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# ICANN Transcription

# GNSO Council Meeting

# Thursday, 16 February 2023 at 05:00 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.

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https://icann.zoom.us/rec/play/9FqNiOLdWrcqwt2abkDUjUSCKi7odOyjMIDLAmUaV8ORTUkWkFTr8nIZd
v5-H-Xj6LhnLE3wE25MXKc.w087qTN3kS-GGqvb

Zoom Recording: https://icann.zoom.us/rec/play/jFVDUvt7kAtrlUIfUUpQcr6afJWzU-
ltc4lxwQx1fzmxsLxGWkInhBlPSDQLxDvxzfj_oOMBxqRRSNeC.zpaKcQa2bSff8Gjp

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page
http://gnso.icann.org/en/group-activities/calendar

**List of attendees:**

Nominating Committee Appointee (NCA): **– Non-Voting** – Anne Aikman Scalese

**Contracted Parties House**

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evan

**Non-Contracted Parties House**

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Osvaldo Novoa, Thomas Rickert, John McElwaine, Susan Payne

*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.*

Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos(absent), Manju Chen, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly

Nominating Committee Appointee (NCA): Paul McGrady

**GNSO Council Liaisons/Observers :**

Justine Chew : ALAC Liaison

Jeff Neuman: GNSO liaison to the GAC

Maarten Simon: ccNSO observer (absent)

**Guests:**

Becky Burr, GNSO Appointed ICANN Board members

**ICANN Staff**:

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

Marika Konings - Vice President, Policy Development Support

Mary Wong - Vice President, Strategic Policy Management  (apology)

Steve Chan - Senior Director, Policy Development Support & GNSO Relations

Julie Hedlund - Policy Development Support Director

Berry Cobb - Senior Program Manager, Policy Development Support

Emily Barabas - Policy Development Support Senior Manager (GNSO)

Ariel Liang - Policy Development Support Senior Specialist (GNSO)

Caitlin Tubergen - Policy Development Support Director (GNSO)

Nathalie Peregrine - Manager, Policy Development and Operations Support (GNSO)

Terri Agnew - Policy Operations Specialist (GNSO)

NATHALIE PEREGRINE: Good morning, good afternoon, good evening, everybody. Welcome to the GNSO Council meeting on the 16th of February 2023. Would you please acknowledge your name when I call it? Thank you. Antonia Chu.

ANTONIA CHU: I'm here.

NATHALIE PEREGRINE: Nacho Amadoz.

NACHO AMADOZ: I'm here.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: I'm present.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: I'm here.

NATHALIE PEREGRINE:     Theo Geurts. I see Theo in the Zoom room. Greg DiBiase.

GREG DIBIASE:           Here.

NATHALIE PEREGRINE:     Desiree Miloshevic.

DESIREE MILOSHEVIC:     I'm here.

NATHALIE PEREGRINE:     Marie Pattullo.

MARIE PATTULLO:         Here. Thanks, Nathalie.

NATHALIE PEREGRINE:     Thank you. Mark Datysgeld.

MARK DATYSGELD:         Present.

NATHALIE PEREGRINE:     John McElwaine.

JOHN MCELWAINE:          Here.

NATHALIE PEREGRINE:      Susan Payne.

SUSAN PAYNE:             Here.

NATHALIE PEREGRINE:      Osvaldo Novoa.

OSVALDO NOVOA:           Here. Thank you.

NATHALIE PEREGRINE:      Thomas Rickert. I don't see Thomas in the Zoom room yet. Paul McGrady.

PAUL MCGRADY:            Here.

NATHALIE PEREGRINE:      Wisdom Donkor. I note that Thomas has just joined, but we don't have Wisdom yet. Stephanie Perrin.

STEPHANIE PERRIN:            I'm here.


NATHALIE PEREGRINE:          Thank you. Manju Chen.


MANJU CHEN:                 Here.


NATHALIE PEREGRINE:          Farell Folly. I don't think Farell has joined us yet. Bruna Martins Dos Santos. Don't see Bruna yet. Tomslin Samme-Nlar. He hasn't joined yet either. Anne Aikman-Scalese.


ANNE AIKMAN-SCALESE:        Present.


NATHALIE PEREGRINE:          Jeffrey Neuman.


JEFFREY NEUMAN:             Present.


NATHALIE PEREGRINE:          Justine Chew.


JUSTINE CHEW:               I'm here. Thank you.

NATHALIE PEREGRINE:   Thank you. Maarten Simon. I don't see Maarten yet. We have guest speakers today, Matthew Shears and Becky Burr, the GNSO-appointed ICANN Board members will be joining us shortly. From staff, we have apologies from David Olive. Present on the call, Steve Chan, Marika Konings, Berry Cobb, Caitlin Tubergen, Emily Barabas, Ariel Liang, Terri Agnew and myself, Nathalie Peregrine.

I'd like to remind you all to state your name before speaking as this call is being recorded. We're in a Zoom webinar room. Councilors are panelists, can activate their microphones and participate in the chat once they have set their chat to everyone for all to be able to read exchanges and for the content to be captured in the recordings.

A warm welcome to silent observers, meaning they do not have access to their microphones nor to the chat. As a reminder, those who take part in the ICANN multi stakeholder process are to comply with the expected standards of behavior. Thank you, Sebastien. And it's now over to you.


THOMAS RICKERT:   And Nathalie, sorry, I just joined.


NATHALIE PEREGRINE:   Thank you, Thomas. That's noted.

SEBASTIEN DUCOS:     Thank you, Nathalie. Good morning, good afternoon, good evening to everybody. We're just going to take the agenda. Oh, I see Paul's hand up. Paul, did you want to say something?

PAUL MCGRADY:     Thanks, Sebastien. For 1.2, I do.

SEBASTIEN DUCOS:     Okay, so 1.2, update to statements of interest. And I guess we'll hear Paul to start with.

PAUL MCGRADY:     Thanks, Sebastien. Just to note, I have updated my statement of interest because I have changed law firms. So check it out. The statements of interest are fascinating reading so don't miss it. Don't miss the update. Thank you.

SEBASTIEN DUCOS:     We will be sure to read the exciting news. I saw Susan's hand for a second but it may have been—

SUSAN PAYNE:     Accidental hand.

SEBASTIEN DUCOS:     An accidental hand. So does anybody else have any updates to their statement of interest to disclose? I guess not from seeing no

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hands, so thank you very much Paul for this and indeed we'll be reading all about your exciting news.

Item 1.3, review of the agenda. I hope that you have all gone through the last version of the agenda and everything is alright. I'm looking for hands to see if anybody has anything to add to it, and I see none. So the agenda is adopted as is. 1.4. As per usual, I hope that you have also reviewed the minutes of our previous meetings and that everything is according to what you said and what was shared and etc.

Item two of our agenda, the reviews on the project and action list. So as again, we've been doing now for a year, we're not going to spend a huge amount of time on this. I just wanted to note, again, that is a piece of homework, an item of homework that we do ask you to review and go through each time before the meeting so that should there be any questions, you are able to raise them and you are aware of what's going on.

I just wanted to also note that during our last meeting, as we were reviewing items that may impact SubPro and to ensure that we're all in line and [inaudible] as quickly and precisely as possible, that I did have very positive comments on the presentations given and the fact that we're getting updates on all those projects. And at the same time was kindly reminded by our colleagues and friends from staff who spend a huge amount of time updating all this information, not just amongst themselves, but also with the different chairs and leaders of all those working groups to ensure that everything is up to date in these documents, and that whilst it's always good to have human interaction and be able to have direct discussion and feedback with these people, having them

showing up and present to us is not a replacement of this work. And again, a great amount of care and time is spent in updating them and making sure that everything is current. I remind you that as of the SPS, we also decided to try to promote these tools for the board and making sure that the board is also using something that can, if not identical, is similar enough to be able to sync together. So if we're promoting this tool, the least we can do is to actually use it. So please, again, make sure that you do your homework and review all these things. Thank you very much.

Which leads us to item three, the consent agenda. We had decided at the SPS that we would find somebody to sponsor these as a package. I did it the previous time, and Greg raised his hand for it at this time. So Greg, I'll pass the mic on to you.

GREG DIBIASE:      Sure, thanks. So on the consent agenda, we have two items. The first is the SSC has recommended Taiwo Peter Akinremi to serve as a fellowship selection committee member. And through this motion, the GNSO will proceed to nominate him for this position. And then the second concerns a motion to adopt a revised charter for the budget and operations townhall, formerly known as the SCBO. And this just reflects an opportunity to evolve the SCBO to better align with the needs of the Council, as well as to establish a consistent platform for the stakeholder groups and constituencies to engage with the finance and planning team in a more streamlined manner. So those are the two items on the consent agenda. I'll pause here to see if anyone has questions or objects to these being on the consent agenda before moving over to a vote. Hearing nothing, I'll turn it over to Nathalie.

NATHALIE PEREGRINE:     Thank you very much, Greg. Just noting that we have Bruna Martin Dos Santos and Tomslin Samme-Nlar who are not in the Zoom room yet. We'll do a voice vote for the consent agenda. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? please say aye. Hearing none, would all those in favor of the motion please say aye?

PARTICIPANTS:           Aye.

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

GREG DIBIASE:           Yeah, then that's the consent agenda. Moving on to the Council vote. The adoption for the amended charter for the transfer policy review PDP and approval of the change request. This was originally on the consent agenda, but we moved it to a vote just to ensure that we're following proper process because it is a substantive change to an ongoing PDP. I think Osvaldo has graciously volunteered to provide a little more information and background on what we're voting on here today.

OSVALDO NOVOA: Thank you, Greg. During the January Council meeting, Roger Carney, the transfer policy review chair provided an overview of the project change request that is subject to the vote today, and there was no concern at the time during the meeting. The reason for the project change request is the working group has identified dependencies between charter topics that require working group to make progress on certain phase two topics, transfer emergency action contact, reversal of transfers, and transfer dispute resolution policy before phase one deliberation on inter-registrar or inter-registrant transfer can be completed.

As described in the project change request, the working group will consolidate work into a single phase which will allow the working group to consider all topics in the charter iteratively. This approach will result in the delivery of a second initial report covering all topics in the charter and a single final report.

With fewer discrete deliveries, the working group expects to conclude the EPDP a year earlier than originally planned. That will be 2025 February [they forecast.] The reason for having this topic on the main agenda is that some byproduct of the project change request, there are needed a minor charter amendments. And because the charter makes explicit reference to the phases, those make sense to be removed from the charter. In addition, the deliveries listed in the charter have been updated to align with the project change request. I don't know if you have any questions, so I go on to the resolved clauses of the proposed motion.

Well, since there seems to be no questions, the resolved clauses are, first, GNSO Council approves this project change request. And second, the GNSO Council instructs policy support staff to

update the transfer policy review project plan, charter and other materials accordingly and post on the working group Wiki. That's it. Thank you.

NATHALIE PEREGRINE: Thank you, Greg and Osvaldo. I'll now go to the vote. It will be a voice vote. And I note that Tomslin has made it to the call. Welcome, Tomslin. And Bruna is still absent. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Please say aye. Hearing none, would those in the favor of the motion please say aye?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: No abstention. No objection. The motion passes. Back to you, Greg. Thank you.

GREG DIBIASE: Thanks, Nathalie. Next up is item five, update on the board's consideration of ODA. And do we have Becky and Matthew?

SEBASTIEN DUCOS: I've been monitoring the room and unless they Becky has arrived, I think she will arrive. But she had originally told us that she will be in 20 minutes. So maybe we should go directly to item six, and Manju, I hope that I'm not catching you by surprise and that you

are able to step in a bit early. Item six, which is an update on the CCOICI. I'm seeing Manju but I'm not seeing her opening her mic. There you are. Thank you very much, Manju. I'll give you the mic and let you preset item six. Thank you very much.

MANJU CHEN:     Thank you, Sebastien. And hi, everyone. I'm going to give you the update of CCOICI. We have published our final recommendation report on the working group self-assessment. As always, we have this acronym, which is WGSA. And first, I thought I'd introduce what assignments the CCOICI had from the Council.

So basically, we were tasked to do three things. First is we have to consider how this WGSA, the self-assessment can be improved and how to add periodic assessments, as well as the exit interviews. So beforehand, we only had assessment when the working group was done. Now we're thinking to add one in the middle after the initial report so we can just check in the middle if everything's okay and is everyone happy with the chair, which connects to our second task, the WG chair assessment outlined in the GNSO PDP 3.0 improvement 13.

And after all this, we will also consider the findings of the most recent working group self-assessments to determine whether there are other improvements needed. And we should present it to the Council to consider.

So all for this assignment, we took the test surveys ourselves to see whether the questions were clear, whether we liked how the questions are framed, whether we think it's efficient, it's helpful.

And then of course, we review what this improvement 13 was saying and how we should do it, implement it in an efficient and correct way. And then also, we consider if any of us have in our working group members, draw from our experience to see what we would like to see in a survey that we can truthfully reflect our experiences in the working group.

And then once we finished all this, we write up—well, we didn't write up, staff wrote up the recommendation report, and we read it and we reviewed it and we were happy with it. So we published it for public comments. We received a very minor kind of suggested improvement to the Recommendation 4 and we'll kind of [added it] to the final version. Yes, next slide, please.

I'll start with what was new, then we can move on to, because of this new implementation, what was updated? So as I was saying, we had one periodic survey that will be in the middle of the working group progress. So preferably after the working group publish their initial report. And then also we suggested several technical requirements for the survey tool. For example— [inaudible] the questions should be clear, you should be able to save and leave and then come back, all those kinds of stuff. That's the technical requirements. And yeah, that was the new one. We should have this questions regarding leadership, which we didn't have in the exit survey. So that was the new thing. And because we suggested these new things, we have to update several documents, which moves us to the next slide.

This first one is the working group guideline. So we have to update the section where we used to specify how we do the working group self-assessment. And then we also have to update

the GNSO working group charter template, because we're adding assessments, that should be added to the template too. And then another one is the working group—it's not the same, but in different sessions. And then, of course, we provide the sample questions for the assessment survey. And that's what we updated.

And these updates reflect, of course, what we added, the new periodic survey and the questions for the leadership, and also, we are permitting people to answer anonymously to avoid—so we don't know who are answering questions. We are afraid that maybe if they don't say who they are, all kinds of people can come and do the survey. So to prevent that, we will have the ability to send unique links to the working group members to ensure only working group members respond. So that's the proposed updates reflecting what we're proposing as the periodic survey and other technical requirements. So I think we can go to the next slide.

So here are the proposed next steps. I hope you all have reviewed the recommendation report I have provided, I think last month. And I think we can consider these proposed updates and new materials that were approved then in our next meeting in March in Cancun, and then, once we approve it, the Council will share that update with ICANN board in its oversight role. And then after the sharing, the staff support team, they can implement the recommendations and publish the new updated operating procedures. And I think that's it for the working group self-assessment recommendation report. But also, aside from the working group assessment—should I pause here and see if anyone has reactions before I move on to the statement of interest taskforce? Kurt, I see your hand.

KURT PRITZ:     Thanks, Manju. Thanks for the update. It was really clear. So this was an excellent update with regard to the process. But I think for me anyway, this substance is more interesting. So I have two questions. Was there a close debate about whether someone can fill out the survey anonymously? I can argue both sides of that, but I'm kind of on the side of transparency and if someone's going to be critical, they should stand by their remarks. And so I just wondered how you guys [inaudible] around so I get your rationale for that. And second, can you give us a flavor of what the survey is, what kind of questions are asked and that sort of thing? I find that kind of more interesting. So don't take more than 30 seconds with your response or a minute, but those are my questions.

MANJU CHEN:    Thank you, Kurt. I don't remember there was heated debates about whether we should let the working group members to be anonymous. I felt like we kind of just agree that anonymity will be better than everybody having to be named for their opinion, because I think most of us feel that if we have to name ourselves, we won't be as honest because we're all very polite and all very diplomatic and stuff. So that's why we kind of decided on anonymous response. And also, we have debated whether, if someone wants to be cited for their opinions there, they don't have worries, they don't mind their opinions attached to their names, can they choose to do so? But there's the problem of the working groups, nowadays, we have limited numbers in working group, and if someone choose to reveal their names, someone choose not to, is then kind of easy to do the math, the detective work and

you know who's who anyway. So that's why we kind of decided maybe not having the option for people to name themselves if they want to.

But then there's this other thing where we're saying that, well, because we won't be revealing those results to the public, in a way, like those data which are attached to their name that they want is kind of not public. But their opinions, of course, will be public, just not attached to their names. But then in the end, we're just like, well, if you don't want to say your name, it's fine. If that made you more honest, it's fine. So that's what we ended up with.

And the second question, what questions are we asking? A few of the many I remember are, for example, do you think the atmosphere in the working group was productiuve? And also, how they think the chair, by facilitating the dialogue, was it effective? And how they think the chair was facilitating the atmosphere in the working group, those kind of questions, because those are the questions mostly I kind of cared the most so they're the parts I remember. I think staff can always help me if I missed anything. But I hope that answers your question. And Marie, please.

MARIE PATTULLO:    Hi Manju. Thank you for all of the work on this. We are very grateful. You've answered part of my question just now because you said the results wouldn't be public. I would like to ask, however, if I may, what's the next step? What's the outcome? And what I mean by that is we send the survey, people reply. First up, who does the response go to? I'm assuming it goes to the leadership of the working group and the liaison between Council

and working group. So I guess it may also come to Council itself. But then what do we do? As in, here's a survey that says the leadership is fabulous. That doesn't really need much discussion at Council. But here's a survey that says this working group is going way off track or the working group leadership is not doing its job properly, or the leadership is fabulous, but there are two people, four people, whatever within the working group who are absolute pains in the neck, and they are preventing everything from happening. So what I'm saying is, once we've got this info, when we know how the group is or isn't functioning, how do you see this fitting into the procedure and what do you see us doing about it? Thank you.

MANJU CHEN:   Thank you, Marie. I don't really recall we discussed this when going through the deliberations, but I feel like—my personal view—I feel like us Council, of course, the result of the survey will go to Council, because we are the manager of the EPDP. We need to know what the working group is having problems. And what I assume is Council will take actions, of course after we assess the situation, and then we will decide what the Council will do.

For example, if the working group has been working fabulously, then no worries. But then if the working group hasn't been working as smoothly as they expected, and they're having a lot of stalemates, there's no way this can be going forward if we don't replace a chair or anything, I believe the Council will do the right thing to follow what is in the operating procedure to kind of discuss how to mitigate the situation. For example, we could probably, for

example, in the EPDP phase one, there were a lot of tensions and stuff. So we had [outsource] people who come and kind of help to facilitate the discussion in the PDP. So then people can move on and have the minimum common ground, and then to move to the end of the PDP, those kind of stuff which we could do. So that's what I assume Council can do. But I see Marika raised her hand. So I'll let her just supplement whatever I missed.

MARIKA KONINGS:     Yeah, thanks, Manju. Just, I think, basically setting the record straight on what the summary results mean, in response to some comments in the chat. I think they're very similar to what has been shared in the past with Council as well as the working group and what basically is published as well on the wiki page of the effort that took the survey. It is basically aggregate of the responses that are to multiple choice questions. So we'll say 50% of respondents say it was all great, or 50% said they had issues with X, Y, or Z. And it does provide the full open responses that are provided by respondents. So there's no summarizing that is done by staff or anyone else.

The only thing that would be different in this new format is that as we're not asking for the names, those would not be included. I think in the previous version, we would list the names of the respondents, although, even though someone might derive if someone said, "as a chair of the group," obviously, you can trace back who that is, but we wouldn't include the names anymore and just provide the summary report. But you just want to make sure that everyone understands that the summary report doesn't mean that someone goes and summarizes open ended responses, it

just means that responses are aggregated, but full open responses are provided and for everyone, available to review.

MANJU CHEN:          Thank you, Marika. So if anyone has any other ...? Okay, Paul.

PAUL MCGRADY:        Thanks, Manju. Just so I understand, this group has come to the conclusion that there is some benefit in being able to participate in this survey anonymously. There is some concern that if it's not anonymous, then that could have a negative impact on the person who is participating. Am I understanding that correctly? Thanks.

MANJU CHEN:          Probably, I think for several of us, our argument is, like what you said, it's going to negatively impact results because people won't be as honest. Because that's kind of where I was coming from when we were having this discussion in the committee. And there were not really seriously strong opposition against this kind of opinion. Of course, there were opinions of where if they want to name themselves, they can, but we were never having discussions of we should just make everybody name themselves because that's for transparency, or I don't remember people strongly suggesting this. More like, it's okay to be anonymous. But if someone wants their names shown, they can. So that was mostly the discussions. I think we just [inaudible] agreed that anonymity was a thing we need to have honest answers. So I hope that answers your question. Mark.

MARK DATYSGELD:     Thank you very much. I don't have a problem with the anonymity. That's fine. What I'm wondering about is about phantom members. Some working groups are really tight and have like 10-15 people working nicely and that's fine. But some groups have just like a bandwagon of people, few of which do the work and the rest kind of just hang around. And is this survey meant for literally every member, if you're included in the group, then you get a survey? Because that's when the anonymity maybe gets dangerous. That's the only point that it would get dangerous, because between known members, active members, the [squabbling is known, the opposition is known,] but for those big groups with a ton of people that don't talk and basically just hang around, that could get more difficult. So is this survey being envisioned for everyone? Will there be any kind of discretion in who is it handed out to? Or have you guys not discussed this? Thank you.

MANJU CHEN:     Thank you, Mark, for your question. I think it's a good one. So I don't recall we discussed this, but I want to say that the chartering organization, which is the Council when we're chartering a working group, in the recommendation report, we recommend that when Council is chartering the working group, it should already suggest whether periodic surveys are needed. So when we're chartering a working group, we're also designing the format of the working group. So that's when the Council can decide, okay, how many people we want in the working group, and then if a survey is needed, a periodic surveys needed, how do we do the survey? Do we only do it with the working group members? Or if it's the IDN

structure, do we do with the like members who are not voting but also participating? So that's what the Council can decide when they are chartering the working group.

So I see your point. But I feel like this can be mitigated on [inaudible] what you're suggesting, when people are not doing anything, but they get to maybe shit on a group or—sorry for my language—or anything, can be mitigated beforehand, because when we're chartering the working group, we're already deciding the format, the structure, and whether we would like the periodic survey. So I hope that answers your question. Justine, please.

JUSTINE CHEW:     Thank you, Manju, for the work of the committee. I had two questions, of which you probably could give the answer to one of them, but I'm not sure whether the answer is immediately possible for the second one. So I'll start with an easy one. Can I just confirm that there is still a remaining portion of this exercise to do with the GNSO SOI? And is that going to be presented in the March meeting of Council?

MANJU CHEN:       Well, actually, I plan to do it after we finished the Q&A, but if we are running out of time, probably in March.

JUSTINE CHEW:     Okay, so in effect, there is still one portion of the work that's still remaining. And we're not quite sure when that's going to be reported on. Okay. Great. Thank you. Just wanted to confirm that.

The second question is I'm pretty sure that this is very late in the day. But I just wanted to understand what would be the process if someone would want to propose another update to the GNSO working group PDP charter template.

MANJU CHEN: You really got me. I have no idea. But I assume like [staff] will. So I'm counting on [staff] to save me from this.

SEBASTIEN DUCOS: Seb is a mere human and is only spending his time counting minutes. So answer to your first question, yes, you have time to present the SOI work. Probably not with questions anymore. But please do, right after this. And otherwise, I saw Marika that might be able to answer the question. I'm very sorry, Justin, but I didn't hear your question.

MARIKA KONINGS: I think Justine was asking if [inaudible] further updates to the working group charter template, and I think that may be a separate conversation unless it's specifically related to the working group self-assessment. So Justine, maybe it's something you want to suggest to the Council mailing list. We made some recent updates in relation to one of the PDP improvements that have been posted. The charter template is a template. So whenever the Council considers a charter for an effort, it can make any changes it wants. But obviously, if you believe that there's something that needs to be added or clarified, that is definitely something that can be done. But again, maybe a separate conversation, and that is

something that the Council can always consider, obviously, as it's a template. Thank you.

MANJU CHEN:     Thanks, Marika, and thank you, Justine, for the question. I'm just going to quickly share with you what is happening now with the SOI, the statement of interest taskforce. So we were being very optimistic in January that we're gonna finish by February meeting. But then there's a saying in Chinese [inaudible] which means the plan of the human is never going to compete with the plan of God. So of course, we lost to God's plan. We didn't finish by February's meeting. And that's because the taskforce is still working through one remaining item, which is there was this question requiring whoever answered to the SOI to clarify, who are you representing? Not like your stakeholder group. If you're doing this representing a client that you work for, you take money from, you have to specify that.

But then there are arguments of how maybe there's this kind of professional ethical obligations that someone cannot reveal their clients, because of their contract, they have specific requirements that they don't reveal their clients. And then there are suggested exemptions for this. So if you can't really name your clients, then maybe you'll describe it in a detailed way but not revealing the name. For example, you'll be saying I represent a big entertainment company corporation in the US. So that was the suggested extension text. But that was kind of opposed in a way that people are saying, well, then if we're doing exemptions, it's meaningless anyways.

So there's a little bit of a stalemate we're trying to work through. And we're hoping that by gathering more stakeholder groups' opinion on this, we can probably find common ground to move forward. So that's the brief update of the SOI taskforce, and I believe I don't have time for questions, but if you have any, you can put in a chat and I will try my best to respond. Thank you very much.

SEBASTIEN DUCOS:    Thank you very much, Manju. And sorry, I don't mean to cut the debate but we're falling back on our timeline for the agenda, and I think this is a debate that could take hours, there was many points of views or at least very strong points of views, maybe not that many angles, but strong point of view. So definitely share your thoughts on the mailing list, in the chat. But we'll have to move on. And we'll have to move on also because we have a guest who is Becky Burr who gracefully joined us at a very late hour to discuss the work that the Board has been doing in the recent retreat. And I've heard Becky making a few rounds explaining this, but I wanted to make sure that that we got some time with her during the Council meeting to be able to discuss that and particularly— and thank you, Becky, for joining us today—to have the discussion ahead of the next ICANN meeting, to make sure that we were all prepared and should [inaudible] able to do it before the Board meets again in less than a month now. Becky, I'll pass on the mic to you and let you present. Thank you very much.

BECKY BURR:     Greetings, and thanks for including me in this conversation. I suspect you've had the opportunity to [peek at the blog] which reported on our workshop. We did have an entire day, four 90-minute sessions on the SubPro ODA and next steps. Avri and I, we co-chair the Board caucus on SubPro. And we worked to put together a full day to go through a lot of questions in detail, including a review of every single one of the GNSO Council policy recommendations that came to us.

Our goal is to get to decision making in Cancun and really sort of kick off the process. There are some recommendations that we have questions about, some recommendations where there are some dependencies—for example, closed generics is working, the IDN universal acceptance piece is underway. We're very much hoping that we can make progress on other parts of this as the closed generics discussion with the GAC moves forward and all those other things. So the goal is to move in parallel.

I believe that there is a session that is trying to be scheduled with the GNSO Council and the SubPro caucus to go to talk specifically about the recommendations where we have questions or where we have—it's mostly questions or where we think we need a little bit more time. But I believe that the vast majority of the recommendations can be dealt with in Cancun.

On the question of sort of option A or one and option two, I just want to tell you about how I think about this and how we presented this to the Board. That option one approach is build a huge machine to handle sort of every eventuality, whether or not we know what the volume of applications is likely to be. And the second option, option two that was presented in the ODA, is to

essentially pick a number, build processes and procedures and systems that address that, that can process that number, and move forward with that.

I think that the time period that was in the ODA was 18 months and there was a dollar figure with that. The Board asked Org to go back and look at option two and sharpen its pencils, both with respect to pricing and timing, and come back to us with a sort of refined version of that approach. I think that there are some new sort of off-the-shelf technologies that are available now that were not available in 2012 that could facilitate that process and actually automate more of the various moving parts than we thought, than was reflected in the ODA. So that's really good news.

But basically, obviously, it's not over until the Board votes, but I'm feeling very good that we've moved this as a very big priority to the top of the—not to the exclusive top, but to the top of the Board's priorities here. And we have a plan for moving forward expeditiously working with the GNSO Council on the recommendations, and so I think we're going to have a detailed conversation in short order.

[Jeff, as I see,] option two did not make sense to the small team and opening new sub rounds every year. So I think that one of the questions that we want to talk with the GNSO Council about is this rounds issue. I think it is absolutely clear that the stress test, that the vast majority is going to apply on day one. And then there's going to have to be a bunch of rearranging that goes on, contention sets are going to have to be grouped and there are some recommendations in the Council recommendations related to IDN prioritization that need to come into play.

And then the point is just to start working through these things and getting them done as quickly as possible. But there are some details about the recommendations that we got regarding rounds that we want to talk about. I think one of them is how quickly can we get to a steady state of sort of first come first serve, as opposed to rounds, because that actually does have some benefits in terms of eliminating some of the more complicated aspects of the process in terms of contention sets and the like. So that's one of the things that we want to talk specifically with the GNSO Council about, Jeff. I'm happy to take any questions. So let me just stop there and answer your questions. I think that's probably the best use of your time.

SEBASTIEN DUCOS:    Thank you, Becky. Can I invite, just for conversation ease, those who have questions actually raise their hands and ask? I'm seeing your comments, Paul, but it would be nice to have it on mic. Kurt, go ahead, please.

KURT PRITZ:    Hi, thanks for that, Becky. What do you think the prerequisites are to starting an IRT? What raised the question in my mind is when you said the Board's going to come to agreement very quickly on most or nearly all of the recommendations. So can an IRT be launched while the Board debate some recommendations or does the Board have to decide or dispose of each of the recommendations before an IRT can be launched? And obviously I'm for the former, but I want to understand the Board's viewpoint on that.

BECKY BURRY: I think the Board's viewpoint is we move to an IRT and process in parallel with that. That's the fundamental approach. Some of the dependencies needs to be worked through, some of the issues, questions and things that we'd like to work with Council and with GAC, we have to go back to the GAC on a couple of things, couldn't go forward. But an IRT, there's nothing that would preclude an IRT from being created and moving forward as soon as the Board has voted on a bulk of the recommendations. We're very much in the former place, Kurt.

SEBASTIEN DUCOS: Thank you. Jeff. Go ahead.

JEFFREY NEUMAN: Yeah, thanks. And maybe this comment is more for the Council. If I can make this request or recommendation, that when we find out the timing of this consultation, it may be beneficial to have active participants from SubPro involved in this discussion. And I'm not just talking about the co-chairs, because obviously, that's self-interested. But I think there are some of these topics that were covered quite well by SubPro. Doesn't mean that it's right, and doesn't mean it can't be overruled. But I think similar to what happened, I guess, with the discussions between the Board and the EPDP teams, as opposed to the Council. So it's not really a question for Becky, it's more for Seb and GNSO leadership if we could structure that discussion in that way. It would just be very

helpful to get a perspective from those that actively participated in SubPro. Thanks.

SEBASTIEN DUCOS: Thank you, Jeff. And yes, absolutely merited. Justine, I see your hand up.

JUSTINE CHEW: Thanks. Thanks, Becky, for being here. Can you clarify again or confirm? I may have missed this earlier. But I understand that there's a small subset of recommendations that the Board intends to defer for further consideration. Can you confirm what the subset include, please?

BECKY BURR: So the Board has not finalized and signed off on that list, SO I'd rather not—we will be doing that in the next several days. But many of them are pretty obvious things, things that were we had questions. There's one question on auction proceeds that we'd like to talk about. There's another question with respect to what expectations are about GAC advice, where we need to have a conversation with GAC about the IRPs that came out of the last round and that piece of advice that's there. And that really doesn't have a lot to do with the SubPro recommendations, it just is part of our process with the GAC. So we have to defer action on that particular piece until we've worked through it.

As I said, it's a handful, and there are some things that are honestly just questions for the Council. And I think this is very

much we want to be in the @Are we understanding this recommendation correctly" mode rather than starting a written back and forth on it. So before we do that, some of these things are just questions, "Did you mean this" kinds of questions. But that specific list is what we plan to share with the GNSO Council when the caucus meets with the GNSO Council. and I know that—I've just been answering questions about my availability. So I'm hopeful that's coming up pretty shortly.

SEBASTIEN DUCOS:    Susan, I see your hand up.

SUSAN PAYNE:    Yes, thanks. Hi, Becky. And thanks so much for that update. Regarding that conversation that you need to have with the GAC, is that something that Council could listen into or that would be open to the public generally? Or is that likely to be a sort of private conversation with the GAC? I'm just thinking. I mean, obviously, it potentially kind of impacts on questions that you might be asking the Council as well. And indeed, there may be that there's views from Council on some of those questions that you would be taking forward with the GAC. So I'm just wondering what the thinking is on that.

BECKY BURR:    So I know that that issue is on the list of things we want to discuss with the Council. In terms of the format of—there are a couple of things that we've talked about. One is just having a conversation with the GAC about their input on that. But another part of this—

and I think this is a pretty important part—is that there are probably no—very few GAC members, current GAC members who are were around for the 2012 round. So there's a lot of getting up to speed that needs to be done.

But one of the things that I think is a sort of critical to any conversation with the GAC on this point is we have some very clear guidance coming out of IRPs about how the Board handles GAC advice that impact very directly on the GAC concerns about what kind of deference and weight their recommendations have.

And we have to do some education with the GAC on those IRP decisions, because I think the recommendations that came out of the PDP are certainly in line with the thrust of what we've heard from the IRPs, which of course, since the 2016 transition are binding precedent on ICANN and on the Board.

In terms of whether it's going to be open or not, I just don't know. I can't imagine—I think that's going to be a question for the GAC. I can't see any particular reason why people couldn't be observers in it. But as I said, that is one of the issues we want to talk with Council about. So it's not a siloed conversation. We want the Council to understand what our conversation with the GAC is. And as I said, I don't think it really reflects a problem with the GNSO PDP recommendations on this point, it's really more a closing the gap between what we have heard from the GAC and what we know from the IRPs and what the PDP recommended.

And Jeff, in terms of the—I'm working with Manal on this, so I'd rather let Manal handle those questions. But I can't see that she would have any particular problem being open about it.

SEBASTIEN DUCOS:    Thank you, Becky. I don't see any further questions. I might just add one whilst we absolutely welcome the session and questions that the Board may have, as Jeff's commented, just to make sure that we have different views because that's a massive body of work, is SubPro. If there is any way to have a preview of the question just to make sure the right people are in the room, that would be great. I'll let you handle that.

BECKY BURR:    Okay, that makes total sense to me. And we should be able to get you some information about that in advance. I just don't want to jump the gun until the Board has finally signed off on our list.

SEBASTIEN DUCOS:    Appreciate it. Absolutely. And I see a hand up for maybe one last question, and then we'll move on. Thank you.

ANNE AIKMAN-SCALESE:    Yes, Sebastien, thank you very much. And thanks so much, Becky. We certainly appreciate the forward movement on this by the Board. And the one concern I did want to raise as a SubPro working group member and also having participated in preparation of comments, so the small team for the Council, is that in relation to option two, we had discussed, certainly within the small team, some concerns that Org had not actually identified all the areas where what Org is recommending doing differs from the actual recommendations and implementation guidance contained in the

final report. So obviously, as a matter of process, that is for Council—I would think it would be a big concern to make sure that we know what those areas are that Org perceives differ from final report recommendations and implementation guidance.

BECKY BURR: Totally fair. And, frankly, that is one of the things that the Board hopes to get more clarity on from Org. There may be some tradeoffs. And so in order to understand how we want to proceed, we want to know exactly what the tradeoffs—I don't believe that option two has any implications for the recommendations themselves. It could have some impact on the guidance. So we all want to understand that better.

I am personally really excited that we were able to take this big leap forward. And I know Avri is as well, and the Board is very involved in this. And this is something, I think, that we want to proceed with the new kind of way that we're operating with the Council, in terms of sort of conversational relationship, working through things together, as opposed to working through things in silos and then exchanging letters. And there is really a commitment on the Board's part to get stuff done, including with respect to SubPro.

SEBASTIEN DUCOS: Thank you, Becky. Thank you again for joining us. I think that was a very good debate, useful. I want to acknowledge also Arvi who was also there as an attendee in the other room. Thank you very much, both for being here and being able to answer our questions.

With this said, I think that we can go to item seven about ICANN 76 meeting planning. I hope I can do to help of Nathalie, maybe—[inaudible] I can't remember exactly if I was going to run this or somebody was going to help me. But anyway, let's go on with it. I see no hands raised.

So we have a schedule. I hope that you have had time to look at it. And if you haven't, please do. It's probably a lot easier to see on the screen [than here in the schedule.] I'm going to go back to the agenda. sorry for the confusion. So meeting will start on the Saturday with the PDP and EPDP meetings. We have working sessions, three working sessions on the Sunday. I see Nathalie's hand up. Thank you very much. If you could take this. Sorry, I don't have all my notes with me this morning. Go ahead.

NATHALIE PEREGRINE: No problem. So the purpose of this topic was to obviously highlight the GNSO Council sessions that are listed there on the schedule. So you may have noticed the prep week schedule has been published. There was an email sent out by Julie Bisland with how to connect to that. It will be good practice to connect to the prep week schedule as it's a different platform than was used previously, in order to be ready for when the main ICANN 76 schedule is shared, I think on Friday or on Monday, depending on when the meetings team can get to it.

So there are no surprises on the GNSO Council sessions. These are the usual ones. What is needed now, however, is the usual discussion on the topics for the joint meetings. And I think this, Sebastien, was the part you were going to cover. As per usual, the

Board has sent correspondence with the question and topics and the format of the discussions. And we also need the Council to discuss what they're going to talk about with the ccNSO and the GAC. So Sebastien, back over to you.

SEBASTIEN DUCOS: So sincere apologies, like I look like I'm ad libbing most of these things, but I normally have notes next to me on everything that I wanted. And I left my notebook downstairs as I moved early away from my family to let them sleep this morning. So please, please keep me honest because I can't remember everything off the top of my head.

So for the joint meeting with the ccNSO on the Monday, the plan—and I've been conversing with Desiree and I think that there was a bit of a communication gap—apologies, it's certainly my fault if there was any—about the format. We wanted to change things a bit here with the ccNSO. And rather than having the two groups meet around a big table and presenting in front of each other where we're at on different topics, including topics that we have in common, we wanted for once to have something as—if I remember well, as it's towards the end, something slightly more informal, and have drinks to be able to mingle and meet our peers and etc.

This doesn't impede having a short discussion. I think that there is a number of topics that we wanted to discuss and they wanted to discuss. We sort of envisioned it more of a maybe let's take an example, the SOPC going to [inaudible] might be a discussion that that [inaudible] included would have with their counterpart on the

ccNSO, those people on the ccNSO who work on these matters and etc. to make sure that we'll have a few topics and maybe topic leads on each end who will be introduced to each other. But something less formal than we've done in the past.

We're trying different things here. I think that both groups are always keen to meet. In the last year, if you remember, we've sort of paced a bit those meetings because we found that we were presenting regularly the same thing and probably didn't need to be doing that that often. But we're trying this this time, and next time, we will see again what we do.

The joint meeting with the ICANN Board, I'm very sorry to do this, Becky and Avri, but again, I don't have my notes. So I can't remember. But there were obviously the topics of SubPro. There is also the topic of the WHOIS disclosure system, for lack of a better name. We did discuss that we might work on that later on [inaudible]. And I heard that this was also discussed during the retreat, and there might be questions and points of views here.

There was the topic of the IGOs now that the public comment is closed. And there was a topic of IDNs and universal acceptance—again, if I'm missing anything, please help me here because I do not have my notes. The public Council meeting—I'm missing something here. On Sunday, there was this session also that we discussed. And yeah, I see. Nathalie writing to me in the chat, but sorry, I can't do two things at the same time. And Steve? Yeah, no, go ahead. Go ahead, Steve. Again, sorry for the confusion. Go ahead, Steve.

STEVE CHAN:   No problem, Sebastien. Happy to lend a hand. So staff and leadership tried to brainstorm some potential topics, including the one I think Sebastien was just about to go through, which are the set of three working sessions on Sunday. So again, these are merely suggestions. I don't want to commit on behalf of leadership. But I think what we can do afterwards is circulate a set of proposed topics for all the meetings you see listed here and see what the Council thinks about those potential topics.

So with that, what was discussed and seemed like a good direction, are the following. So like I said, there's three sessions. For the first of those sessions, we're considering preparation for bilateral meetings, which is a pretty standard topic. And I guess just by way of context, in the past, the Council has assigned Council members to take each of those items, and then also prepared some, quote unquote, speaking notes to help prepare and make sure that the Council is aligned on those topics. So that sort of reduces the need for any overly detailed preparation. But nevertheless, it probably still makes sense to have a topic.

There is a NomCom briefing envisioned, was requested by the NomCom. And taking a cue from the Council's strategic planning session, potentially a little bit of time dedicated to celebrating recent accomplishments of the Council.

Session two was envisioned to be more of a dialogue with GDS, with a particular focus on SubPro. And then lastly, the third session, and the last of the three, was also taking into account some of the suggestions from the strategic plan session, where there's more time dedicated to outreach and discussion and dialogue with the community in general. So the thought was to try

to dedicate that entire session to essentially a GNSO open forum or town hall where questions can be raised and there can be open dialogue with the overall GNSO community. So with that, I'll hand it back over to Seb. Thanks.

SEBASTIEN DUCOS:    Thank you. very much, Steve. Just before I pass on the mic to you, Jeff, on that last session, staff has prepared—and we've just seen it this morning—a letter to the community to invite them to that session as this is a new item. And obviously open, mic sessions are all the more interesting when people show up and have questions. Please make sure—we will send that email to the GNSO community. But please make sure that you also in your own circles rally people up and let them know it exists. Again, open mic sessions are dreadful when nobody's showing up and there's no questions. Go ahead, Jeff.

JEFFREY NEUMAN:    Yeah, thanks. On the list, there's not a mention, that I can see, of the bilateral with the GAC and I don't know if that's just because it doesn't require the same type of advanced planning, but I didn't see that on there. But just on that, like the GNSO Council leadership does before every ICANN meeting, there is a discussion next week on the 21st between Council leadership and GAC leadership to talk about and propose topics for the bilateral between the GAC and GNSO. And there'll be obviously the same type of preparation for that meeting, which, Steve, if you can just remind us what day that's on. Ah, Nathalie did. Thanks. So it's first thing Wednesday morning. So just so everyone knows we're

actively planning that and if anyone's got any input, obviously, let us know. But as liaison I'm just hoping to coordinate that. Thanks.

SEBASTIEN DUCOS:     Thank you, Jeff. And thank you for keeping us honest. [Obviously, it's an omission if] there's no reflection to the GAC or that session. There was simply [inaudible] list. Sorry about that. Which leads us—I think that we've covered everything—leads us to the Wednesday meeting with the schedule that is still in progress. And again, reminder to everybody that the topics for our monthly Council meetings are open and you're cordially invited to put your input. I heard earlier Anne mentioning the fact that she will have a Gmail account, which hopefully will allow her to access it for suggestions. And then the Council wrap up on Thursday, which we will at this point leave open and will allow us to make some room for last-minute developments. Nathalie, you have your hand up.

NATHALIE PEREGRINE:     Thank you very much Sebastien. I'd like to also remind Council they are informal gatherings planned also. So we have the Saturday Evening GNSO Council dinner kindly organized by Osvaldo. We're still missing a few RSVPs. I'm not going to name and shame. But if you could kindly send a quick email to GNSO [inaudible] that would be really helpful, we do need to confirm precise numbers. And there will be also the Tuesday evening informal Council prep session. And you'll be receiving once the final schedule is published a clear list of the GNSO Council

sessions of interest with time and dates to make sure that no one misses anything. Thank you, Sebastien.

SEBASTIEN DUCOS: Thank you, Nathalie. And unless there are any other questions or comments, I'd like to move to Item eight on the PDP improvement and would like to invite Marika to walk us through this.

MARIKA KONINGS: Thanks, Sebastien. So this is a follow-up item in relation to one of the items that's on the PDP improvements tracker. And as you may recall, there is an item in relation to the review of the policy and implementation recommendations that the Council adopted a while back. And as part of that adoption, it also committed to a review of those recommendations after implementation. And I think the question was really about thinking through a way to best meet that commitment.

So originally, staff support team has suggested development of a policy status report, which is an approach that also has been used in other efforts, you may recall for transfers, and as well more recently the review of the UDRP. It's a staff-prepared document that basically outlines the issues and kind of puts forward a potential approach for dealing with them, that then serves as a basis for Council to take a decision.

So the question really was, because we have suggested kind of moving forward with the policy status report, but there were some questions from Council members to have a bit more detail as what

this would entail or look like before the Council would make a decision on whether that will be the path to proceed.

So what we did is put together your very short background information note that was shared with Council at the end of January. Again, it basically outlines at a high level what policy status report aims to do. It's one of the features that's also called out in the consensus policy implementation framework as part of post implementation review. And then making that more specific as to what that would look like in the context of the policy and implementation recommendations.

And so again, we would anticipate that it will include a general description of the original recommendations and the intent by which they were developed, detail how those recommendations were implemented and the use of those to date. And we will try to document as well the issues encountered that could require further consideration should the Council decide that a review is warranted, and may also include recommendations for how such a potential review should or could be conducted.

This report would then be put out for public comment also, ensure that anyone that has further input or issues that they think needs to be further considered, that they can flag those, and that will then basically be wrapped up in a kind of final report that goes back to Council on the basis of which Council decides if or how to proceed.

So again, just to make very clear, just because this report is produced, doesn't put any requirements on the Council to proceed with a review. It just tries to kind of outline what the potential

issues are and flag where potential work could or should be considered. But it's really up to the Council to decide how to proceed with that. So I'll pause there and Anne has her hand up.

ANNE AIKMAN-SCALESE: Thanks, Marika. As far as the policy and implementation recommendations, I assume we're talking about the procedures put in place in the annexes. And as part of that, and actually the only one that we've gone through the process all the way is EPDP and we've not actually used all the way through a guidance process or all the way through an input process. So are we suggesting review of a process that we haven't actually used yet?

MARIKA KONINGS: Thanks, and I can maybe respond to that. So the policy implementation recommendations include or resulted in the EPDP manual, as well as the guidance process manual and input process manual. Of course, there is one GGP underway, but it has not been completed yet. But the policy implementation recommendations also included some other aspects, specifically related to implementation. So it also resulted in the implementation review team principle and guidelines. The consensus policy implementation framework or to CPIF was also part of that effort, as well as a set of policy and implementation principles and requirements.

So the recommendations were a bit broader than just those three new processes. And in relation to the implementation review team, kind of consideration of those guidelines seems to tie as well in

with the question that the Board has put forward, that's also looking into, are there certain issues or elements of IRT work that could be improved or enhanced? And obviously, that ties very closely to the guidelines. So it's a little bit of a broader package than just the new processes. But you're absolutely correct, of the three processes, the only one that have kind of had a start and finish or completed effort is EPDP.

And if I may, I see Jeff's question in the chat. As I understand, CPIF is used for an all PDPs. It's basically the framework that basically outlines the steps, especially after implementation when kind of planning the work that is used by our colleagues that support that. And as far as I know, that approach is applied since the CPIF has been adopted. And definitely, that is something that would be covered as part of the review as well.

SEBASTIEN DUCOS:          Go ahead, Jeff.

JEFFREY NEUMAN:          Yeah, I mean, on that, yeah, I know it's—but it would be—remember when the recommendations were approved, there were some PDPs that were already well underway. There were others that it couldn't apply to because of that. And so in order to review how they applied, would be helpful to specifically list out, okay, well, this PDP, whatever it was, from 2015, the CPIF was able to be applied in full. But this one in 2018 only used these elements. And of course, the operational design phase was not even a recommendation from the policy and implementation working

group. It was sort of this ICANN Org creation. But yeah, I'm just saying kind of like a survey so that the Council or whoever's doing the review knows exactly which PDPs applied which recommendations, thanks.

MARIKA KONINGS:     If I can respond, I just wanted to mention as well on the CPIF, that is actually a document that is owned by our GDS colleagues. And as some of you may recall, updates have already been made to the document in the past in consultation with the Council to kind of reflect I think some of the experiences that they encountered in practice, I think some further details have been added.

And I think as part of the conversations on the ODP, I think that of course is separate, that review that will take place of the ODP. I think it is anticipated that the ODP would be incorporated in the CPIF eventually indeed if a review finds that that is helpful and necessary. So that is also kind of a [inaudible] conversation.

But yeah, the CPIF was a joint product that was developed as part of the deliberations of the policy and implementation working group which ICANN Org staff also participated in as equal participants as having also a role, of course, in the implementation part of things. So yes, it definitely came out of that. But then after that, I think ownership really sits with our GDS colleagues and any changes have always been made in close consultation with Council. And it's also expected to be part and considered as part of the policy status report. And of course, this report would not be something that we would develop in isolation as GNSO staff support, but we would do that in very close collaboration with our

colleagues that support implementation because obviously their input is very valuable. And it will be very important in documenting any potential issues or areas that Council may consider [inaudible].

SEBASTIEN DUCOS:    Seeing no further hands up, we have time, I believe. I haven't kept precise time checks. But I understand that we have time for any other questions or comments. Marika. I see your hand up again.

MARIKA KONINGS:    I think the real question for Council is, is this sufficient information on the basis of which you can decide whether it's helpful to proceed with this status report? And again, if this is not an approach you think will be helpful, what other ways would you like to suggest then to kind of conduct a review or any other feedback you may have? Because I think that's basically the point where we're at. This is one of the improvement items on the tracker. So we're trying to kind of find the incremental steps to take it to the next level of conversation.

Our suggestion is to proceed with a policy status report to really document what it entails. And as I noted, it can also clearly state that of course, things that have not been used yet may not need to be reviewed, although the Council can obviously ask the question, why has it not been used? Doesn't mean it's not fit for purpose, because obviously, originally it was developed with a clear purpose in mind. And has that change and is there a need to look at why it hasn't been used and whether tweaks may need to be

made to ensure that these processes are used if the Council believes there is value to them? Obviously, if there's no value, you may as well strike procedures, that's not an issue either. So again, I think that's a question for Council. Is this a helpful step to proceed with? And if so, staff is happy to take on that assignment and start working on it.

SEBASTIEN DUCOS:    Thank you. And indeed, we've discussed this last month on topics of policy reviews and that sort of—it's not because at first sight, there is nothing to say about a tool or an item that we haven't used, that we shouldn't pause and as scheduled, review these things, even if indeed the conclusion is a one-liner saying we have never used it so we don't have much to say about its efficacy and efficiency. And as Marika pointed, it might also be a good time to review if it is a tool that we need to keep in the toolbox. Anyway, I had no particular point of view on either of these at this stage.

If that is all on this item, I'd like to move on to item nine, which is another Council discussion. And I believe that we'll have a bit more than 10 minutes if needed. But a discussion that I'd like to pass on to John, who's going to lead us through this. Go ahead, John.

JOHN MCELWAINE:    Thanks, Sebastien. So yeah, I'm here to talk a little bit about the phase two of the review of rights protection mechanisms. Phase two is going to be a review of the UDRP. Folks will recall that after phase one, which was a review of the new gTLD rights protection

mechanisms, after receiving that final report and feedback from those working group members, I think there's strong consensus that we needed to take a hard look at rechartering phase two. And we also had looked at the initial issues report for that phase two review of the UDRP was very old, I think probably, at this point, 10 years old. So we did a revised PSR, policy status report, on the UDRP.

And talking that through, there was also I think—the Council was coalescing around pausing on rechartering and launching phase two, so the review of the UDRP, while the community worked on the IRT for phase one. That was going to be utilizing a lot of the same people and staff, and we knew that we're going to have to recharter.

So the November meeting, we talked about a time period that we might want to delay. But again, I believe we were as a group coalescing around it should be tied to the IRT's work. At the time, in that November meeting, staff had not come out with a work plan for the IRT, how long it would take, and they have now so I'm going to switch over. And this report will provide the Council a bit of an update on where the IRT is.

So of the Phase One recommendations, there's 22 that were agreed upon, and those have been divided up into five groups. The first group is the largest, consisting of 15 recommendations. And staff believes that those are the ones that are going to be more straightforward to implement. It is expected it's going to take five to six months from, I think this time period, so from about February for those 15 recommendations to be implemented.

Of the additional seven recommendations, which are in groups two through five, it's expected to take an additional 12 months to implement those. So if you add that together, five to six months plus 12, we're looking at approximately 18 months to have a finished implementation of phase one of the RPM review, which I think in terms of our discussions from just a time period, pause that we were, as a Council, discussing, there were timeframes of a year to year and a half. So it does fit neatly within that sort of gut feeling we had in terms of community resources.

So with that, we just want to open it up for discussion and hopefully come out of today's meeting with consensus that we should or should not pause the work until the IRT is finished now that we know how long it's going to take. So I'll kind of open it up to see if anybody has any comments or concerns about that. Ariel posted in to the chat some of the phase one recommendations. Susan, I see your hand is up. Over to you.

SUSAN PAYNE:          No concerns. I was going to put something in the chat and I just thought I'd put my hand up and say that that sounds sensible to me. It seems that that's a sort of timeline that we were thinking of for a pause. And for the reasons that we all discussed, pausing that does seem to make sense. The RPMs phase one implementation work is not anticipated to drag on forever. And obviously, I'm assuming we always, as Council, have the ability to reconsider at some point in the future if we think that the work is dragging on and we think we need to move this back up again. So I would support that. That's all.

JOHN MCELWAINE:     Yeah, absolutely. Susan, I think that's a good point in that this isn't—the decision could always be changed, or readdressed if it is dragging out too long. This is more about just us as a Council and managing our workload and moving this work from a particular point on our action decision radar to another point. Any other comments? I see a couple of agreements in the chat as well, which is good. Jeff, I see your hand is up. Over to you.

JEFFREY NEUMAN:     Yeah, I'll make a comment at the risk of having tomatoes thrown at me. I think this might be a question we might want to ask for input, like during the open mic at the Council meeting, because I do know that there are discussions taking place amongst many different groups about reviewing the UDRP an d certain issues. And in fact, I know that there's even some proposals that are floating about on specific changes. So rather than just the Council—it may still be the absolute right decision. But I think rather than just making this decision, it's probably something we should fill the community in on and just make sure that they're in line. I think that's just better from an open transparency perspective.

JOHN MCELWAINE:     Thanks, Jeff. No tomatoes being thrown. Those are really good points. Paul, you're next in the queue.

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GREG DIBIASE: Thanks. I get it, Jeff. On the other hand, there are a lot of moving policy parts and playing traffic cop is the primary function of the Council. And so I guess, if we are going to take a position that every time we make a decision about how we pace work, we would have to understand what's so special about the UDRP phase two that we would not be taking every decision like this out to the public mic. I understand what you're saying. But I think we will get extremely bogged down if we start taking public opinion polls about how we slot work in to be done on this. So I think we should stick with Plan A, which is, let's chew up the IRT, get that out of the way, and then move on to phase two, that seems sensible. We don't want to burn people out. And there's a gob of other things going on right now. Thanks.

JOHN MCELWAINE: Thanks, Paul, for those comments, and I note some support in chat for that point, and just messaging it to the community, which is good. Susan, your hand is up. Back over to you.

SUSAN PAYNE: Yeah, just quickly, firstly, what Paul said, completely agree with all of that. Also, as a reminder that obviously, this group here in Council is all brought from those members of the community. We've all had the opportunity to discuss this with our groups and get their input before we came and had the discussion in—I think it was November where we made this decision. So it's not like this is something that will take the community by surprise. This is something we talked about a couple of months ago now, and made the decision that we felt a pause was the appropriate thing.

But also, it's something that the community has had some input on already in the sense of there was that policy status report. And there was an enormous response to that saying sort of, perhaps there needs to be some consideration on when you address this work. So, yeah, I completely agree with what Paul says as well. I think it is our job to be managing the resources we have. And we all, with the input of our groups, concluded that this is one that should be paused.

JOHN MCELWAINE: Thanks, Susan. I'm definitely getting the feeling that we're in favor of pausing it. It's not a pause that can't be undone. And as Marie put into the chat, let's present it that this is what we intend to do and why, provide some context behind it. Jeff, over to you.

JEFFREY NEUMAN: Just to address some of the comments. Yes, this absolutely is a huge issue for the GAC to have—not to say that they want the review. I'm not saying that. I'm just saying that the topic of review phase two is hugely important for the GAC. And they obviously will want to know why we're doing what we're doing, whatever it is that we're doing. I think It's always wise to share our rationale with others, especially GAC, on this. And yeah, it's related to my role in the GAC. Thanks.

JOHN MCELWAINE: Thanks, Jeff. Anne, I see your hand is up. Over to you.

ANNE AIKMAN-SCALESE:   Yeah, just very quickly, if this is something that ultimately requires a vote from the Council—and I'm not sure, I'm the newbie, I don't know if this requires a vote—I would tend to want to support some of Jeff's comments about being pretty open about it, in Council meeting and taking on comments before the vote is scheduled.

JOHN MCELWAINE:   Thanks, Anne. I'm not a parliamentarian on this type of thing, but I don't think it needs a vote. But any other comments on this topic? All right. Going once. Don't see any other hands up. And I do feel like we've got a pretty good consensus here on pausing it and explaining our rationale why. And we can listen to any comments made to us in an open mic sort of forum and then knowing that we could always decide to reinstitute it if something does change. Excellent. All right. Seb, I think with that, I'll turn it back over to you.

SEBASTIEN DUCOS:   Thank you very much, John. And we have just shy of 10 minutes to cover the AOBs, but we have only two items so we should be able to do this in time. And first AOB is a message from the SSC, which I believe, Greg, you wanted to deliver?

GREG DIBIASE:   Yeah, thanks. An issue was raised in a recent SSC meeting where, basically, there were two really strong candidates up for consideration. And kind of the topic was raised, is it worthwhile to select two, basically a primary and alternate or some variation of that?

We kind of discussed it in leadership and staff and we thought there may be situations in which that's appropriate and if it is, that can be reflected in the request to the SSC. But we didn't feel that we needed to make like a hard fast rule that there's always a secondary and primary. We would just kind of decide based on the facts of the role in question. So I guess that's kind of an FYI on our thoughts on the issue that was raised in SSC, and our thoughts about how to go forward on it. And I guess I'll open it up to see if anyone has any concerns or questions with that approach.

SEBASTIEN DUCOS:    I see no hands up. So again, SSC, for context, this was related to, I believe, finding a position for a mentor for the fellowship. So to find two very good candidates. Should they make it a hard rule that whenever they have multiple, at least two good candidates, they should nominate a candidate and an alternate? Or should we just ourselves, whenever we make requests for them to fill a position, say, hey, on this one, we would love a candidate and alternate if you have one? Open for short discussion. Again, we don't have a huge amount of time, but I see Mark's hand up.

MARK DATYSGELD:    Thank you, Seb. So we used to have upwards of six [inaudible] in the old format. It only very recently just before the pandemic became like a person, which is actually pretty unreasonable to be very honest with you. It's completely unreasonable. So yeah, the idea of if you have multiple good candidates, then go ahead with both, it's actually pretty helpful, to be honest. Thank you.

GREG DIBIASE: So Mark, I think what they were talking about was there's a main candidate that is the candidate, but for whatever reason, if that person has to withdraw, there would be an alternate ready to go, as opposed to restarting the process of selecting one. So I think there's a difference between selecting multiple people and selecting a primary and a backup. Does that distinction make sense to you, Mark?

MARK DATYSGELD: Yeah, interesting. Then it's even less of an issue. Then the answer is probably yes, frankly. The current format is very overbearing, it's not ideal. And I don't know how we would go about changing it. I don't know. I don't think it's [inaudible]. But if that's the case, then then yeah, absolutely.

MANJU CHEN: Okay. Anne.

ANNE AIKMAN-SCALESE: I think where we ended up on SSC, and I think Greg just summarized that correctly, was that it would be up to Council to decide when making the assignment to SSC. if it wanted to agree to recommend that an alternate maybe designated in the event that the primary person selected is unable to continue to serve at any point.

And I think Emily also pointed out that there are some positions where there are provisions that are inherent to the role in relation to the use of alternates. And so the thought was, rather than having like a standing rule, that it would just be up to Council at the time of providing the assignment to SSC to determine whether SSC should also designate an alternate and recommend that that be done at the time of the assignment, but asking Council to consider that that might be a good idea. Thanks.

GREG DIBIASE:          Thank you. And yes, I think that's where we have sort of landed also in our leadership discussion, which implies by the way that we do need to remember when making those requests that that's an option, and an opportunity to ask that of the SSC. This said, we're running out of time. I have one last time I wanted to have covered. And we'll ask John to give us an update on the closed genetics.

JOHN MCELWAINE:       Sure. So everybody hopefully got the summary of the meeting that took place in Washington DC, by the members that are sort of in a facilitated dialogue for the closed generics. It was a two-day session. Keep in mind that that report there is a summary of what was discussed, it's not recommendations. And in fact, nothing really concrete has come out of our meetings. We're really just now kind of putting—no concrete framework has come out of our meetings, we're really now just kind of putting pen to paper to try to come up with that framework.

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I think coming out of our last Council meeting, just rest assured that that's what this is, although there's talk in our discussions about policy positions and issues, that's talk to help the framework be developed. You can't just kind of pull the framework out of thin air and know that it might have a chance of being successful in a subsequent policy development process. So we are having policylike discussions, but it's not deciding upon anything. What should be presented as a framework that—actually, I'm encouraged, and Jeff can also attest to, we're finding lots of pieces in the current applicant guidebook and in the registry agreements that fit nicely in terms of some of the definitions and types of processes that would make sense from being predictable and measurable.

So again, right now, we're at that phase where we've discussed what is some methods of measuring a public interest, keeping in line with the Beijing advice, and the group is now trying to come up with a framework that we hopefully then would present to the Council and the Council would have—I think it's going to be an interesting and tough decision. How do we want to then charter that up to have policy made around this proposed framework? So hopefully, that's an update that everybody can take and read with respect to that summary. Paul, you have your hand up.

PAUL MCGRADY: Thanks. Just raising a yellow flag on this one. I read the report and we had some comments from Philippe at the IPC call recently. The report itself, the language is not tight and it refers to things like global public interest or public interest as opposed to

what the actual GAC advice was, which was serve a public interest goal.

And it may just be bad drafting. Not sure. When I pressed on it, it didn't seem like it was bad drafting, it did seem like the group had chosen a broader remit that, in my opinion, could accidentally lead to policymaking. So as we all read that initial report in a level of detail, let's pull out the actual GAC advice and pulled out the actual framing paper that the Board sent to everybody about what this group should be doing. And let's see whether or not we think they're on track.

I'm not ready yet to say they're not, although I did raise some pretty stiff concerns on that IPC call. But I do think there's a real issue here. And what we don't want is for everybody to put a bunch of time and effort into this and deliver something back to Council that is just simply not what the Board asked them to do. So anyways, yellow flag, not a red flag. Thanks.

JOHN MCELWAINE:        Appreciate it. Jeff, over to you. Yeah,

JEFFREY NEUMAN:        On that topic, Paul, and John mentioned I was there in my SubPro role. No, it's not poor drafting, Paul, I think you have hit on an issue that's certainly come up a lot. And when I raised that issue, the answer I got back—and John can step in, but the answer I got back was—again, don't shoot the messenger, please—the answer was, well, nobody was using the term global public interest at the time that the GAC came out with its advice in Beijing. And so

therefore, we can't necessarily read the quote, "must serve a public interest goal" so narrowly as to not be in line with global public interest. And again, don't shoot the messenger. That's kind of the answer they gave. John can correct me if he disagrees, but that is certainly a topic—and was again a topic of discussion today. And so yes, councilors, please do read this. Please do discuss this with your groups and provide any feedback as soon as possible. Thanks.

JOHN MCELWAINE:     Thanks, Jeff. Any other comments? All right, just a little bit over, Sebastien. I'll turn it back over to you.

SEBASTIEN DUCOS:     Yeah. Thank you, John. We're a couple minutes over. It's okay. We'll survive. But all good. Thank you all for the good discussions today. And with the said, I will wrap this up. Nathalie, I think can stop the recording.

NATHALIE PEREGRINE:     Thank you very much. This concludes today's GNSO Council meeting. Have an excellent rest of your days and nights. Take care, everybody. Goodbye.

**[END OF TRANSCRIPT]**