

---

**ICANN Transcription**

**GNSO Council**

**Thursday, 21 January 2021 at 19:00 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/NcNID-m9xBLVWSlyxDBTWsJAFpKVAhkz3g9MD6uqNP4dmx0VxOFBI5\\_AeW14xiBmjlxowTEpps182c.Lz6YQI0t9zZTKEWN](https://icann.zoom.us/rec/play/NcNID-m9xBLVWSlyxDBTWsJAFpKVAhkz3g9MD6uqNP4dmx0VxOFBI5_AeW14xiBmjlxowTEpps182c.Lz6YQI0t9zZTKEWN)

Zoom Recording:

[https://icann.zoom.us/rec/share/Y2RWkHG3AA-BUHfl6gFHneE\\_bnBx-yjlgg25H4HWTTOt8-bl2jvAfsZev-Othl3-.VZzhHXesrxFWmMyN?startTime=1611255690000](https://icann.zoom.us/rec/share/Y2RWkHG3AA-BUHfl6gFHneE_bnBx-yjlgg25H4HWTTOt8-bl2jvAfsZev-Othl3-.VZzhHXesrxFWmMyN?startTime=1611255690000)

The recordings and transcriptions are posted on the GNSO Master Calendar

Page: <https://gns0.icann.org/en/group-activities/calendar>

**List of attendees:**

Nominating Committee Appointee (NCA): – **Non-Voting** – Olga Cavalli

**Contracted Parties House**

Registrar Stakeholder Group: Pam Little, Greg Dibiase, Kristian Ørmen

gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

**Non-Contracted Parties House**

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

Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Stephanie Perrin, Tatiana Tropina, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly

Nominating Committee Appointee (NCA): Carlton Samuels

---

*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.*

---

**GNSO Council Liaisons/Observers :**

Cheryl Langdon-Orr– ALAC Liaison

Jeff Neuman– 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 – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Senior Specialist

Caitlin Tubergen – Policy Director

Nathalie Peregrine – Manager, Operations Support

Terri Agnew - Operations Support - GNSO Lead Administrator

NATHALIE PEREGRINE: Good morning, good afternoon, good evening everybody. Welcome to the GNSO council meeting on the 21st of January 2021. Would you please acknowledge your name when I call it? Thank you. Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Here.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Here.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DIBIASE: Here.

---

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: Here.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. Mark Datysgeld.

MARK DATYSGELD: Here.

NATHALIE PEREGRINE: John McElwaine.

---

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Flip Petillion. I don't see Flip in the panelists yet. We'll try to get hold of him. Philippe Fouquart.

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Osvaldo Novoa. I don't see Osvaldo in the Zoom room either. Wisdom Donkor.

WISDOM DONKOR: Here.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: here.

NATHALIE PEREGRINE: Farell Folly.

FARELL FOLLY:                    Here.

NATHALIE PEREGRINE:        Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR:        Here.

NATHALIE PEREGRINE:        Tatiana Tropina.

TATIANA TROPINA:            Present. Thank you, Nathalie.

NATHALIE PEREGRINE:        Thank you. Juan Manuel Rojas.

JUAN MANUEL ROJAS:         I'm here, present.

NATHALIE PEREGRINE:        Thank you. Carlton Samuels.

CARLTON SAMUELS:            Here. Present.

---

NATHALIE PEREGRINE: Thank you. Olga Cavalli. Olga, you may be muted. I see we have Olga in the panelist list. Jeffrey Neuman.

JEFFREY NEUMAN: Here.

NATHALIE PEREGRINE: Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Present, Nathalie.

NATHALIE PEREGRINE: Thank you. Maarten Simon. I see we have Maarten in the Zoom room too. For the record, Flip Petillion has equally joined the call. Welcome, Flip.

FLIP PETILLION: Hello, Nathalie.

NATHALIE PEREGRINE: Welcome, Flip. Thank you. From staff, we have Steve Chan, Julie Hedlund, Berry Cobb, Caitlin Tubergen, Marika Konings, Mary Wong, Emily Barabas, Ariel Liang, Terri Agnew, and myself, Nathalie Peregrine.

---

---

I'd like to remind you all to please remember to state your name before speaking as this call is being recorded. A reminder to councilors, you're now promoted to panelists in the Zoom webinar room. You can activate your microphones and participate in the chat as usual. Please do remember to set your chats to all panelists and attendees for all those in the room to be able to read the exchanges.

So the most recent version of Zoom has the hand raise option that has moved from under the participants to the bottom toolbar. So please take a look and find it now, if you hadn't noticed.

A warm welcome to observers on the call. You're silent observers, meaning you cannot access your microphones nor the chat, so kindly please refrain from using the hand raise option as we will not be able to take your comments.

As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. Thank you, Philippe, and it's now over to you.

PHILIPPE FOUQUART:

Thank you, Nathalie. Good morning, afternoon, evening, everyone, wherever you are. This is our monthly council call. I hope you're all well, given the situation. Let's go through the agenda. Item 1.2, any update to any SOI? Kristian, you have the floor.



---

KRISTIAN ØRMEN: I have updated my SOI since I have changed my employer from Larsen Data to One.com. Both companies are the same company group, so I still do the same as before, it's just a technical change. Thank you.

PHILIPPE FOUQUART: Thank you, Kristian. Any other update?

MAXIM ALZOBA: I have a small update to my SOI, and I'm going to update it right now. I'm stepping down from the temporary representative of RySG in Standing Selection Committee. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. Any others? Okay, thank you. Moving on. 1.3, any change to the agenda that you'd like to make? Okay, thank you. Agenda is approved. Please note the minutes of the last two meetings under 1.4.

Moving on, let's take our usual review of the projects and action list, going through the project list and our radar. So I'll turn to Berry, if you would like to take us through this, please.

BERRY COBB: Thank you, Philippe. I'll be quick, given our agenda. First and foremost, I sent out the links to all of the tools with the program suite last week, noting that all of these are now located on the Wiki, and it's actually working quite well because we're able to start tracking the quantity of

access to these tools, which is a good thing. It doesn't tell us who is accessing it, but we're seeing traffic in conjunction with the day that we send, and certainly the one or two days leading up to the council meeting.

In terms of the project list, most of which is on our agenda for today, but I'll just highlight the key changes, you'll note that the transfer final issue report was sent to the council, and that was moved down to the initiation phase of the project list. You can see it up on the top there after the issue scoping.

On our agenda today, the council will consider the RPMs phase one final report and its consensus recommendations. You've also taken note that the subsequent procedures has delivered its final report. It's not reflected in terms of shifting and phases on this project list. It'll be for the next cycle, but that'll be moving down to the council deliberations section. And if you were to also review in detail down at the bottom for our standing selection committee that the leadership team had been approved for that.

Regarding the action items, there's only three of those that are open. I'll just verbally call these out, because two of them are due tomorrow. There's the first action about the councilors providing input about the NomCom appointee role description document. Secondly, there was councilors to provide input about the additional budget requests, and I think at this point, there are none. And then thirdly, the council ODP small team is also to review the updated ODP paper and discuss whether response is needed, and that's also due tomorrow.

---

The last aspect I'll bring up which is more related to the Action Decision Radar, this is in prep really for our preview for February. First and foremost, as I noted, the council will consider the transfer policy final issue report and whether to initiate a PDP. Staff is scheduling a prerecorded webinar to explain through the highlights of that final issue report so that we won't eat up too much council time in terms of discussing any issues or questions in relation to that.

Also, in February, the EPDP phase 2A, we'll be sending at the end of the month our monthly project package, which is just an overview on the status of that particular group, but this particular cycle will also include basically a notification that the chair or the leadership team is submitting its project plan for which it will be held account to deliver to the key milestones, and so you'll see some e-mail traffic in that regard about the first or maybe early second week of February.

The RPMs, the IGO curative rights work track is scheduled to have its first meeting in the middle of February. There will of course be the council consideration of the subsequent procedures final report. There will be also the EPDP phase one IRT. What has been sitting on the ADR for a few months now is the wave 1.5 report and the conclusions within there. That report has been delivered to the IRT. They're providing feedback to staff and at which point staff will then forward that report over to the full council for its considerations.

And just as a reminder, the wave 1.5 report focuses on basically the two policy topics, the PPSAI—the privacy proxy—as well as the translation and transliteration of registration data.

---

Next up will be the SCBO will be submitting a draft—and this is on the agenda a little bit later for just a quick highlight, but the public comment for the close of the fiscal year 22 draft documents is on February 15th, and on or around February 11th, the standing committee will submit its final draft for the council to consider prior to that deadline.

We also have an expectation for Org to deliver a briefing document about the registration data accountability based on the blog that was provided by staff a while back. It's anticipated to be delivered on the 26th of February. And as you saw from Tatiana, there's additional work still occurring as it relates to the Work Stream 2 small team, and we suspect that the council will start to consider the next steps on how to go about implementing some of those aspects.

And then finally, the other big topic that will probably gain a lot of traction in February is continued discussions around the standing committee on continuous improvements, the potential scope of it and some of the items that it may be working on as it relates to potential implementation of ATRT3, the GNSO review, policy implementation review. There's quite a bit of work all in that area, and the council will deliberate how best to tackle those items. That's all I have, Philippe. Thank you very much.

PHILIPPE FOUQUART:

Thank you, Berry. And as you said, I think there's a couple of action items that we will talk about in the AOB and the SCBO as an agenda item. So we'll come on to that later. Maybe we have a bit of time for a

---

question, if any, to Berry. Seeing no hands, we'll move on. Thank you again, Berry.

We'll move on to item three, consent agenda, and that's the confirmation of the Standing Selection Committee selection, and I'll just read those for the record. So we have three positions to endorse. That's the non-registry liaison to the CSC, the appointed mentor to the ICANN fellowship program, and the representative to the community representatives group that will nominate the IRP standing panel.

So those are the three nominations that we're asked to endorse. Anyone would like to take any of these motions out of the consent agenda before we go to the voice vote? Okay, seeing none, Nathalie, would you like to take us through that voice vote, please?

NATHALIE PEREGRINE: Thank you, Philippe. Would anyone like to abstain from the motions? Please say aye. Hearing no one, would anyone like to vote against these motions? Please say aye. I'm hearing some background noises. That's an abstention? I think it's people opening their mics early. Hearing no abstention or objection, would all those in favor of the motion please say aye?

UNIDENTIFIED MALES: Aye.

UNIDENTIFIED FEMALES: Aye.

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

PHILIPPE FOUQUART: Thank you, Nathalie. So let's go back to our agenda. So that's number four, our council vote on the motion affirming the intent of the EPDP phase one recommendation 7. I'm sure all councilors are aware of the background, that it was an issue emerging from the IRT relative to the implementation of EPDP Phase one recommendation 7 and the discussion relative to keeping the language versus adding some inputs from Council that would hopefully clarify this. That's a discussion we had at the December meeting. There were several attempts to resolve this within the IRT through a small team, as you would remember, before the December meeting, who suggested a baseline text for a motion.

We had a discussion on a potential amendment to this and decided to defer the vote on the motion. So I'll turn to Pam to introduce the motion as well as the background and the reasons why we're here. Pam, would you like to take us through that?

PAM LITTLE: Thank you, Philippe. As Philippe said, I hope all councilors are fairly familiar with this matter and the motion. And given we have—I would just reiterate what this motion is about. Really, it is to reaffirm the intent of recommendation 7 of the EPDP phase one final report, and also to make it clear that the thick WHOIS transition policy was modified

as a result of this recommendation 7, and if there is a conflict between the thick WHOIS transition policy, then recommendation 7 would prevail.

So that is the gist of the motion, and the motion, as you can see, we spent quite a bit of time during the December meeting, the motion basically consists of three parts. We have the whereas, under which the background is set out and a bit of a chronology, so you can see how we come to the resolved clauses, and the intent is so you can see there is some basis or reference point to arrive at those statements or determination under the resolved clauses. So that is the purpose of setting out quite a lengthy motion to make it clear, to make it a logical, coherent determination of what recommendation 7's intent and its impact on the existing thick WHOIS transition policy.

And the last part of the motion is the rationale. Normally, our council motions do not contain a rationale, but in this case, given the complexity and importance of this matter and the motion, we thought it would be appropriate to go into a bit more detail on some background and history and context of this whole matter. So that is the gist of this motion.

I do note that John McElwaine from the IPC has submitted some proposed revisions to the motion that I submitted for the December meeting. So, procedurally, I suppose—yes, John has asked whether he—no, it hasn't been discussed, so I'm just going to maybe hand back to the chair to see whether we should now allow some time for John to actually discuss or talk us through the proposed amendments to the original motion. Thanks.

---

PHILIPPE FOUQUART: Yes, exactly. Thanks for this. And my apologies, John, no, we haven't denied anything. The purpose is precisely to have that discussion. So I'll give you the floor then. Councilors would have noticed that there were amendments suggested to this motion, and we'll rely on John to introduce them to us and we'll discuss the way forward on that basis. So, John, up to you.

JOHN MCELWAINE: Thanks. I would note, concerning that Jeff Neuman noted that counselors have not seen any amendments which I've circulated several days ago, so I might just pause there to ask, to make sure that my proposed amendments did make it out to everybody.

PHILIPPE FOUQUART: I have to say that I didn't check because I saw it posted on the list. Maybe that's just you, Jeff. It was certainly circulated on the list. I believe it was on Monday, early this week. I'm pretty sure it was late afternoon on Monday. So I think councilors should all be aware of this. So, with this—no problem, Jeff, [inaudible] better check. John, back to you.

JOHN MCELWAINE: Sorry, yeah, it wouldn't have made a lot of sense if people had not received it. I know I've received it, so that's good. Anyways, firstly, I want to start off by thanking Pam Little. She and I made good progress working together on some proposed amendments, many of which you

---



see in the document that I attached. And although there's a bit of red in it, I don't think I'm going too far—and Pam can certainly speak up—by saying that a lot of it, we had come to an agreement on, but ultimately we were unable to reach a final meeting of the minds, so to say, on the thrust of all of this which is in resolved four.

So as people know, I worked with Pam on coming up with a friendly amendment. I'd like to report that we came pretty close. The resolved clause four is where we hit a bit of a disagreement on, but the amount of changes in the redlines you see in my document are not particularly controversial in general.

So anyways, with that being said, I think it's crucial for us to look at this [inaudible] the facts. What is not really debatable here? And so I just want to put forward the following statements which I don't think any counselors would disagree with. The first—and these all go to sort of my e-mail and the reasons for the revisions.

The first is that recommendation 7 is a substantial revision to a prior enacted ICANN consensus policy, that being the thick WHOIS transition policy. Second point, there was no express statement in the EPDP charter that they were instructed to consider anything about thick WHOIS transition policy.

That being said, Pam and I are in agreement on this: it is within the scope of the EPDP's charter to address the transfer of data elements collected in the domain name registration process, and that has an impact on the thick WHOIS transition policy.

---

Lastly, the labeling of particular data elements as optional creates an ambiguity. The term “optional” means available to be chosen but not obligatory. But what the recommendation 7 doesn’t answer and what the EPDP final report doesn’t answer is available to be chosen by who, what happens when it is obligatory because of a law, a contract between a registry and a registrar, or it is required by ICANN consensus policy?

So that was the purpose of my proposed amendments. As I've put into my e-mail, all I'm seeking to do here is to make sure that we as a council when we're looking at revising previously enacted consensus policy that were clear. So it confirmed that the thick WHOIS transition policy was modified but not repealed. Modified as set forth in recommendation 7. It clarified that the modification of Thick WHOIS data elements was within the scope of the EPDP but was not a clear mandate, and that it also clarified what the meaning was between mandatory or optional.

So I won't belabor it much more. That's what the purpose of the revisions are to the motion are meant to cover. I would say that regardless of what side people are on the fence considering the importance they put on thick WHOIS, I just think it's very important that we as a council, anytime that one working group, one PDP is changing another previously enacted policy, that we're very deliberate and clear in how that's to be handled, and that's what it goes to. I'll yield to further discussion. Thank you.

---

PHILIPPE FOUQUART:

Thank you, John, for this. Before we go back to the proposer of the motion, are there any questions on this and on John's introduction? Okay, seeing no hands, so this is put forward as a friendly amendment, so I'll turn to Pam as the proposer for the motion and just to clarify whether you would consider this as a friendly amendment to the motion. Pam.

PAM LITTLE:

Thank you, Philippe. Thank you, John, for taking us through your proposed amendments and noting the fact that John and I actually worked offline trying to work towards a version of a motion that both sides can support.

Unfortunately, as John mentioned that we sort of hit a bit of a roadblock in relation to what the impact of recommendation 7 on the existing thick WHOIS transition policy and what it actually means. So I feel we have a fundamental difference.

From my perspective, I read the recommendation 7 really is very much an attempt to—not attempt, it's trying to adhere to the data minimization principle under the GDPR, whereas I feel that there is a desire in this set of amendments proposed by John on behalf of IPC that there seems to be a desire or goal to maintain as much as possible the status quo, and that to me isn't consistent with the whole exercise of the EPDP.

And in fact, if you see the original motion that is sort of a logical flow to come to the conclusion of the resolved clauses and its impact on thick WHOIS, I spend quite a bit of time going back to not only the final report

---

itself but all the history back to the thick WHOIS policy and some of the EPDP phase one meetings and discussions and deliberations on this particular topic, and there's no doubt in my mind what the EPDP team intended when they come up with this recommendation 7. But I do not believe that these proposed amendments are consistent with that intent of EPDP team and recommendation 7.

So, on that basis, I as the motion proposer or maker am unable to accept these proposed amendments as friendly. So I guess procedurally, chair, we would probably need to vote on these proposed amendments first. Thank you.

PHILIPPE FOUQUART:

Thank you, Pam, and thanks, John. And thank you both for putting so much effort into that. I think we're all sorry that we couldn't come up with something that would be easily acceptable[—we shall see,] but easily acceptable to everyone.

So with this, indeed, procedurally, what we will do now is take a vote on the amendments that are not considered friendly by one of the—either proposer or seconder. So we'll take a vote first on the amendments and then a vote on the motion itself.

So, Nathalie, unless there are any other comments on this. Is that clear, the way we will proceed? Kurt.

KURT PRITZ:

Thanks. I just felt compelled to say, since so much work has gone into this, that the discussion about the wording in this amendment was

difficult to have in a small group, because first of all, it was shouldered heroically by John and Pam over the holidays, and Pam would consistently report to us and say, well, I'm on holiday but I'm available for a call.

And how that makes it difficult is that my suspicion is that John conversed with some stakeholder groups and Pam certainly discussed some of this with CPH and other stakeholder groups as we discussed these, and it's not sort of a face-to-face discussion, so on one side, we would read wording that wasn't exactly clear, so in our reading of the proposed amendments, it seemed to, in some cases, turn the original intention on its head a little bit.

The EPDP is still going on, so these sorts of discussions on wording and the transfer of data and who's the controller are still going on, and we wanted to ensure that the clear wording of recommendation 7 was placed into this resolution.

So without that ability to have sort of a real-time conversation, many that discussed this with Pam thought that the amended wording not just subverted the language in the original resolution but also put contracted parties in a position where they might not be following the regulation. That's it.

PHILIPPE FOUQUART:

Thank you, Kurt. Any other comments on this? And just before you do, I think what you said, Kurt, may also apply to other constituencies. I think reading the language—and speaking possibly without my hat—I have to

---

---

say that the proposed text, part of it at least, would seem to offer some clarification without changing the intent.

But I think the reason why we're here probably is due to possibly a lack of direct interactions between the various parties, which might have been sorted, had we been in a different overall context, I think. End of personal comment, but I think that's one of the reasons why we're here. Any other comment on this?

Okay, seeing no hand, Nathalie, would you like to take us through the vote, please?

NATHALIE PEREGRINE: Thank you, Philippe. And this will be a roll call vote. Wisdom Donkor.

WISDOM DONKOR: Hello.

NATHALIE PEREGRINE: Yes. And to Kurt's point in the chat, just to make it clear, we are currently voting on the proposed amendment.

PHILIPPE FOUQUART: Thank you, Nathalie. Yeah, maybe I should have repeated it. So, for all, what we will do is that we will first vote on the proposed amendment, the text that we have on the screen at the moment, and then we'll vote on the motion. So the first roll call vote is on the amendment. Apologies for not repeating it. Thank you. Back to you, Nathalie.

NATHALIE PEREGRINE: Thank you, Philippe. So, Wisdom Donkor.

WISDOM DONKOR: Yes. I vote no for this amendment.

NATHALIE PEREGRINE: Thank you. Mark Datysgeld.

MARK DATYSGELD: I vote yes.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: I vote no.

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: I vote no.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

---

TOMSLIN SAMME-NLAR: I vote no.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: No.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: No.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: Yes.

---



NATHALIE PEREGRINE: Thank you. Farell Folly.

FARELL FOLLY: No.

NATHALIE PEREGRINE: Thank you. Marie Pattullo.

MARIE PATTULLO: Yes.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: No.

NATHALIE PEREGRINE: Carlton Samuels.

CARLTON SAMUELS: No.

NATHALIE PEREGRINE: Phillippe Fouquart.

---

PHILIPPE FOUQUART: No.

NATHALIE PEREGRINE: Tatiana Tropina.

TATIANA TROPINA: No.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: No.

NATHALIE PEREGRINE: Pam Little.

PAM LITTLE: No.

NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: No. Thank you.

---

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: No. Thank you.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DIBIASE: No.

NATHALIE PEREGRINE: Thank you. So for the Contracted Party House, we have no votes in favor and seven votes against. For the Noncontracted Party House, we have four votes in favor and nine votes against. The motion fails, therefore with 0% in the Contracted Party House and 30.77% in the Noncontracted Party House. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Nathalie. So unless there are any other comments on the motion itself, I just want to thank you again—I know it's been put in the chat—John and Pam for working together between December and now, and even before that in the small team. I know it's hard work. But I just wanted to thank you both for this.

---

So let's take a vote on the motion itself now. Nathalie, would you like to take us through that?

NATHALIE PEREGRINE: Thank you very much.

PAM LITTLE: Sorry to jump in. Would you like me to read the resolved clause?

PHILIPPE FOUQUART: Yes, please, if you would. [You didn't do that first. Yes, please, Pam.]

PAM LITTLE: Okay. I'll be quick. Thank you. Resolved, one, the GNSO council confirms that the EPDP had the mandate to modify the thick WHOIS transition policy under the EPDP charter. Two, the GNSO council determines that in light of the EPDP being chartered by the GNSO council, among other things, to address the question in [part 2(c)] under mission and scope to specifically address the transfer of data from registrar to registry, the resulting recommendation seven appropriately fulfills this purpose.

Furthermore, the requirement of section 16 of the PDP manual is deemed satisfied for the purpose of amending the thick WHOIS transition policy. Three, the GNSO council determines, notwithstanding the absence of a clear statement, the intent of EPDP phase one recommendation 7 to modify the thick WHOIS transition policy is implied taking into account the history, background, context and

---

purpose of the EPDP, the specific language of recommendation 7 and the EPDP phase one final report in its entirety.

Four, the GNSO council determines that recommendation 7 language must be transferred from registrar to registry, provided an appropriate legal basis exists and data processing agreement is in place, should be included in the registration data policy in order to conform with the intent of the EPDP phase one team's policy recommendation and the subsequent GNSO council adoption. So in parenthesis, this is GNSO council input.

Five, the GNSO council instructs the council's liaison to communicate the GNSO council input to the registration data policy implementation review team pursuant to section 3(a) of the consensus policy implementation framework.

Six, the GNSO council shall communicate the GNSO council input to the ICANN Board of directors. That's the end of the resolved clauses. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Pam. So let's take our vote. Nathalie, please.

NATHALIE PEREGRINE: Thank you, Philippe. Carlton Samuels.

CARLTON SAMUELS: Yes.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Yes.

NATHALIE PEREGRINE: Pam Little.

PAM LITTLE: Yes.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: No. And I have a statement, Nathalie, but I assume you want that after the vote.

NATHALIE PEREGRINE: It depends how long it is.

MARIE PATTULLO: Not very.

---

---

NATHALIE PEREGRINE:           Okay, well, please go ahead then.

MARIE PATTULLO:               Thank you. the Business Constituency thanks all of our GNSO colleagues, in particular those active in the relevant small team, for their good faith engagement in trying to reach a solution to allow both consensus policies agreed by the multi-stakeholder community, thick WHOIS, and EPDP report, to coexist.

We note with regret that the thick WHOIS policy is to be repealed without specific community consultation, especially as we now have clear guidance from the European Commission in the form of the draft cybersecurity directive that maintaining an accurate WHOIS database does not in itself contravene the provisions of the GDPR.

The EPDP report was clear that thick WHOIS data must be transferred from registrar to registry, provided an appropriate legal basis exists and a data processing agreement is in place. And we note with concern that this is not to be put into effect.

As such, we are regrettably obliged to vote against the motion. Thank you.

NATHALIE PEREGRINE:           Thank you very much, Marie. Osvaldo Novoa.

OSVALDO NOVOA:                Yes.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Yes.

NATHALIE PEREGRINE: Tatiana Tropina.

TATIANA TROPINA: Yes.

NATHALIE PEREGRINE: Mark Datysgeld.

MARK DATYSGELD: According to the wishes of my constituency, I vote no.

NATHALIE PEREGRINE: Thank you very much, Mark. Kristian Ørmen.

KRISTIAN ØRMEN: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas.

---



JUAN MANUEL ROJAS: Yes.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: No.

NATHALIE PEREGRINE: Would you care to accompany that with a statement, John?

JOHN MCELWAINE: Well, I would first like to thank Pam for working with me on this. The only thing to add that I've not already stated is that I think that this does unfortunately leave some serious ambiguities with recommendation 7. It is certainly not clear that this was intended to impact thick WHOIS and that it leaves a gaping hole in what the term "optional" is and what the term "required" is. So with that, there's simply no way that the IPC could vote in favor of this. Thanks.

NATHALIE PEREGRINE: Thank you very much, John. Tom Dale.

TOM DALE: Yes.

---

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: Yes, please.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Flip Petillion. We appear to have lost Flip. I'll circle back at the end of the vote. Greg DiBiase.

GREG DIBIASE: Yes.

---

NATHALIE PEREGRINE: Farell Folly.

FARELL FOLLY: I vote yes.

NATHALIE PEREGRINE: Thank you very much. Wisdom Donkor.

WISDOM DONKOR: I vote yes.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Yes.

NATHALIE PEREGRINE: And circling back, Flip, do we have you back online?

FLIP PETILLION: Hi Nathalie. I had no connection anymore. So I'm sorry, but I don't even know where you are in the meeting. I'm so sorry.

---

NATHALIE PEREGRINE: So we're currently voting on the motion. The amendment proposed by John has failed and we're currently voting on the motion.

FLIP PETILLION: Thank you so much. No.

NATHALIE PEREGRINE: Thank you, Flip. So just to mention, John has provided a statement for his objection also. Would you care to accompany it?

FLIP PETILLION: Yes, I do. Thank you.

NATHALIE PEREGRINE: Okay. Perfect. Thank you very much. For the Contracted Party House, we have seven votes in favor and no votes against. For the Noncontracted Party House, we have nine votes in favor and four against. The motion passes with 100% in the Contracted Party House and [69.23% of the] Noncontracted Party House. Thank you very much, and over to you, Philippe.

PHILIPPE FOUQUART: Thank you, Nathalie, and thanks, everyone. I hope this will help us move ahead with this. I think we all hoped that we could have had a broader support, but at least we have a way forward. Thanks again to Pam and John for the effort you put in all this. We all know it's a tough job.

---

So with this, Pam, you have your hand up. Would you like the last word on this?

PAM LITTLE:

Yes. Just very quickly, I also want to thank John for working with me, with the deepest regret that we could not—at least from my side—come up with a version that IPC/BC colleagues could support. We also learned a bit from this lesson, and hopefully, we don't have to do this again in the future. We hope that there will be lessons learned from how to deal with this type of issue. Thank you, John. Much appreciated. Thanks.

PHILIPPE FOUQUART:

Thanks, Pam. So with this, let's move on to the next agenda item, and that's number five, it's our vote on the final report and recommendations for the RPMs and final report of the working group. You may remember that this was kicked off, as the text says, in 2016. You've seen the report delivered to council in late November. I think most of you, if not all of you, attended the webinar on the 11th, for which we think John and the PDP chairs.

So, with this, I'll turn to John McElwaine to take us through the motion.

JOHN MCELWAINE:

Thank you, Philippe. Yes, I think we got a good opportunity as a council. We had a presentation at the last meeting, albeit a bit abbreviated, and then the webinar. Haven't heard anything from councilors or really any negative issues from the community. Of course, remind everybody this

---

working group worked on this for years and came out with full consensus on 34 out of the 35 final recommendations.

So with that brief introduction, I'm just going to, I guess, run through the whereas clauses quickly and the resolved clauses, and then we can get to any discussion.

PHILIPPE FOUQUART:

Please do, John.

JOHN MCELWAINE:

Thanks. So, whereas on 18 February 2016, the GNSO council resolved to initiate a two-phased policy development process to review all existing rights protection mechanisms in all gTLDs.

On 9 March 2016, the GNSO Council approved the PDP Charter, thereby initiating Phase One of the PDP that focused on the RPMs developed for the 2012 New gTLD Program.

The PDP Working Group has followed all the necessary steps and processes required by the ICANN Bylaws, the GNSO PDP Manual and the GNSO Working Group Guidelines, including the publication of an Initial Report for public comment on 18 March 2020 and consideration of the public comments received thereto.

On 24 November 2020, the PDP Working Group submitted its Final Report to the GNSO Council for its review and action.

---

The PDP Working Group has reached Full Consensus 34 out of the 35 final recommendations documented in the Final Report, and Consensus for the remaining one final recommendation which was the concerning Final Recommendation #1 for the Trademark Clearinghouse.

Resolved, the GNSO Council approves, and recommends that the ICANN Board adopt, all thirty-five (35) final PDP recommendations as documented in the PDP Working Group's Final Report.

Two, should the PDP recommendations be adopted by the ICANN Board, the GNSO Council requests that ICANN org convene an RPM Implementation Review Team, to assist ICANN org in developing the implementation details for the PDP recommendations and ensure that the resultant implementation conforms to the intent of the approved recommendations. The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June 2015.

Three, the GNSO Council thanks all the various Co-Chairs and members of the PDP Working Group for their commitment and hard work in completing Phase One of this PDP.

With that, over to you.

PHILIPPE FOUQUART:

Thank you, John. Any comments on this before we go to a vote? Jeff, you first.

---

JEFFREY NEUMAN: Thanks. Just kind of a procedural-type question. Would this motion allow the council to join this IRT with a potential SubPro IRT, assuming SubPro gets approved and etc.? I just want to know if that's an option that's left if we pass this motion the way it is.

PHILIPPE FOUQUART: Thank you. And just to this point—I don't know how to phrase this—what makes you think that it might prohibit that, Jeff?

JEFFREY NEUMAN: It's really centered around "The GNSO Council requests that ICANN org convene an RPM Implementation Review Team." It's not clear that the intent could be to join it with others, because the way it's kind of written, it's a specific Implementation Review Team.

PHILIPPE FOUQUART: Thanks. I certainly don't have an answer to that. We'll go to the other questions and possibly, on the principle, turn to staff to see whether they can help us with that. Stephanie, you're next.

STEPHANIE PERRIN: Thanks very much. I do apologize for making this comment, because it's a content comment and I realize we're acting in a procedural manner here, but I do find the dissenting report on that recommendation regarding wordmarks quite troubling in that it does suggest that by accepting this policy, we are straying into areas where the law does not



---

go. In other words, we're not implementing law, we're getting ahead of law.

But I'm not expert in trademark law, I'm merely reading that dissent. And I am wondering if there is any way of drawing the Board's attention to this matter whilst sending it on to them. I agree that this group has been working on this for four years and it's a bit late to be bringing this up now, but it is still a rather troubling matter. Thank you.

PHILIPPE FOUQUART:

Thank you. And just, if I may, a follow-up question on this. Does that affect the vote on the motion? Is that something that we could cover in the enclosing letter, say, to the Board as we did for the EPDP for example? Stephanie?

STEPHANIE PERRIN:

Sorry, can you repeat that?

PHILIPPE FOUQUART:

Sure. The question is whether your substantive question affects the approval of the motion or whether that caveat can be captured in the enclosing letter to the Board—if people would agree, obviously—as we did for the EPDP?

STEPHANIE PERRIN:

Yes, I think it could. That was more or less what I was driving at by raising the point. Thank you.

PHILIPPE FOUQUART:

Okay. So what I would suggest then is we'll take that as a separate track and possibly consider that on the council list, supposing that this is approved, obviously. Kurt, I think you're next.

KURT PRITZ:

Thanks very much, Philippe. To address the past discussions, I certainly don't think we should entertain amending any of the resolutions with regards to possibly combining IRTs between this and SubPro, but similarly, we could, in our transmittal letter, just ask for the Board to look for efficiencies in the implementation process for that.

But my comment really is first to thank everybody for their hard work. I think I'd characterize this as a come from behind victory that's remarkable in some ways. I'd like to thank John for his crystal clear descriptions of the results of this group. I sat through a few of his presentations and they're always very clear.

What I'd like to suggest that the council consider that I didn't think rose to the level of changing the resolutions was that we need to take advantage of the multi-year experiences of this group, bluntly put, why the heck did this take so long? And the chairs will be able to provide many insights into this as well as members of the working group. So, this all fits in together with PDP 3.0 and continuous improvement and all of those things. So I don't think we should resolve to do this in this motion, but I think we should take advantage of the opportunity of the now vast experiences of those who went through this and learn from

---

them to see what might be changed in our guidelines and practices and procedures to help our process. Thanks.

PHILIPPE FOUQUART:

Thank you, Kurt. And just maybe to generalize what you said, I think with the hopefully two major milestones that we will have this year, I think it would be good to take a look at the lessons that we can learn, both on the RPMs PDP and also hopefully, again, for the two of them on SubPro moving forward on something that has taken so much work and a significant amount of time and things that we can learn from on the way we progress our work within the PDPs. I think we could certainly take that separately, doesn't affect the vote on the motion, but we shouldn't let that experience fade away, as it were.

Maxim, you're next.

MAXIM ALZOBA:

I think it's not a good idea to mix SubPro with RPMs because SubPro is for the next round and RPMs is for basically tuning the rights protection mechanism to ensure they worked and they will work and they're working. Thanks. Because if we mix it, we will have consensus policy and SubPro which might not be a consensus policy but policy. And it's a bad idea from bureaucratic perspective. Thanks.

PHILIPPE FOUQUART:

Thank you, Maxim. I suppose you were referring to the IRT, not necessarily the lessons learned approach. Point taken, Maxim. But

---

anyway, I think we could take that to the list and see how we approach a potential enclosing letter to the Board on this. Mary, you're next.

MARY WONG:

Thanks, Philippe. Just a couple of points. I think Marika's already answered Jeff in chat about the possibility of there being one IRT or combined IRTs down the road. In other words, the motion as worded does not prohibit that.

To Stephanie's question and point, the staff think that it's necessary to clarify that although there was a group of participants that filed a minority statement, that was not considered a dissent or an objection. In other words, the filers of the minority statement generally were in support of having the recommendation. What they were doing was expressing a concern that nevertheless, the rule in question would still be too broad. But we think that, as indicated by the chairs and as by John, this should not be characterized as an objection or as a dissent. It was an effort to note a concern about what the few people considered to still be the potential breadth of the rule at issue.

And just to follow up, for the recommendations report that you as the council be asked to approve, should you pass this set of recommendations today, there will certainly be a note that a minority statement was filed, so that the Board can know that fact as well.

PHILIPPE FOUQUART:

Thank you, Mary. So that piece of information will be transparently conveyed and possibly highlighted with the nuance that you just gave.

---

i.e., that it is not an objection and they would nonetheless support the recommendations. Thanks for this, Mary. Anything else?

Okay, seeing no hands, Nathalie, would you mind taking us through the roll vote, please?

NATHALIE PEREGRINE: Perfect. Thank you very much, Philippe. Osvaldo Novoa.

OSVALDO NOVOA: Yes.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Tatiana Tropina.

TATIANA TROPINA: Yes.

NATHALIE PEREGRINE: Mark Datysgeld.

MARK DATYSGELD: That is a yes.

NATHALIE PEREGRINE: Thank you. Pam Little.

PAM LITTLE: Yes.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: Yes.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: Yes.

---

NATHALIE PEREGRINE: Thank you. Greg DiBiase.

GREG DIBIASE: Yes.

NATHALIE PEREGRINE: Carlton Samuels.

CARLTON SAMUELS: Yes.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Yes.

NATHALIE PEREGRINE: Kurt Pritz.

---

KURT PRITZ: Yes.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Yes. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you. Tom Dale.

TOM DALE: Yes.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Yes.

---



NATHALIE PEREGRINE: Farell Folly.

FARELL FOLLY: Yes.

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: Yes.

NATHALIE PEREGRINE: Wisdom Donkor.

WISDOM DONKOR: Yes.

NATHALIE PEREGRINE: Thank you very much. With seven votes in favor, no votes against in the Contracted Party House, and 13 votes in favor and none against in the Noncontracted Party House, the motion passes with 100% in both houses. Thank you very much, Philippe.

---

PHILIPPE FOUQUART:

Thank you, Nathalie, and thanks, everyone. And our warmest thanks to all of those who were involved in this, Phil, Kathy and Brian, for their hard work, sustained work, I should say, the chairs and the contributors [of the review] have overcome a number of difficulties, various in nature. It's not been a quiet journey, I think.

So, this is not the final milestone, but certainly a major one. So, thanks to all of you and thanks to John as well as the liaison, and I think we should extend our thanks to the previous council liaisons over the years with the RPMs. So, thanks again.

Moving on with the agenda, let's go to item six, and that's our briefing on the new gTLD subsequent procedures PDP final report. You would know that's our usual approach of having council briefings prior to our votes, and this is to come shortly. The final report was delivered to council, I think, formally just yesterday if we include the minority statements.

You would have noticed Emily's e-mail just yesterday. We'll have a webinar to make sure the council is duly informed prior to the vote. I think the tentative date is January 28th. I'm not sure we've confirmed that as of yet, but that's the overall picture. And with this, I'll turn to Flip for that briefing.

FLIP PETILLION:

Thank you very much, Philippe. I sincerely hope that I will not have a technical interruption anymore. I'm living in Belgium, but still in the middle of nowhere on the countryside. So, I apologize.

Yes, Philippe, I can confirm 28th, and I think it was scheduled for two hours maximum. What I would like to present today is actually a brief introduction, a status report that's about this PDP.

So, for the council members, this PDP followed a very particular development. There was a GNSO recommendation in 2007 that ultimately resulted in an applicant guidebook, and the 2012 round of the new gTLD program, actually, that was the third round of the extension of the TLDs. And then a discussion group was convened in 2014, and it helped establish the scope for a new gTLD subsequent procedures PDP that followed.

The SubPro expected to focus on considering the 2012 round policy and determining what changes might need to be made to the original GNSO recommendations from 2007, and of course, also the implementations.

The PDP was chartered and began its work in early 2016. It was an open membership model and the working group had more than 2000 members from many parts of the community.

The working group has now submitted its final report to the council for its consideration. It includes final recommendations, implementation guidance and other outputs on more than 40 topics within the working group's charter. And it really takes into account active participation of all constituencies, supporting groups as well as the GAC and ALAC, deliberations of the working group, community input received through a number of public comment periods and outreach to the ICANN community. And GAC, ALAC and ccNSO even had leadership role in the geographic names at the top level work.

---

The topics in the final report are ordered in groups that map generally through the chronological proceedings from the 2012 round of the new gTLD program. because of the nature of subject of this PDP, the topics in the report and the recommendations contained within that, they're highly interdependent.

[I can distinct] five types of outputs that are included in that final report. The first is an affirmation. An element of the 2012 new gTLD program was—and continues to be—appropriate and acceptable for subsequent procedures that got an affirmation. And absent agreement for a change, the status quo is or was the default position.

Then there is the affirmation output with a modification. So the working group recommends a relatively small adjustment to existing policies or implementation.

A third output is a recommendation. The working group expects this to be approved and implemented consistent with the working group's intent. It often addresses what the working group recommends and takes place.

The fourth output is an implementation guidance. The working group strongly recommends the stated action with a strong presumption that it will be implemented, but recognizes that there may exist valid reasons to not take the recommended action exactly as described. So, it often refers to how a recommendation should be implemented.

And then the last, the fifth output is that there is no agreement. And there is one case—and there is no agreement on recommendations, so no clear status quo or default position.

---

All but one of the topics received a designation of either full consensus or consensus. 25 topics received full consensus, 16 received consensus, and one received a designation, strong support but significant opposition. It's topic 45 and we will come back to it in one of the next slides.

And within each of the topics that received either consensus or strong support but significant opposition, outputs within the topic that achieved full consensus or consensus or specified. For example, here, topic two, the overall designation for the topic is consensus, but that being said, there was full consensus for seven of eight and there was consensus for one.

In the final report, you will see an annex, and the annex provides a detail about the consensus designations from all the topics and the outputs.

So, there are four topics which may require further discussion. The first one is topic nine. It's about mitigating DNS abuse. And the working group referred the issue back to the GNSO council by letter. The working group acknowledges ongoing important work in the community on that topic and believes that a holistic solution is needed to account for DNS abuse in all gTLDs rather than making recommendations with respect to only the introduction of subsequent new gTLDs. So the working group did not make recommendations on this topic.

Next is the PICs and the RVCs, the public interest commitments and the registry voluntary commitments. Substantive proposals in that topic garnered consensus regarding PICs and RVCs, but the ICANN Board

---

---

raised questions in its comments to the draft final report about whether requiring PICs and RVCs in subsequent rounds are in line with the 2016 ICANN bylaws.

The working group believes that this question needs to be answered by the ICANN Board itself with input from the entire community. And relevant recommendations should be read assuming that PICs and RVCs can be implemented in contracts and enforced by ICANN.

The report includes proposed ways to implement these in a manner that the working group believes would be compliant, but this may need further discussion within the community as a whole, but not in the PDP.

If recommendations can not be implemented with the current bylaws, then the community may want to engage in a discussion to revise the bylaws or revise recommendations to ensure that they are enforceable.

Two topics left. The first is topic 23 on the closed generics. Here, there was full consensus by the working group, but full consensus on the fact that it was unable to come to an agreement on what, if anything, should be done with respect to closed generics in subsequent rounds. It was [hardly a debate.] This topic was subject of several requests for comments by the community and had multiple proposals that were discussed, debated and ultimately dismissed.

The working group believes that if this issue were to be considered in future policy work, it should also involve experts in the areas of competition, public policy, and economics, and should be performed by those in the community that are not associated with any past, present

---

or expectations of future work in connection with new gTLD applications or objections to them.

And the last topic, 45, is the mechanisms of last resort, private resolution of contention sets. This is the only topic with the overall designation of strong support but significant opposition. And although many of the elements in those recommendations did get consensus support, including allowing other forms of private resolution such as combining applications, creating new ventures, etc., there was no consensus on whether private auctions should continue to be allowed in subsequent rounds, whether the auctions of last resort should be done as a sealed bid auction where bids are submitted at the beginning of the process, or whether private auctions should be allowed to resolve contention sets.

I would like to add that we will go in much more detail in the webinar on the 28th and I will note be the only one to present. I will be accompanied by Cheryl and Jeff. And maybe some of you ask what's the next step. Without going into the details, I would actually refer everybody to the bylaws, and particularly Annex A, section 6 and following. There, you will see how this can be voted, deliberated, sent to the Board, etc.

And for those who are interested, you can also find information in the council's PDP manual. There, you see more details, or a description of how this has to be taken further. Thank you very much.

---

PHILIPPE FOUQUART:

Thank you, Flip. I think we have a few minutes for questions. Certainly, you can go back to them during the webinar, but if there's one in particular that you'd like addressed at this point, feel free to ask. Okay, so we'll come on to that during the webinar then. Thanks again, Flip, and let's move on to the next agenda item, and that's the council update from the standing committee on budget and operation, the SCBO. I think we met three or four times since our call in December. So I'll turn to John. Would you like to give us an update on the SCBO, please?

JOHN MCELWAINE:

Sure, Philippe. For those who don't know, the GNSO standing committee on budget and operations is made up of a group of councilors and of subject matter experts from across the GNSO community.

We have been meeting, as Philippe said. Our remit is to review ICANN's strategic plan, which is contained now in a document referred to as the operating and financial plan, and we also review the ICANN fiscal year budget for issues that relate to the GNSO council's remit, which is namely developing and recommending to the Board substantive policies relating to generic top-level domains and managing the policy development process.

We kicked off our 2021 cycle on November 18th, and we've been meeting on a weekly basis since then. Many of you will recall we prepared an IANA and PTI budget comment, and that has been submitted. On December 17th, ICANN released drafts of its fiscal year



---

22 operating and financial plan and fiscal year 22 budget, and we began our analysis and comment drafting.

What's good about the process this year, what's different but positive, is that ICANN is now utilizing the same format, both for their operating and financial plan, including the five-year strategic plan to go along with that, and their budget. So although things don't line up exactly page-number-wise in some of these large documents, there are similar sections to follow, similar information that's been provided. So that's the good news. It's really enabled us as a committee to track whether our comments have been taken into account, where we've seen that we've made a difference.

So, what I've done so far is I took last year's comments and identified just coincidentally five issues that I'm tracking, five for the operating and financial plan, five for the budget. And that way, on a going forward basis, we're going to be able to analyze as a committee how things have changed. So as we've been saying in our meetings, we're laying down markers.

An example would be perhaps we make the comment that the GNSO council believes that more resources need to be dedicated to policy development within ICANN, including additional full-time equivalent employees and software tools.

We hadn't really, in the past, had a good way to look at whether that had occurred and then make sure that the same message was being applied in future budget rounds, etc. So by identifying these issues and

---

by ICANN following the same format, it is nice that we're going to be able to do that going forward.

So as I said, right now, we have an outline, five issues in the operating and financial plan, five issues in the budget. We may add one or two more. I have assigned councilors to sort of shepherd those issues, put a few sentences and analysis together. We have subject matter experts that are also going to be assisting in offering their comments and their analysis to these issues. It's not going to be a heavy lift, and I've asked these councilors to have their revisions to that current comment outline by this Monday.

And that Monday deadline is important because we're going to be meeting with the ccNSO's SOPC, which is their version of the SCBO, on January 27th. Then the only thing to add is we'll continue to meet on a weekly basis and as Berry said, shortly, i.e. coming in in early February, we'll have a draft comment for the GNSO council to review, provide any questions, comments or revisions and then get filed timely with ICANN. So, with that, Philippe, I'll hand it back over to you, and I'm glad to answer any questions people might have.

PHILIPPE FOUQUART:

Thank you, John. So, meeting with the SOPC by late January and early February, watch for the draft comment on the budget. Any questions to John on the SCBO? Okay, seeing no hands, thanks again, John. We'll move ahead with our agenda. It's the item eight, the AOB. 8.1, GNSO standing committee for continuous improvement. You will recall that leadership with staff had developed a high-level approach that was

---

distributed late December on that concept with a number of questions to you, councilors, and to the SG and C leaders. We've had a number of comments, including some from you, and including a number of concerns, including replicating the former standing committee on continuous improvement, I think it was called, and the risk of adding red tape and overhead, as well as the split of responsibilities with the SGs and Cs.

So we circulated that feedback, consolidated feedback yesterday on the list, so please, have a look at that, and/or share this with your SGs and Cs. I shall note that I do not think I sent it to the full list of SG and C leaders, so by all means, feel free to share. And we'll take that back within leadership and we'll get back to you and the SG and C leaders on the way forward. The concerns have been duly noted. I think we'll need to rethink a part of that.

Any questions on this, or comments? Okay, moving on, 8.2, that's the ODP, the Operational Design Phase concept paper. You would remember that as council, we provided some comments in early December. Following our exchanges, you probably have noticed the new iteration of the paper which was produced, I think it was late December, and the basis of the webinar that a number of you, if not all of you, attended on January the 13th.

So those of you who weren't there, there have been a number of changes to that paper, including some directly addressing the concerns that we expressed in our comment paper, such as the removal of the design feedback group, I think it was called, and it's replaced by a liaison

---

to council. And there were some concerns expressed during the webinar that this might be going too much in the opposite direction.

Another change was relative to using community consultation through existing mechanism, and for council, that would be through a liaison, so I think we'll need to talk about that soon.

There have been added safeguards, added relative to the ODP not dealing with policy. I think that was a concern that was raised during our exchanges. An early start of that ODP phase is now considered possible, and that was also a comment we made relative to some of the elements potentially being useful within a working group and not waiting until the discussion, the consideration by the Board to deal with those, and there's also a review mechanism, I think we can call it, once that ODP has been applied a couple of times to make sure that it is fit for purpose.

I think the next steps, I hope I've got my [dates] correct, are for late this week, and the final version will be issued by the end of the month for consent or approval by the Board. So I think it sort of summarizes where we are on the ODP paper. Any comment? I hope you could attend the webinar. Kurt, and then Marie.

KURT PRITZ:

Thanks very much, Philippe. I agree with your assessment of all the changes. There were two small points that I don't think they even rise to the need for the GNSO council to [recomment,] but one that was actually pointed out by Jeff Neuman was that the specification of one GNSO liaison being the public conduit to the group might be a little

restrictive and is certainly prescriptive. So I would have rather seen just one or more there, and leave it to the chair and this ODP to figure out what the just right amount of GNSO and community monitoring of the ODP.

So that's one, and the second has to do with where the document did change, and anticipated that this kind of analysis might be useful to PDP groups. But I'm concerned that ODPs are launched by Board resolution, and I hope that—and I don't think it'll happen but I hope that—whenever PDP working groups request operational information or analysis, that it doesn't require a resolution of the Board, that the staff can just facilitate the working group's work in this.

But again, I think the proof will be in the pudding and it's important to launch the thing, put it into place for these very important PDPs that are now launching. Not the PDPs that are launching but are being implemented. Thank you.

PHILIPPE FOUQUART:

Thank you, Kurt. Yes, I think that was also my takeaway on the conclusion of the webinar. A large part of it will depend on how this is implemented and we'll just need to, to some extent, proofread this with a couple of PDP reports and see how that goes. But I think the concern over launching this with an early start up to a working group is a good question. I think we'll have to make sure that if there are questions that might fall within the remit of an ODP are relevant for a PDP for those to be addressed in due time rather than, as you say, waiting for a Board resolution which seems to be quite heavy handed for that.

---

---

As to the pendulum going too much in the opposite direction, indeed, I think that was Jeff who made that comment. I guess we can take that the same way in terms of trying and see how that goes with the first iterations, applications of this, but there's an element of risk in relying on one single person possibly, hence the importance of nominating that liaison, but it may indeed be restrictive. It's probably a conversation we need to have. I don't know whether there's still time to underline that concern, but I think it was certainly heard during the webinar.

Marie, you're next.

MARIE PATTULLO:

Thanks, Philippe. The webinar was really interesting, but there was one issue that struck a few of us that attended, and it may just be a communication issue, but there was a slide with a diagram that talked about, if you like, a feedback loop. You've referenced it briefly, Philippe, when you've said that, of course, there should be clarity that if there is a question on policy, that's for council.

But in this diagram and then in some of the conversation, the clarity seems to be that if anybody in the community—I'm underlining the word "anybody"—had a question or a query about what a recommendation meant, what something that came out of a PDP report meant, that they had a direct line to council—to us—to ask that question.

Now, when we queried this in the webinar, I understand the statement which was that it is for GNSO council to comment on policy and not for anyone else—in particular, Org—I get that, but this to me was a

---

communication going out there to the community that if anyone's got a question about a recommendation in a report, then they can [bash] an e-mail to council and we'll respond to them.

And I'm pretty certain that's not what staff actually intends. I'm also pretty certain we don't have the mandate or the bandwidth to deal with that. But that was what was just suggested on the slide. And I know that Maxim picked up the same point, as did Ashley. So, Kurt, I don't know if there is a way that we could clarify that. I think it's worth getting it written.

Yeah, I realize it's not the intention, Mary, but looking at that slide, it did seem to be the natural—there was an arrow going from the community to council. And maybe, as I say, it's just a communication issue that we ensure that people don't incorrectly think that. Thank you.

PHILIPPE FOUQUART:

Thank you, Marie. And on this and on the previous points, and indeed, maybe that was just misreading the communication or overinterpreting that, and maybe we could just informally point that out with an e-mail or something, communication to staff as to our latest comments, observations on this, just to put a stake in the ground and make sure that those are captured. Jeff.

JEFFREY NEUMAN:

Yeah. Thanks. Two comments. On the last one, I just think the slide was an attempt at showing flows, but it was definitely an oversimplification of the process, and I don't think they meant that to be part—it wasn't in

---

the words. It was just in the slide. And I'm going to chalk that up to an oversimplification.

But since the proposal I made was mentioned, yeah, and separately, I'm submitting a proposal tomorrow that it should not be just one person—I think you said a GNSO council liaison. I think the way they worded it is a GNSO liaison that's selected by the council, which is a little bit different because that doesn't mean it's necessarily a councilor, just means that it's someone selected by the GNSO, it could be anyone.

So the proposal I'm going to make, whether you find it useful or not, is going to be for at least three people with one or two of the people from the PDP leadership, the GNSO council liaison to the PDP, and then someone else selected by the GNSO just so that one person doesn't have the entire burden of being aware of the ins and outs of the PDP and be able to issue spot and do all the other things that this paper puts—if you really read it, you see that this one person has such a burden put on them, that it's impossible for one person to do alone. Certainly, if that person ever has to miss a meeting, has a vacation, has a day job or whatnot. So I'm going to put a proposal through which I think has got some support. So, hopefully we'll see a change or two. Thanks.

PHILIPPE FOUQUART:

Thanks, Jeff. I'll go to Maxim next, just mindful of time, we'll move ahead. Maxim.



---

MAXIM ALZOBA:

I will try to be short. During the webinar, the presented scheme of, I'd say, how the process goes, had a huge potential for endless loops. In bureaucratic terms, it's a football, where the item goes in circles. And without time limit to those iterations or the limit of number of iterations, it has potential to make things, I'd say, significantly longer than we have in the current design of processes. Thanks.

PHILIPPE FOUQUART:

Thank you, Maxim. As to the way forward on this, I appreciate that having comments for tomorrow is a bit tight. We'll see how we manage that. Maybe at least some informal comments back to staff would at least capture some of the concerns that we expressed, even if it's just a misunderstanding. There's more than this in Jeff's comments, obviously, but at least we'll have that on paper, as we say.

So, with this, I'd like to move on with the agenda. 8.3 will be very quick. There will be no additional budget request this year. ICANN meetings strategy, just a few words on this. You're all aware that 70 is virtual, as you would have noted. Preparation is underway. More broadly, our feedback on the staff's document on the meeting strategy document was taken into account as well as the comments from the other SO and ACs.

I would just note that during our conversation with the other SO/AC leaders, there was clearly a question of whether we should approach year 2021 as a whole as opposed to considering meeting after meeting whether we want to go virtual, given what we know and, what we don't know for that matter, of the current situation. So it's just floating the

idea, but that might improve some visibility on the topic, bearing in mind that when we say 2021 in terms of ICANN meetings, it's October, really. So there might be benefit in considering the whole year as opposed to one meeting after the other. So, unless there are comments on this, but I think you're all aware of the details.

8.5, update on the IGO Work Track kickoff. The team is now fully onboard. I believe Chris Disspain reached out to some of the constituencies to beef up some of the Work Track team. And thanks to those who came forward. And the meeting is indeed on the 15th of February.

Moving forward, 8.6, the small team's input to council on the Board regarding the SSAD consultation. I'll just refer to Marika's e-mail on, I think it was the 14th. Relative to that standard system on access and disclosure consultation, there's been no feedback from the list, so [we'll take this] as the council's input for further discussion with the Board. Don't know if there are questions. Pam, you have your hand up.

PAM LITTLE:

Thank you, Philippe. I just have a comment to make regarding this item. I read a blog by ICANN Chair yesterday. I seem to recall the Board is hosting a workshop over this weekend, and one of the focus areas will be on the SSAD ODP thing. So I'm just wondering, procedurally, are we able to finalize that discussion and then maybe send the outcome of our discussion as a communication to the Board in time for them to consider during their workshop? Is that something doable? Thanks.

---

PHILIPPE FOUQUART: Thank you, Pam. Given that there's been no further comment on the council list to the output of the small team, I think we should—unless anyone would be opposed to this—send those conclusions to the Board on this, if people would agree, in time for their workshop. It's been more than a week. I appreciate that people are busy, but ...

Kurt.

KURT PRITZ: I know some members of my stakeholder group are discussing the work that's been done so far. What's the date we need to say to turn the draft document loose?

PHILIPPE FOUQUART: I think the workshop is over the weekend. Am I correct? So if you want that to be taken into account, then it would have to happen before tomorrow evening, I suppose.

PAM LITTLE: I think that's correct, Philippe.

PHILIPPE FOUQUART: Thank you. So by tomorrow evening would be good. I hope that's fine with you, Kurt, or with your constituency. Anything else? Thanks, Kurt. Okay, so we'll do that. And next item is—and it's the last one on our agenda—the liaison between the IDN policy track and the ccNSO's PDP4. And given the quite specific nature of the IDN policy track/EPDP

and the potential relationship with what our ccNSO friends are doing within PDP 4, it was suggested that we would have a dedicated liaison on this, and we approached Dennis Tan and we're glad that he accepted. Obviously, this will be done in coordination with Sebastien as our ccNSO council liaison, but we just wanted to make sure that you're aware of this.

And just procedure-wise, is it just informational? Mary, maybe you could help me with this. Or do we have to formally endorse through a motion or something the nomination of Dennis? I believe this is just for information, but I can stand corrected on this. Maybe we could take that offline. That's not crucial.

So with this, I think it concludes—thank you, Steve. So that's just for information. Yes, indeed. If anyone has concerns over this, please shout. That's your time. Pam, you would disagree with the recommendation from the leadership team? You had your hand up. But, any concern on this from anyone?

Okay. So that's AOB. Anything you'd like to raise before we close the meeting? Yes, Pam.

PAM LITTLE:

Thank you, Philippe. Sorry, I raised my hand too quickly. No, I do want to mention that the council is still looking for a volunteer to be the council liaison to the EPDP 2A. So I know it's a big ask and it could be intense, but we do need someone to be there. So as a reminder maybe, unless the council determines that this is going to be a short sprint and wouldn't necessarily require a liaison, but ideally, we do have someone

---

---

there. So, can councilors please give this some thought, whether you could commit to the time and effort required to be the liaison? Thank you.

PHILIPPE FOUQUART: Thank you, Pam. And yes, indeed, I should have mentioned it. I reposted Steve's ask, question, on the list. So please, councilors, have a look at that and consider joining the band. Jeff.

JEFFREY NEUMAN: Yeah, a real dumb question because I probably should know the answer to this. Does the GNSO council liaison have to be someone on the GNSO council? If the answer is yes, then forget my comment. If it's not, then I don't know, maybe we can get somebody from the community to agree to take on that kind of role. But just a thought.

PHILIPPE FOUQUART: Thanks, Jeff. I suppose—I can't answer procedurally. Maybe I should. But our preference would certainly be that a councilor be that liaison. So Pam, thanks. If the answer is yes, then it's not only a preference, but thank you, yes, we need to think outside the box sometimes. And indeed, if there's no volunteer. But please, councilors, have a look at that and come forward if you have an interest.

So, with this, anything else? Okay. Seeing no hands, thank you for attending, thanks for the hard work. We've passed a major milestone today. I know some of these things are really difficult, and I hope that

---

we've found some way forward on recommendation 7. Time will tell. So, thanks again, everyone, and have a good rest of your day. Bye all.

NATHALIE PEREGRINE:

Thank you, everyone, for joining today's council meeting. This concludes the call. Have an excellent rest of your days. Goodbye.

[END OF TRANSCRIPTION]