ICANN Transcription

GNSO Council Meeting

Thursday, 20 April 2023 at 21:00 UTC

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Zoom Recording: https://icann.zoom.us/rec/share/tTb9QnBfU92aXXAmz40TRnohHHBjddrQq5N-dSwUXq1W-A_sWeIZe1s3w6rgiqrb.SxCMl9dj0eL6k9GN?startTime=1682024532000

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 (apology, proxy to Antonia Chu)
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
Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin (joined after vote), Bruna Martins dos Santos (absent), Manju, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly, Manju Chen
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)

ICANN Staff:
David Olive - Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional
Marika Konings - Vice President, Policy Development Support
Mary Wong - Vice President, Strategic Policy Management
Steve Chan - Senior Director, Policy Development Support & GNSO Relations
Julie Hedlund - Policy Development Support Director (GNSO)
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)
Devan Reed - Secretariat Operations Coordinator

TERRI AGNEW: Good morning, good afternoon, and good evening, and welcome to the GNSO Council meeting taking place on Thursday, the 20th of April, 2023. Would you please acknowledge your name when I call it? Thank you. Antonio Chu?

ANTONIO CHU: Present.

TERRI AGNEW: Nacho Amados?

NACHO AMADOS: Present.

TERRI AGNEW: Kurt Pritz.

KURT PRITZ: I'm here. Thank you.

TERRI AGNEW: You're welcome. Sebastien Ducos.

SEBASTIEN DUCOS: I'm present.

TERRI AGNEW: Theo Geurts sends in his apology and has assigned the proxy to Antonio Chu. Greg DiBiase.

GREG DIBIASE: Here.

TERRI AGNEW: Desiree Miloshevic?

DESIREE MILOSHEVIC: Present.

TERRI AGNEW: Marie Pattullo?

MARIE PETULO: Here. Thanks, Terri.

TERRI AGNEW: You are welcome. Mark Datysgeld?

MARK DATYSGELD: Present.

TERRI AGNEW: John McElwaine.

JOHN MCELWAINE: Am here.

TERRI AGNEW: Susan Payne.

SUSAN PAYNE: Am here, thanks.

TERRI AGNEW: You are welcome. Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

TERRI AGNEW: You are welcome. Thomas Rickert.

THOMAS RICKERT: Present.

TERRI AGNEW: Paul McGrady.

PAUL MCGRADY: Here.

TERRI AGNEW: Wisdom Donkor?

WISDOM DONKOR: Present.

TERRI AGNEW: Stephanie Perrin? I don't see Stephanie. We'll go ahead and reach out to her. Manju Chen?

MANJU CHEN: Present.

TERRI AGNEW: Farell Folly? Thank you. Apologies for that. So, I don't see where Farell has joined either. We'll go ahead and reach out

Farell. Bruna Martins dos Santos. I don't see where Bruna has joined. We'll reach out to Bruna, Thompson, Samme-Nlar.

SAMME-NLAR: Present.

TERRI AGNEW: Anne Aikman Scalese.

ANNE AIKMAN SCALESE: Present.

TERRI AGNEW: Thank you, Anne. Sorry. That was probably hard to hear your name, so I appreciate that. Jeffrey Neumann?

JEFFREY NEUMAN: I think am here.

TERRI AGNEW: Justine Chew? I don't see where Justin is on at the current moment. She was on earlier, so we'll go ahead and circle back to Justine as well. And Maarten Simon. All right. I don't see where Martin has joined either.

Our guest today will be Brian Gutterman, Odling McDonald, Elena Plexida, all from ICANN org regarding item four. From GNSO support staff, we have David Olive, Steve Chan, Marika Konings,

Julie Hedlund, Berry Cobb, Caitlin Tubergen, Emily Barabas Ariel Liang, Nathalie Peregrine, Devan Reed, and myself, Terri Agnew.

May I please remind everyone to state your name before speaking as this call is being recorded? A reminder that we are in a Zoom webinar room. Councilors are panelists and can activate their microphones and participate in the chat, once they've set their chat to everyone to be able to read the exchanges. A warm welcome to attendees on the call who are silent observers. Meaning, they do not have access to their microphone nor the chat.

As a reminder, those who take part in ICANN Multistakeholder processor are to comply with the expected standards of behavior. With this I'll turn it back over to our GNSO chair, Sébastien Ducos, please begin.

SEBASTIEN DUCOS: Thank you very much, Terri. And good evening, good afternoon, good morning to everybody, from a very late hour in Europe, and which explains my bad lighting, and I apologize for that. I'll try to do better next time. And now that we've gone through the roll call, can we scroll the agenda and check if anyone has any updates to their statements of interest. And seeing no hand. I guess that we're all up to date, which is fantastic. We have sent the agenda last week. Does anybody have any comment or any amendment to the agenda to suggest?

And again, scrolling quickly through the participants. I see in your hands, so I guess that we'll keep it as is. The 1.4 note on the

minutes that were posted from the previous meetings. I think I saw some comments on the last ones. I can't remember who it was exactly. Maybe Justine. But anyway, thank you very much for reading those and keeping them honest. They are record of our discussions, so it's always good to make sure that we have several items on it. She will be rejoining.

With this, we can go to item two and as always, we'll go very quickly through it. And unless anybody has any questions or comments about it, I will repeat once again that you are not only invited, but we do asked to keep an eye and read those and make sure that you're fully aware of those too. Well, because it's part of our responsibilities. On this and a quick note, we did go through a few meetings, where we went through item for item on the items of work that have a direct link to SubPro. And this even before knowing that the Board was going to ask us to meet a deadline on 15th June. We did discuss that in leadership. I did receive and heard a few comments from some of you who thought that it wasn't maybe not the best time spent or there was it was maybe different ways of doing this. One of those ways to do this is indeed for us to be fully aware of the project list and the action item list because the same are in broad lines of reproduce.

So, again, I'm very open and happy to continue or reiterate those sessions. I just got feedback from you to make sure that we're not wasting time and doing this effectively will be important. With this, I think it leads us to items three in the consent agenda. And as this month was proposed by Greg, I would suggest that you lead us through this Greg. Maybe I surprised them.

GREG DIBIASE: Yeah, you did surprise me, but happy to do this. Do we read the full motion or just kind of an overview of what is on the agenda?

SEBASTIEN DUCOS: A very quick overview and then we'll go from that.

GREG DIBIASE: Sure. So, we had four things on the agenda, the GNSO review of the GAC communique. The GNSO Council Agreement for next steps on the EDDP/ERP. And if you'll recall that was the determination that were going to delay the review of that policy or the initiation of policy status report while working with ICANN staff to make sure there's the necessary information to address any issues that ICANN compliance brought forward.

Also, on the agenda is a deferral of rights protection mechanisms phase 2 for 18 months, which will begin on April 2023, which had been discussed and a couple previous Council meetings. And then finally, the GNSO Council adoption of the customer standing committee effectiveness review report which was has also been circulated throughout to Council. So, I believe we're going to do these as a group, do I have that right?

SEBASTIEN DUCOS: Correct. And I guess, Terri, are you going to walk us through this?

TERRI AGNEW: I will help with the vote. Are you ready with that?

SEBASTIEN DUCOS: I think they're ready to go ahead.

TERRI AGNEW: Wonderful. All right. So, this will be a voice vote and so here we go. Just to mention, we are missing two councilors. We're missing Bruno Martins and Stephanie Perrin, so I just wanted to note that for the vote at this time. 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 the motion, please say Aye.

UNKNOWN SPEAKERS: Aye.

TERRI AGNEW: Would councilors holding proxies, Antonio Chu for Theo Geurts, please say "Aye."

ANTONIO CHU: Aye.

TERRI AGNEW: Thank you very much. With no abstentions nor objections, the motion passes back you, Sébastien.

SEBASTIEN DUCOS: Thank you very much, Terri, and very well done. And thank you, Greg, for going through this. Sorry again for surprising you on it. I didn't mean to. So, this leads us to our first Council discussion, Item 4, and we are going to discuss the accuracy results of the scoping team self-assessment survey, and then we'll have an update from the ICANN org.

So, we shared the results of the survey and I'm not going to through it in details. So after the discussions in the CCOICI, in deciding that every working group have got to, Sorry, Councilor mates that are distracting me in Skype here. Sorry about that. We decided to conduct a survey on the group. This was post facto. And obviously not yet as part of the normal process. But in particular, because there was some feedback that we were getting on the group by the way everything was handled and the dynamics of the group. We wanted to run a survey and hold the participants to make sure that we could catch some lessons if anything needed to be learned from it.

So, I hope that you have been able to go through the survey again. I'm not going to go through it in detail. Maybe if Terri could click on the survey, or whoever is driving. I'm not quite sure who's driving today. Thank you very much. Just to remind people visually of where we were. We've received, I think, significant or enough feedback to start getting an idea. I'm not personally survey expert, I must recognize. Can you scroll a bit? Because there's the pie charts, but then there's also the comments that are interesting to read from everybody. And so, for those who haven't looked at it yet, I cordially join you to read it through. I think it's an interesting read. There's some positive, some less positive

feedback coming out of it. But anyway, it would be interesting to read even when we restart this task.

So, seeing nobody's hand up, maybe if we go back to-- Hope you'd like to scroll all the way to the end and have this, but they're trying to go back to the agenda with my own mouse, but that won't work. I see a note from Rickert saying that the affiliation was an option field. So, there seems to be a different number of responses, or whatever. But I cordially you to go and read it. This is something, again, that is going to be baked in every new group that we start. So, we're going to start seeing those more regularly.

Again, I'm not personally in an expert of those surveys, but I would be very interested to get feedback from those who are more used to or have more expertise to make sure that we're doing something that is worth the effort and brings back the knowledge that we need to get. I got a few things from it, but again, having somebody who's more in the know be very useful. With this and if there are no further comments-- oh, I see your hand, Marika. Go ahead.

MARIKA KONINGS: Thanks, Sébastien. This is Marika. I'm also suffering from the bad lighting here. Just a note as well, one of the reasons why the survey was done for the scoping team even though in principle it's not yet at the end of its work if it completed assignments one and two, was at the Council as part of its resolution on the write up for assignments one and two agreed to review the formation and instructions to the scoping team at the time the Council decides

that it's time to pick up the work again to make sure it's fit for purpose and the survey intended to help inform that effort.

And in addition, I think as you're all aware as well, when this group kicks off again, it will need new leadership. So, there are also specific questions in there that ask about what would be necessary for leadership to do a good job in the second phase of work. So again, that's input that's provided here that will hopefully help inform on the one hand the review of the instructions and information of the scoping team, as well as looking for a chair for this effort.

SEBASTIEN DUCOS: Thank you very much for these positions, and I should have given myself. But fantastic. Thank you very much, Marika. So, if I see no further comments or questions, and I don't seem to. And again, as I repeat every month, I'm not very good at keeping track of the chat there. If there's anything in there that you feel should be said, please do. I see a hand up from Justine. Go ahead, Justine.

JUSTINE CHEW: Thanks, Seb. I put a question in the chat. This is Justine. I put a question in chat, but since you're not able to follow that I must so verbalize my question. Could we have an indication of how might the results of these surveys be assessed and if it all fed back into Council's processes? I wasn't quite clear on that. Thank you.

SEBASTIEN DUCOS: Thank you very much for raising that. And this is a bit when I sort of risked with the recognizing that I'm certainly not an expert in these things. So, I see Marika adding a few things. So, Marika, do you want to speak to it? And again, if we have it within the Council as others that have expertise in these things, I would be very keen on hearing it too. Go ahead, Marika.

MARIKA KONINGS: Sure. So, as you may recall, the Council recently actually adopted some modifications to the working group self-assessment. This used to be an exercise that would only take place at the end of a working group's life, and those results would be shared back with Council. And I think at times there would be feedback in there that would help than chartering of future efforts and then try to avoid some of the pitfalls or issues a group may have encountered. And what the new recommendations do is also foresee a periodic survey. And I think it's currently proposed to take place around initial report time phase.

So, again, it's kind of a check-in point for Council to get feedback from a working group on how things are going and can look at, is there anything that jumps out that may require an intervention or kind of course correction that may be helpful. And so that's something that the Council recently adopted and we are in the process of implementing. So going forward, you should be receiving those reports. And again, they're really intended to help inform the conversation and help see, what can be done better going forward.

But obviously, this is also an area that if they're further improvements that can be done to the process or the questions that are being asked. Because, again, we've tried to look at that as well, and there were a number of recommendations that came out as well of PDP 3.0 in relation to questions about leadership and factoring that into the survey as well. But obviously, if they're future improvements that should be considered, that's definitely open for conversation as well.

SEBASTIEN DUCOS: Thank you very much, Marika, for this. I'm not entirely sure if it answers Justine's question on the process itself. But it describes how we gather that information and etc. But I think it is also our responsibility as Council, one, to read it and learn from it, and two, to then to raise our hands if we feel that improvements in the process or in the particular charter of working group is something that need to be brought. And I guess that's the main process. There's not a dedicated team reviewing these things and auto-generating those improvements. It is part of our job. Greg, I see your hand up.

GREG DIBIASE: I mean, I guess I shared Justine's question from like a higher level like how are we actually capturing these in a more general level and incorporating any lessons learned. On this specific case, I feel like we will be able to use this when the accuracy team does reconvene after those dependencies that were stated in the original motion have been reached, and when I would assume

we're going to recharter or adjust the charter, and then we need a new chair. So I think this would definitely be inputs for that work.

SEBASTIEN DUCOS: Exactly. And whoever's going to work on that charter will be responsible for taking the input and the writing, whatever conclusions need to be derived, and in general, the group. And I think that that answers Justine's question. Great. Take down. One done. Now with this, I think I will pass there and head on to Brian Gutterman of staff who is going to report, there was a letter sent to Council recently, sorry. I don't have it in front of me with the date, but maybe Brian can explain all that. Are you able to speak Brian and walk us through this?

BRIAN GUTTERMAN: I am, Sébastien. Hello, everybody. My name is Brian Gutterman from ICANN org. I'm also the org liaison to the registration data accuracy scoping team. Joining me also today, so you all know, are two colleagues in Europe. So, thanks to them for staying a plate, along with all of you, Odilene McDonald, from our legal team and Elena Puxita, from the government and IGO engagement team.

So as referenced already by Sébastien, thank you, we ICANN org did indeed send a letter, which thank you, Terri, we have up on the screen here, to the Council, and Sebastien, on March 14th, last month, right around the Cancun meeting. This was also sent on to the accuracy scoping team. Of course, the letter provided an update on ICANN org's work on four scenarios that have been

identified to review the accuracy of registration data, and some of the data protection questions that arise from these scenarios that we're sort of reviewing and considering. Instead of reading the letter of verbatim, which is here, I guess, wanted to provide a brief summary and then answer questions along with my colleagues.

So just quickly, four scenarios were identified, and we shared with the scoping team. Scenario one, an analysis of publicly available registration data for tactical and operational accuracy as was done previously in the WHOIS ARS program. Scenario two was conducting a proactive contractual compliance audit of registrar compliance with registrar-registration data validation and verification requirements. Scenario three was an analysis of a representative sample of full registration data provided by registrars to ICANN org. And scenario four, conduct a voluntary registrar-registration data accuracy survey. We've been sort of focusing our efforts on defining assessing the data protection impacts of scenarios two and three.

ICANN org did indeed conduct a data processing impact assessment, DPIA, on scenario two, which was the compliance audit, of course. And we did this in a priority since we believe there's sort of a compelling argument that this scenario, in particular, falls within the existing remit of ICANN org's competencies under the existing RAA. That's why that was done. We wanted to note here that neither of these scenarios in our view would confirm the identity of the registrant nor ensure the accuracy at sort of at a veracity level of contact data, which is in line with the current contractual requirements, the WHOIS accuracy program spec.

Finally, the results of the DPIA show that ICANN org would have a sufficient legal basis to proceed with scenario two. And that the audit would not necessarily result in a high risk for the data subject to ICANN org being able to implement sufficient measures to mitigate the risk. That's my high-level summary.

And again, we're happy to answer any specific questions that councilors or others may have about the update, the full update that's in the letter that we hope everybody got a chance to look at since it was sent. And, of course, we look forward to continued discussions with the Council on this participation in the scoping team, of course, when that's reconvened, and discussions with the broader community. So that's all I have. And thank you, and please, we're happy to take some questions.

SEBASTIEN DUCOS: Thank you very much, Brian. So, any questions in the room for Brian and the work? And 1, 2 3, seeing none. Then I guess everything is clear. Thank you very much, Brian, for this and for coming. And for those of us who enjoy the European evening for this occasion and hope to see you soon and as soon as we revise this particular piece of work. Thank you very much. I'm sort of dragging-in a bit. Making sure that nobody's waking and raising that. So, I guess that closes Item 4. Item 5 will be an update on the SubPro small team, and I'll pass on the mic to Paul McGrady, who, I believe, has some good news. Paul?

PAUL MCGRADY: Yeah, I'm here. Sorry about that. I had to unmute myself. So, yes, we've made some good progress. And so I'll just start with the lead first which is that the small team which had a very narrow task of reviewing the outputs, Mark is pending by the Board and suggesting a path forward for resolution for each of those has. Essentially, we're not done, completely done because we do have to take a look at the next iteration of the document.

But we are done deliberating and staff is helping us put together essentially a cleaned-up version that we can all read through and make sure that it captured everything correctly. But the bulk of the substantive hard work is done. So, we've made incredibly good progress. The teams work very well together and I'm thrilled.

So, we are meeting again shortly to go through the next iteration of the document. And so, you'll be hearing from us fairly shortly on how our triage efforts came down and how we think that each topic should be handled from here. Let me give you a bit of background on the thinking and the process that we followed. One of the key assumptions on this is that the path forward for each of the recommendations may not be the same. And so, we've taken a look at them individually, place them in different buckets depending on how they fell. We're looking at concepts, so some of them may be very much interrelated, so you'll see big chunks in several buckets.

We've had the advantage of Avri and Becky joining the small team meetings regularly. They spent a good two or three meetings giving us more background on the Board's concerns, which were super helpful and responded to questions all along the way. So, that's been great. So, there are some of these things where there

are various approaches that we've kicked around, for example, just allowing the Board to not approve.

There are situations where we think exploring a bylaws process might be the way to go, but we want to have a conversation either as a small team or as full Council with the SubPro Caucus of the Board or maybe with the full Board depending on the nature of the issue raise. And there is some important issue raised in these, including RVCs and auctions and things like that.

And if a bylaws change is necessary, that kind of thing would be very narrow. So those are some of the things that in terms of process that we've kicked around, it might be good as Councilors here to take the temperature of your constituencies and such on whether or not folks have an appetite for bylaws changes to solve some of these problems and to find out whether there would be major pushback or major acceptance or something in between. So, if you are looking for fun updates on your next call with the folks to send you to the Council's table, that'd be a good thing to do.

And we will, in terms of next steps, like I said, we're going to be reviewing that document, but ultimately, we need to get alignment with the Council about what happens next. And so, for example, will this triage team be the team, or will there be a different team with a different name, but basically is a small team dealing with specific issues? Those are the kinds of inputs that we need. There is some talk about, I think I saw a special Council meeting the first week of May on this. So maybe that's where we will be dealing with those kinds of questions.

In preparation for the next round of inputs from Council to the small team, I think that we Council should consult with their representatives on the small team and listen to the recordings if they need to do that. The review at the Council level, we hope, will not be a relitigation of everything discussed at the small team level, but certainly, there will be discussions and questions. As part of that alignment process, we want to be efficient, keep things moving, and as best we can also align with the Board on the proposed path forwards for each recommendation. So there's still plenty of work to do.

And of course, gaining alignment with the Board on the paths is essentially a pretty important thing a borderline must have so that we can design work plans and timelines to resolve the pending recommendations. We remain extremely hopeful that we'll be able to get all that work, the deliverable for the end of ICANN77, which is just around the corner.

And then lastly, just a personal offer for any, if there are any questions, before or after during listening to the recordings or reading the outputs from the small team. I am always available to any Councilor who might have a question that has come up as they are considering those outputs and next steps. So please feel free to reach out and I can always set up a time to talk through absolutely anything. And Steve notes in chat here that there is a special Council session is scheduled May 4th. Don't miss it.

And lastly, two things lastly, first lastly thing is Steve and the other staff have been fabulous during all of this, of course, keeping us on track and helping us get through the work. And then secondly, a huge thank you to the folks who volunteered to be on the small

team. We had people showed up, people worked hard, people were collegial and people moved quickly. And what more could a chair want from a team. So that's a very high-level review. Hopefully, some of these comments will make more sense once you guys see the outputs from the team, which should be coming to you pretty quickly. And we are now, if it's okay with you, Sébastien, we'll open it up for Q&A, if anybody has any.

SEBASTIEN DUCOS: That's perfect timing, yes. Any questions for Paul. So, I'll use just the second before people have any questions and to say also, thank you to Paul. This was an enormous amount of work as anybody can imagine. The topics are hot and hotly debated, and Paul did an absolutely fantastic job in keeping us all in line and in queue. And as you said, collegial and constructed. It was a very good exercise. Inspirational leadership. And now I see Anne's hand up.

ANNE AIKMAN SCALESE: Great, thank you. And thanks to all who have participated on the small team and also to the observers who have been trying to keep up with everything. I just wanted to note that, as Paul has mentioned, there will be a more final summary of the work that's coming out after Steve does some magic drafting, and we'll all get a chance to review that. I just wanted to emphasize that each of the Board's expressed concerns may have a slightly different path forward. Some of them fall in the clarification bucket, some in the IRT bucket, some in potentially in the bylaws bucket.

We do need to have further discussions with the Board with respect to that, or with the Board Caucus, as, Paul has outlined. And I think one of the questions, Paul, that you had wanted to have addressed was whether those further discussions might be maintained with the small team or whether with the full Council, and I don't know if it's premature to raise that at this point or at what point you want to address those further discussions with the Board SubPro Caucus?

PAUL MCGRADY: Thanks, Anne. That's a great question. And we do need to make that decision. I expect maybe that will be a topic for the May 4th discussion because we do need to figure out what things are appropriate for the small team to talk to the Board Caucus about, what things are more appropriate for the full Council to talk to the full Board about. Right? Some of these things are very sensitive. Others maybe can be handled at the small team/caucus level.

And so that's exactly the kind of guidance we're hoping to get from Council as a whole on May 4th, so that we set the knob the right way for each particular topic, and that way we can keep things moving. It doesn't get too much attention if it's not the kind of thing that needs full Council, full Board, but if it is full Council or in full Board material, it does get that level of attention if that's what it needs. And then, Anne, I'm going to ask, since you raised your hand, I'm going to ask you to raise the issue about the GAC in their letter and how that interacts with the small team versus the Council. If that's okay.

ANNE AIKMAN SCALESE: Sure, great. Thanks, Paul. I'll just introduce it briefly that as the full Council knows, we did receive the letter on the topic of SubPro written by the GAC. GAC communication was after Cancun specifically on the SubPro topic that was separate from, of course, from the GAC communique. And the letter was dated March 23rd. I hope that folks have had a chance to read that. And I know that Jeff, as the GAC liaison, will have comments on that. I'm of the opinion that the Council should consider what type of response or lack of response is needed specifically with respect to that GAC letter.

And maybe this is something that a final determination could be made on that, again, in the May 4th meeting. But it's my impression that there are items in there that if they are not-- they overlap with the work of the small team in several cases because they have outlined items that, yes, were brought up during SubPro working group, but also some of them could potentially be a source of future consensus advice. And there are items that have been mentioned by the Board and its pending concerns. And so I'd like to see some coordination of effort here in relation to addressing that March 23rd letter if only as a matter of diplomacy in addition to resolving issues going forward. I'm sure Jeff may have a different point of view. Thank you.

SEBASTIEN DUCOS: Sorry, Paul. I thought you were going to drive this, but if I need to, Jeff, I see you hand up.

JEFF NEUMAN: Thanks. So, we really should respond to the March 23rd letter at this point, but really just to let them know, thanks that we've gotten your letter and we're still considering the Board topics to us. But other than that, I don't think that and this sort of lets you in a little bit on the small team discussions as well. You know, what the GAC does in that letter is really just list the topic head to headings of where it previously responded to the Board on the final report which also happens to be the same items where the GAC responded to draft final report of SubPro.

So, I do think that we should-- obviously I think a short letter saying, thanks, we're looking at it, and this is intertwined with our SubPro work. So, we'll provide a more substantive response later. But other than that, let's just save till the 4th. I think I'll just leave it there, that we should save it till the 4th, because really, I think the issues that we're looking at now are from the Board. What our role is in looking at issues that weren't raised by the Board, but just raised by the GAC to the Board is something we should reserve a few minutes to talk about what our appropriate role is in that. Thanks.

SEBASTIEN DUCOS: Thanks, Jeff. Paul, I see your hand.

PAUL MCGRADY: Thanks, Seb. Sorry I didn't mean to give up running the queue and leave you stuck. So, Paul McGrady again, here. So, I think that on this topic, I don't want to deliberate too much. I do think a letter back to the GAC saying we got it, we're looking at it, you'll hear

from us. And then we could discuss this on May 4th. We're going to transmit whatever we're going to transmit to the Board.

And it may be a good opportunity to also send that to the GAC and point out what parts of their letter are implicated by whatever we're transmitting to the Board. I know we don't report to the GAC, but it's just polite and diplomatic. And to let them know that we read their letter and we worked in conjunction. We had them in mind as we're working.

And so, I think that may be one way to do it. We don't need to spend more time and I don't want to end up making us behind schedule over this topic, but it is something that I hope staff captures as an agenda item for our May 4th meeting. With that, I'm going to be silent other than again to thank the small team who were absolutely fabulous. Thank you.

SEBASTIEN DUCOS: Anne, if you want to close the topic, and then we'll move up. Thanks.

ANNE AIKMAN SCALESE: Just very quickly, and I think that sounds like a good place to be. The only question I would have, and I'm on Board with the response letter that's been described at this point by both Jeff and Paul and to have a discussion about the March 23rd letter in the May 4th, the only question I would ask beyond that would be whether Council wants the small team to do any work on that letter before May 4th or no discussion in the small team on that letter.

SEBASTIEN DUCOS: So, I see Paul's hand again. I was just going to add quickly that of course, that I'm also here as chair taking notes that I will prepare a short thank you letter and possibly with the help of our liaison ensure that that makes it to the GAC. Paul, go ahead.

PAUL MCGRADY: Thanks. Paul McGrady again. I know I promised I'd be quiet, but the primary thing we need to work on next as a small team is to get our recommendations document cleaned up and ready for Council. If we still have time between when we get that work done and the May 4th meeting, maybe we can take on some of this pre-work in relationship to the GAC. But again, I'm mostly envisioning that it's going to be a transmittal letter more than anything else.

So, I don't know that we're going to necessarily respond, develop a second body of work in so much as it is just pointing to the GAC that we read their letter, and here's where the current state of the work is on each of the topics that they raised. And again, we'll have more guidance from the May 4th meeting. But anyways, Anne, thank you for raising it. I know we struggled with this. What we don't want to do is put together a small team that then goes outside of the boundaries of the river banks drawn by Council. And so, thanks for hearing us out on this topic. We appreciate it. Thanks, Seb.

SEBASTIEN DUCOS: Thank you, Paul, and thank you to small team. And so we will indeed stay focused on the good work. Can we, unless I see any

other items, are there other questions? And Justine, I'm going to put you on the spot again, I'm not very good at talking and reading at the same time. So, if it's for now, please raise your hand. And otherwise, we'll just keep it on the record and move on to item six of our agenda.

JUSTINE CHEW: Please proceed.

SEBASTIEN DUCOS: Thank you, Justine. So, Item six of agenda is actually for me. It's an update on the EPDP Phase 2 small team or the SSAD small team or the WHOIS disclosure system small team or now the RDRS or RDRS small team. It's all the same thing. So as a reminder, during ICANN in Cancun, ICANN76, on the first day on the Saturday staff informed us that they were indeed ready to start development.

There were a few questions from the Board that were asked of us. Mainly, a question about defining success factors. This was an item that was left on the small teams to do list in November when we pause the small team out to passing our initial recommendations to the Board and asking them to please proceed with it, with the preparations for that, the development.

And the other comment from the Board was with regards to participation and how we could ensure participation in particular of registrars. Suggesting or not suggesting but hinting to possible policy work to ensure that participation be made mandatory. So, the group regathered shortly after ICANN. I can't remember

exactly how many calls we've had, but about three or four to my reckoning, a weekly call anyway. And we've made some progress on these discussions, particularly on trying to define the success factors. And to be honest, there is this wide view as to-- Well first of all, as interpreting what the Board actually wants from us to produce and I have to say that Becky who's been present and liaising on this small team has been very helpful in us better understanding exactly what they put in intense by that.

But so still rather wide views as to what defines success. I think that everybody is very careful not, how should I say it? Not to put too much pressure on the on the process itself. Nobody wants a black and white pass-fail type of test. At the end of the day, everybody recognizes that there's lots to be learned from such a system and wants to make sure that we're giving it all the room and latitude that it needs to have to produce the information. But at the same time, fair from Board and in general from us Council as managers with this process, there are some fiduciaries that are imperatives. So, we are trying to define as best as possible some of the success factor in order to be able to review them in two years or in a year and in a year or get off and making sure that we're on the right path with this.

The second debate that we had is with what we will be able to extract from this system. So not so much the more esoteric, is it great or is it good, but physically the data that we will be able to report on. And so six months ago, before we passed that on to the Board, there was a number of reports that were named, that were listed in the letter that we sent back to the Council and then for the Council to the Board.

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And so, the discussion has been very much this time to its staff to sort of better define what is that data that we're collecting for the reports. And so, the staff was able to deliver this week, yesterday, the day before. I can't remember exactly. I lost track, sorry. But was able to deliver this full stack of data fields that are being collected. And defining what is going to be directly in the reports, what is going to be in a report in an aggregate format and what we will be able to work on.

And some people are happy with the reports as we're listed as long as they provide it, and as long as they're provided with enough monthly or weekly or whenever it to be. And others are more interested in actually seeing the underlying data and being able to dig further into issues and get a better understanding of the nature of the problem. I have to say that I'm not sure that that was the purpose of the exercise in the beginning. Again, that I'm chairing this exercise, I just want to make sure that I'm not trespassing too much here. But I think that's a discussion that we will have in the coming week or two that might be a bit heated. Because that's where the most divergent views are.

On the more positive, as I said, as ICANN staff start developing the tool and full all intent and purposes I haven't heard anything to the contrary yet. We should have a demo either during or just after ICANN77. And saying I either will because I heard before end of June and there were some hints there would be at ICANN77, but frankly, I can't tell my head remembered exactly what the right answer was there.

With this If there are any questions or comment, I'd be more than happy to try to answer. And as always, there was a lot of things

interesting happening in the chat that I completely missed, but I will check the recording later and see if I can pick that up. So, any questions regarding the RDRs? Going, going gone. Then I guess I can pass on to the next subject which is the next step on closed genetics. I see Marika's hand, possibly on the previous subject. Go ahead Marika.

MARIKA KONINGS: Sorry, Sébastien. Just on the previous item. Indeed, the last item here was an outstanding item from the previous Council meeting with regards to the specific question that the Board put in its resolution for Council consideration in relation to a possible PDP or other means to require strongly encouraged registrars to use the service and to consider whether a response to the Board would be in order on that specific request?

SEBASTIEN DUCOS: Sorry. I opened with this and forgot to go circle back to it. You're absolutely right. And we should have the discussion. You're absolutely right. Sorry. This is a topic and I try to remind everybody of that during ICANN whenever the topic was brought up. But this was a topic that was already discussed by the small team last year. And the small team concluded that it was a lot more proactive to find means to encourage that participation, the voluntary needs, to help the Registrar Stakeholder Group by making sure that all the registrars were, to the best of the extent, participating and promote that way. The same way on the requester side and making sure that that the BC, the IPC, law enforcement, and all the obvious targets on the requester side be

fully aware of the tool, be fully aware of the effort done here and use it and comment on its usage and etc., rather than going through policy.

I think it was Paul McGrady who actually rightly noted that the pace at which we develop policy. Again, this exercise is supposed to run-- this test is supposed to run for two years. We would be duly done with our policy work by the time the test is over. So, again, this has been re-discussed this year. I think that we still very much of that same view. As I mentioned before, Becky Burr is on our calls and has heard us saying that. She has, to my knowledge not confirmed that was okay for the Board as was, but it will be part of ours answer to the Board or rather, we would suggest that there's a small team that should be part of the answer to the Board. But I'm very happy to hear the Council on this and to listen to any guidance that you may offer on the topic. I see your hand John.

JOHN McELWAINE: Thanks, Sébastien. John McElwaine for the record. I think, and please feel free to correct me, that the small team did support that as encouragement to use it that by participating that would be considered reasonable access under, I guess, the Temp Spec is under the EPDP Phase 1 rules. Is that correct statements?

SEBASTIEN DUCOS: So it is a correct the statement that it was discussed. Frankly, I can't remember, either way, if it was. Maybe Greg can help me

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there. Sorry for the lack. But it was certainly discussed and it was certainly brought up. Greg, go ahead.

GREG DIBIASE: I was just going to say, I'm not sure. I think there is a hesitancy to connect the Phase 1 work because this is technically coming out of Phase 2, and a separate initiative and not policy. So I don't know if we have a clear yes or no, but I don't think that has been established. Merika correct me.

MARIE PATTULLO: No, nothing to correct, but maybe just to explain what I think the specific issue or question is. I think it was something that was identified as part of the other topics or additional topics for further consideration. And the specific question is I think whether on the Phase 1 recommendations would be considered compatible if a registrar would direct someone to the RDRS.

I think that's something that is on the list of topics to go further dive into, but I think the question is around. Because that would potentially facilitate or encourage registrar participation if they could be compliant with both, I think, the reasonable access under the temporary specification as well as a Phase 1 requirements on responding to request if they could do that through the RDRS, and be considered compliant with those policies.

So I think that's something that the small team is looking further into, and I think actually my ICANN org colleagues may have already provided some further input on that issues. So that's still

under discussion. But I think it's with that aim to, again, facilitate and encourage participation in the service.

SEBASTIEN DUCOS: Thank you for the comprehensive clarification, and I see that Greg is also enjoying the much better said comment. Any other questions? I see Susan's hand. Go ahead, Susan.

SUSAN PAYNE: Yeah. Thank you. Hi. It's Susan Payne. So just a quick point. I absolutely agree that there will be a real importance in the structures within ICANN, the Registrar Stakeholder Group, the IPC, the BC, the GAC Public Safety Working Group, and so on, trying to get the word out. But we all know that, for example many registrars are not members of the Registrar Stakeholder Group and do not actively participate in ICANN matters. Similarly, there will be huge numbers of potential requesters who are not actively engaged and may not be known to members of the ICANN community.

So I think if we want to set this system up for success, where success is use and generation of data, it absolutely must be understood that yes, there's a role for community members to play in this, but there's a huge role for ICANN to play in communicating directly, for example, with the registrars who don't participate and getting the word out in other means to the wider population who really don't know much about ICANN.

SEBASTIEN DUCOS: Absolutely, Susan. So what was discussed in this and-- sorry, there's one third package of discussion that we need to have and is with regards to the promotion of this tool, which we haven't done yet this time. We did discuss that a bit last year. So the first factor is, in terms of registrars, obviously, when a requestor is asking for information on domain name, we know exactly whether the domain name has been registered. It's part of the information that is available.

Now, all those registrants might be available to the Registry Stakeholder Group, it may not have been presented this by the Registry Stakeholder Group. They are definitely clients or contracted parties to ICANN. And ICANN ask confirm the fact that they will play their role here, at least in disseminating the information.

The second thing is registrars leave contacts details and the system will reach out to the registrars, how should I say it? The non-yet participating registrars, there was a discussion and a question as to how many emails or if people should be reached out or this whole discussion of opt in and out to out. We will revisit that when we go. So how much an email saying, hey, I've got somebody who's asking information from you. Do you want to come onto the site and check it all, is spam or not? That's a discussion to be had, but there are means to go and reach out to people that don't actively participate in the community.

I personally ran the little exercise in checking what portion of registrations are actually with registrars that are affiliated with the Registrar Stakeholder Group. And I find that we're just shy of 80% which is already a pretty good score. Now, I had no idea how

much the remaining 20% is not participating but yet aware of everything that's happening or not members but aware of everything. All these things will have to be discussed in the topic. But again, it's not because we're not developing policy and enforcing all these things that there's no means to access those registrars and encourage that participation.

Conversely, with the requestors, I think that there's also an understanding from the registrars that there will be an effort possibly from law enforcement because of other duties and etc. But where possible and where reasonable registrars will also help redirect request to the system. And will ensure, for example, in automated emails that are received on abuse on other questions to make sure that these are redirected in the right direction in order to encourage for the traffic to go through the system.

I believe we believe that the system anyway because it's all mattered and in the way to ask the questions will provide richer information to be reviewed by the registrar will help the requesters ensure that they have a fully formed requests to pass on. So it will be, I believe, a useful tool, and both parties will find advantage in it being used. And if they do find that and then I assume they will encourage. Again, we're still working on it. The small team at this stage doesn't believe that policy enforcement policing is what is needed at this level of the exercise. But, again, we are still discussing this topic. Greg, I saw your hand up and going up and going down. Did you want to add anything?

GREG DIBIASE: Yeah. I guess it's just related to the question of participation, maybe just an update from the Registrar Stakeholder Group that we're promoting this very vigorously within our group and even we've have had a special session to make sure all registrars are aware. So I think it's an open question on how do we reach registers outside the Registrar Stakeholder Group and requesters, but I think there's some been pretty good efforts from within the registrar group to encourage participation.

SEBASTIEN DUCOS: Thank you very much. Any other questions or comments? And seeing none. I see a question or a comment from Kurt. Go ahead, Kurt.

KURT PRITZ: Yeah, thanks. So the registrars are going to promote this effort within their group. But given Susan's comment, I think our response to the Board about ways to encourage participation should emphasize Susan's comment and specifically request the ICANN communications plan on this because it is vital for reaching all of those data requesters that aren't aware of this, so beyond the Registrar Stakeholder Group. So I just want to support Susan's comment and maybe turn it into a question that the Council could ask of the ICANN Board or staff.

SEBASTIEN DUCOS: So it is definitely being discussed in the small group. And again, that's part of the profession. So it'll be part of the discussion that we'll have a bit later. But it has already been raised. You could

have heard our staff liaison. The group has already been made aware of it. There were some comments made about it, and she was going to look including with legal and where and how these things are possible, but it's definitely there's some avenue that's been looking to it. It will be important, and I agree with you that it will be a bit worked on. Any other comment? And I don't want to call that hand older, Kurt, but I assume that it's a previous hand.

KURT PRITZ: Yes, thanks. Sorry.

SEBASTIEN DUCOS: Yeah, it's alright. With this and I'm not looking at the watch well enough. So again, if anybody on staff need to hurry me up, please do. But if there are no further questions on this-- Sorry, one last comment. We've worked on this. Again, we have a meeting every week, an hour a week on this. We've made quite a bit of progress and go back very quickly back into the groove of the discussion that we had last year.

And again, last year we spent a large amount of time on it. Obviously, with all the SubPro priorities and the deadlines that we have to meet by June, there might be, we haven't yet reached that point, but there might be a time where we decide to, not to slow down, but to pace a bit the calls at least until June and afterward to pick them back up. In terms of timing with staff and with the work that they're doing, I don't think that there is any major issue, there's nothing that needs to be answered immediately. The first

request for comments are going to come as soon as they start demoing in June and that sort of stuff.

So we're moving with the work, but without putting it on a back burner or anything like that. I certainly don't want our message to be out because it's not programmed. We are working on it, but we may pace the calls just to make sure that we are able to keep the pace on the deadlines that we have for mid-June. With this said, I think that we can move on to Item 7 and the discussion on closed generics. And I will ask John to take this on.

JOHN MCELWAINE: Sure. Thanks. I'm John McElwaine for the record. So as everybody will recall, the closed generics dialogue group kicked off in January of this year with a face-to-face meeting in Washington DC, and we've been continuing to meet every week via Zoom since that point. We're aiming to have a draft agreed upon framework if we can reach one at the end of April. I think the current date is April 28th. And the intent then is to circulate that to the community for a month of comments, and then the group would like to stay together, keep its work and work similar to like a working group would.

Take those comments, stick them into account. And the goal would be to have a final framework in Q3 where there's not a real clear deadline. Q3 obviously is somewhere around September. And you may be saying, well, that's after the June 15th deadline that the Board has given us to come up with a plan. In fact, I was reading it over what the Board specifically asked that I believe is a

plan and a timeline for, or alternative path, on how to handle closed generics, and they desire that by the 15th of June.

So as a Council we need to really get ready to start rolling up our sleeves in doing the policy management work with this its output, which will be a framework. And so what we need to do is provide feedback and have reviewed this framework, draft framework to begin talking about the next steps. And I'm not skipping ahead because the next steps here necessarily need to be a policy development process. And I believe that the only real suitable path is an EPDP. And so we would need to put together a tightly scoped charter and we need to do so in a manner that is going to be inclusive, be it all parties involved, what has been an issue that has stumped the community for 10 years or so.

I think we probably need to put together a small team of councilors to get enough familiarity with this issue. The work that has been done and what is left to do. Because as I said, we're not going to get a final plan likely before the June 15th deadline. So we're going to need to have something in mind and in a prediction of what we will be doing after June 15th to get the closed generics policy work done and implemented. So hopefully that's a good overview. And I see a hand up already. And I suppose if Sébastien doesn't mind, I can run the queue.

SEBASTIEN DUCOS: Please do.

JOHN MCELWAINE: All right. Paul, what you got.

PAUL MCGRADY: Hey, John, Paul McGrady here again. So I guess I'm wondering why we are jumping ahead to the conclusion that there must be policy development work that comes out of this. You know, there is no policy for closed generics, there is no policy against closed generics, and so the framework doesn't amend known policy, I don't suppose. There are all kinds of things in the AGB that were at least at this level, that the Board took action on during the 2012 round, that in the 2012 round that just made their way into the applicant guidebook following GAC advice, which is what this all based on. Right? And so I guess I'm wondering why we're jumping ahead to that predetermined because ICANN envision task 4 that don't have policy work.

And then my last question is a little more interested in terms of whether or not there will be a new small team formed to take your framework and look at it or whether or not the Council will consider this to be a proper SubPro Small Team issue for the current small team or some other iteration of it to take up. Because I'm sure that my fellow small teamers would be happy to do that because it's a SubPro issue. So two questions, one, is it a foregone conclusion that there has to be a policy process? And two, will you be using the small team we already have or will you be setting up a separate small team? Thanks.

JOHN MCELWAINE: So let me just address that. I don't have any great answers for you, Paul other than that I think that given the controversial nature of it, I think there needs to be something that looks an awful lot

like policy work that involves a community to flesh out the framework, its points. And it is, if you think about it, it's going to be a system that is something where you should have covered this really three components. You're going to ask certain questions of applicants.

Some of those questions are going to get to, and this just my terms, what are some indicia of a closed generic meeting a public interest? And those are going to be scored. And by indicia, I mean something that is objective, not subjective, measurable, and then, ultimately, that can lead to a predictable process of evaluating those applications, and then a few contractual provisions. All that are going to be part of the new gTLD registry operator agreement like a specification. So I think that has to be policy work. I'm not such a parliamentarian. I can tell you that for certain. But I do know because of the controversial nature, it ought to look something like that. So that's a great point.

With respect to the small team taking it up, I think it's a bandwidth issue personally. And probably depends upon how overworked and overwhelmed the small team might be and how much interest we have in this issue. So with that, Kurt, I'm going to turn it over to you for questions.

KURT PRITZ: Yeah, for staring at a set of policy work on an issue that's stumped the community for over 10 years with the guidance that we need to develop a test with objective criteria, which is what the community tried to do with SubPro and couldn't do it, one option for the Council might be just to chuck this back to the Board and

say the input we've received from this small group indicates more policy work but we've been through this before and we don't want this to slow down the second round, and our policy conclusion was last time to leave it up to the Board that it was okay. So one of our options might be to say, "Board we're staring at an intractable problem, the same intractable problem, so we think it's best for you to take it and let's get on with the next round."

JOHN MCELWAINE: Thanks. Paul, do you have another question or is that an old hand?

PAUL MCGRADY: It's just a quick follow-up, if that's okay. Paul McGrady here again. So a couple of thoughts came to mind, John, as you were talking. One is if you swapped off the word closed generic and put in community, it's basically the same thing. Right? The community-based applications have rules around what you use them for, there's criteria to evaluate them. I was trying quickly to dig up the 2008 recommendations. I didn't get to them in time. But I don't know if there were specific policy recommendations for community-based applications that brought those into being or if those were not policy, but downstream in some way. I don't want to speak out of school, but if they didn't have a specific policy provision in the 2008 policy recommendations, then it's pretty clear that the community has already done something like this.

And so I mean, maybe I'm under-thinking it, but it may be as simple as saying, sort of a variation in what Kurt said, where

instead of saying to the Board, "Here's an intractable problem, good luck." We say, "Well there's no policy for or against these. Council has no objection to the Board adopting the GAC advice on this, which is that closed gTLD should serve a public interest goal attached as a framework that came out of the closed generics discussion with the GAC." Sounds like an implementation issue to us, right? And then let the Board do it at what they want rather than us saying we can't solve it.

So for what it's worth, I think there's all kinds of paths forward here, possible paths forward that don't require a multi-year policy development process. So In any event, again, I may be under-thinking it. Thanks.

JOHN MCELWAINE: Sébastien over to you.

SEBASTIEN DUCOS: So I want to be very careful here. I wish I could say that I'm saying this in my personal capacity, but it's not exactly true because of a lot of the stuff that I've been privy to and I want to make it absolutely clear on the record that none of it goes over the [01:23:58 -inaudible] rules that were published by the group or [01:24:03 -inaudible]; Desiree, sorry.

So first of all, I want to make sure that we're not in a 20-minute discussion trying to simplify months of work. This team has been, as John said, has been meeting a very regularly intensely in long discussions, meeting face-to-face. So a lot of work has been done here. And I want to make sure that we're not

oversimplifying, and I'm very guilty of it when whenever I'm trying to make, to try to get clarity on it.

I think, Paul, the comment that you made about the community is actually very relevant. At least it's in a way, the way I picture it to that same type of process is going to be adopted or is proposed to be adopted for the closed generics. I'm not enough and you guys probably do have a lot more experience than I do to what the perfect tool for the Council for this is. But I would be very, very hesitant and careful to send it back to the Board just as is and saying, take care of it. Or to send any sort of message, particularly through GAC saying we're not interested in resolving this in just a positive over defense. I don't think it's a great message to pass. I certainly don't want to create any situation for a knee jerk reaction here.

And again, I really do want us to be very conscious in acknowledging all the work that has been done. This process is a complicated one. This process is not an easy one to go through. Because of the decisions that were made early on closing the door on the discussion, there's a lot of things that are happening that we can't see and we have trust the participants to do it, in our case, John, who is our liaison. But yeah, sorry, I just want to put this out there and make sure that we consult with John, consult with our representative on the group and make sure that we all get as full a picture as we can get before we try to oversimplify the problem.

After with policy, no policy, PDP, no PDP, other tools, all these, and I'm very open to suggestion. I'm sorry. And the last point I wanted to make is to me personally I would [01:27:00 -inaudible]

very important is also to go green to the Board with a plan or possibly a no plan. If indeed is what the Council decides, I wouldn't suggest that the Council is that, but we do need to have this. And this, I have discussed with John, and I have discussed also with his staff and the group.

I am not opposed to the group continuing some discussions and some of the work that they want to do, but I do insist and I do want, and this not negotiable as far as I'm concerned, to be able to go back to the Board in due time as discussed with at least the element that they asked us to provide. It might not be the end of the story. It might not be closing that particular discussion if the group needs a bit more time, but I will only be able to go back to the Board with what John properly named the plan, which is what they asked us to provide. Thank you.

JOHN MCELWAINE: Thanks, Seb. Anne, your hand is up, so over to you.

ANNE AIKMAN SCALESE: Great. Thank you. It's Anne. I'm sensitive to a couple of things in this discussion, one being that John had noted that there may be contractual provisions that are implicated ultimately for amendments to the RA, and Mary's comment in chat about that, and the potential need for policy process in order to do that. I'm also quite sensitive to what Kurt has said about the potential for delay if that policy process were to be initiated.

But the thing, in consideration of all that that I wanted to add is I had noted in our SubPro small team that one of the Board slides

that they presented to us in the 38 pending issues, it had a sentence at the end of the summary of the closed generic issues that I asked Board reps about because it seemed to indicate that we could in fact present a timing and a plan to the Board that would involve a launch of the next round for all the other issues that might be resolved but with some sort of a stay on the closed generics issue for the specific purpose of accommodating a policy process. And that in that case, it would not delay the next round.

And so I did want to draw attention to that summary of the closed generic issue in the Board slides. And it was out of scope really for the small team, but I think it might present a way forward that would accommodate what Seb has pointed out about needing to give a reason and considered response to the Board, but trying to propose something that does not entail delay. Thank you.

JOHN MCELWAINE: Thanks for those comments, Anne. I don't see any other hands up, but just to focus people back in just to be looking in their inbox. So again, at the end of April, we should receive a draft framework. And then we are going to need to discuss in our main meeting, what are we going to do with that. So this has been a good kickoff to then be able to timely provide a plan and a timeline on 15th of June to the Board. And as Seb said, that's something that sort of, I don't want to say, nonnegotiable, but we should be able to put together a plan. So we do need to get people geared up and ready to tackle this issue. I'd be happy to answer any questions.

And perhaps again, that the current small team for SubPro needs to gauge its workload and see if we need to really push to recruit

other interested parties to separately take a look at this. But it's going to require, again, I believe it's going to require at least something that looks like a policy development process to ensure that we get and likely require any PDP because of the contractual terms. We can look so that can put together a charter that's tightly scoped.

And then to some people's concern here, it's a bite sized project. Right? It's going to be some questions, how do they get evaluated in some additional contractual terms? And the current dialogue group has been putting together what we're referring to is implementation guidance, and then a new kind of guidance policy guidance. So we're not saying that this the policy, but here are some of the issues that we discussed.

So it will hopefully be again knocking on wood a chartering process that can be very tightly scoped. So any questions on that wrap up. I don't mean to wrap it up, but summary. Does anybody have any other discussions or thoughts on this topic? All right, I'm not seeing anything. So Seb, I'll turn it back over to you.

SEBASTIEN DUCOS: Thank you. Thank you, John. And right on time too. So fantastic. So without further ado-- Sorry, one more time. I do strongly encourage you within the rule set by the group for you to have the discussions with your with your delegates on a group and get a feeling of it. It's interesting dynamics. And hopefully, we'll have a-- well, not hopefully. We're working to have a good and workable outcome. I'm not quite ready to throw this one out.

Item 8, if whoever's read the screen could scroll up. Yes, my memory did serve me right. I will pass on the mic to Greg.

GREG DIBIASE: Yeah. Thanks, Seb. So on this topic, going back to the small team on DNS abuse. If you'll recall, we sent letters out to the community asking about what efforts or what abuse could be tackled by policy efforts, if any. One of the recommendations coming out of that effort was to request from the Registrar Stakeholder Group further information about the role that bulk registrations play in DNS abuse as this was an issue flagged in some of the feedback that we received from the community. To date, the DNS small team has received input from contractual compliance, the DNS Abuse Institute, the Registry Stakeholder Group, and the Registrar Stakeholder Group.

So now we have to decide what are the next steps. I think there's a pretty straightforward next step in evaluating what the feedback is. However, I think to achieve that, we would potentially reconstitute a small team to look at it and I think we need to discuss kind of the bandwidth issue here, given kind of the proliferation of small teams of late and whether there is, though the time is now to reconvene and look at the feedback on bulk registrations.

Conversely, we could wait until another kind of process that was spurred by this group was the contractual amendment negotiations with the contracted parties. I understand those are in flight and making good progress. Potentially that could be another

benchmark by which to reconvene the team, or we could do it now.

And I'd also note that Mark Datysgeld has taken the initiative to start summarizing this, and he's done a lot of work there. But before we brought that to Council, we thought it prudent to review that output with the small team to make sure we had the proper representation from all the right constituencies. So, yeah, I think kind of that's the question. What are the next steps? Should we reconstitute the small team or are there bandwidth considerations that we should consider delaying this effort or picking another benchmark for a start date? Mark, go ahead.

MARK DATYSGELD: Thank you very much for introducing the topic, Greg. So I think that from the initial talks between the remaining member of the small team and those who have now joined us who were joining late in the process last time, there are things to open that we'll need, definitely need some scrutiny, especially in relation to this particular question of bulk registrations. Because if the Council looks at the letters we got in response, in general, the response seems to points towards what we were thinking in the first place, that there are no firm definitions of what constitutes bulk registrations and what exactly are the procedures. It doesn't seem to be something linear, which kind of brings us to the necessity of discussing well, then what?

So we have been working on summarizing this and trying to sort of corral this. I made a preliminary statement, so to say, that can be stipulated at any time. But the core of the matter here is apart

from the emerging issues that we will see in DC, at which point the small team probably really needs to be reckoned in any way. We still have this open question that we might not want to punt. But again, I'm cognizant of the fact that we might have a bandwidth issue. So just outlining that there is a necessity to kind of tackle this before we get to the DC meeting because then it will become a bit of snowball, and at that point it will be the wrong time. So at some point before that, yeah, very likely we need to have a look into this.

GREG DIBIASE: Yes, so that makes sense to me, Mark. And I feel like I've at least gotten that feedback from Theo on my constituency that he's ready to jump in.   Maybe I'll reframe this to say, are there objections to moving forward to a small team with this work and kind of tackling some of the issues that Mark just outlined? Seb.

SEBASTIEN DUCOS: So, certainly, no objection. For disclosure, I'm part of this small team and was already last year.   The only issue is one of bandwidth indeed. We've had one or two calls already, and that managed to fit in most people's calendars. So I think that we can indeed continue. And then as a group, I think that we're grown up and can decide if we need to pause for a week or two because other things are happening a bit too quickly and go with that. So if Council trust us to manage our time reasonably, I have no objection continuing into base we are.

GREG DIBIASE: Yes, that makes sense to me. And I think Mark raises a good point about having our ducks in a row before DC, right? This a topic that's been discussed. So, yeah, that makes a lot of sense to me. Great.

SEBASTIEN DUCOS: Can I pick it up from this? And I mean, if, obviously, there's no further comments and everybody seemed to be agreed. Well, thank you very much, Greg. And that concludes the topics of discussion for today. And so we had three AOBs. And as I'm seeing those three AOBs, I will allow myself to have a fourth quick note with regards to the-- so I'll do it at 9.0 so I don't forget it at the end of the call and then we'll go to 9.1.

I sent to Council and to all the SGs NC leadership a form asking everybody to put some comments for the GNSO leadership to present to the Board with regards to the CEO search. And so far, we received the comments of one person. Thank you, Jeff. I know because I've heard from a number of SGs, two SGs that they were working on it and we're ensuring that everything was compiled before putting it into the Google Doc that we proposed rather than having everybody filling in individually, which I find them very much work. But at this stage, we have only one comment.

And so I would encourage for everybody to go back to your constituencies and making sure that we have this in due time. At the top of my head, I can't' remember exactly when the deadline was, but I have a feeling that it's next Monday close of business or maybe next Tuesday give us a day to compile that and prepare

before the call with the Board. If anybody on staff could verify that I'm not a whole week away from the actual deadline. But in any case, so if you can go back, I will send an email. The same email will come back to all the leaderships to make sure that they are aware, as a reminder, but it would be great to have that information. It was a good discussion in Cancún and I certainly want to be able to continue there.

With this said, I think that we can go to 9.1. And I want to say that Steve is going to walk us through this, if memory served me well.

STEVE CHAN: Thanks. Sabastian. This Steve. Yeah, I can do that. The caveat is that what I will be explaining is primarily the Council of leadership's brainchild. In particular, I think, Seb. So the purpose here is to really try to walk us through the day 0 session planning to give the Council a sense of how it will be structured and obviously to get feedback from all of you on whether or not you think this a good way to use the time. And let me turn my camera on actually. There we go.

So I think you're all aware the purpose of this session is really to ensure that the Council is in a good position to be able to acknowledge the work plans. It's really a trio of work plans that the Board requested that the Council deliver. And so that is the overriding function of this day 0 session. It's obviously exceptional nature. And it's for obviously a pretty important cause. So the idea for the set of sessions is to really structure sort of a similar fashion to the way that the ICANN77 days are aligned. So four sessions per day with breaks throughout the day.

And so that breaks down into four sessions. At least preliminarily, the idea is to use that first of the four sessions to concentrate on what I think we can call the ultimate deliverables, the three timelines. So the timeline for the next steps for closured generics, the IDNs EPDP charter questions that may impact the AGB or applicant guidebook, and then also a timeline for the path forward for the 38 pending recommendations.

So the idea is to spend at least one session on that in a really perfect world that can be all the time that's needed. And it means that the counts has been able to complete all of its work well ahead of time and that would be the ideal scenario. So that time might extend into a second session or two, but the idea is to really hopefully be in a good position by the time ICANN send seven rolls around and only spend single session on the timelines itself.

So for sessions two and three, the idea is hopefully to be able to spend some time to actually work on the substance of the pending recommendations. So in other words, trying to work substantively on the paths forward identified by the small team. And then Paul alluded to the next steps that are involved. So the paths forward that the small team identified that the Council will need to agree upon, presumably the Council will need to agree with the Board on. And so the idea is to spend sessions two and three on those paths forward to actually do the work and try to move the ball forward on the paths forward for all 38.

And then lastly, session four is the concept is to spend some time on the recommendations that have actually already been approved by the Board and this might not sound like the most intuitive use of time or the most constructive use. But the concept

here is that it's looking forward to the work of the implementation review team and trying to identify the topics where there is the most substantive change to the program or potentially topics that are contentious, and to make sure that the Council has an understanding of what those topics are, why and how they might eventually come back to the Council. So trying to put the Council on a better footing to be able to identify and mitigate any issues that might arise during implementation.

So just really briefly to summarize the idea, session one would be on the timelines and then potentially maybe more time as needed if that is the case. Sessions two and three would be able to try to make substantive progress on the pending recommendations and the paths forward. And then four would be about reviewing the already accepted recommendations and trying to issue spot and make sure that the Council's in a really good position to be able to understand and mitigate any issues that arise. So that was probably pretty brief. Hopefully, it made sense. Here for questions. And back to you Seb.

SEBASTIEN DUCOS: Thank you, Steve. While I wait for people to raise their hands for potential questions, you would have seen I send about two hours ago a letter I got tonight from David Olive, by the way, confirming a letter from Sally Costerton, and him cosigned confirming that they were very happy to support us with this Day 0 effort and to sponsor the [01:49:07 -inaudible]. I wanted also for the record to make sure that I thank them for their support. It will be wisely used. And without objection, I will send a personal email thanking

them back for that and turning around the decision so quickly. With this said, I see Susan's hand up.

SUSAN PAYNE: Yeah. Thanks, Seb. And thanks for that, Steve. That's really useful information. I just had a question about the sessions two and three, the ones on the sort of substance of the pending recommendations and the kind of paths forward. Is it envisaged that that might include discussion with the Board Caucus or the full Board on some of the matters that that we felt warranted that kind of clarification and discussion, or is the whole of the day 0 envisaged very much for kind of internal getting our ducks in a row, but potentially, we might even be able to find time during the meeting proper for a discussion with the Board or after the meeting. I'm just trying to understand what we think we'll be doing during those two sessions.

SEBASTIEN DUCOS: Yeah, Steve, go ahead. Yeah, go ahead, Steve.

STEVE CHAN: I'm happy to defer to you, Seth, if you want to go first.

SEBASTIEN DUCOS: No. No. No. I think we're going to say the same thing. So go ahead.

STEVE CHAN: We'll see. So this Steve again. So I think what might help is to give you a little bit more of a view on the timeline. So I had hinted at this, part of the thing. So there's a number of steps in moving parts involved. The first is a small team doing its triage, of course, but the outputs of the small teams still need to be validated by the Council. And so all those paths forward need to be endorsed by Council, and that's the purpose of the special Council meeting and hopefully some of the time leading up to that Council meeting. The output to the small team will be shared and then the ideal outcome is that outside of that special Council meeting on the fourth, there is alignment at the Council level on the paths forward.

And then subsequently there's also I believe, at least this my belief, there's a need for the Council and then also the Board to be aligned on those paths forward. And the rationale and reason for that is because in order to develop a reasonable and actionable work plan, we all need to collectively agree on what steps are actually needed to resolve the issues. And this a lot of work in aligning to be able to get to that point. So the purpose is that in advance of ICANN77, there's at least a general agreement on the paths forward to actually address the issues and that will feed into the development of the work plan.

So a lot of things need to go right, but in theory we're at a point where the Board and the Council are aligned on the paths forward and that means that in those sessions two and three that the Council can actually spend that time on actually doing the work because there is hopefully alignment on how to proceed. So there's a lot of steps involved and hopefully that made sense and

hopefully that actually answered your question as well, Susan. Thanks.

SEBASTIEN DUCOS: Thank you, Steve. And much better so than I would have been able to at 1 o'clock here in the morning here. Thank you. Any other questions? I don't want to press on too much, but we do have only five minutes left and two quick items to go through. Sorry. I would assume that there might be a lot of questions about this, and I would encourage everybody to also put comments and participate in the mailing list over this. The original answer about this and maybe this is also an answer to Susan's question. I realized Susan that you are part of the lucky few that are very knowledgeable about topic. You spend long hours and days following it for years to be that knowledgeable.

And the part of the exercise also, I want to remind is to make sure that all the councilors are up to speed with at least that base knowledge that will be necessary for the Council to be able to take decisions. I think that the first impression of the small team working on the 38 recommendations that it ended up being a very small team of people that knew enough about it all to be able to work on it effectively. And to be honest, I was a participant in the small team. I learned a lot during these sessions and was very quiet for most of it because I'm not at that level. And so part of the exercise was also to make sure that everybody rises up. So if that also answers the questions.

Can we move on to 9.2 as we have four minutes left. And I believe Terri wanted to walk us through the planning for the draft schedule.

TERRI AGNEW: Thank you, Sebastien. So, in addition to the day 0, which was just covered, there's several sessions of interest to the Council. In addition to the traditional GNSO Council and formal prep session on Tuesday evening, and the Council monthly session on Wednesday, we will send an email out to the Council once the ICANN77 schedule is published, highlighting these sessions of interest, but we also wanted to point out a few to you now in addition.

So here we go. Monday, the last session of the day is an org session, the new gTLD program next round recap, which will be followed by a question-and-answer session. The only Council bilateral during this meeting will be with GAC on Tuesday morning and a virtual bilateral session with At-Large will be scheduled the week before ICANN77 together. Their input ahead of the SubPro day on Sunday. Other items of interest. In addition to the usual PDP and EPDP sessions are, the IDNs EPDP will have four scheduled sessions, one a day, and the IDNs EPDP chairs requested these sessions specifically and staff was able to accommodate. Moving on, the facilitated dialogue on closed generic are holding two sessions. The difference this time being around that, in general, agreement, these will be open session to observers.

Lastly, John McElwaine has very kindly offered to assist with a GNSO Council dinner, which will take place Wednesday evening. A placeholder calendar has been sent out. Please let us know at the GNSO secs email address, if you don't see it on your calendars. And further information will be sent out closer to the date. We do still have everyone's dietary requirements reported to us during ICAN76, so if something has changed, again, please let us know. Sébastien, I'll take any questions or back over to you if there are none.

SEBASTIEN DUCOS: And given that we have only one minute, I would suggest that any questions or pressing comments be shared on the mailing list. Anyway, we'll keep on talking about this topic as we approach ICANN. So very quickly and I'll just raise it, I can't remember at this stage who, if not me, was supposed to talk about this. But 9.3, we sent last week, 10 days ago, I lost track of time again, a call for participation in the IRT, the SubPro IRT that was sent by staff. We need to, on our own, also designate a Council liaison for the SubPro IRT.

I have received a candidacy, a good candidacy so far, but I wanted to make sure that the item was raised. Please those interested respond to the list, I guess, and we will review the site together who is our best person here and ensure that we have somebody. There will be an enormous amount of work as you can imagine for a very long time on this. And so we're looking for somebody who not only is knowledgeable and available, but also somebody contracting me to start with who will be on Council

through the duration. Because, again, it's something that's going to last a bit. Anne I see your hand up.

ANNE AIKMAN SCALESE: Yes, thanks Sébastien. I was wondering whether you're requiring a formal submission of an interest in this role or? I'm not sure because I know that I've informally expressed an interest several times, and I don't know who the one person is that you're referring to. That was my first question. Second question was, there's been some discussion about the possible need for more than one IRT, and I wonder if that is something that Council needs to consider in consultation with staff as to whether there might be a need for more than one Council liaison.

SEBASTIEN DUCOS: So very quickly, yes, I think we should put kind of see in the main list where everybody gets to see them and candidates should raise their hands on it. The question, very, very quickly because we're over time already. Very quickly on the multiple IRT. This a question that we actually asked last right before he published this blog on the call for the IRT. And in his vision, whilst there would be several tracks possibly going in parallel, it will still remain very much one single IRT. And so if groups are divided to discuss one particular topic, it will always be brought to the four once those topics are closed. And it's not going to be a work track system with separate tracks going on for month like it did for the PDP.

And so I'd it was a question asked to him. And at this stage, I don't think that he envisages it. And so we will not have multiple

liaisons for multiple subgroups. These groups are going to be much more ad hoc and won't require running parallel IRT. At least that's what I understand from us. Jeff, do I see a hand up and then we really going to close because it's late here.

JEFF NEUMANN: Sorry. Jeff Neumann. Quick point of order, the GNSO Council approved the recommendations of SubPro which talked about the creation of a separate IRT for applicant support. So the Council has already approved two IRTs. Not sure Lars took that into consideration, but just sort of that point of order. I mean you could change that but the Council has already approved the creation of two. Thanks.

SEBASTIEN DUCOS: Good point. And you're catching me. I'll have to consult and give you an answer on it. I'll have to see what Lars thinks, including staff. I see Steve's very, very last-minute request. Go ahead, Steve, and then we'll close this.

STEVE CHAN: Thanks, Sébastien and all for indulging in my really short intervention. This Steve from staff. And I just wanted make an announcement actually, which is you'll have noticed that Terry took the helms and she did an amazing job on this meeting. And that's actually a result of the fact that Natalie, who has been our lovely steward of this meeting for many years and an amazing part of our team is actually moving on to a different team bringing her skills to another team. So the good news is that she's not leaving

ICANN or even the policy team, the sad news is that we don't all get to work with her quite as much as we have gotten used to in the past.

So that's the really, really short announcement that you'll be supported on these Council meetings by Terry primarily, and then Devan will also back her up. But I also just want to make sure that we acknowledge all the things that Natalie has done for this team and the Council over the year. I know that she has pinged you guys directly in a lot of circumstances and I'm sure you actually have an actual relationship with her, which is great. So I just wanted to let you know that Terry is going to do an amazing job, but also just join me, I think, in thanking Natalie and wishing her well in a new role. That was all. Thanks.

SEBASTIEN DUCOS: Thank you, Steve, for saying that. And I see Natalie is listening and we do love and appreciated your work all through the years on this. I see David raising a hand. I'm not sure if he's raising a hand, but David, if you wanted to say a quick word.

DAVID OLIVE: Nope. Not at all, please. Please, sorry.

SEBASTIEN DUCOS: Okay. It's all right. It's all right. Thank you very much everybody. Sorry for the six minutes overrun on this. But that last message was an important one. And good night to everybody in Europe

and good end of your day to everybody else. And talk to you all very soon.

TERRI AGNEW: Thank you very much, everybody. As a reminder, this meeting has been adjourned. I will stop the recordings and disconnect all remaining lines. Stay well.

[END OF TRANSCRIPTION]