion phase kicks off? Jeff, you have your hand up?

JEFF NEUMAN:

Yeah, so in the contract it says that the working group means representatives of the applicable registry operators and other members of the community that the registry stakeholder group appoints. This is

in the registry agreement. So I'm not sure why we need to have a process to have others.

So, the registry stakeholder groups solicit volunteers for this team, it doesn't say that the registry stakeholder group has to reach out to nonmembers. It is just anyone that the registry stakeholder group appoints. And so I think the registry stakeholder group has appointed the appropriate people. I'm not looking right now at the registrar one, but I think it's similar, it should be similar language. So I'm trying to figure out what you're contemplating, Karla.

KARLA HAKANSSON:

I understood that we would be reaching out to a barter group to participate in these conversations and I think one of the ideas is to bring in more from the registrar side, as well. Graeme, I'm going to look to you for a minute to weigh in, in terms of participation from having more representatives from the registrar side.

GRAEME BUNTON:

We have more diversity on this call, it's just we keep scheduling against the ePDPs. So, I'm not super concerned about that at the moment. I have to go back and look at our contracts, because there are certain places where the RRSg is in charge of contractual things, and this may well be one of them, in which case it's one of the carrots we use to get members.

Some of your contracts depend on activities of the SG and if you're not a member you don't get to participate, if that's what's in there, I'm not particularly of the mind to go and spend a ton of time finding people who don't participate to get their opinions, which may be a little bit

harsh, but that's kind of the reality for a number of things. I have new other RRSg members that care about this stuff that I'll start looping in and we're going an okay job right now sending notes out from these discussions to the SG, but I don't want to make it too much bigger at the moment while we're still sorting through some nuts and bolts.

KARLA HAKANSSON: Thanks, Graeme.

JEFF NEUMAN: This is Jeff, it's been rough, it was an open call with the registrars to volunteer and it's still open, I don't think any registrar has volunteered that's been turned away. Maybe Graeme you can...

GRAEME BUNTON: Everybody who stepped forward is at least being invited to participate.

JEFF NEUMAN: And the working group is defined as representatives of the applicable registrars and other members of the community that the registrar stakeholder group appoints. So this again is the same language as the registry. So I don't think we need to open this up to anyone. There has been an open call within the registrars and within the registries, we haven't turned anyone away that has wanted to be in this group. If new people want to join before we formally kick this off, I don't think that's an issue, so I'm not concerned about that.

RUSS WEINSTEIN:

This is Russ, thanks for all the participation so far. I think you guys are right, it is the stakeholder groups and the stakeholder groups get to decide who participates. I think our duty at ICANN as we see it is to notify everyone through the formal request that comes, the formal trigger event which either your side triggering a letter to us, or our side triggering a letter to the stakeholder groups, and then just sending a notification to all the contracted parties telling them this is going to happen.

But I think what we were hoping for is who do we put them in touch with if they are interested and they're not currently participating, and I think if you want that to be the secretariats of the stakeholder groups or the chairs of the stakeholder groups, and let them decide if they want to join or not, and join meaning join the stakeholder groups, to your earlier point, Graeme. This is the carrot to get people to participate in your stakeholder groups.

GRAEME BUNTON:

Yeah, agree, and you guys should absolutely be communicating especially with the people that aren't the members of the TPH. If people are like, oh crap, I do care about this, then great, put them in touch with Zoe and myself on the registrar side and Donna on the registry side, and we'll welcome them with open arms.

JEFF NEUMAN:

Hold on, this is Jeff. I'm a stickler, sorry Graeme. As a lawyer I'm a stickler to the language of the agreement and I was there for the negotiations of this section. While I don't have anything morally against ICANN wanting to reach out and send a note, I do not want it read into the process that has to be done and I don't want to make it sound like

this is a requirement, because it's not in the agreement, it's specifically not in the agreement.

All registries and registrars that sign their agreement signed this agreement knowing full well what the stakeholder groups have the right to do. So I am a little bit interested in hearing why ICANN believes it's its job and its obligation to do that. It's not in the agreement and I don't want it to now become all of a sudden a new contractual requirement that ICANN needs to send notice out and that we need to then wait 30 more days or something else for that to happen.

RUSS WEINSTEIN:

Sure Jeff, sorry if I made it seem like obligation, but at the end of the day, if not just the stakeholder groups who vote, you may get to agree on what we vote on as the negotiation, but all contracted parties vote and we need a certain threshold of that to achieve success. So I think surprising people later is not in our best interest. But you're right, it's not specifically in the contract that way, it's not our obligation, we think it's the right thing to do.

JEFF NEUMAN:

Sorry, Russ, is that true? That it is all accredited registrars that would vote? Because there are certain things like, and this is me not being an expert on our contract, maybe I should brush up on that, things like the cross field validation with a working group with the stakeholder group, and it votes, not all accredited registrars on the outcome of that.

RUSS WEINSTEIN: That is correct. I think the amendment process, I think it's all contracted parties, and there's a certain threshold from the contracted parties that we need to achieve.

JEFF NEUMAN: Okay, so that does make sense in this context. Okay.

GRAEME BUNTON: Okay, so I think again, if ICANN wants on its own to give notice to those parties, that's great, but all I'm saying is it's not a contractual requirement and I don't think we need to wait any period of time. You could send out that notice today if you wanted to, that you intend to invoke this. I don't think that needs to be built into the timeline as a delay of anything. There is a provision in the agreement that deals with notice and when they have to get notice. If you don't want to surprise them, great, you can send it out today, but again, let's not put that in as a dependency for the timeline.

KARLA HAKANSSON: Hey guys, this is Karla. There is no dependency that's built into that, so that's not weighed in or built into the timeline that we provided to you guys. It will just be a notice and as Graeme has already offered, if someone raises their hand and they want to participate in the conversation, then we will direct them to the appropriate people within the stakeholder groups. Rick, you've had your hand up for a while, so I'm going to pass it over to you.

RICK WILHELM: Yeah, my shoulder is getting a little sore, thank you Karla. Rick Wilhelm. What notice are we, can we be a little bit more specific about what notice we're talking about and to whom it's going to be sent, and what the content of that notice is going to be? Because these are about amendments between two contracted parties and then we're talking about inviting third parties to that negotiation, that seems odd to me. Russ, could you be a little bit more clear on who is getting notice about what and under what auspices or reason, if you could maybe just take a step back.

RUSS WEINSTEIN: Sure, good question. The contract reads that if ICANN triggers a negotiation process it's a letter from the CEO to the Chair of the requisite stakeholder group and I think what we're talking about is in addition to that or following that event, ICANN.org would send a notification to all the registries and registrars if we're going to do both contracts, and let them know that that event took place and if they are interested, they should contact the stakeholder groups about participation. And then content wise, I think we'd be scoping this as we work, we'd like to negotiate an amendment to the contract to baseline RDAP of RDDS protocol in the future, the scope we talked about here, to incorporate RDAP into the contract more robustly and to define a sunset of WHOIS.

RICK WILHELM: Okay, that's helpful, that sounds like it's going to each of the contracted parties saying that ICANN is doing this presumably under the 7.6.7.7 and letting you, and here is how the negotiating is taking place, and go contact your stakeholder group if you need to know more. Okay, that

seems relatively normal and I didn't hear anything about notifying third parties which seemed to have crawled into the previously. So maybe that was just inadvertant, or whatever.

GRAEME BUNTON:

I suspected that third party language in there, Jeff you'd probably know it better than me and it's probably not worth going into the history. I think that gives the stakeholder groups the ability to hire lawyers and things, that might be outside council to any particular contracted party. That's my guess. Or I suppose you could bring in a different part of the community if you wished to your negotiation team, but usually it's not the case, would be my guess. We haven't done this a whole lot of times in the past. But I think it's neither here nor there. Third parties, from our standpoint, there are no third parties. There are registries and registrars and the previous stakeholder groups that we need to negotiate, they're the only contracted parties that we need to achieve the vote, that's it.

JEFF NEUMAN:

Yes, this is Jeff, that's right, it's the registries and the registrars that choose their own members or people that we want in there, which could include an attorney that specifically represents the group. I don't think we'll need to do that because there are enough of us attorneys in these groups. But certainly that is an option. So, the first notice, Rick, under the agreement from ICANN CEO to Donna and to Graeme, it needs to set forth in reasonable detail the proposed revisions to the agreement.

I think what it really would do in this case, or should do, is just really the proposed scope is more likely to be in the letter. But I do want to be

clear that the letter to other registries and registrars should not say if you want to participate on the team, it just should say this is happening, and for more information contact this person. I think that's important, otherwise it will get completely out of hand and it's not what the agreement calls for.

KARLA HAKANSSON:

Hey Jeff, this is Karla. We can look at that and I don't see that as being a problem. I think then the question is, if someone does reach out and they do want to participate in these conversations, I'm assuming that we would send those over to Donna and Graeme, unless anyone has any objection. Alright, great. Okay, so, thanks Rick and Jeff.

I wanted to go back to the overall timeline because I know that there was some concern about the timeline or the expected timeline for this process and we did provide that in the summaries that we had sent over, which outlined the formal kickoff, the 90-day discussion period, and while we do have the 90-day discussion period, it's not an absolute, so if something were to happen and we were able to get agreement ahead of that, then it doesn't necessarily need to take the full 90 days, but then it does need to get prepped and go out for public comment for no less than 30 days, and given the timing of how this is played to transpire, it's very likely that the public comment would happen over the holiday time period, meaning that we'd likely extend it to beyond just the 30 days so that folks could weigh in.

Following that, we would take the comments as they come in and we would see what objections or requests for changes would be built into those comments and work with the discussion groups to either update the amendment or to finalize the amendment. And as this is going on in

tandem with the conversation with the public comment and any changes that there would be, then we would be setting up the voting mechanisms for the proposed amendment. Let me stop there for a minute, Jeff, I see your hand is up.

JEFF NEUMAN:

Yeah, question here. You had used the term "we" a couple times and I think I got a little confused as to whether the "we" meant ICANN, or the "we" meant all of us as the negotiators. So, I think when the comments come in, the comments should come into all of us, the complete "we" being ICANN and the working group, not just ICANN. And that won't be an issue if it's like a normal public comment period and everything is posted publicly.

But the only reason I bring it up is there has been some quasi-comment periods that ICANN has done recently that have not been public in the sense of we'll send an email to a certain address and it wasn't all publicly posted. So I just want to be clear that it needs to be publicly posted and to the extent that comments are obtained, they should be submitted both to the working group and to ICANN, not just to ICANN, so it's not ferreted out by ICANN.

KARLA HAKANSSON:

Thanks, Jeff, this is Karla. So this would follow the standard public comment process, meaning that any of the posts or the comments that would come in once it's posted are visible to everyone, not excluding anyone. So the discussion group and ICANN can see all of the comments that are coming in. I don't know if we need to necessarily set up a separate mechanism or path for the comments to go to the discussion group. Is that what you're thinking?

JEFF NEUMAN:

Well, it's a little bit different than the normal public comment period, because the normal public comment period first of all is more than 30 days, but aside from that, the normal public comment period, and we got into a little bit of a tiff, let's just say, the last time there was a registry agreement amendment, and actually the same thing happened with the registrars where ICANN posted it but decided to put its own spin on everything in the posting notice. So to the extent that this is posted, I would strongly suggest that the working group and ICANN agree on what the posting notice says and that it doesn't deviate from that language simply because we've had some things in the past which have not worked so well.

KARLA HAKANSSON:

Okay, thanks Jeff. This is Karla again. I'm not sure what you're referencing, but I don't see any issue with that because this would be a collective effort, then I wouldn't expect that we have any spin on it either way. But just putting out the facts as far as what is being proposed in the amendment. So, Russ, unless you have any concerns about how that's represented?

RUSS WEINSTEIN:

I think we're on the same page, there's a collective effort, we want everyone on the same team here. We're trying to solve something to enable a better system in the future, and it takes all of us together, working together on it. I think the comments, when we get the comments back, we absolutely want to work with the respective stakeholder groups and possibly all together, to help justify either why the choices we made are still the right choices, or to explore, did

someone bring up a good point that we need to account for in the agreement, and how to deal with it from a comment analysis perspective. So to me I see it as a joint effort.

KARLA HAKANSSON:

Great, Russ, and you can't see this, but Jeff has made a comment that he will be happy to [inaudible] the posting, so Jeff, as long as you're happy I think we're all happy. Okay, so following the public comment that we get in and the summary that is originally drafted by staff, but then we'll definitely be consulting with a discussion group as far as what happens with the summary and putting together the summary. Once we're aligned on the proposed amendment, it would go out for vote, for both registries and registrars.

So, that is a 60-day time period, and once we get the votes in, then we are likely looking at probably April 2020 once all of this transpires, and then we'll be working towards drafting the documents that will go before the Board either in May for their workshop or in June for ICANN68. So, when you put all of that together, in all likelihood we are looking at a July/August timeframe of 2020 for the amendment to be effective. Let me stop there and see if there are any questions or comments. Jeff, you have your hand up?

JEFF NEUMAN:

Yeah, so one other thing that arose the last time the registries negotiated with ICANN is that ICANN took the position that it wanted to put the proposed amendments before the Board, not to get a formal approval, but to put it before the Board to make sure it would be something that they would approve before the vote was taken by the registry operators.

This sort of made sense because obviously you don't want to get all the registries together to vote, and registrars, and do this whole voting thing, only to have the Board say no after you've gone through this great expense and everything. So I do think that was probably the right thing to do, and we just need to make sure that there is time for the Board to look at this and while it's not voting, to give kind of a positive indication before we ask all the registries and registrars to vote.

KARLA HAKANSSON:

Okay, the only thing I was going to say was looking at the timeline that we currently have, it really will depend on when the Board has their workshop. If they have their workshop in late January or early February, as it has been in the last couple of years, that I imagine would be doable. And I'm sure that we'll be keeping them abreast as far as how things are transpiring relative to the amendment so that they can weight in on this. Russ, did you want to add in?

RUSS WEINSTEIN:

Yeah, I was just going to say, under our current structure in administration we do a pretty good job of keeping the Board aware of what's going on through communication through our CEO. So I think we will be checking in with the Board at every major milestone before we take the next step.

So before it goes to public comment, we'll need to brief the Board and it doesn't always have to be at a workshop, it can be through documentation and things, and give them an opportunity to make sure they're aware and comfortable before we go public with anything; the same if there are changes after public comment before vote. I think that's a good point, Jeff, and it's important to make sure that we're not

going ahead and agreeing to something that's not actually able to get there either on the vote side from your side or the approval from our side from the Board. That's all.

KARLA HAKANSSON: Thanks, Russ. Okay. So looking at the time, are there any other questions, concerns? I know it's probably a longer time than anticipated but there are a lot of moving parts, especially when we're looking at having an amendment for both the registry agreement and the RAA, so a lot of things that need to happen in order to get that in place. And Jeff, I'm just reading through your comment.

JEFF NEUMAN: I was just asking if you could post the timeline on the screen because for whatever reason, I can't find the timeline, and it would be good to visualize if you have it in front of you.

KARLA HAKANSSON: I don't know, do you happen to have the summary? I can post it.

SUE SCHULER: You should be able to post it, but let me see if I can find it real quick.

KARLA HAKANSSON: It says I can't do anything because another participant is sharing.

SUE SCHULER: Oh, let me stop my share. Okay, go ahead.

KARLA HAKANSSON: Okay, thanks. Here we go, can everybody see that? It might be a little small, let's see if I can boost it up a little bit. Jeff, can you see that?

JEFF NEUMAN: It's a little small, but I think, so, we're talking about the public comment should be 30 days, it says 40.

KARLA HAKANSSON: Yeah, it's for the holidays, so it's no less than 30 days is what the agreement has, and we anticipate because of the holiday time period we may need to carry it over just a little bit.

JEFF NEUMAN: So, the public comment, the public comment summary, there needs to be something built in for the discussions about the public comment, right?

KARLA HAKANSSON: Yeah, the anticipation is that it would be, that's why we've got the summary in February. So I do anticipate that the timeframe between when the public comment period ends, which I estimated around the 9th of January, we would have about 3 weeks before the summary is posted. And that February date is a little bit fluid, in the sense that it doesn't have to be on February 1st, obviously, but we could potentially have a month to have that discussion time depending on the comments and what changes are contemplated for the amendment following the summary.

JEFF NEUMAN:

That sounds fine. I don't know what the intent of this timeline, if other people are going to see it outside of our groups, but we don't want it to look like we're ignoring all public comments by going straight to a vote, so from a cosmetic standpoint, if you could put something in there that would indicate that that's the period we're going to be discussing public comments and making any necessary changes. Again, it's more cosmetic, especially if this goes outside this working group. I don't want it to look like we're going to ignore all public comments.

KARLA HAKANSSON:

Great point. I had an earlier version and I think just for simplicity's sake and just having the key milestones, it had been taken out, but I can totally put that back in. That's a good call. Any other comments?

RICK WILHELM:

Yeah, hey Karla, this is Rick Wilhelm. Good diagram and I echo the point that Jeff made there, which I think is helpful. What are some things that could impact this timeline and cause it to lengthen?

KARLA HAKANSSON:

Not having agreement on the amendment itself. So, we got this 90-day discussion period and I think the anticipation is that we're going to be able to get to an agreement or an alignment on what the amendment is going to look like for both the RA and RAA. I think that if there is any disagreement on any of the specifics in the amendment that could potentially delay things, and then if we're seeing something unusual that comes out of the public comment period that was not anticipated, that we may need to go back and address collectively as the group

between ICANN Org and the discussion group, that could potentially delay things.

RICK WILHELM: Okay, that's helpful. So on the chart here that's on our screen, Steps 2 and 3, I guess, and then Step 5, those are the ones if issues arose, they would arise in those steps. Is that correct?

KARLA HAKANSSON: Yeah, that's my anticipation.

RICK WILHELM: Okay, it looks like Step 3 is really heavily overlapping with Step 4. Is that just my eyes or the diagram? Because this isn't exact day counting thing, right? These are just sort of blocks, but it looks like 3 and 4 are really pretty heavily overlapped. Can you comment about that?

KARLA HAKANSSON: Yeah sure, so the anticipation is that I'm hoping that we're able to finalize the amendment during conversations in Montreal. If that's the case then I would anticipate that we have a final amendment by the third week of November and at that point we can post for public comment sometime within the first couple weeks of December. And obvious that could change a little bit, depending on not being able to agree on parameters. But if that's the case, then that's why you see some of that overlap, and then that 40 days between December and January where the public comment is going to be posted could be impacted in terms of when the public comment actually is posted for folks to review.

RICK WILHELM:

Okay, thank you.

JEFF NEUMAN:

This is Jeff. For Step 8, I think it's the right label on the left hand side, but the ramp-up period terminology, I think we need to be careful because we use that as part of our discussions now. But technical that should be an implementation period or I don't know if there is a different one that's used in the agreement. But there is supposed to be a notice of when it goes into effect, and then it would go into effect. But that's different than a ramp-up period which we have specifically in our discussions as referring to SLAs. We shouldn't confuse that term.

So, if you look at 7.7 in the registry agreement G, no sorry, it's not G, whatever it is in that agreement that talks about how long after it's announced that we have to implement it. That may or may not correspond with what we're talking about as a ramp-up date, but I think for now we should probably just use the term as implementation or whatever the agreement says that that period is called.

KARLA HAKANSSON:

Thanks, Jeff. We actually, we wrestled with that a little bit as well, because as we were working through the SLA document, the idea of the deployment date would coincide with the amendment date which was the implementation date of August 26, the technical implementation, and then having the amendment at the same time, which obviously that didn't happen.

So, our expectation is that once we have the amendment effective date and the timeframe that we're looking at is August of 2020, that there

would be 180 days which is what I think you're referring to from the agreement for the contracted parties to be able to have that implementation timeframe in order to meet the SLAs that would then be contractually obligated, which puts us in the February 2021 timeframe.

JEFF NEUMAN:

And that may well be where we all come out during the negotiations, but if you're going to put something like this in there, it needs to just either say what the agreement says, which is, whatever it's called, I'm looking for it, but there is usually after the amendment some time period before it goes into effect. That's the terminology I would use here. You're probably right as of where we'll come out in the discussions, but we should not predetermine what the result will be in this diagram.

KARLA HAKANSSON:

Okay, thanks for that. That's a good point. We're almost out of time, so I do want to just from a logistical standpoint talk about regrouping on this. I think that we've covered the process and the timeline, the next step being to formally kick off this discussion period. I'm going to look to the registries and registrars of this group to say when do you want to come back together again? Are you planning to regroup as a team in preparation for a next conversation with the anticipation that a formal request would be going out on or around the week of the 15th of September to kick off the discussion group time period? Should we go ahead and start putting dates in place to have those conversations?

GRAEME BUNTON: This is Graeme. Is that you sort of saying you want to, I guess that feels aggressive to me to feel like we have some more conversations we should have informally first. And so that doesn't give us a lot of time to do that. And I think maybe that's another call or two. Do others disagree?

JEFF NEUMAN: Graeme, this is Jeff. From my personal perspective, I'd rather start the negotiation the formal period. This way we're all under the gun to get something done and agreed and it's probably better to do that. Otherwise I could definitely see the informal discussions taking a lot longer than we would want it to take.

GRAEME BUNTON: Sue is going to punt us out of this room in 30 seconds. Yeah, I certainly don't want to belabor this thing. I have zero interest in doing that. I just think we haven't sorted out some of the things that are going to get expensive when we start doing this formally.

RICK WILHELM: This is Rick, real quick. So, Graeme, I get to your point. We really haven't "pre-negotiated" anything here. This is the RDAP working group starting to file in, that's the folks that are coming in. So to that end, basically all we really talked about was the timeline and we had another call previously. So I'm not quite sure what exactly the priorities should be, but we haven't pre-negotiated much from that standpoint. If the 90 days is going to cause a problem, then that's something else to consider, so we have to look at that. So, in other words, we may want to do some

pre-negotiating if that 90 days is going to be hard deadline out there.
Thank you.

KARLA HAKANSSON: So, here's my suggestion, given that we've got other folks coming into the call right now, why don't we, if folks are available this time next week, that we regroup just to cover those points to make sure that we are in alignment in terms of next steps.

JEFF NEUMAN: Yeah, I think that works. I just want to make sure we don't have any real gnarly rough edges before we start that process.

KARLA HAKANSSON: Okay, Sue is saying that the time is open next week. Can we just get a quick agreement, yes, no, in terms of who is available and if that would work? I'm not seeing people weigh in.

UNKNOWN SPEAKER: I am missing other registrars want to participate so we should avoid that time as Jeff noted in chat.

KARLA HAKANSSON: Okay, let's work through and see if we can find a time that's suitable to everyone. Sue, maybe if you could send out a Doodle poll then we can work it that way, since we're already bumping into another call here.

SUE SCHULER: Okay, yeah, we can do that.

KARLA HAKANSSON: Awesome. Thanks everyone, we will talk sometime next week.

SUE SCHULER: Thanks Karla. Julie, we can end the recording now.

[END OF TRANSCRIPTION]