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## ICANN Transcription

### GNSO Council

Thursday, 23 January 2020 at 2200 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

[https://icann.zoom.us/rec/play/6cYule2tpm43HdSd5QSDUad\\_W9TvfKus0SVKq\\_ReyB3nUXEDMVGuZbEXMeqZgnxtkx7IMU6ZkGH5-3wE](https://icann.zoom.us/rec/play/6cYule2tpm43HdSd5QSDUad_W9TvfKus0SVKq_ReyB3nUXEDMVGuZbEXMeqZgnxtkx7IMU6ZkGH5-3wE)

Zoom Recording:

<https://icann.zoom.us/rec/share/3sdtPpvWrV1IU4ngs0rgXPAP6PVaaa80XAWr6FemR1QaCLg2AzjIKBj7w9VHprS?startTime=1579816812000>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:

<https://gnso.icann.org/en/group-activities/calendar>

#### List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Erika Mann

#### Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Greg Dibiase

gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

#### Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade, Tatiana Tropina, Rafik Dammak, James Gannon (new NCSG councilor following Farzaneh Badii's resignation), Farell Folly

Nominating Committee Appointee (NCA): Carlton Samuels

**GNSO Council Liaisons/Observers :**

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

**ICANN Staff**

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apologies)

Marika Konings – Senior Advisor, Special Projects

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager (apology)

Ariel Liang – Policy Support Specialist

Caitlin Tubergen – Policy Senior Manager

Sara Caplis – Technical Support

Nathalie Peregrine – Manager, Operations

Terri Agnew - Operations Support - GNSO Lead Administrator

KEITH DRAZEK: Thank you very much. Good afternoon here in Los Angeles, everyone. Welcome to the first GNSO Council meeting of 2020. Today is the 23<sup>rd</sup> of January. Welcome to our remote participants, Tatiana, Cheryl, Osvaldo, and I'm not sure if there is anyone else remote for us today on the line. I just want to make sure that we've got anybody.

With that, Nathalie, is there anything that you'd like to kick us off with as it relates to administrative things? Anything to say?

NATHALIE PEREGRINE: I can do the roll call if you'd like, Keith.

KEITH DRAZEK: That would be great. Thanks.

NATHALIE PEREGRINE: Good morning, good afternoon, and good evening everybody. Welcome to the GNSO Council meeting on the 23<sup>rd</sup> of January 2020. Would you please acknowledge your name when I call it out? Thank you ever so much. Maxim Alzoba?

MAXIM ALZOBA: Aye.

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NATHALIE PEREGRINE: Pam Little?

PAM LITTLE: Here.

NATHALIE PEREGRINE: Sebastien Ducos?

SEBASTIEN DUCOS: Here.

NATHALIE PEREGRINE: Keith Drazek?

KEITH DRAZEK: Here.

NATHALIE PEREGRINE: Greg Dibiase?

GREG DIBIASE: Here.

NATHALIE PEREGRINE: Michele Neylon?

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MICHELE NEYLON: Here.

NATHALIE PEREGRINE: Tom Dale?

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo?

MARIE PATTULLO: Here.

NATHALIE PEREGRINE: Scott McCormick?

SCOTT MCCORMICK: Here.

NATHALIE PEREGRINE: John McElwaine?

JOHN MCELWAINE: Here.

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NATHALIE PEREGRINE: Philippe Fouquart?

PHILIPPE FOUQUART: here.

NATHALIE PEREGRINE: Rafik Dammak?

RAFIK DAMMAK: Here.

NATHALIE PEREGRINE: Elsa Saade?

ELSA SAADE: Present.

NATHALIE PEREGRINE: Farell Folly?

FARELL FOLLY: Here.

NATHALIE PEREGRINE: Flip Petillion?

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FLIP PETILLION: Here.

NATHALIE PEREGRINE: Philippe Fouquart? Oh, sorry. That's twice. He's confirmed as still present. Participating remotely, Osvaldo Novoa?

OSVALDO NOVOA: Here.

NATHALIE PEREGRINE: Thank you. Equally participating remotely, Tatiana Tropina?

TATIANA TROPINA: Here in spirit, thank you.

NATHALIE PEREGRINE: Thank you. Martin Silva Valente?

MARTIN SILVA VALENTE: Here.

NATHALIE PEREGRINE: We also have our incoming NCSG councilor, James Gannon, participating remotely. I'm not sure if he's on the line yet. James Gannon?

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JAMES GANNON: Yeah. [inaudible].

NATHALIE PEREGRINE: Thank you. Carlton Samuels?

CARLTON SAMUELS: Here.

NATHALIE PEREGRINE: Also participating remotely, Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Present, Nathalie.

NATHALIE PEREGRINE: We heard Cheryl earlier confirm the audio. Cheryl, you may be muted.

CHERYL LANGDON-ORR: Yeah. I'm present.

NATHALIE PEREGRINE: Thank you, Cheryl. Erika Mann?

ERIKA MANN: Yeah. Here.



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NATHALIE PEREGRINE: Julf Helsingius?

JULF HELSINGIUS: Here.

NATHALIE PEREGRINE: Thank you. And participating remotely, Maarten Simon?

MAARTEN SIMON: Yes. I'm here.

NATHALIE PEREGRINE: Thank you very much, Maarten. We'll also be having a guest speaker, Edmon Chung, who will intervene on the IDN Scoping Team update agenda item. We have GNSO support staff in the room and remote. And for technical support, we have Dustin [Rightsfled] in the room with us. And remotely, Sara Caplis. Thank you very much. Please remember to mute your mics after speaking. Over to you, Keith.

KEITH DRAZEK: Okay. Thank you very much, Nathalie. I was just wondering if we might be able to increase the volume of the remote participants a bit. I'm having a hard time hearing them and I have bad hearing to begin with. If that's possible, I'd appreciate it.

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Again, hello, everybody. Welcome to the 23 January 2020 meeting of the GNSO Council. We have a quite full agenda today and we have a hard stop in two hours' time, so we will begin.

I would like to ask for any updates to statements of interest. Would anybody like to update their statement of interest? I see none. I should also note just a note of welcome to, obviously, our new councilors, including our new new councilors. So, we really appreciate you joining us. Thanks for being here.

Okay. So, we'll review and amend the agenda to the extent necessary. We'll cover the rest of the administrative matters momentarily. And then on item number two, we'll do a quick review of the projects and action list. We actually, in the strategic planning session, did spend quite a bit of time talking about the projects list and we'll circle back to that as well, if we could scroll down, please. Scroll down, please.

STEVE CHAN: Hey, Keith, this is the connectivity issue that I was mentioning before in effect right now. Sorry.

KEITH DRAZEK: Thanks, Steve. So, just to note for everybody, there are some connectivity issues in the room, so we may have a few hiccups here and there. Unfortunately, I do not have a printed-out copy of the agenda, so I need to try to find it. Bear with me for a second.

All right. Thanks, everybody. There's a lesson to be learned there when you're chairing a meeting. Always have a hard copy.

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Okay. So, we will then move to our consent agenda, which includes two items. One is a motion to approve the nomination of Amr Elsadr to serve as the ICANN fellowship mentor and confirmation of Julf Helsingius as chair and Carlton Samuels as vice chair for the GNSO Standing Selection Committee.

Next we'll move to a council vote. This is the vote on the addendum to the review of all rights protection mechanisms, the RPM PDP charter, to integrate recommendation five from the IGO/INGO access to curative rights protection final report. And we'll have an opportunity to discuss this. I'll be happy to provide an overview of what it is and how we got here, particularly for the new councilors. But this is scheduled for a vote.

Both the consent agenda and item number four, the council vote, will be a voice vote, unless somebody wants to request a roll call. But in the interest of time, I think we could probably accomplish these with a voice vote.

Item number five will be a council update on the situation with the RPM PDP Working Group, and specifically the request for an extension, the project change request that we have received. We'll give an update on that and discuss next steps.

Item number six will be a council update on the CCWG on auction proceeds.

And item number seven, a council update from the IDN Scoping Team and that will be the presentation that Nathalie referenced with Edmon Chung joining us remotely.

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Item number eight, any other business. We'll discuss ICANN 67 planning for Cancun. The council response to the NomCom Review Implementation Working Group request. They had 27 recommendations. And an update on the council's ABRs, the additional budget request, for FY21 and discussion of the work of the [SCBO].

So, that is essentially the agenda for today's meeting. Would anybody like to suggest any edits or amendments or have any further questions?

Okay. I don't see any, so let us then move back to the agenda. I need to note under administrative matters that the status of the minutes for the previous council meetings, per the GNSO operating procedures, minutes for the 24<sup>th</sup> of October meeting were posted on the 13<sup>th</sup> of November, and minutes of the 19 December meeting were posted on the 2<sup>nd</sup> of January 2020. So, those are done.

With that, we'll move to item number two, which is opening remarks and the review of the projects and action list. So, if we could ... I think we're back on screen here.

Okay. So, on the screen in front of us, we have the project list and I think, as has been noted earlier in our conversations, we have received a project change request from the RPM PDP Working Group. My understanding is that we are likely, in February, to receive a project change request from the Subsequent Procedures PDP Working Group, which are the two significant and long-running PDP working groups, that essentially what we're hearing right now from both is that they're going to require some

additional time and are likely to be requesting extensions—or are requesting extensions—out to September of 2020. So, we'll have an opportunity to talk about the RPM PDP Working Group today, and then once we receive the formal request from the subsequent procedures group, we'll have further conversation about that in February.

So, I just want to take a moment here to reinforce the importance of this project list now and moving forward. One of the important developments or takeaways from the work that Berry and staff have been doing is to make sure that this project list reflects the current status and the reality of the status of these various groups.

The status codes and the color coding and the symbols all are very meaningful, and I think as we found today and this week, there's quite a bit of work going on in the background to account for that and to develop a lot of this. So, we will talk about a few of these things today but probably not go through each line item at this time. Does anybody have any questions or comments, anything they'd like to speak to regarding the projects list at this point? And I invite staff to speak up or weigh in on anything that you'd like to point out specifically related to the project list this month. Michele, go right ahead.

MICHELE NEYLON:

Yeah. Thanks, Keith. I suppose the only thing I really want to say is that how we handle the project list is something that we at council have been discussing here in LA over the last couple of days and probably continue to discuss tomorrow. So, maybe in the not-too-distant future, we might be getting a little bit more

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aggressive with how we manage that list. Partially, the reason I'm saying this is because I know there's a couple of people who are remote who haven't been here. Thanks.

KEITH DRAZEK:

Thanks very much, Michele. It's a great point. Just to recap, the project list is going to be an increasingly important reference point for us, and one of the things that we discussed yesterday was the need for us to, on a more regular basis and a consistent basis, spend time going through the projects list in some level of detail. And not only the summary page but the actual detailed accounting of the current statuses for the various groups and the various line items that are down below.

So, what we discussed yesterday was the possibility of during either a special meeting or perhaps during our February meeting is dedicating a significant portion and going through each of the line items in much more detail to set the baseline for us as a council in 2020, and then moving forward, if and when there are changes to the statuses or developments around each one of these line items, then we do that consistently at every one of our GNSO Council meetings.

So, setting a baseline, reviewing everything in one meeting; and then moving forward, if there are changes, spending a bit more time on each one of those items that have changed during our monthly meetings. So, I think we will take that as an action item to scope out or flesh out our February council agenda, and if it appears that we're going to need to dedicate a special meeting to that, then we can certainly consider that.

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Any other comments or questions on the project list?

I don't see any hands in chat, so let's then please move to the action item list. Nathalie has posted the action item list link into the Zoom room chat, if anybody needs to click it.

Okay, thank you. So, before us, we have the action item list. And again, a reminder that there are color-codings related to the action item list, and I think it's just above the top of the screen there. Yellow indicates an active action item—there we go, thank you. An active action item, something to be completed but that is not currently on today's agenda. Then the items color-coded in blue are those items that are active but are on the agenda for today.

So, the first two are still things to be completed but not on today's agenda, which the first is approval and adoption of the drafting team's new templates and guidelines for the GNSO as a decisional participant. So, we actually did approve these at our council meeting back in Montreal but there's an action item for council leadership to consider and decide whether we should schedule a meeting at ICANN 67 in Cancun to go over some of these with the broader GNSO community. And that's something that we'll discuss further this week but wanted to flag that.

The key here is, as we discussed yesterday, there's quite some challenging timelines and timeframes associated with some of these empowered community actions, and with the GNSO as a decisional participant, it will be very, very important for our SG and C colleagues, our chairs and our colleagues in our stakeholder groups and constituencies, to understand those timeframes and understand the challenges that we will face if and when we are

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presented with any one of the number of possible rejection action petitions or other types of actions related to the decisional participant role.

So, we will take it on to schedule some time with our constituencies and stakeholder groups in Cancun to try to make sure that people are aware of at least the work that we're doing and what the challenges and obligations might be moving forward, if and when we do receive one of these requests. Any questions or comments on that? No hands in chat.

The next is the evolution of the multi-stakeholder model of governance. The open action item here is to—and it says if applicable, so the question is whether the GNSO and the ccNSO should consider forming a joint team to identify any commonalities or differences associated with those multi-stakeholder model evolution items in the strategic plan and then the operating plan and budget for FY21-25.

Again, I think we discussed this a little while ago about, in our prioritization of work for 2020 and beyond, the question is are there certain things or components of the MSM evolution work—and that's the Brian Cote effort from last year—that we as the GNSO need to be taking on either in 2020, 2021 or beyond. The action here is, is there some value in synching up or coordinating with the ccNSO in terms of their views? So, we have that as an action item. It is if applicable, so it's not a requirement. And it might be that we as the GNSO just decide, the GNSO Council, just decide to simply focus on our PDP 3.0 work, continue doing what we're doing there and maybe that's not something we need to coordinate on with the ccNSO. But it's an open question. Happy



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to hear any thoughts or views on that at this point as well, if anybody would like to raise their hand.

Okay. Seeing no hands, let's move on. Scrolling down, the next items are going to be the topics that are on our agenda today, managing IDN variant TLDs and I think we have next is ... So, that last one will be the update from Edmon. EPDP Phase 1 recommendations. Scroll down, please. Thank you.

So, we have an open action item here related to EPDP Phase 1 recommendation 28. This is an important one because recommendation 28 was the recommendation that set out the target date for implementation of the EPDP Phase 1 recommendations. It's become clear that the target date of February 29, 2020 will not be met. We need to as a council, working with ICANN staff, to develop a response related to the new timeline or the new target date for implementation of the EPDP Phase 1 recommendations. So, that's an open action item. Any discussion or comment on that?

Okay. And I think much of what's below are action items that have been completed, no longer open items, so we can probably move on now. So, let's get back to our regular agenda.

Okay. This takes us to the consent agenda. As I noted, we have consent agenda motion to approve the nomination of Amr Elsadr to serve as the ICANN fellowship program mentor and confirmation of Julf Helsingius as the chair and Carlton Samuels as the vice chair for the GNSO Standing Selection Committee. So, if I could hand that over to Nathalie to run the voice vote for the consent agenda. Thank you.

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NATHALIE PEREGRINE: Thank you very much, Keith. So, for those participating in the physical meeting room, you'll be asked to raise your arm. And for those participating remotely, please say, "Aye." Would anyone like to abstain from this motion? Please raise your hand or say, "Aye." Seeing and hearing no one, would anyone like to object to this motion? Hearing, seeing no one, would all those in favor of the motion, please raise your hands or say, "Aye."

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Thank you very much. We have no abstention, no objection. The motion passes.

KEITH DRAZEK: Thank you very much, Nathalie, and congratulations to Amr, to Julf, and to Carlton. Thank you for your willingness to serve. Very much appreciated.

With that, we'll move to item number four on our agenda which is our council vote on the addendum to the RPM PDP charter that will integrate with recommendation five from the IGO/INGO access to curative rights protection mechanism final report.

So, I'll just take a few moments here, particularly for the benefit of our new councilors to explain what this is and how we got here and the significance of this particular vote.

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So, coming out of the original IGO/INGO curative rights protection PDP, it was decided by council that we would approve four recommendations of the five recommendations that we received from that group. But then instead of approving the fifth, to refer that fifth recommendation to the RPM PDP Working Group for further discussion and for further work.

So, this took place back in April of last year. So, April of 2019 is when the council took our action to approve recommendations one through four and refer recommendation five to the RPM group. Part of the reason there was that recommendation five had some connection and relevance to the UDRP and that the RPM PDP Working Group was actually working in phase two on the UDRP.

There was some additional detail and certainly more context and complexity around the discussions and the debate, and we can certainly review that and have further conversation about that.

But essentially what we decided to do as a council was to ... We acknowledged that there was further work to be done in that area, and at the time back in Marrakech, the following ICANN meeting, we engaged with the GAC leadership and the IGOs—the representatives from the IGOs—to have a conversation about the need for during that follow-on policy development work to ensure that we had the engagement of the IGOs, and that without the engagement of the IGOs, we were likely to be unsuccessful in developing meaningful and good policy on this particular question.

During that conversation in Marrakech, we received a commitment from the IGOs and the GAC that they were indeed interested in

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having that opportunity and were willing to commit to engaging with the GNSO and the GNSO community and trying to further the substance.

Over the course of the ensuing months, and many months, we worked on the development of a draft charter for—and that’s essentially what we’re voting on today is the addendum which establishes the charter for this dedicated work track.

So, we worked internally here at the GNSO. We had a small team of GNSO councilors that worked on that, including Paul McGrady, the previous liaison to the RPM group and a small group of people that came together.

Then we reviewed that and we decided that, from a GNSO Council perspective, we were comfortable with the status or the state of that draft charter. But we had, in the previous conversations with the GAC and the IGOs committed to sharing with them our thinking to try to make sure that there were no surprises, and that once we were prepared to charter this dedicated work team that we basically had the buy-in from the IGOs and the GAC to say, “Yes, this is what we were envisioning and under these rules we are still willing to cooperate and d participate.”

So, as we went into Montreal we had continued discussion and interaction with the GAC leadership. We exchanged drafts. During the Montreal meeting in November we actually had a follow-on meeting and conversation with the IGOs and the GAC leadership—and actually broadly the GAC. We exchanged another round of drafts and we as the GNSO Council and the

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small team and leadership considered those proposed edits and accepted some of the proposed edits from the GAC and IGOs but not all of them. We recognized that this was still a GNSO process—a GNSO Council process—run, managed process and that some of the things that they had asked for or suggested just were not something that we could take on board or accept under our operating procedures or with the sensitivities that we as a community had.

So, we shared yet another version of the draft charter with the IGOs and the GAC and actually then received some very positive feedback and to say it's clear that you all took on some of our suggested edits and we're comfortable where you are. Thank you for taking on some of this.

So, what we're voting on today is a result of quite a bit of time, effort, and interaction both here within council and also with the GAC leadership and the IGOs. So, I feel very, very strongly that we're in a good place with this document and that it will be well-received officially and formally by GAC and IGOs, and that it sets us up well under the umbrella of the RPM PDP Working Group to be able to move this really focused piece of work forward.

I should also note that one of our goals in developing this dedicated work track was to avoid interfering with either the RPM Phase 1 work or the RPM Phase 2 work, and that these are distinct buckets of work and that this dedicated work team, or work track, focused on this issue is intended to be able to move forward in a timely manner and to be resolved with the good and positive engagement—the constructive engagement—of the IGOs, which was, just to wrap up, one of the things that was missing from the

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original IGO Curative Rights Protection PDP Working Group. That was one of the reasons we felt very challenged with the recommendations that we received is that the IGO simply had not participated directly in that original group and that's why we wanted to ensure that they would participate at this time.

So, apologies for being long-winded about that but I just wanted to short-term the scene, explain, not getting into too much detail or context about the substance procedurally from a GNSO Council perspective, that's the approach and the steps that we've taken.

So, let me pause there. I'm teeing it up and opening up for discussion. Does anybody have questions, comments, thoughts? Feel free to share them now and then once we're wrapped up with the discussion, we'll move to—Elsa?

ELSA SAADE:

Thank you, Keith. I just thought I'd take this chance to, first of all, thank you for elaborating, and second of all, I'd like to just mention an NCSG position about the RPM addendum charter—no. Yes, actually.

We just want to mention our being careful about the trickiness of the way their presentation is in this particular subgroup or work team or work track, especially given PDP 3.0 developments but also given that RPMs has open membership. So, that contract we're a bit careful about, even though we do really appreciate the way the addendum looks like toady.

We'd just like to note that it's important that that assumption that the best way forward is with this type of representation would

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come and jeopardize or marginalize the main ICANN value of being both strategic and multi-stakeholder. So, I just thought I'd put it out there. Thank you so much for the time.

KEITH DRAZEK: Thank you very much, Elsa. Would anybody else like to speak to this? Okay. Seeing no hands, no hands in chat—oh. Pam? Thank you.

PAM LITTLE: Thank you, Keith. I just would like to clarify whether we, in the agenda, whether the link to the addendum is actually linked to the latest version [inaudible] point of intervention, I guess. Just to make sure, because my reading is it's not the latest version because post-ICANN 66 there ere a number of amendments back and forth from the small team and with GAC's input. Just want to make sure we are voting on the most recent, latest version.

KEITH DRAZEK: Okay. Thanks, Pam. Important to make sure we're voting on the right motion on the right addendum. So, we'll stand by here. While staff is looking to confirm that, I guess my follow-up question is I assume that there's motion language to be read into the record. I just want to make sure that we're prepared with that as well.

PAM LITTLE: Thank you, Keith. Maybe in the interest of time, we can just have that recorded to make sure, if there's an error, that we are actually

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voting on the latest version. That will be the version will be based on to move this PDP forward for the addendum. Thank you.

KEITH DRAZEK: I'm sorry, Carlton, did you have something?

CARLTON SAMUELS: I was saying the motion for the 9<sup>th</sup> of January is now on the screen. That's the latest one, [inaudible]. Can you confirm that?

KEITH DRAZEK: The motion and the addendum language are two different things, though. Pam was asking about the addendum language.

PAM LITTLE: Yes. Ariel just posted the latest version, but the first version, she posted in the chat room and also in the link provided or imbedded in the agenda actually is to the October version. So, I think we now have on record, we have the latest version. That should be the one that is dated 9<sup>th</sup> of January 2020. That's the version we are voting on. Thank you.

KEITH DRAZEK: That's correct. Thank you, Pam, for catching that. Thank you, Maxim, for posting that into the Zoom room. With that, I will be happy, as the maker of the motion, to read the [resolve] clauses into the record. If I recall correctly, this motion has been seconded by John McElwaine who was leading the small team at the time,



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and also the council liaison to the RPM PDP Working Group. John, if you'd like to speak to any of this, you're welcome to. Otherwise, I can read the resolve clauses. Okay. Thank you.

[So, resolved]. The GNSO Council adopts the amendments to the RPMs charter to create an IGO work track as reflected in the addendum. The GNSO shall collaborate with each GNSO stakeholder group, constituency, SO and AC, to expeditiously issue a call for members and observers to join the IGO work track, each in accordance with its own rules.

The GNSO Council specifically notes that members and observers, although appointed by community groups, must nevertheless meet the membership criteria as defined in the addendum.

Three. In accordance with the addendum, the GNSO Council shall conduct an expressions of interest process as soon as reasonably possible in order to identify and confirm a single qualified work track chair consistent with the criteria as defined in the addendum.

Four. The GNSO Council directs the work track chair and members to conduct its work as efficient and effective a manner as possible, and as such, monthly written updates should be submitted to the GNSO Council by the IGO work track chair and/or council liaison to the work track. These updates must include a report as to the progress of the work track according to the timeline and milestones identified in its work plan.

Five. The GNSO Council further directs the work track chair and members to develop a work plan and timeline for its work as a

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matter of priority and as its first order of business. To facilitate this effort, the GNSO Council instructs ICANN staff to prepare a draft work plan and timeline for the work track based on the model adopted for the expedited policy development process on gTLD registration data. The GNSO Council requests that the work track chair submit a proposed work plan and timeline to the GNSO Council within four weeks of the first meeting of the work track.

Six. To facilitate communication between the GNSO and the GAC on this topic, the GNSO Council directs the GNSO liaison to the GAC to provide regular progress reports to the GAC in accordance with the GAC's internal rules and processes.

Finally, seven. The GNSO Council thanks the members of the GNSO Council as well as those from the GAC and IGOs for their contributions in developing this addendum.

With that, Nathalie, let's please move to a vote.

NATHALIE PEREGRINE: Thank you, Keith. As a reminder, please raise your hand if you're in the physical meeting room and say "aye" if you're participating remotely. Would anyone like to abstain from this motion? Hearing and seeing no one, does anyone object ... My apologies, Pam.

PAM LITTLE: Sorry to intervene again. I thought there was a proposed amendment which I think the motion maker [inaudible] will need to determine whether it's [inaudible] the council's mailing list. [inaudible] in accordance with GAC's internal process or

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procedure and that wording is proposed [inaudible] in its entirety. Would that be acceptable to John and—

KEITH DRAZEK: Thank you, Pam. And you're absolutely right. I apologize for overlooking that at this crucial juncture. Yeah. So, specifically, as I recall—and, Pam, thank you for catching it—under clause number six, it's simply the clause that talks about in accordance with the GAC's internal rules and procedures, if I have that right.

I have no objection to the removal—or the editing—of that, as the maker of the motion. Consider it friendly. Over to you, John.

JOHN MCELWAINE: Just a question, if I may ask why we want that language deleted. That's one. Two, whether we know if that were added by the GAC.

KEITH DRAZEK: Julf, please. Then Michele.

JULF HELSINGIUS: Well, unfortunately, I have no idea where it came from, so we don't know if it came from the GAC or not. I don't think it's our job to try to keep track of GAC processes. They are very different from ours and I think we should just follow our own procedures.

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KEITH DRAZEK:

Michele, you're next. I just want to note here that this particular item number six, resolve clause six, actually speaks to the role of our GNSO Council liaison to the GAC, who is Julf, in terms of his activities, in terms of keeping the GAC updates. Therefore, I think Julf's point was that this is a GNSO Council resolve clause and it's not necessarily for us to follow or necessarily respond to another SO or AC's policies and procedures or rules and procedures. Internal rules and processes is the language here.

So, I think under this clause, I think the actual—the intent is still very much there. I suspect that this language probably did come from some suggested GAC edits or suggested edits, but I don't know that it's material in this particular case. Michele, and then, John, we'll come back to you for any follow.

MICHELE NEYLON:

Thanks. I think Julf puts it one way and I'll put it another way. We are the GNSO. We are not the GAC. So, we have no visibility on the processes and procedures, and whatever things that they do internally. The other parts of the motion go into a reasonable amount of detail about expectations of updates from both sides, etc., which completely covers what we should be doing. So, I think moving that language makes it palatable. Putting it back in, I probably would have to ask for a deferral I suspect.

KEITH DRAZEK:

Okay. John, back to you.

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JOHN MCELWAINE: My concern was whether that was some sort of confidentiality obligation. It does not appear to be the case, in which case I would find it to be a friendly amendment.

KEITH DRAZEK: Thanks, John, and thanks, Julf, and thanks, Pam, for flagging that. Certainly on procedural grounds, that would have been an embarrassment to me if I had moved forward without acknowledging that.

I just want to note here—and again, just to reinforce—resolve clause number six is intended to provide guidance to our GNSO Council liaison to the GAC to provide regular updates, regular progress reports to the GAC. And I think that if that's accomplished, then that's exactly what our intent of the clause was. We will certainly do that, even if we strike this language from the clause. We will do that to the extent within the expectations and rules and internal processes of the GAC. But it probably isn't necessary to call that out.

So, with that, hearing any other objection, any other thoughts, comments on that before we move on?

Nathalie, back to you. Thank you.

NATHALIE PEREGRINE: Thank you very much. Would anyone like to abstain from this motion? Hearing, seeing no one, does anyone object to this motion? Hearing and seeing no one, would all those in favor of the motion please raise your hand and say aye?"

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Thank you very much. With no abstention, no objection, the motion passes.

KEITH DRAZEK: Thank you very much, Nathalie, and we will of course take an action to communicate this decision to the GAC leadership and to the IGOs. All right. With that, let's move back to our agenda. Thank you, everybody, for your engagement and patience on that one. It was a long time coming and I'm pleased that we were able to move this one forward, finally.

Okay. Item number five, council update on the review of RPMs. This is the RPM PDP. As I noted earlier and as we've discussed this week, we have received a project change request from the RPM PDP Working Group. I'm going to hand this one over to John as our GNSO Council liaison to the RPM PDP to walk us through this topic at this time. Thank you.

JOHN MCELWAINE: Okay. So, I believe this is the first time, or at least the first time while I've been on council, that a project change request has been submitted. The purpose for the project change request is that it became apparent that we were not going to meet some of our deadlines. I think what I'd like to do is go over the slide and then I

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also would be happy to answer any questions. [I've been] available while this was discussed with the leadership.

So, just to remind everybody that we've talked about it a lot this week already. The RPM Working Group consists of three co-chairs—Brian Beckham, Phil Corwin, and Kathy Kleiman.

The description, I'll just basically read, is the eighth and most recent work plan is what was in place and we forecast—at the time, we're forecasting that we would have our initial report to the council by mid to late April. We determined most recently that was not going to be feasible and we're asking for an extension of that work plan and the timeline to deliver the final report by the end of August.

Let me correct something I just said. The April date—April 2020 date—was for the final report, not the initial report.

The delays primarily occurred because of needing to have significant discussion concerning some proposals that were made by individual working group members dealing with the URS. So, at one point, we had allowed people to propose their individual concepts, improvements, changes to the URS. In Barcelona, we had as a working group decided that we would simply—because we were talking about it having a low threshold at that point for publication—we decided to publish all of them. I don't have the exact number but I believe it was in the 30s, 36 or 35 or something to that effect.

So, we have been looking at those reports for the last probably two months or so and that has gotten us a little bit behind

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schedule from where we wanted to be. But that's not the only reason. We were all ready. The timeframe was slipping at that point.

So, I think I'll pause there. I think that kind of covers the extension that's being requested, and at least my on the surface explanation of how we got to this point. I'll be happy to answer any questions.

KEITH DRAZEK:

Thanks very much, John. I'm certainly happy to entertain questions at this point for John. I just want to give a quick update in terms of how we, as council leadership, working with John are approaching this in terms of next steps.

Today is essentially our formal update to council, giving you an opportunity to ask questions or giving you an update on the fact that we have received this project change request, which if I'm not mistaken is actually the first time or one of the very first times—this is the second time, thanks Berry—that we've ever received one.

But it's going to be an increasingly important tool for us moving forward as we make sure that we are keeping close track of the various work tracks and PDPs and all of that. And all of that will factor into the project list and the tracking and all that, the status codes that we've discussed.

So, as it stands right now, we have scheduled—the council leadership and John will be meeting a week from today, January 30<sup>th</sup>, with the RPM PDP co-chairs to discuss this, to discuss this change request.



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I'm going to provide a little bit of context here, though, a little history. We back in March of 2019, just at the very tail end of the ICANN meeting in Kobe, had a sit-down, a similar meeting with the RPM co-chairs. At that time, Paul McGrady was the council liaison to that group and he was involved as well. We essentially had a tough conversation with those co-chairs to say that their timelines were slipping. Things weren't progressing as well as they needed to be and that we needed to have a concrete action plan that they were essentially signing off on at that time, almost a year ago now, that they were going to drive towards to be able to move the group forward and to deliver a report. And at that time, the target date was April of 2020 for the finalization of that report.

This project change request is basically a declaration that that plan is not going to be met and that they are asking for essentially an eight-month extension. Well, I guess it would be six-month extension from April. But there's going to be a significant slippage and there's no guarantee at this time that September of 2020 it will happen because it's considered a best-case scenario I think at this stage.

So, the council leadership in working with John basically agreed it's time for us to have that follow-up conversation with the co-chairs again. At some point, we as a council are going to have to figure out what we do next in terms of holding them accountable, holding ourselves accountable, and trying to figure out what we can do to reasonably get that back on track and to have some confidence in whatever new date there might be. And with have a range of options before us, none of them very pleasant or palatable because this work is late.

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So, I just wanted to provide a little context there in terms of the history of our engagement with the co-chairs of that group, and also it's the next steps over the coming couple of weeks. The next interaction will be next Thursday.

So, let me pause there. If anybody has any questions or comments for either me or John or Rafik or Pam on this one, we're happy to entertain them right now. Again, if staff would like to weigh in on this, in terms of any views that you'd like to share with council at this point, I think we would welcome that. Martin?

MARTIN SILVA VALENTE: Thank you, Keith. First of all, I do think that council has to be responsible for these sorts of delays because, as managers, it's our main job that these things don't happen. And we had a lot of different moments or points where we could have intervened and tried to make things different. I say that as one of the main active members in the council in this group, so I take particularly a heavy load on failing to be a better councilor towards that [inaudible].

There is this expression in English [inaudible] and maybe it's saying to the RPMs, "You have to fulfill limits. There is no more pushing this [inaudible]." It will force some sort of new [inaudible], new actions, to move forward. Because if we just keep, as managers, allowing to extend the periods, maybe we are not forcing new things, new dynamics, to come up. Thanks.

KEITH DRAZEK: Thanks, Martin. I have Michele and then Pam and then Maxim. Thank you. Pam, Michele, Maxim.

MICHELE NEYLON: All right. So, since there's a bit of confusion about who's going first, I'm going to go first.

KEITH DRAZEK: I tell you who goes first.

MICHELE NEYLON: Oh. Thank you, Mr. Chair. I feel that I've lost the ability to speak now. I suppose a couple of questions from my side. Is this group currently meeting? Is it currently holding meetings and everything else? The question I have is: why? If we're currently looking at assessing what as councilors, managers of the PDP should do with this group, why are they still meeting? I would wonder is it appropriate potentially for them to put that work on hold whilst we assess whether or not we should grant this extension, these changes, all of those kinds of things? Because it does seem to be a little bit counterintuitive for them to continue working while some of this stuff is still in flux. Thanks.

KEITH DRAZEK: Thanks, Michele. And apologies. I lost track of the queue because I was looking at the flags in the room and not at the hands in the chat. So, I think, Rafik, you're next. But Michele asks a good question in terms of ... And again, John, maybe this is a question for you or others who are participating in this. If the group is continuing to meet what appears to be the challenge in terms of making any progress, I think John touched on this in his

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introduction. I guess the question is one of the considerations is do we suspend the group temporarily and consider the cochair situation, consider a range of things? I guess the question is what's the benefit or value of continued meetings at this time?

JOHN MCELWAINE:

So, progress is being made slowly. Part of the delay has been backtracking and just the sheer amount of proposals. To answer your question, I put it in the chat, we're meeting weekly, one-and-a-half-hour long conference calls.

As anybody who's on the working group that's around the table, we'll [inaudible]. There's a lot of back and forth, a lot of re-litigating issues, re-discussing issues because it is some pretty contentious ideas being discussed on both sides.

One of the things that we, in terms of [inaudible], we have gotten to the point where we're just getting to the going over the text of the draft initial report. So, in terms of a new beginning of work, we have just hit a point. And if there was going to be some drastic change, this would be not inappropriate time for that because we're moving onto a slightly different work stream. But I'll also let any staff or other members correct me on that.

KEITH DRAZEK:

Okay. Thanks, John. So, I have Rafik next in queue. Martin, you have just a brief to Michele? Okay, and then to Rafik.

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MARTIN SILVA VALENTE: Thank you, Keith. Mainly on the suspension idea. I don't think it's a good idea because the work group is working. It's not working in an efficient way and we have to [inaudible], but it's working and it's in the literally final stages of a very long work. So I don't think that if we suspend it right now, we're going to improve the timeline or anything else. I think we have to let them continue the work as we sort out what can we do to improve it.

RAFIK DAMMAK: Thanks, Keith. So, since this week we are talking about the GNSO Council should be the program manager. So, if we get such a request for a change, I think we have some questions maybe to ask.

First, I see only one mitigation measured that was [inaudible] just to have another weekly call. Was there other [measures] discussed to solve this and how to speed up to improve the deliberation or the delivery or the drafting on the report?

Also, in terms of this is just the best case. It's good also to know about the worst case or something in the middle, to have that range. If this is not achieved, there is no delivery by August/September, what will be the next? So, just to note about this.

Also, in the slides we see many times how we changed the timeline, so I think it's important to list other issues, the challenges, that [inaudible] important for the council then to make a decision, because then we know about the health of that working group and to see what's ahead and maybe we need to

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intervene. Because it's not just about change of timeline. It's important to, for example, understand what's the remaining task. What's the remaining work?

If you're turning to us like we will have [inaudible] but let's say you need six months but you're still only 30% of the work, we can be concerned if it's realistic to do so. But if you tell us [inaudible], okay, that makes sense. Just some delay but you can make it. So, it's more details I think, to go further details because it's not just because it's the first change request. This is informal but the changes in the timeline happened many times, so we need to think more details and a way we can assess this and see about the risk and to make an evaluation. So, this is the best case. It's good to be optimistic but let's be pessimistic in what can be the worst case? And if in the case of that worst case, are we going to deliver or not? I think that a really bad extreme [inaudible] if there is no delivery. So just to understand more and just also for us to identify the risk and see how we can mitigate and then we make decision about what action.

Personally, I'm not assuming that we have something specific to do but better to know what the current situation is to see what we can do and how we should act.

KEITH DRAZEK:

Thank you, Rafik. I have Martin, Marie, Maxim, and Michele in the queue. So, Martin, over to you. You're done? Okay, old hand. Thank you very much. Rafik, that's an old hand. Marie, you're next.

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MARIE PATTULLO: Thank you, Keith. I think that ... No, I'll rephrase that. I would appreciate it if when you guys have the conversation next week and going forward, you make it clear to them that there is an expectation not just from the people here but from the community for them to get this done, move it forward.

I have great respect for the amount of work that's gone into this. I am part of the group so I do know how much has gone in, including all of the subgroups. But a point has to come where the conversation stops going in circles within the group, that if things are meriting of and deserve that much conversation, put them into the Phase 1 report and let the community tell us what they think.

We need to move this forward. The deadlines can't always be moved every five minutes. And it is beholden upon somebody in the position of a co-chair to do that, and sometimes to say, with due respect, the conversation closes now.

Secondly, looking to the future, I do hope we can reach out to this for Phase 2 because I don't think we need Phase 2 lasting for the next 30 years. And when we do look at the re-chartering for Phase 2, so that would be the UDRP, I think we should also be considering the chairs, as in who is in the chairing position. Thank you.

KEITH DRAZEK: Thanks, Marie. And on the second or the last points that you made about phase two, the plan is to re-charter the RPM PDP Phase 2 Working Group. We will be incorporating PDP 3.0

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changes and making sure that we set that Phase 2 group up to succeed. That's well noted. Okay. Next in queue, Maxim, then Michle. If anybody else would like to get in queue, please go ahead and put your hand up those in the room.

MAXIM ALZOBA:

I have a few questions. First is when do we understand that the next timeline is going to be slipped again? Because if we had one extension, the persons in charge seem to be the same persons next time, why do we expect them not to do the same mistakes? We need to understand not in six months after the [inaudible], at the end of September, oh yes it's a new [inaudible] of extensions; just six months more. [inaudible] when they're not, they're slipping another timeline.

The second thing is I don't understand why the current configuration of the leadership of the team is going to be used again, because if someone failed the project in project management, one of the solutions is to change the manager. We cannot change [inaudible], we might need to change the leadership of the team or its structure. Maybe one of those co-chairs should become the real chair and others just helping as vice chairs.

Also, it's a question. Why do we need another call in the week on that PDP if what's done there is unnecessary consumption of time—a waste of time—and adding more time for that, we just waste more time.



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The third thing is, yeah, if the conversations there are going in circles, like we discuss those things in RPMs because of space for some reason in that PDP, currently we are discussing from big different angle and it seems to be just circles in operations usually mean lost time and efforts. Thanks.

KEITH DRAZEK:

Thanks, Maxim. I think you ask all very good questions. I don't know that we have the answers to those today, but I think coming out of next week's meeting, between council leadership and John and the co-chairs—the three cochairs of the group—those are exactly the kinds of questions I think we'll need to be asking.

So, what I'm going to suggest here ... I've got Michele in queue but I'm just going to suggest that going into next week's meeting, if anybody on council would like to provide us input or questions to ask, especially those of you who are involved in the group could help prepare us for that conversation, I think that would be very welcome in terms of asking the right questions and maybe even having some concrete suggestions.

At this point, the meeting next week will be an exchange—a frank exchange—and that we will then bring the results of that back to this group, to the council, for further consideration before any decisions are made. But I would expect come February, our February meeting, if I'm not mistaken is the 20<sup>th</sup>, we're probably going to be in a situation of having to make some decisions as to next steps. Michele, and then Flip, you'll have the last word. Michele?

MICHELE NEYLON: Thanks, Keith. Giving Flip the last word does scare me a little bit but there's nothing I can do about that. It's all right. It's okay. We'll let him have it.

I think, picking up on what I think Maxim was getting at, what is the systemic issue with this particular working group? What is the root of the problem? How can we as council, as managers of this thing, fix it? I think Maxim touched on it. Is it a case of that the leadership of that PDP needs to change?

We've been discussing how PDPs are managed over the last couple of days. Is it time that we step in and say, okay, you've had several co-chairs trying to manage that PDP. It's not working. We thank them for their service and their work and everything else, but it's just not working and maybe it's time for us as council to say, "Look, you tried. You didn't succeed. I don't want to say you failed but you didn't succeed. Maybe a different approach is needed." Instead of having multiple co-chairs, you have a single chair and just let that person move forward and drive it forward, so that as Marie says, it gets done.

I mean, the fact that there's [inaudible] a second phase, I'm trying to find a polite way of reacting to that. My initial reaction would not be parliamentary language. The point I'm making is that this has dragged on for a ridiculous length of time already.

Okay. All PDPs take longer than they should do. We all agree. But when a PDP would miss its deadlines and cause this much heartache is really not good. And if you're looking at how the

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ICANN model, the ICANN [inaudible], the multi-stakeholder whatever you want to call it is perceived from the outside, if you're looking in towards this, this kind of situation reflects badly on everybody. So, I think it's incumbent upon us to maybe rip off the Band-Aid and take decisive action.

So, I would ask council leadership to do that, to be decisive. And maybe some egos get bruised, but we are not in the business of massaging people's egos. Our role is to manage the policy development process and we should not fail. Thank you.

KEITH DRAZEK:

Thanks, Michele. I think as we've discussed a little bit this week—and this is not the first time we've had this conversation at council. This may be new for our new councilors but this is not the first time we've discussed this. And I think, as we've said, in some ways the RPM PDP is the poster child for why PDP 3.0 is so important.

You ask what's the root of the problem. The root of the problem was the charter. But everything else flows from that. We ended up with a situation where we had three co-chairs that somehow got the positions because they were representing different interests within the group. That's not a neutral chair. So, we end up with a situation where multiple co-chairs causes a delay logistically and administratively in being able to make a decision on anything, even if they agree on the substance at the end of the day.

We've had multiple rounds. This group was paused for eighteen-plus months at one point. So, there are a litany of reasons why, if

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you look back historically, why this group has been challenged in terms of meeting its timelines.

I think your point, though, is what are we going to do about it now? What's the current problem, or problems, that we're trying to address? That's what the leadership and working with John and the co-chairs are going to discuss next week. And we will come back to you, the council, before we make any decisions.

So, in the interest of time, I'm going to go to Flip, and then finally to Martin and then we have to move on to the rest of our agenda. Thanks.

FLIP PETILLION:

Thank you, Keith. I actually have a request. In view of the discussions we had today and yesterday, in view of the fact that I have been attending quite a number of meetings with the leadership of SubPro PDP over the last month and as I am inherently a dispute resolutions practitioner, I have a request to allow me to simply be observer, if that's possible. If not, that's also accepted. But maybe I can take away some information that may be useful in the future and that I hope I will never need.

KEITH DRAZEK:

Thanks, Flip. We'll take that on as leadership. I don't see any issue with that but we'll come back to you after we've had a chance to discuss it as a team. And to the point, Flip, you're saying because he and Elsa are liaison to the subsequent procedures group, we know that there's a similar project change request inbound from SubPro. The request essentially is there

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may be an opportunity to help you in your role there. So, thank you for that.

Okay. Martin, last word on this and then we need to move on.

MARTIN SILVA VALENTE: Thank you very much, Keith. Trying to answer, or at least keep food for thought at the root cause of why deadlines are being missed. I was privileged to do some leadership cochairing in the subgroups of RPMs and I think the main reason why we cannot keep pace with the timeline is that we do not have certain known way of doing things.

So, sometimes we have to first scope the questions. We have to get to the conclusion the council is asking for. We have the questions, then we do not know beforehand how we're going to answer them. So, we have to find a way of that. That would mean we have to gather data. What data? How? And you have to review data. You have to debate on the conclusions of the review of the data. So, that goes to final text, the text that has to be reviewed.

And in each of those steps, there's never a before known clear dynamic on how the discussion has to be made. And most of the time it's a hit or miss. Sometimes, a rational proposal of how the discussion should be works perfect, and the work is more than on time. And more than often, the same dynamic doesn't work and we go for a different one. So, you have to sense how the members are engaging with the proposed dynamics.

And when I refer to dynamics, I mean are we going to review this chronologically? Are we going to review this question by question?

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Do we review data before or after? Those sorts of things. I think there's a lot of uncertainty on how to answer the questions, what the questions are. Do we need more tools? Maybe the working group [inaudible] we don't have enough tools to answer the questions in this timeline, therefore we have to go find the tools, and that's two months more—or three months more.

So, I think the main issue of why we're not getting the times correct is that the times are not in synchrony with the actual work because the work is unknown. So, if we could actually know what we are going to do, we could put [a week] on this. But if you say we're going to say a week on this and then through the work we find out we need to gather data that wasn't on the original timeline, then that's it. We're off the rail.

I think that's the main problem with RPM is that it's not exactly clear how we have to do the work. It's sort of improvisation, a hit or miss, of what works, what doesn't, what do we need. Thank you.

KEITH DRAZEK:

Thanks, Martin. We need to move on, but I just want to note again a call for anybody that wants to send us suggested questions or recommendations for our conversation next Thursday. I'd even ask if there's a small team that wants to volunteer to help us prepare for that. By all means, that would be welcome.

Okay, moving on. Flip and Martin, those are old hands in chat now, so please ... I'm going to hand this next agenda item over to

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Erika for an update on the CCWG on auction proceeds. Erika, over to you. Thank you.

ERIKA MANN:

Thank you. Thank you so much. So, what we are going to do, we will do just a quick review of the current status of the auction proceeds. We have published the final report for public comment on December just before Christmas as a Christmas present, and the public comment will remain open until 14<sup>th</sup> of February. And keep in mind, this is the second public comment period. The first one was open from 8<sup>th</sup> of November 2018 until January 1<sup>st</sup> 2019.

We decided to go for a second public comment period because, first of all, the topic is sensitive. We were pretty much likely 50/50 divided between the different options and we just didn't want it to have a future clash in the community because people may then have argued that we moved too fast, although we haven't done it. But this was the feeling we had.

So, we have received ... So, the proposed final report incorporates input we received through the public comment period on the initial report, and after our evaluation from the first public comment period and additional input we received from ICANN Board and ICANN Org based on clarifying certain questions which we sent to them. That's an important point of view. To avoid future clashes, we had established a method where we had constant dialogue with the Board and constant dialogue with ICANN Org, in particular finance and legal.

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We formalized these dialogues. So, it was not just that we asked them on the call to say something, but if it was relevant and important, we send letters and we received answers so that we have a record about it. This, of course, takes a little bit more time because of course both the Board and ICANN Org to have to consultant internally, so this takes always a little bit more time but it's valuable, because hopefully, we can avoid any problem arising after the second public comment period. So, can I have the next slide, please?

So, the question which we then decided for the public comment for the second as well, we were very clear that we were not willing to have a Board consultation again. So, we were not interested in receiving comments based on something which we already practically finalized and where there was no need any further to receive input.

Now, somebody may still do it. That's fine. And we will look into it. But we identified three questions which we believed are the most important ones where we wanted to receive comments in the second public comment period.

So, the first is do you support the CCWG's recommendation in relation to the preferred mechanism? Just a reminder to you, what we call mechanism is options how to operate the funds in the future. So, structures, funding structures, we called as a mechanism. We have three on the table. The first one, three left—we had originally four. For the first one, we had to rule out. Three were remaining.



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The first one is what the mechanism A is an in-house model. Mechanism B is a merger between the in-house model in corroboration with another entity, ideally an entity which is experienced in this field. C is an ICANN foundation. An ICANN foundation, not a different and [inaudible] but an ICANN foundation.

The number [four] was just as a reminder to outsource completely to a fund. An existing fund which [inaudible] have to take on the obligation on behalf of ICANN. But this one, [inaudible].

So, the second is do you have any concerns about the updates the CCWG has made as listed above in response to the public comment [forum]? This is just, again, did we miss something? Is something totally off? Let us know. If yes, please specify what change concerns you and why.

Then the last one, is there any further information you think the CCWG should consider that it hasn't considered previously in order to finalize its report for submission to the chartering organization.

Now, that's a little bit tricky one, the last one, because it opens the door to a more general debate, but it was needed because we had new members and we had a constant in-flow coming in from new members about things we had already shut down. So that's an encouragement. If they really want an answer to this one, they have to go back to their SO and AC and consult practically and then come with an informed position to us back. Can I have the next one if there is one?

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Okay. So, here you see the mechanism I already described them—A, B, and C. Anything else?

So, what we believe is going to happen—and this is our recommendation. We have done an informal survey just to see where members are currently. After the first comment period, members tend to support mechanism A. To a lesser degree, B. And to even lesser degree, C. So, we will probably make the sort of proposed final report states the CCWG leadership sees a strong direction in favor in mechanism A, an internal department dedicated to the allocation of auction proceeds is created within the ICANN Org, followed by mechanism B, the internal department in cooperation with another entity. Then we are listing here based on the assumption we have made on what kind of assumption we have made.

So, that's it pretty much. Do we have another slide? Yeah. This is important. The next step is super important, in particular for you, because I believe you really have to urge the SO and AC really to evaluate and to talk to their members and to have a discussion because sometimes we do have a feeling that some of the members [fight], speaking on their own behalf and are quite alone in their arguments. We don't always have the feeling that there's a lot of feedback with the stakeholder group.

I think it's extremely important to [write] a future problem once we close and shut this down. Then part of the stakeholder groups are coming and screaming and saying, "We don't want this," whatever the outcome is going to be because then we really will have a clash because that's an informed opinion based on cooperation

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with the Board and based on cooperation with ICANN Org. so, we don't want to have a clash at the end.

So, please, just be so kind to urge them, your members, to put this item on the agenda and then really to have an informed discussion about it.

The deadline is I believe 14<sup>th</sup> of February. Then we will review the comments and hopefully we will not have too many and we can shut it down as quickly as possible. But that's my personal opinion and it's already well-known.

So, when you're [inaudible], keep in mind that's my personal opinion. I haven't even voted, so I don't do this because I want the members in the SO and AC completely free. I believe even [Ching] hasn't voted who is the co-chair.

But I think there's one item you should keep in mind. I believe model B is the most complicated one, because as soon as you join forces with another entity, it may look interesting and attractive in the beginning—and I have experience in funding environment, big and small funds—it can become very troublesome and very burdensome. You only need to change in leadership and the other entity and then everything may be questioned again. You have uncertainty about the financial environments. You have a lot of many legal questions. You can't foresee everything in contractual arrangements. There's always something which is legal terms very complicated once two entities join forces.

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I always say it's totally easy both for a foundation or for ICANN Org to go into any kind of merger relationship whenever they want to in case for a particular project to identify. They have a project identified which shall be funded, then they can pick one entity which already has the experience. But then it's subject tailored and very narrowly defined and it's not extended across the whole funding environment. So just keep this in mind when you have the discussion for those which are favoring model B. Otherwise, I believe A and C are both fine and perfect, and both easy to handle. C is a little bit ore complicated because something has to be build, but because it's an ICANN foundation, it's not complicated so much.

And the letter. Shall we mention the letter, Marika? Is it important? So, we have sent letters to the SO and AC chair just to ensure they're informed about it because we want to trigger discussion. So we hope they will read it and hopefully will put it on agenda.

KEITH DRAZEK:

Thanks very much, Erika. And thanks again very much for the time and effort and commitment that you've put into this CCWG. I have a question for you and then a follow-up comment. The question is I know that obviously the GNSO is a chartering organization. The ccNSO, if I'm not mistaken ... What are the other chartering organizations for this CCWG?

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ERIKA MANN: I believe most of them, if I'm not mistaken, [inaudible]. Oh, no. I think so, too. There's one or two sometimes missing, but in most cases, they [inaudible] join. Yeah.

KEITH DRAZEK: Okay, very good. The reason I ask that is I will be meeting with the SO and AC leaders next week, Monday and Tuesday, and I will make sure to make a point that this is an important thing for everyone to be focusing for the reasons you outlined, which is to make sure that nobody is not paying attention and then somehow at the end of the 23<sup>rd</sup> hour that somehow it becomes a problem. Again, this is for all of us, too. This is my comment is that the GNSO is a chartering organization. At some point, we will need to take a vote to approve the final report and recommendations that come from this CCWG.

So, it's important for us as G's and C's to make sure that everybody is aware of the discussions and what's going on, so if there are concerns. Now is your opportunity to provide your own comments, stakeholders and constituencies, into this public comment period about the three choices which appear to be narrowing to two, but that's essentially where we are. So, this is a call-to-action for each of us in our S, G, and C's but also to acknowledge that, as a chartering organization, we as a group are going to have to come together and vote to approve. So, Erika, go ahead.

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ERIKA MANN:

Yeah. Just two quick points. I believe the letter is sent out. Has it gone out already or is it in the [inaudible]? It's gone out. So, you can talk about it on Monday which makes it easier.

Second is we will have a consensus call after the evaluation of the second comment period. We will then do a consensus can and, again, before the consensus call, my idea is we will inform the chairs of the SO and AC's so that you can internally still have a chat with the members which are on the auction proceeds to ensure that they follow whatever the common understanding is in this particular SO or AC.

KEITH DRAZEK:

Okay. Thanks, Eric. Any questions or comments on this topic from anybody before we move on? I see a couple of hands. James and Pam, are those hands for this particular topic? If so, James, you're up.

JAMES GANNON:

Just a quick comment and a question. First of all, thanks to Erika for shepherding this. I know it's been quite a complex piece of work to go through, particularly in the last six or nine months. Just to reiterate Keith's call that it's an increasingly dwindling group when it comes to participation. So to really remind everybody who has members in the group to really get them there for the last stretch.

Then just a question to Erika as well for the benefit of council. I know we mentioned we had a discussion about it in Montreal about when we get down to the final two or potentially one

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mechanism, what is the plan for how the final report will be structured with regards to adoption? Do we expect that a single recommendation will come to council to vote on in the report or is there is still the potential that we could have more than one option that would need to be evaluated at that point?

ERIKA MANN:

Thank you, James. I believe based on current discussion and the outcome of the informed survey, if there are not major changes in the second comment period, I can imagine that we can make a single recommendation. If it's between A and B, I don't see the need to put A and B forward for a consensus call. I just can't see why we should actually even do it and then to put it forward for the Board. I don't think we need to do it.

But again, it depends. We will have to wait a little bit, see the comment which we are receiving and evaluate if there's stability in the discussion then and wait until we have the consensus call.

But my feeling is that currently we can make a single recommendation. It would make the work easier for the Board and it definitely would look better for the CCWG.

KEITH DRAZEK:

Thanks, James. Thanks, Erika. Pam, over to you.

PAM LITTLE:

Thank you, Keith. Thanks, Erika, for shepherding this work again. I have a couple of questions, Erika. You seem to have mentioned

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that there's some sort of voting among members of this CCWG on which way to go. Did I hear that correctly?

ERIKA MANN: It was a kind of vote, a survey. A survey vote, so not a consensus call, not a final vote which we [haven't] done, purposefully not because we want to wait until after the second comment period and then we will do it.

PAM LITTLE: Thank you, Erika. Then, in this round of public comments, the second question is are all the options put out for people to comment or are you narrowing down to A and B or C? Originally, I believe there were four, right? So people can still comment on which one will be their preferred option?

ERIKA MANN: Yes. You're describing in more detail the top three versions. I know because I reviewed all the text we have [inaudible] mentioning number four, too, but we are saying that we have worked this out already ahead of the first public comment period but we are clarifying. If we go back, and if I can see the slide which we showed before—can we go back one slide?

There you will see that we are expressing an understanding that A and B is currently the favorite model but we are still showing C and people can still comment on C. So, they can comment on A, B, and C.



PAM LITTLE: Thank you, Erika. That's all from me. Thanks, Keith.

KEITH DRAZEK: Okay. Thank you all very much. Is there anybody else in queue? I don't see any other hands and we need to move on. So, Erika, thank you very much for that update and for all your work. I did forward the letter that Erika referenced to the full council list just a few seconds ago. So, check your email.

Okay. Let's move on then. We're a little bit behind schedule and I think it is now time for an update from Edmon on the IDN scoping small team. So, if we could move to that agenda item, I will hand it off to Edmon. Edmon, can you hear us?

EDMON CHUNG: Yeah. I hope you can hear me as well.

KEITH DRAZEK: A little bit hard to hear you.

EDMON CHUNG: Okay. Is this better?

KEITH DRAZEK: Yeah, that's much better. Thanks, Edmon.

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EDMON CHUNG:

All right. Hello, everyone. Thank you for having me. I'll jump right into it, I guess. So, the IDN scoping team has been working for quite some time now at this point and we came up with a final report. I'll try to be brief and focus on a few things.

So, there were two items that were considered. The ICANN IDN implementation guidelines, especially the 4.0 version—the latest version that was brought to the Board and the council asked for it to delay the adoption. The second one is the set of staff papers on IDN variant TLDs that were put out earlier last year and the Board has asked the GNSO to look into any policy work and coordinate with ccNSO on implementing IDN variant TLDs at the root level.

So, there were a number of options on how to take on the two issues were considered in the scoping team. I guess, for number one, there was consensus that because the IDN implementation guidelines are incorporated into the registry agreement and registrar accreditation, [inaudible] the RAA and the RA, the process of updating the IDN implementation guidelines probably should be reviewed by the GNSO through a policy development process.

However, the IDN implementation guidelines itself 4.0, perhaps there are certain parts of it that need to be dealt with in terms of implementation and that could be dealt with separately in a more expedient fashion, potentially.

On number two, I think there was consensus around the group that the staff IDN variant TLD papers were generally fine. However, there were specific items of concern. But those items could be hashed out in a policy development process.

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So, based on those discussions and the options considered, in short I guess the scoping team came up with recommendations for tackling the issues in two tracks. The first track, track one, would be a contracted parties working team with staff to focus on really resolving some of the operational and contractual compliance issues that is brought about by the implementation by staff of the guidelines 4.0. And if those issues could be resolved, then could report back to the council and allow the guidelines 4.0 version to be adopted by the Board.

For track two, the recommendation is for a PDP or an EPDP working group to be formed to address the IDN variant TLD issues as well as the issue on the future updating, the process for future updating of the IDN implementation guidelines.

So, those are the two tracks. For each of the tracks or items, however, there were also some minority views which I want to highlight here as well.

For number one, the IDN implementation guidelines, there is a view, especially advocated by Maxim, that the IDN implementation guidelines is fundamentally not a GNSO policy. It was not created through the PDP process and therefore must first go through a PDP before it can be considered and adopted by the registries and registrars.

Personally, I believe and I think others in the scoping team also somewhat disagree with that view, as in that the IDN implementation guidelines were actually discussed in the earlier GNSO, the previous round of new gTLD policies and included in

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the 2007 GNSO policy recommendations, in particular recommendation 18.

The latest version, though, nevertheless has some operational and contractual compliance issue because they're now with the new gTLD registry agreements and so on. And contracted parties have found some of the parts to be problematic in how staff has or seems to have implemented them. That's why we recommended the focus contracted parties working team to discuss with staff and that's sort of track one.

Again, given the minority view, we also added in the case that it is found in that working team that, in fact, policy aspect must be considered to resolve the issues, then those discussions will be moved to track two.

So, for track two, another point of contention was whether to recommend a PDP or an EPDP, an expedited PDP. There, in general, the group felt that the body of information, the documents from the IDN variant TLDs, and the many previous studies and research on the issue of IDN and IDN variance, should be able to, as an aggregate, form a reasonable set of documents that doesn't require additional issues report and therefore would lend itself to an EPDP. In fact, the group and the staff team pulled together a very draft document which is in the annex—I think annex one and annex two—which includes a consideration. If we charter a PDP, we could include this document and complete this document so that in replacement of a full-blown issues report, then we could move forward in fact with an expedited PDP.

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But again, there is a minority view, and also advocated by Maxim, that in fact there are actually issues that haven't been included and therefore a full-blown issues report should be included. Again, I think generally we think the body of information—and if you look at especially annex two and the number of links in there—we feel that there's already quite ample study on the matter and we could consider it mostly, if not all, of the policy decisions that need to be made.

Hopefully, that provides clarity on the matter. Also, because of that, on track two, we're leaving it up to the council to really decide with EPDP or a PDP, and from what we understand, the only difference is whether a staff issues report is being produced. With that, I'll see if there are any questions or if there's any time for questions.

KEITH DRAZEK:

Thanks very much, Edmon. Sincere thanks to you and the other members of the scoping team for the work that you've done on this now over the last several months. Obviously, very nuanced and very detailed and complex in terms of the IDN issue and a lot of interweaving pieces to it.

One of the reasons we asked for your input as a scoping team was because, back in Kobe at the ICANN meeting, the Board passed a resolution calling for the GNSO and the ccNSO to coordinate one some of the issues related to IDN variant policy. Then of course there was the separate but sort of parallel related discussions of the IDN guidelines 4.0.

So, we really do appreciate the work that you've put into this and thank you for your detailed explanation or overview, noting that there were a few different opinions within the group about timing and whether that one group could be an EPDP or PDP, requiring or not requiring an issues report. And I think what we will do is take on this and consider the documents that you've sent us and have some further discussions at council. And I imagine that even—and I know that even—within the Registry Stakeholder Group there's going to be further discussion of that question and about the discussions going on. So, thank you for that.

I have a couple of—Pam is that a new hand or an old hand? Old hand, okay, no problem. So, I have Maxim. If anybody else would like to get into the queue on this one, please do. We only have 20 minutes left of the council meeting and we do need to end on time, if not a little bit early. So, Maxim, I'm going to turn to you. Please, briefly. Thank you.

MAXIM ALZOBA:

A few moments. Please carefully read the document, especially reference to SAC 060 document, which might be read as not necessary root label zone generation ideas are good for the second level. So, security considerations.

The thing about the documents from 2007 year might be good for applicants, but I remind you that registries are not applicants. They passed that phase. There is no connection between materials of application phase and registry agreement.

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The third thing is I am not sure we are in a hurry to keep the pace with ccNSO, given that for example even [inaudible] are not obligatory for ccTLDs who do not participate in ccNSO. So, we might expect some kind of equal understanding but no more than that.

And please be aware that there is a legal thing inside of these documents, IDN guidelines, created by technical experts saying that all variants of the same domain should belong to one entity. It means potentially need to review everything related to [inaudible] where we have to understand who is the winner of the registration. It means trouble for already troubled RPMs and [inaudible]. And as the managers of the process, I am not sure we have to put at risk already troubled items by poisoning in terms of [spent spent] more and more.

The last thing is why try an implementation before the policy work? It's about track one and track two. Because if, potentially, track one is implementing—for example, registries did something—and then policy work happens and then they need to redo everything, it's a bit troubling me. Thanks.

KEITH DRAZEK:

Okay. Thanks, Maxim. As I said, the Registry Stakeholder Group is still having discussions internally about this topic. Obviously, thank you for sharing those views and I'm sure that we'll have more input for the broader council on this as we consider next steps. But this is important for all of us to consider whether you're into the minutia of the subject matter or the substance or not because the recommendations here are probably to establish

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either two PDPs or an EPDP and a PDP and that all factors into our prioritization discussions that we're having here at the [SBS]. Edmon, is there anything that you'd like to either respond to or any sort of wrap-up questions on the broader topic before we move on?

EDMON CHUNG: Not really. One item is the coordination with the ccNSO. So, as we consider our next steps in terms of GNSO, we should at least look at having a liaison in what the ccNSO is working on because I think they have started their work.

KEITH DRAZEK: Yeah. Thanks very much, Edmon. I noted that in one of the recommendations that there was the call for at least one liaison which does not necessarily need to be a councilor to the ccNSO PDP 4. So, I think that would be a smart step forward.

Steve, is there anything that you'd like to add in terms of this topic before we move on? Okay.

Okay, thanks, everybody. Thank you very much, Edmon. Thanks, Maxim, for your work on that, and to all members of the IDN scoping team.

All right. We will now move on to item number five on our agenda which is AOB. The first one is 8.1, ICANN 67 planning. I don't think there's anything particularly noteworthy to discuss here other than there's been a request, or an invitation, for us as the GNSO Council to participate with the MSSSI group in working on the



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strategic trends, evolving the strategic trends, from the round that we did last year. So, we need to consider whether that's something that we want to do, whether it makes sense to do that during our informal council session.

I have tentatively said, yeah, let's go ahead and indicate that we might be able to carve out an hour of our time during our informal meeting in Cancun, but if other things take precedent, then we'll try to give early warning that we might have to reschedule and schedule a dedicated session with that group. But I think that's important from our GNSO community and GNSO Council perspective is to be able to provide our input and our views on strategic trends and strategic risks. So, just wanted to flag that one.

8.2 on our AOB is the council's response to the Nominating Committee's review implementation working group request for input on 27 different recommendations, a subset of which were applicable to I think the GNSO and the GNSO Council. Would anybody like to speak to this one specifically in terms of any substance or any next steps? Tom, thank you.

TOM DALE:

Thank you, Keith. Just very quickly. The text was prepared by a small group comprising Carlton, Marie, and myself. It is the first iteration of this exercise and the NomCom Review Implementation Working Group has said they look forward to further iterations and discussions with council and others.

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I'll just note that a lot of the substance reflected suggestions and comments made by council when it met with the NomCom chair in Kobe. And as I said, the opportunity to continue that work, to continue those discussions, seems to be open. Thank you.

KEITH DRAZEK: Thanks, Tom, and thanks for your work and the work of the small team on this. Is there a deadline? I'm sure there is. I guess the question is what is the deadline?

TOM DALE: 31<sup>ST</sup>.

KEITH DRAZEK: 31<sup>ST</sup> of January? Okay. Thank you, all. Okay. So, if anybody would like to take some time to review this, I welcome you to do it. Cheryl, I see your hand, please.

CHERYL LANGDON-ORR: Yeah. Thanks, Keith. Here I'm actually making the intervention as the vice chair of the Nominating Committee Review Working Group because there is a distinct difference between the Review Implementation Working Group and any NomCom. We have experienced NomCom members on it but it is not the NomCom. So, any interactions that the council has with a NomCom past or present is not the same as interacting with these efforts to ensure that your thoughts and interests are well represented in how we

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implement the now approved 27 actions that we're going to be putting through regardless.

So, do help us as the Review Implementation Working Group to do what we've been tasked to do, but to make sure that all of your voices [inaudible] are properly heard. Thank you.

KEITH DRAZEK:

Okay. Thanks, Cheryl. Thanks for the clarification. We'll take that on as an action item to call for people to help review this and make sure that we're putting our best foot forward, as I'm sure we are. So, thank you, all, and thanks to that small team.

Last item on our agenda for today is council consideration of proposed GNSO Council ABRs, the additional budget requests, for FY21. Review of the draft ABRs and looking at the strategic planning session and travel support for PDP leadership. Berry, is this one that I could tap you or who are you pointing at? Steve, okay. Thanks. Steve, thank you. Over to you.

STEVE CHAN:

Thanks. This is Steve from staff. So, first I guess the thing to point out is the deadline is the 31<sup>st</sup> of January, so it's upcoming. I think sometime in December we had asked if the council had thought there might be a need for any additional ABRS. We hadn't heard any response, so what we've done on staff side is just to refresh, update the existing ones and to propose that those two would be carried forward in the future.

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So, the first is, of course, for the [SBS] to continue in the next fiscal year. There's probably support for that, I'd imagine. Hopefully, you're all finding the [SBS] this year to be helpful for your strategic planning. Largely, it's the same. There's not a whole lot of substantive difference in the new draft. Hopefully, you've had a chance to take a look.

The second ABR is for the travel pilot for PDP leadership. That one also is mostly unchanged. The approval for the previous version changed a little bit in the way that the slots were allocated. So, the request had asked that there be a certain number allocated per meeting. I think the request was something like three slots per meeting.

The way that was approved was that there was just a total number of slots, six for all ICANN meetings, to be allocated at the discretion of the Council. So, that flexibility, it seemed like it was actually a welcome improvement and that's carried forward in this new draft and that's the way it's drafted actually.

I don't think that, other than that, there's a substantive change to the ABR for the PDP travel pilot and [SBS] is also largely the same. So, again, the deadline is the 31<sup>st</sup> and if you have a chance to review it, that would be very helpful. Barring any ... Unless there's [inaudible] comments, otherwise it will get submitted before the deadline. Thanks.

KEITH DRAZEK:

Thanks very much, Steve. Much appreciated. Any questions or comments? Michele, go ahead.

MICHELE NEYLON: Thanks. The question I have is simply, my understanding with the additional budget requests is that the first time you ask for something, it's an initial budget request, and then if it's granted a couple of times, it becomes part of the standard main budget. So, the question is why is the strategic planning session still an additional budget request and not part of the core budget?

STEVE CHAN: Thanks, Michele. I welcome others from staff to jump in. I guess based on the timing of the two things ... So, there's the budget which could include the [SBS] as a core element of the budget. That could happen but we don't know if that's going to happen and it's not necessarily our decision to make. It could go into the comment from the council—and it should probably. It should definitely be a component of that.

But based on the timing, the budget is still yet to be approved. For that purpose, we should definitely make sure that if the council wants to submit and make sure that this is a going-forward thing, that they at least put in the request as an ABR for the [SBS]. And that would, as we mentioned, should be in concert with the comment in the [SCBO] comment to the budget, if that helps. Thanks.

MICHELE NEYLON: Yeah, it does. That makes more sense to me. We had a similar thing with our stakeholder group in the past. Basically, what you're saying is you're hoping it will be in the main budget, but since you

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haven't had confirmation of that, it has to go in as an ABR for now. That's fine. Thanks.

KEITH DRAZEK: Great. Thanks very much, Steve. Thanks, Michele. All right. Any other questions or comments before we wrap-up? Okay, John, and then that needs to be the last. We need to wrap up the meeting and make sure we get to our next event.

JOHN MCELWIANE: It will be very quick and you can bring this offline, if necessary. Are there any program management tools that we've been talking about either with respect to PDP 3.0 or just ideas that have been discussed that we would need to do an ABR for or put into the [SCBO] comment?

KEITH DRAZEK: Good question, John. Berry, do you want to address that?

BERRY COBB: The kinds of things that are on a dream list, so to speak, they could be comments for the [SCBO]. I don't know that they're ABR worthy in that we're talking about pretty small amounts that are available, not to mention that there's other competition for those. I think it would be better placed just in terms of the council, that being a PDP 3.0 council-led initiative that it just follow through from there.

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KEITH DRAZEK: Thanks, Berry. Thanks, John. Okay, with that, I am going to conclude our council meeting. Thanks, everybody, for joining. Much appreciated. Thanks to you all joining remotely, especially if you're in distant time zones. And with that, we will conclude the meeting. Thank you. Recording can end. Thank you.

NATHALIE PEREGRINE: Thank you, everyone.

**[END OF TRANSCRIPTION]**