ICANN Transcription

GNSO Council Meeting

Thursday, 20 July 2023 at 21:00 UTC

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

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

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts (apologies – proxy to Greg DiBiase)

gTLD Registries Stakeholder Group: Nacho Amadoz (apologies – proxy to Kurt Pritz), Kurt Pritz , Sebastien Ducos

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Osvaldo Novoa (apologies – proxy to Thomas Rickert), 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, 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

Everton Rodrigues: ccNSO observer

Guest: Donna Austin, IDNs EPDP Chair

ICANN Staff:

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

Marika Konings - Vice President, Policy Development Support

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

Steve Chan – Vice President, 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) (apologies)

Ariel Liang - Policy Development Support Manager (GNSO)

Caitlin Tubergen - Policy Development Support Director (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 on Thursday the 20th of July. Would you please acknowledge your name as I call it? Antonia Chu?

ANTONIA CHU: I'm here. Thank you.

TERRI AGNEW: You are welcome. Nacho Amadoz sends his apologies and proxy to Kuirt Pritz. Kurt Pritz?

KURT PRITZ: I'm here. Thanks, Terri.

TERRI AGNEW: You are welcome. Sebastien Ducos?

SEBASTIEN DUCOS: I'm here.

TERRI AGNEW: Theo Geurts sends his apology, proxy to Greg DiBiase. Greg DiBiase?

GREG DIBIASE: Here.

TERRI AGNEW: Desiree Miloshevic?

DESIREE MILOSHEVIC: Here.

TERRI AGNEW: Marie Pattullo?

MARIE PATTULLO: Here. Thanks, Terri.

TERRI AGNEW: You are welcome. Mark Datysgeld?

MARK DATYSGELD: Present.

TERRI AGNEW: John McElwaine?

JOHN MCELWAINE: I'm here.

TERRI AGNEW: Susan Payne?

SUSAN PAYNE: Here.

TERRI AGNEW: Osvaldo Novoa sends his apology. Proxy to Thomas Rickert. Thomas Rickert.

THOMAS RICKERT: Present.

TERRI AGNEW: Paul McGrady?

PAUL MCGRADY: Here.

TERRI AGNEW: Wisdom Donkor?

WISDOM DONKOR: Present.

TERRI AGNEW: Stephanie Perrin?

STEPHANIE PERRIN: Present. Thanks, Terri.

TERRI AGNEW: Are you welcome. Manju Chen?

MANJU CHEN: Here. Thank you, Terri.

TERRI AGNEW: You are welcome. Farell Folly.

FARELL FOLLY: Here.

TERRI AGNEW: Bruna Martins dos Santos?

BRUNA SANTOS: Also here. Thanks, Terri.

TERRI AGNEW: You are welcome. Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR: Present.

TERRI AGNEW: Anne Aikman Scalese?

ANNE AIKMAN SCALESE: Present.

TERRI AGNEW: Jeffrey Neuman?

JEFF NEUMAN: Present.

TERRI AGNEW: Justine Chew?

JUSTINE CHEW: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Everton Rodrigues.

EVERTON RODRIGUES: Present. Thank you.

TERRI AGNEW: You are welcome. We do have a guest joining today, Donna Austin, the IDNs EPDP chair. From staff, we have Steve Chan,

Marika Konings, Julie Hedlund, Berry Cobb, Caitlin Tubergen, Arial Liang, Devan Reed, and myself, Terri Agnew.

May I please remind everyone here to state your name before speaking as this call is being recorded. We are in a Zoom webinar room.

Councilors are panelists and can activate their microphones and participate in the chat once they have chat to everyone for all to be able to read exchanges.

A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor the chat.

As a reminder, those who take part in ICANN's multi-stakeholder process are to comply with the expected standards of behavior. With this, I'll turn it back over to our GNSO chair, Sebastien Ducos. Please begin.

SEBASTIEN DUCOS: Thank you, Terri, and good morning, good afternoon, and good evening to everybody. So we've done the roll call. I would like to ask if anybody has any updates to their statements of interest. And I'll give it a second. See no hands up. So I assume everybody's up to date, which is great.

We can go to 1.3, which is the review of the agenda and any proposed amendment to the agenda. I haven't heard of anything. So I assume that we'll go with the agenda as stated. Fantastic.

You will have seen that the previous minutes of our last two meetings have been published. And I hope that you were able to check them for yourselves. Again, as I say, always make sure that whatever you said on the mic has been quoted as it stays forever thereafter.

And with this, I still need to see no hands. So I guess that we can get into the thick of it and go directly to item two. As always, we ask everybody to review the project list, the action item list and be fully aware of what's going on, which is your responsibility and your duty.

I just wanted to note that the GGP, as you would see, is scheduled to deliver their report end of this month. And it's literally coming in the next week or so. There will be obviously, following that, a public comment, which closes, I guess it's a 60-day one. Correction from staff if I'm getting this wrong. But in case, it will close in —40-day. Okay. Yeah, sorry, 60-day, 40-day, but it will close in September. And the review of the public comments is scheduled for 9 September. Thank you, Julie.

I want to make a particular note here as the comment period is going to run through August. And the big joke around the block is that the Europeans disappear in August. But there's a lot of people in the northern hemisphere that are not either in full staff or fully ready. So make sure that you go back to your groups and raise this as a to-do to review and comment. Thank you very much. It will be posted on this 31st of July. Thank you, Julie for the confirmation. And so, again, 31st July 9 September, most of it is in August. People tend to not be completely all at their desk so please flag it to your groups.

With this, I think that we can go to, unless there is any other comment on the on those items, but I see no hands. So I guess we can go to the consent agenda, and I'll pass for that the mic to Greg.

GREG DIBIASE: Thanks. Susan, I see your hands, I'm assuming it may have something to do with an item on the consent agenda.

SUSAN PAYNE: It does. Thanks, Greg. Yes, I just wanted to say that the IPC would like to make a statement. We're not asking for an item to be removed from the consent agenda but we did want to make a statement about the accuracy matter. If that's okay. When it's convenient.

GREG DIBIASE: So I guess I'll just introduce that item of the consent agenda, and then you can make your statement and then I'll go through the other items. And then we can vote unless someone else would like to discuss. Anne, I see your hand.

ANNE AIKMAN-SCALESE: Thanks Greg. And again I'm non voting, [inaudible] I had made a comment regarding the response to the GAC communicate. Is that a matter for consent agenda? But I had made a comment on the list that I thought 17.2 language needed to be revised a bit. I'm not sure where that ended up.

GREG DIBIASE: I apologize, we may have missed that.

ANNE AIKMAN-SCALESE: I think the response says 17.2 hasn't been reviewed by the board yet. And in fact, what's happened is we have an indication of non adoption of 17.2. So it just appeared that it needed to be updated in that regard.

GREG DIBIASE: That doesn't strike me as a controversial update. I guess I'll ask staff, is that something we can update on the fly here, or does anyone object to that update? Okay. If there's no objection, we will make that update as part of the consent agenda. John.

JOHN MCELWAINE: So, Greg, what I might suggest is that Susan just—we do the vote on everything and then one of the operations procedures allow people to give a statement. We can give a statement afterwards. And so I don't think we need to belabor all this. We can go ahead and go with a vote, other than this subsequent issue that's been brought up which I'm not familiar with. So I think that should work fine other than taking care of the 17.2 issue.

GREG DIBIASE: Great, that works for me. Jeff.

JEFF NEUMAN: Yeah, as the GNSO liaison to the GAC, I don't think we should make that change because I think that will be read in a different way than I think we want it to be read by the GAC. It's not that 17.2 as a whole will not be adopted there, there are some issues that we're still working through. And even though we know in that small group what non adoption means, to put that in our official response to the communique, I think, will send a different type of message and might cause a little fear and consternation with the GAC in saying that the board has indicated non adoption, without much more of an explanation. So I know technically you are correct. I just don't think that it would look good for us to say in our response that the board is not adopting something pretty important in applicant support when it's really just an aspect of that. I would urge as the liaison to be careful on that wording.

GREG DIBIASE: Thanks, Jeff. Anne, would you like to respond?

ANNE AIKMAN-SCALESE: Just very quickly, Jeff, I appreciate the diplomatic approach. Can we just delete the word "yet?" Because I mean, the GAC and the board met, and the board already let the GAC know that they weren't adopting 17.2. If we just delete the word "yet." "Yet" implies that it's going to be adopted. It's a little misleading. It sounds like they will adopt it and they're saying that we have to modify it.

GREG DIBIASE: Jeff, do you want to respond?

JEFF NEUMAN: Yeah, I mean taking out the word "yet" is fine. I don't know what the communications were between the board and the GAC so I don't want to read any more into what the GAC knows or doesn't know. But that's fine if we delete the word "yet."

GREG DIBIASE: Okay. Stephanie.

STEPHANIE PERRIN: I was just agreeing that deleting the word "yet" was a very convenient way of not making any errors, whilst being diplomatic. So, full support for the removal of the word "yet."

GREG DIBIASE: Great. Thank you, Stephanie. And I also see Manju supporting to remove the word "yet" in the communique as well. Anyone have an issue with that approach moving forward? Great. Then I will move on to reminding the council what is on the agenda.

We have a vote for extending the deferral of recommendations one and two from the registration accuracy scoping team, until such time that data processing agreement negotiations between ICANN and contracted parties can be completed, or how the processing of registration data will be undertaken in the context of accuracy, for six months, or whichever is shorter.

We also have the acceptance of the GNSO review of the GAC communique from ICANN 77. As just discussed. And then we

have a motion to reappoint Milton Mueller as the GNSO non-registry liaison to the Customer Standing Committee. He had served his initial term, starting in 2021 and he has indicated his interest in continuing on as liaison. So the motion is to confirm that.

And then finally, we have a motion to appoint the GNSO Standing Selection Committee candidate for the GNSO alternate to the non-registry liaison to the Customer Standing Committee. determination recently made by the Standing Selecting Committee to have John Gbadamosi serve as the GNSO alternate non-registry liaison to the CSC.

So those are the motions in front of us. And I believe I am moving to Terri to proceed with the voice vote.

TERRI AGNEW: Thank you very much, everyone. Just a quick note, I don't think it's actually needed but in the past we've noted it. We don't have a seconded by noted on—does anybody want to go ahead and second these motions? The consent agenda, just in case. Paul McGrady wins. Perfect. Thank you, Paul. I appreciate that.

All right, moving on to the vote. 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, all in favor of the motion to please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Would councilors holding proxies please say aye? Kurt Pritz for Nacho Amadoz, Greg DiBiase for Theo Geurts and Thomas Rickert for Osvaldo Novoa.

PARTICIPANTS: Aye.

TERRI AGNEW: Thank you. No abstentions, no objection, the motion passes.

GREG DIBIASE: Great. Thank you, Terri. And then Susan, did you want to make your statement on behalf of the IPC regarding the extension for the WHOIS accuracy scoping team work?

SUSAN PAYNE: Yes, thanks very much. Just want to make a short statement on behalf of the IPC regarding the further deferral on the accuracy scoping team recommendations. Specifically, although the IPC does agree to a further six-month deferral, we would like to make it clear that we do so with some reservation. The IPC supports further work being undertaken on accuracy as soon as possible, and indeed would like to see the accuracy obligation strengthened. We appreciate however that it would be preferable for the data processing agreements between ICANN and the contracted parties to be in place before the scoping work is restarted. For more than a year now we've been told that the

negotiations between ICANN and the contracted parties are progressing well, that just a few issues remain to be resolved, and that the DPAs will be in place soon, although without being given any real visibility on what the outstanding issues are. When we agreed to the deferral on the accuracy work last November, it was with the belief that the DPAs would be in place in the next few months. More than six months have now passed without that being the case, and without Council receiving any substantive update on the status of those negotiations, or when the DPAs can reasonably be expected to be finalized. We therefore agree to a further deferral reluctantly, and noting that we would like Council to consider requesting a formal substantive update on the status of the DPA negotiations, and that the IPC is unlikely to support any further deferral after this one. Thanks.

GREG DIBIASE: Thank you for that, Susan. GNSO leadership will take back that recommendation to request a more substantive update on where the DPA negotiations are, because I see that's a burning question on a lot of councilors' minds. So great, thank you for that.

With that, I think that closes out the consent agenda. And I think we move on to the next topic, which is also me. During the council's extraordinary meeting on June 5 2023, Thomas Rickert introduced a new area for potential discussion at a future GNSO council meeting, specifically regarding NIS2 which entered into force in 2023. I won't go into the specifics here, but I think the general idea would be that it might be a good idea or helpful for the council or the ICANN community general to provide feedback on what measures are already in place and accuracy. And that

could take the form of a letter. And so there was kind of some open questions on what that letter would look like, who it would come from. And so I'll go ahead and invite Thomas to kind of jump in here and provide any further thoughts on how we can move forward on this topic, and then open it up discussion.

THOMAS RICKERT: Thank you very much, Greg and hi everyone. I'm still trying to catch up with recent development since I came back from my summer vacation yesterday. But the idea still stands that I think that it would be good for the council to communicate to the commission that we appreciate having been indirectly mentioned in NIS2 as a multistakeholder organization whose policies should be taken into account, and also explain what ICANN already has done because I think that the audience interested in these matters is not likely familiar with everything that ICANN has done, because I think that ICANN policies as well as the language of the RAA 2013 ticks a couple of the boxes that NIS2 triggers and the national implementations thereof. And therefore, I think we should put together a document outlining or describing in more detail what we already have.

I understand that there is some interest from councilors, as well as from the wider GNSO community for that to take place. And I also note that the small team on communications is potentially interested in taking that on board in its deliberations.

And I think my offer would be that we could probably form a small team drafting this and willing to if I have to hold the pen on that or be part of the group, suggesting something to the entire council.

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Now, I think for us, there are two questions. One is, is Council interested in that type of work? Do you think that the Council is the appropriate forum to issue such communication? And then the second question is, who would like to be or would be interested in joining the effort? Which I think should be supported by non-councilors as well who are interested in helping with this, so that we can put something together for the Council's consideration in the next couple of weeks.

GREG DIBIASE: Thanks, Thomas. I guess I'll throw myself into the queue saying that, yeah, I actually do think this makes sense. I've shared with you, but I'd share with Council that registrars have already done some work in this regard. I think some of the communication we've had touches on this, and we could certainly help provide—I know there's registrars and volunteers that could help provide kind of an objective overview of what the accuracy requirements are in place so far. So, the idea makes sense to me. I'm happy to join the small team, but I'll open it up to others for thoughts and comments. Kurt?

KURT PRITZ: Yeah, thank you. Just pausing to consider unintended consequences from establishing such a communication and where that might lead. I wonder if the small group first decides whether or not we should do this and what those consequences, positive and negative, might be. And in that consideration, talk to those who have a good deal of experience working in the arena. So I think we have some councilors that have that. I know ICANN

staff also has that sort of expertise. So once you start drafting, it becomes sort of a preordained outcome. So I'd like to insert a couple checks into the process. One is before, considering whether or not we should do it. And it doesn't need to take a long time, but I think it should be considered by people other than me because I'm ignorant in this area. And two is after the drafting is done, do another check and say, is this something that would be beneficial to send? So anyway, so I urge some caution in making the decision whether or not to go forward with this, but there's others on this call that know more than I. Thank you.

GREG DIBIASE: Thanks, Kurt. Thomas, I see your hand.

THOMAS RICKERT: Yeah, just a question for Kurt, whether you have any specific concerns in mind. I understand that doing a small impact assessment of what such communication might trigger is a great idea. But if you have thoughts on this that would help us look in or turn the right stones to find issues, that would be great. It doesn't have to be now, but if you have thoughts on that, please do share.

And then I'd like to respond quickly, if I may, Greg, to a point mentioned by Jeff in the chat. He asked whether the GAC would be the right target audience for this, opposed to the European Commission. And I think that the GAC should be receiving at least a copy of the communication if and when we choose to publish it. But one of the thoughts behind communicating what ICANN has done is to make sure that the European Commission is aware of

the fact that ICANN appreciates being indirectly mentioned in a regulatory endeavor. Because I think that's what we basically want. We want that national and regional lawmakers use ICANN as a policymaking organization to be considered when it comes to drafting laws. And therefore, I think the primary addressee of this should be the Commission, but certainly the GAC should be kept in the loop.

GREG DIBIASE: Thanks. I'll go first to Kurt to see if he had a response to Thomas's question.

KURT PRITZ: Yeah, my kneejerk reaction are two points. One is, during your introduction, Thomas—and anyway, first I applaud the initiative you're taking to make us more relevant, the ICANN community more relevant in this sphere. But in your introduction, you mentioned that some of the concerns, I forgot how you put it, so I'm going to mangle it, but some of the concerns or some of the issues raised are addressed. And my ears perked up at the word "some." And so that could just invite sharper criticism or calls for immediate action. So I'm concerned about that. And second, to the extent that there's a gap between what NIS2's envisioned goals are and where we are, I don't want the communication between, say, the GNSO Council and some organization in the European Union, I don't know which one, I don't want that communication to become a forum for our differences of opinion. And so I'm concerned about how the wording is put together with the interests of the different parties that are putting it together. So

those are two things that I didn't make very clear, but I'll try to do better in the future.

GREG DIBIASE: Great. Thank you, Kurt. Anne, you're next in the queue.

ANNE AIKMAN-SCALESE: Yeah, thanks. I think that kind of procedural review on the small team is a good idea. I think it's a great idea to tell the EC that gosh, thanks for noticing who we are and what we do. And I fully support that idea, but I realize also that GNSO is a supporting organization. And so I have the same question procedurally that I think I raised previously when the idea came up, which is, is this a letter that should come from GNSO Council, or is it a letter that actually should come from the ICANN board? And so I guess I would urge the small team to think about that question and to think about whether that draft letter should at least be reviewed at the board level. Thanks.

GREG DIBIASE: Thanks, Anne. Jeff?

JEFF NEUMAN: Yeah, thanks. And hopefully I say this right, because my kind of thoughts are jumbled in my head. So I hope this comes across the right way. I think the European Commission is a member of the GAC. If we go around the GAC and around the European Commission member directly to the European Commission, aren't

we basically saying that the European Commission in the GAC, their representative is not doing his job or her job, which maybe reserve your judgment, it doesn't look good. And the second point, which is related, is we are consistently telling governments to let ICANN work within the system. If we go outside the system to send a letter to the European Commission, aren't we doing exactly what we don't want others to do, which is work outside the ICANN system? My suggestion is very strongly to—the letter or the substance, great. Obviously, that's not my concern. It's just let's communicate with the governments and the GAC and potentially maybe have the board. But I just don't think that we should be going outside or around the GAC, especially when the European Commission has a participant. And again, well, I'll let you all discuss that. But that's my thoughts. To summarize, essentially, we accuse others of working outside the system when we want them to be working within the system. Let's work within the system ourselves and set the example. Thanks.

GREG DIBIASE: Thanks, Jeff. Stephanie?

STEPHANIE PERRIN: I don't wish to be undiplomatic here, but it seems to me that the Org has been approaching, well, for instance, the data protection commissioners repeatedly to see if they could get a an opinion from them on what ICANN should do. It's hardly the first time that ICANN has made representations outside of going through the GAC. And given that the GAC is, at least in my opinion, and only my opinion, overwhelmingly representing public safety concerns

and national telecom interests, I think it's appropriate, really, to reach out in some way through the Commission to member states that may have other interests that are not necessarily represented by the figures of the GAC that come to ICANN meetings. I think it's entirely appropriate to remind them of the job that ICANN purports to do. Thanks.

GREG DIBIASE: Thanks, Stephanie. Yeah, from my perspective, it seems like there is some support for at least exploring the language here, but there's kind of an open question on who should send it and who it should be sent to. So I guess maybe my proposal is to allow the small team to draft something, if volunteers want to, and then we can decide as a group if this language makes sense to come from us, someone else, who it should go to, or if it should go anywhere at all. So that'd be my proposal. Marie, I see your hand.

MARIE PATTULLO: Thanks, Greg. I think, as you all know, I work in Brussels, so I'm kind of used to working with the European Commission and with the member states, but I may have misunderstood this, and forgive me, just talking off the top of my head here. I'm a little bit worried that this is coming across as GNSO Council potentially lobbying the 27 member states of the European Union. I don't think that's what Thomas suggested. I'm hoping I misunderstood, because that, I think, really would be stepping outside of our little mandate. Yeah, I don't mean that. Thanks for that, Jeff. I'm just a little bit worried. I hope I don't come across negatively. I'm just concerned. Thank you.

GREG DIBIASE: Thanks, Marie. I think that sounds like a valid concern. Thomas, did you want to respond to that? You had a different view?

THOMAS RICKERT: Well, I think let me start by saying that all the points that have been made by fellow councilors are valid points, and I think that they should be considered. You might remember that I introduced this topic with exactly that question, is this something for council, and does it need to be dealt with, if at all, by another body? And if I remember correctly, that when we met last time in Washington, we wanted to take a stab at it as council. So I think we should start the discussion and see where it goes.

Lobbying is something that shall lead to certain outcomes, and I think that my idea is not to lobby the Commission or member states for that matter. That can and will take place elsewhere, I'm sure. I think the point that I want to make with this is that we inform those who are interested in what this article in NIS2 means, which is obviously an outlier in the directive and what the reference made to global multistakeholder organization actually means in real life, so that we tell those who are interested, including the lawmakers at the national state level, right, the member state level, what policies there are, and what mechanisms have been worked on by the global multistakeholder community [gathering in ICANN.] So I think we need to make sure that the language is not going to be such that it's perceived as lobbying or unduly influencing the lawmakers, but I think describing what we have done and sort of taking pride in what

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we've achieved at the global level in this bottom-up mechanism is something that we should at least consider.

And also for those who haven't followed the chat, maybe one point on the advocacy. I think it serves two purposes, and the points that have been made regarding inside the system and outside the system are very valid ones. I have mentioned on a couple of occasions that I was not happy, to put it mildly, that the Commission did what it did with NIS2, because I think that they should have just let ICANN run and do what ICANN's job is, but it is what it is now. And I think that it was good of the Commission to add reference to the global multistakeholder organizations, which have not been in the language in the first drafts that we've seen of this tool. Let's not forget that. So they do recognize the role that ICANN plays in this, and I think that that deserves at least acknowledgement, if not appreciation. So we certainly don't want to encourage lawmakers to regulate the space. But now that this happened, I think we should applaud them for giving ICANN a role in this. I think I should stop here. And if there are no questions, we can take that offline. Thanks.

GREG DIBIASE: Yeah. Thanks, Thomas. And I think we need to move on to the agenda. Great discussion. Maybe this is a small group that can think about, as kind of what Kurt is saying in the chat right now, the how alongside drafting. But I think we'd move on. We'll, I think, continue to discuss this, perhaps in the form of a small team. But for now, let's move on to item five. I think I'm handing the mic back to Sebastian.

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SEBASTIEN DUCOS: Thank you, Greg. And thank you, everyone. Great discussion. So item five is about the ODP and the ODA survey. As you would remember, when originally it was agreed that we would try this ODP process, it was immediately decided that we would go through two ODPs that were already in view, the SubPro ODP and what was called then the SSAD ODP.

Now that both have been concluded, closed, the ODA delivered, staff prepared and conducted a survey, namely a survey of the two liaisons that worked on this, Janis Karklins and Jeff Neuman, and prepared finding on those surveys. Now, I'm going to ask Caitlin to come to the mic and present the work and the findings. Whenever you're ready, Caitlin.

CAITLIN TUBERGEN: Thanks, Sebastian. And thank you, Steve. Can we go to slide three, please. Thank you. So as Seb just noted, ICANN Org is going to be conducting a community consultation on the ODP and the bolded language on the slide notes that this is included in the ODP process paper. And so now that we've completed two full cycles of the ODP, staff, kind of thinking ahead to the eventual consultation that will happen, sent out a survey to both of the liaisons, as Seb noted, Jeff and Janis, as well as the ODA small teams, to gather their feedback shortly after the ODA was delivered, so that we could memorialize the feedback when it was fresh in their minds.

And so the goal of today's presentation is just to share those results with you and see if you have any initial thoughts or anything to add. So if we can go to the next slide, please.

So as just noted, we're just going to share the survey feedback that we received on the general functionality and process of the ODP. The goal isn't to air general grievances about any of the policy recommendations that were approved by the GNSO Council. Some of the survey feedback got into some grievances with policy recommendations, but for the sake of today's conversation, we're going to focus on more of the substance with respect to ODP potential changes or suggestions. So if we can go to the next slide, please.

So the next couple of slides just go over a high level of the principles of the ODP and the purpose of the ODP, because we used the principles to guide the survey to the ODA small team and the liaisons to see if the principles that were included in the ODP process paper ultimately were true to the process. So as a reminder, the objective of the ODP is to provide the board with relevant information to facilitate its determination on the operational impact of the implementation. Next slide please.

So the ODP is designed to be launched by the board to help inform its deliberation of recommendations. It's run by ICANN Org and focuses on operational aspects of the policy recommendations. And within the ODP process, it is designed to have multiple instances of community feedback to provide feedback on facts, figures, and assumptions that are contained in the assessment. And it's a mechanism that's used to test ideas and assumptions on the operational impact of policy

recommendations. The process is also designed to ensure that the board is involved in the whole process and receive status updates and can engage with the council and wider community as appropriate. And of course, lastly, the purpose is that the board has all necessary information to make decisions on if the policy recommendations are in the best interest of the ICANN community and Org.

On the contrary, next slide, the ODP is not supposed to change the role of the GNSO council as the manager of the PDP or impose any restrictions on the current PDP process or the work within a PDP working group. It is also not going to or meant to reopen or revisit any policy question that had been settled during the PDP or change the substance or intent of policy recommendations. And lastly, it is not to alter the role and responsibility of ICANN Org and implementation review team when the policy recommendations go to implementation.

So without further ado, we will present some of the main themes that we heard back from the ODP liaisons. So in their role as ODP liaisons, Jeff and Janis served as the primary contact between the ODP team and the council and were asked to weigh in on questions pertaining to the substance or intent of policy recommendations. So if the ODP team had any sort of question, they would reach out to the liaison. Usually that occurred on roughly a monthly basis. And the liaison would provide feedback and then share that feedback in writing or verbally during council meetings, depending on the nature of that feedback. Next slide, please.

This slide represents the commonalities we heard from both Jeff and Janis. The first was in relation to the time of the ODP. Both liaisons noted that this process extended the time of an already long policy process and in both cases took longer than was originally projected for the ODP. Both liaisons suggested that perhaps going forward, instead of assuming that an ODP will occur after every PDP, that Org should consider an ongoing and active feedback loop throughout the PDP or EPDP process, especially if there's any sort of concern around a pending policy recommendation, that perhaps that feedback can be provided in the moment or shortly thereafter before policy recommendations are finalized and voted on.

In some instances, the questions that were asked of the council may not have been appropriate for the council to respond to in the sense of when questions got into the weeds in policy questions. While the council manages the PDP process, many of the councilors were not actively involved as members of the PDP or EPDP and therefore may not be the most appropriate group to opine on specific policy questions. And that again was another reason why the liaisons thought the active feedback loop would be more appropriate because then working group members who are involved in creating those recommendations could respond instead of the council, which may not be the appropriate group.

The next theme was really about the ODA and what appeared in the ODA. So the first was that the costs in both of the ODAs that Org provided seemed very inflated. I believe one of the liaisons noted that if the ODA proposal was a car, ICANN chose to build a Porsche instead of a Fiat, and perhaps that could have been

better informed by reaching out to third parties who do system builds and implement things like this for a living to get more realistic cost estimates. And lastly, both liaisons noted that in some cases, the ODA had some surprises that were the result of inaccurate assumptions regarding policy recommendations. And that if there were a question, or if there was a list of assumptions the Org or ODP team was working off of, that it would have been helpful to share that with the liaison so that if there was an error that could have been corrected prior to issuing the ODA.

So next we'll go to the themes from the small team. And the first slide just shows that the small team feedback varied greatly depending on who was responding. So the graphic just shows the response or breakdown for the last question of the survey, which was, all in all, are you satisfied with the ODA? And you'll see that there was a big split. Some members were satisfied, some were neutral, some were very dissatisfied. So this just shows that there were some common themes that emerged among small team members, but in terms of the general satisfaction or the way the ODP and ODA were conducted, there was great variance in terms of response. Next slide please.

You'll see some familiar or common themes. But first we had asked the ODA team members if they thought the small team was an effective vessel for reviewing the ODA. And I think all members thought that the ODA small team was a good idea, and it resulted in a successful collaboration between the Council, the Board, and former members of the working group and it allowed for the group to discuss challenging questions raised in the ODA report in a constructive manner, and could also help raise questions or

correct the record where the ODA may have missed the mark or the group collectively agreed that it missed the mark. That being said, the group said that a small team may not always be necessary, but in these two cases it was effective.

Similar to the two liaisons, most ODA team members noted that the ODP should not be a fork on conclusion in every policy development process. And some members noted that, again, it might be more efficient to gather this feedback during the PDP process through an active feedback loop. Similar to the liaisons, there were also some questions related to the financial assumptions, and some small team members noted the results in the ODA were neither pragmatic nor cost efficient, and this could have been aided by more outside expertise.

The small team and the liaisons noted that in terms of the ODA being successful or helpful, that would ultimately be for the Board to determine if the final product would assist in its evaluation of the policy recommendations. And lastly, multiple small team members noted that the process was pretty time consuming, and at this point it's unclear if anything was gained through the ODP process in either ODP.

That concludes the general themes that we heard from the liaisons and the small team members. Again, we wanted to share this now that it's available, and see if there's any initial reactions to the feedback you heard today. So for that, I am going to turn the mic back over to Seb, if that's okay, to manage the queue if you have any feedback. Thank you, Seb.

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SEBASTIEN DUCOS: Thank you, Caitlin. I see Anne's hand. I just want to keep everybody honest here. Also, we are running a minute late on our schedule, so Anne, please go ahead, but we can't have a 10-minute conversation on this today, sadly. Go ahead, Anne.

ANNE AIKMAN-SCALESE: Okay, thanks. A very brief comment, Seb, and thanks for the presentation. Regarding the observation by the liaisons that Council might not be the correct body to respond to questions from an ODA, I don't think there was a suggestion of some other appropriate body that would be the right ones to respond. And I kind of doubt that individuals such as liaisons would be the appropriate responders. I know that when the small teams were formed to respond to question sets from SubPro, for example, there were a lot of folks with SubPro expertise on those small teams bringing drafts to Council via the list. So I think the small team process in relation to responding to an ODA is a good process. Thanks.

SEBASTIEN DUCOS: Thanks, Anne. And yes, we'll have to see what the comments said, actually, directly from the liaisons that commented that, but you're right. So I see a difference between the GNSO being sort of the central point or conduit to get the questions and answers, which doesn't mean that the answers need to come solely from the GNSO as a closed body. Jeff, I see your hand up, and same comment on time.

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JEFF NEUMAN: Yeah, thanks. So the small teams for the two different ODPs were very different. The small team for the SSAD actually analyzed the ODA and then filed comments or worked with the Council after the ODA came out. The small team for SubPro was put in place for one question set, one of the five question sets, and I think it was active for maybe like a week. So I don't understand the statistics there because the small teams were used for very, very different purposes. I completely think the small team for the SSAD, that data is very appropriate. I'm not sure about the small team for SubPro because they didn't review the ODA at all as a small team. They may individually have reviewed it on their own, but not as a small team. It was a very different exercise.

SEBASTIEN DUCOS: Okay, thanks, Jeff. I don't know how to best take or answer this, but maybe something for Caitlin to take and we'll answer back or give clarifications on this on the list. With this, and five minutes late, if we can get back to the agenda, and I will give notice to Paul as he's going to be our next speaker for the next 25 minutes presenting. Yeah, so item six, the discussion on the SubPro small team on the pending recommendation. Paul, if you're ready to go, I'll pass you the mic without any further ado.

PAUL MCGRADY: All right, sounds great. Thanks, everybody. We might actually make up some of our time here. We'll see. So coming out of 77, the small team, our homework assignment was to do a couple of things. One was to develop what's known as a clarifying statement for the council to consider and ultimately to pass on to the board.

These are for the things where on the items, the recommendations where the board believed that some clarification from council about what was met by the recommendations or some assurances would likely do the trick, and that then those can be put in line for the board to vote up or down on, hopefully up.

And then the other part of our homework that we're still working on, you won't hear much about it today, is that for the things where we think the board will do a non-adoption, we are determining whether or not we want to keep pushing on those, and if so, ultimately what the mechanism for that is. But we're not there yet, and so those are not come back to council.

Today, we're going to go through the draft of the proposed clarifying statement. We're not voting on this, but we worked really hard, really fast to try to get it done for this meeting so that everybody would have plenty of time to ponder it, because we are going to come back to you guys in August and ask for a vote, and we didn't want anybody to not have as much time as they needed and not have an opportunity to ask questions. And so that's the background.

I would like to ask staff to do two things. One, to give us that, yeah, the draft statement here, but also if you could put it in the text for folks so that they could—thanks Steve—they can move around on it at their own pace.

So the first page is just an introduction, basically explaining what it is that we're up to here, so I don't think we need to spend too much time there. On the clarifying statements, we list out here, this is sort of like almost a table of contents of the various topics

that our friends from the board told us that they think might make its way to an up or down vote. Hopefully up. If we could provide some clarifications, you can see there, there are topics 3, 6, 9, 26, 29, 30, 31, 34, and 35. We're not going to spend a lot of time going back through these just because we spent an enormous amount of time on day zero getting into the substance of these back in ICANN 77, which seems like a world away at this point, but it's just actually just a few weeks ago.

But I will jump in and go through each topic. And I think it makes sense to open the mic after each topic in case people have specific questions. I will encourage people, because of the timing, let's not wax eloquent, but if there's something in here that it's not obvious what it means or that kind of thing, let's certainly have that. The goal of this time now is for the council to give us comments back that will help us sharpen these so that when we bring them back to their ready.

So topic three was having to do with the applications being assessed in rounds. And generally, the board was worried that some of the language was too constraining, and that there may be a different vision for the long term evolution of the program. The next episode of new gTLDs will be around, but it may evolve into something else, which has just been sort of euphemistically called the steady state.

And so the clarifying statement here really boils down to the council confirming its willingness to engage with the ICANN board to explore the shared vision for the long term evolution of the program. Which could be materially different from what is

envisioned for the next round of new gTLDs that we talked about in topic three.

So this is almost a housekeeping item at this point, this shouldn't be a surprise to anybody. But I will go ahead and ask if anybody has any questions if we can see some hands. If not, we'll move on to the next one. All right, I don't see any hands, that's good. We're moving on to topic six, look at us.

Registry Service Provider Pre-Evaluation, this is recommendation 6.8. And again, the idea here was that we had some somewhat imprecise language in our recommendation that sort of implied that the IRT would be making some of the budgetary decisions rather than ICANN Org. And that's not what we meant. And so the clarifying statement here basically addresses that, that we didn't mean for the IRT to supplant ICANN Org's role here, and that we recognize that ICANN Org will be responsible for establishing the fees charged for the RSP Pre-Evaluation Program in consultation with the IRT. And that we're for the usual consistent roles and responsibility as captured in the IRT principles and guidelines. So, in other words, we didn't mean to say that the IRT would have a bigger role than it will have when it comes to the dollars. So, again, this shouldn't be a surprise to anybody, this one's not all that exciting. But if anybody has any questions, we'll look for hands. All right, great. Topic six rearview mirror stuff.

Topic nine. Registry Voluntary Commitments. As you can imagine, this was the one that we spent the most time on, on day zero, we spent the most time on it in the small team. And I think that I'll just read these two verbatim. The other ones maybe not so much, they don't need it. But this one I think is probably our most interesting

one. So here's what we're proposing the council say. The GNSO Council confirms that in respect to any new public interest commitments, or PICs, and Registry Voluntary Commitments, RVCs, that PICs and RVCs entered into must be contractually enforceable. In respect to RVCs, enforceability is determined by both ICANN and the applicant. And further, the council observes that among the purposes of the PICs and RVCs is to address public comments in addressing strings deemed highly sensitive or related to regulated industries objections whether formal and informal, GAC early warnings, GAC consensus advice and or other comments from the GAC.

So, just to boil that a little bit. The clarifying statement is that both PICs and RVCs need to be contractually enforceable. Whether or not a PIC is contractually enforceable is a one way conclusion made by the ICANN board. Registry Voluntary Commitments, on the other hand, both the applicant and the board have to agree that what's being proposed is contractually enforceable. So that's the distinction there we're trying to draw out. And that we just send down to the board and then the board decides what to do next. If you guys all remember at 77, they said they were going to open up a broader community dialogue and basically took this heavy weight off our shoulders and so we're very excited about that, and the board can do what it wants to thereafter.

The second part of topic nine is 9.5. And what we're saying there is that the council confirms that we are not intending to create any dependencies for the next round for this particular recommendation. I'm sorry, 9.15. I misread it. 9.15. So, any

questions about where we ended up on RVCs and PICs? Mark, go ahead.

MARK DATYSGELD: Thank you very much, Paul. This is a simple question just to make sure that I'm fully understanding this. None of this applies retroactively. This is moving forward. So no PICs are actually affected by this. This relates to RVCs in the upcoming round. Is that correct?

PAUL MCGRADY: Well, so it is only looking forward. It is not retroactive. The PICs from the last round have already been affirmatively grandfathered in by the bylaws. And so it is looking at new PICs and new RVCs and the board will have to determine whether or not it thinks a PIC is enforceable. That's because PICs are not negotiated over. It's sort of take it or leave it, right? If they require a PIC, you either take it or you don't get a registry agreement. So that's sort of one way. But RVCs really are negotiated over. They're sort of bespoke things meant to solve specific problems. But again, Mark, you're 100% correct. It is only forward looking. It's not looking back.

All right. Great. No more hands. Let's keep going. Topic 26, security and stability. This, again, was a technical question where we said something that maybe wasn't as precise. And so here we're just confirming that the GNSO Council met or that the recommendation we confirm that the quote any level language referenced in this particular recommendation should be interpreted to only be in respect of domain names that are

allocated by the registry operator. So we're just basically drawing a line around this particular issue to make it clear that we're talking about registry operations and not anything else. Again, none of these should be too much of a surprise. Any questions on 26?

Okay. Moving on. Topic 29, name collision. Recommendation 29.1. This had to do with whether or not this recommendation was right. And especially with the NCAP study about to come out. And of course, it may have come out this week, I'm not sure. But anyways, what we're suggesting here is that the council informs the board that we think they can simply set this one aside and not act on the recommendation until such time that there are any next steps for mitigating name collision risks following the name collision analysis project, NCAP study number two.

So in other words, this is really a traffic cop function where we're letting the board know that we think they can keep this one in that on ramp waiting for the light to turn green before you get onto the freeway, it can sit there for a bit while the NCAP study is winding up. Not anything here too surprising. Anne, thank you for your comment about the NCAP study. Not yet, but stay tuned. All right. Any questions on 29? Any hands? Kurt, go ahead.

KURT PRITZ: This is sort of a side issue, but the council gets regular updates on three or four issues that might impact the delivery of the next round, I'll call it. But we've ignored NCAP so far, which is a secret kind of discussion that's taking place. And I wonder why we're not considering that in our list of things on the critical path to launch,

which might not be a topic for this, but I wanted to bring it up. Thanks.

PAUL MCGRADY: Thanks, Kurt. I dare not opine. But noted. Anne, go ahead.

ANNE AIKMAN-SCALESE: Thanks, Paul. And thank you, Kurt. I've been a part of the NCAP discussion group for quite some time. It's not at all secret, by the way. We have a public meeting every week for members who join the discussion group, and there are I think also observers, and there are updates regularly at every ICANN meeting where they hold sessions saying kind of where we are, what progress is being made.

The thought is that as we are converging on recommendations to the SSAC that are to be responses to the board based on questions that were presented to the SSAC, those things need to come faster and so we have extended our meetings to 90-minute meetings once a week. There's also now a proposal out for a short face-to-face as we are coming to a consensus on the study two report language that we want to all finalize and agree on before the next ICANN meeting. And definitely not secret. Want to join? Thanks.

PAUL MCGRADY: Thanks, Anne. All right. Let's keep swimming then. Topic 30 and 31 are having to do with GAC consensus advice, early warnings and recommendations. These are all wrapped into the PICS and

RVCs discussion that we've already had. These sort of relate to the mechanisms by which one might get out of such a situation, so that's why they are related to the PICS and RVCs. So not any new news there. That's almost a clerical addition. Any questions about that?

Okay, moving on to topic 34, community applications. And this one had to do with, again, some imprecise language where it made it seem like we wanted to peer behind the curtain of the CPE provider a little further than we should be peering behind and the board was concerned that we were asking for some information that would otherwise be confidential as between the board and the CPE provider. And this is just us making it clear that all we're asking for is that the CPE process should be subject to public comment, but we are not intending to require ICANN Org to disclose any confidential terms of the agreement between itself and the CPE provider. So, again, this shouldn't be controversial or a surprise at this point. But any questions on this one?

All right. Topic 35, another fun one. This is one where the board was a little concerned that by using the phrase private auctions, that we were somehow speaking them into policy existence. But we are basically just letting the board know that essentially we make reference to them only in relationship to the fact that they did exist in the last round, but it should not be seen as an endorsement or prohibition of their continued practice. This one's probably worth the read, so I'm just going to read through it.

The GNSO council confirms that the references to private auctions in recommendation 35.3 and 35.5 merely acknowledge the existence of private auctions in 2012 and should not be seen as

an endorsement or prohibition of their continued practice in the future rounds of the new gTLD program. The council notes that there were extensive discussions on the use of private auctions in the SubPro working group, to the extent that draft recommendations were developed as to private auctions. These did not receive consensus support in the working group, but did receive strong support with significant opposition.

In other words, we want to let the board know that we did talk this through and the recommendation that came to them was not a whim, and also to let them know that we really ultimately didn't take a position one way or the other on private auctions. So that's topic 35. Again, none of this should be a surprise to anybody at this point. But any questions on topic 35? Stephanie, go ahead.

STEPHANIE PERRIN: I apologize if I should know this, but don't. Was there an independent analysis done back after the 2012 round of the private auctions?

PAUL MCGRADY: Stephanie, if anybody knows the answer to that, it's not me. I'm going to turn to our resident historian, Jeff Neuman. Jeff, was there any sort of analysis of the private auctions? I don't know how you would do that since they were inherently private and the terms weren't disclosed. But do you know of anything?

JEFF NEUMAN: I think you've hit the nail on the head. There was some input, I think, from ICANN Org in the program implementation review report, but the amount of knowledge about what happened in private auctions ... wasn't a lot, as you said, Paul. So, no.

PAUL MCGRADY: So, Stephanie, no. Thanks, Jeff. When stumped, ask Jeff. All right, any other questions on topic 35? Anne, go ahead.

ANNE AIKMAN-SCALESE: Yeah, I just wanted to comment that I think we've been advised— and if I misstate this, Paul, please correct me, but we've been advised that the board intends to retain an expert regarding incentivizing auctions that would potentially provide a way to encourage the ICANN auction process or—what exactly were we told about that? I think my point being that they are going to commission a study on it. I think this little bit in response to Stephanie's question.

PAUL MCGRADY: Yes. So, Anne, you're absolutely right that we have been told that they intend to retain one or more auction experts to find ways to disincentivize private auctions. They're not using the word ban or anything like that, but we don't know, who knows. And there were a couple of different sessions that were informal. I spoke at an ALAC one on this particular topic. And so the board does have other things that they're going to be pursuing on this. And I guess from that point of view, we'll have to take a wait and see, see what they come up with. Our topic 35 response is pretty narrow which is

basically letting them know we thought about it a lot, we really couldn't get to any kind of agreement on it. And we didn't mean to either speak them in or out of existence, we were just making historic records to them. So that's where 35 landed.

So, with no other questions on topic 35, I would be doing a disservice to the record if I did not officially recognize that Kurt Pritz withdrew the word "secret." So that's good. That's on the record. And back to you, Seb.

SEBASTIEN DUCOS: Thank you, Paul and thank you for making up about three minutes on the late time that I gave you. Can we go back to the agenda and get to item seven, which I'll try to conduct in a speedy fashion?

So, item seven is on the follow up on the IGO curative rights and the other work necessary to release the IGO acronyms. This was sparked by a letter sent, [inaudible] it's a public letter now, a letter sent from Com Laude, who is present in a number of groups in the GNSO community so I'm not exactly sure in whose—in their name I guess, it was sent. It was sent in January to the board inquiring where things were at with the IGO.

And the answer came in, I want to say early July, so some months later, essentially saying, we hear you, we're working on it, but there's still a lot of work to be done before releasing the IGOs, the strings that have been reserved in this context. Namely, the work of an IRT to follow on the PDP that was recently voted this year in April, I believe. And work also on developing some kind of a tool to

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raise alerts when those IGOs are registered, a tool that is similar to what was used in the past at some point with the two letter codes. I don't think that that's still running.

In any case, needless to say, this has raised a number of background conversations from staff and concerns from staff. And I'm not here to be the voice of staff. Mary Wong sent leadership a letter. She wanted to participate in but couldn't make tonight. I think that Steve has been also prepped to answer questions if need be.

But essentially staff is saying, wait, this has been just voted. There was in Cancun a GAC advice that was recognized by the board. They essentially said, keep on holding the IGO strings until the work is completed. So no early release and then we see how we track it.

Staff is also mentioning the fact that it's a heavy load of work right now, a number of projects going on. And so whilst I do want to have this conversation and hear from council, I want to remind two things. First of all, sadly enough, whilst the upstream work was ours and we would like to see the results of our good work delivered, this particular process is not directly in our hands, which doesn't impede us from commenting. But I just want to make sure that everybody's very aware that a general position of saying we want things better, faster, and for yesterday doesn't always work in the sense that we will soon be asked to prioritize that work. As soon as we push that work and want to make sure that it happens fast, people are going to come back and say, well, can you please show me what you want me to deprioritize in all the stuff that we're currently working on?

So with this, and Steve, if I've missed something enormous, please go ahead. But with this, I would like to open the conversation and see if anybody has any comments as to how we should proceed with this. If we just take it and assume that we're informed on what's going on, or if we want further information, if we want to comment the process, any of those are open. And I'm talking as I'm seeing no hands up, which is always a bit awkward. Susan, thank you for saving me. Go ahead.

SUSAN PAYNE: Thanks, Sebastian. I was waiting to see if anyone else was putting their hands up first, but whilst people are thinking about it, I thought I would kick off. It was one of my colleagues at Com Laude who had communicated with the board asking for some update. We have some clients who would like to release two-letter codes at the second level. And there are a handful of them that are still on hold as a result of this issue, because they also match IGO acronyms. There are obviously other IGO acronyms that are also on hold as well, but it was specifically in this context, it was a query about, have we now done everything that needs to be done in order for those two-letter acronyms to be released? And the answer was no.

I know that there have been some communications saying that there's some work underway to work on the implementation plan for the recommendations that came out of the PDP on curative rights and the subsequent PDP as well. But there does seem to be some lack of clarity about what is going on with the post-registration notification system, which I believe is something that the board resolved to do in October 2020. And I don't think that

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anything has yet happened with that, or at least if anything has happened with that, it's not visible to us as the community. And there seems to be some question about whether proceeding with that post-registration notification system conflicts with GAC advice. You know, is it the case that there would need to be—I believe there's a suggestion that the GAC might change their advice. But if they don't change their advice, is it actually the case that the board GAC bylaws negotiation kind of process, that again, I thought had commenced in October 2020 or thereabouts, hasn't been underway and therefore that would have to be started all over again?

There are a number of kind of moving parts or perhaps not moving parts on this one. And I think it would be very helpful to have a really full understanding of what needs to be done and when. Certainly that post notification system, it's similar to the trademark claims kind of process. And so obviously, there's a lot of knowledge about how to build that system and make it operate and so on. But it doesn't seem to have been put in place and it doesn't seem, as far as I can tell, that work is underway yet. And so I think at a minimum it would be beneficial for Council to get a really clear update on what's outstanding and what needs to be done and what kind of timings we're talking about. Thanks.

SEBASTIEN DUCOS: Thank you, Susan. So, whilst no timelines were shared, to my knowledge, I think that the notes that Mary shared with us, with leadership, actually answer a number of those questions, particularly as to what needs to be done and why and in what order and that sort of thing. We're running a bit out of time again.

So what I suggest is I'll loop back with Mary after this, tomorrow, early next week, and just make sure that she's comfortable with sharing with the rest of Council the notes that she that she shared with us. Hopefully that will answer most of the points. Again, there wasn't any firm timelines. I want to make sure that that still needs to be developed. And we can go with that. Kurt, I see your hand. I'm also being told that Donna's in the room and ready to go. So make a quick point, and then we'll give the mic to Donna for the IDN EPDP timelines. Thanks.

KURT PRITZ: Sure. I think noting that we're 10 years into the temporary reservation, I think that getting Mary's notes public is a good step, but we should be ready to write to the board and without using the word priority, because I don't think that's our job to set priorities, but instill a sense of urgency that we've held a PDP, an extraordinary PDP after that to solve the issues. And now it seems like this is stalled again. So please, let's have a timeframe for this. So I think we should start a letter so that maybe we could approve one at the next meeting. Thanks.

SEBASTIEN DUCOS: Okay, well noted. Again, let's listen or read what Mary has to propose here, or to report on progress. I just want to make sure that we don't assume that nothing is happening because we haven't seen it. My understanding is that indeed there's a lot of moving parts and number of things that are being done, but I'll let Mary speak to it better than I can. With this, and thank you for your understanding, I'd like to close this discussion and then go

directly to item eight, and I'm not even going to do an introduction. Donna, if you are ready and available, I would like to pass the mic and give you all the time you need.

DONNA AUSTIN: Hi everybody. As promised, ICANN whatever number it was in DC, after the closure of the public comment process for our phase one report, we said that we would go back and have a look at the timeline for really completing the phase two work to see where we ended up with that. So, Ariel, if you want to go to the next slide, please.

Okay, so basically we've had a look at it. And the good news is that we have agreed that we can improve the timeline for phase two by 13 months, which I guess sounds pretty good. So we're aiming for October 2024 to complete the phase two work.

We're not going to reorganize the phase two work to prioritize or do first the items that have been identified as potentially impacting the applicant guidebook and the registry agreement, because it's still our view that if we did that, we'd end potentially having to do two lots of public comments and final reports and whatever, and that would just stretch out the work rather than making it go any quicker. So, hopefully that's good news and that's what folks were hoping to hear.

I will just say that where we found the savings, I suppose, in the project timeline is, as I mentioned in DC, we have started our consideration of the phase two charter questions. We made really good progress at the DC meeting, thanks to the four face-to-face

meetings we were able to have. We found that having the opportunity to come back every day and have conversations within a period of time was really helpful, so that we weren't waiting a week and coming back and trying to remediate some of the work that we had done. So, we really appreciated that opportunity to have those four meetings in DC, more or less back to back. So that's worked really well for us.

We've hit a little bit of a hiatus now because we're working through the phase one public comments, but we don't see any change to our timeline for completing the phase one and getting that final report to the council. And folks recall that one of the reasons we split our work into two is because we think it's the phase one work that will have more impact on the applicant guidebook. So we're trying to get those things out of the way. So that's still on track for November this year. And then I think our face to face meeting is likely going to happen in December. So that will mean that we can pick up the phase two stuff and really get cracking on that.

That's kind of the bottom line. If you want to go to the next slide, Ariel that will just give you an idea of where the changes in the timeline have been just so that people can go back and report. And I'm not going to go through the rest of the deck. I think this is the bottom line that folks are interested in. There is more information in the deck about how we came up with the revised dates and where we've compressed some of our work. So Seb, I'll just try to make up a little bit of time on your agenda, but that's bottom line.

SEBASTIEN DUCOS: Thank you Donna. [No, actually, I'm going to have to cover all the blank.] First of all, I've seen a few people in chat, but thank you very much. And excellent job and excellent news. Obviously, this doesn't come as a complete surprise because you have mentioned it in DC, but we're very happy to hear that you're able to confirm. It's important. And maybe we shouldn't have counted on it so much but I know that the following phase afterwards, the IRT, it's going to make a huge difference to our timelines and etc. So thank you very much for that.

With this said, were there any questions for Donna from Council? Susan and then Steve. Susan, go ahead.

SUSAN PAYNE: Thanks, hi. So first off, I do want to say I really appreciate, obviously, all of the work that the EPDP group is doing and that that Donna and Justine as the leadership are doing, and it's really good news to see that it looks as though the timeline will be coming in a lot sooner, will be a lot shorter than originally was anticipated. And this is really, really super news.

I guess what I'm still really having trouble with is understanding why these phase two items are dependencies. At least many of them, if not the majority of them appear to be things that apply to both future TLDs and existing TLDs. And as such, isn't it really the case that if there is a change made to policy that's going to apply to TLDs, be they existing and future, then why does that work need to be done before a next round can happen? Because at any point when policy changes, if it's going to be a policy that applies to all TLDs, then then some existing TLDs have to change what

they do. We'll be reviewing the UDRP at some point. We may make some changes to the UDRP. No one's suggesting that because a change to the UDRP would impact a future TLD, that we can't launch a new round until we've done a UDRP review.

I don't really understand how we started this work and the work by Donna and her team was organized in these two phases, because the second-level issues were not considered to be ones which necessarily had to be done before the next round, and that that has shifted and that we haven't really analyzed that. And I don't know if you can answer it Donna, but I'm struggling to understand why something that will impact existing and future TLDs is a prerequisite. Thanks.

DONNA AUSTIN: Thanks, Susan. So, this is a little bit of a tricky one to answer. So obviously we split the charter questions into phase one and phase two because we considered phase one were the priority for the next round and it would be important to get that work done so that it could be tied up in the implementation that would happen with SubPro.

On the phase two charter questions that potentially could impact the guidebook or the registry agreement, that's less clear to me. But I guess what I would say is potentially some of the recommendations that we come up with in the phase two work, there might be questions in the application that will be required. But I take your point that it is consensus policy. The second level, it is going to impact on everyone. It's not just going to be new applicants.

But I think what is trying to be addressed is, if there are new requirements, is there some way to ensure that those requirements could be captured within the application itself, or actually become a requirement for a new registry operator?

So it's a difficult one. For me, it's a bit of a chicken and egg. But I guess if you're being pragmatic, it probably makes sense that the applicant guidebook is as complete as it can be so that those second-level issues are captured as well. But I take your point that the phase two stuff is going to impact every registry operator that is operating an IDN. So there's a way to change that there. So that's my personal understanding. But I don't have an argument one way or the other.

SEBASTIEN DUCOS: Thank you, Donna. I see Steve's hand for definitely not a question for Donna. Go ahead.

STEVE CHAN: Correct. Thanks. The quick comment I was going to make is returning back to the phase two timeline. And just quickly, I wanted to share that informally, obviously, staff was aware of the new updated date that's communicated today. And so what we've been doing is making sure that our GDS colleagues that are working on the August 1st deliverable for the board, that they're also aware that this timeline, the updated timeline is going to be coming their way. So we've been doing that informally to this point.

But after this meeting, our plan was assuming there were no objections to the updated timeline that we would, in fact, inform them formally. So assuming there are no objections, we're going to capture an action item to update the ICANN 77 council deliverable to include this new updated timeline. And while we're doing it, take advantage of the fact we're sending updated copy to fix a couple of errors that we discovered after the fact. Thanks. That was it.

SEBASTIEN DUCOS: Thank you, Steve. Thank you for saying it better than I did. It is sort of what I meant by we have acknowledged the warning in DC and further work was already working on that assumption. But it is important to note it officially. And we will indeed officially inform the IRT team and the rest of the team that is preparing that 1st of August timeline.

With this, and perfectly on time this time, is this a goodbye, another hand raised? You wanted to make a another point?

DONNA AUSTIN: Yeah, it's a hand raised, Seb. And I guess it's a caveat on what I just said. Ariel's just reminded me, as part of the public comment process, we received comments related to .Quebec, basically suggesting a proposal for how to deal with a situation where somebody is applying for a TLD that is the same entity, but it's not considered a variant consistent with the root zone LGR rules.

We have forwarded those comments to Council for Council to consider. You know, one of the options is that Council decides

that the IDN EPDP team could have another charter question and consider the issue. But I would say that if that is the course of action, that is going to affect our timeline. How much, I don't know, but it is a substantive issue and it would take us a long time to unpack. So just a bit of a caveat there. So that's been sent to Council for consideration. Thanks.

SEBASTIEN DUCOS: Okay. Well, thank you very much. And thank you for the timeline warning. I think it's a key component of that issue. We will look into it. Thank you very much for joining us and talk to you soon.

So getting back to the agenda, we are getting into our last stretch with the AOB. And Desiree as our liaison to the ccNSO had raised her hand for our last meeting to update us on some of the ccNSO activities. But sadly, we couldn't fit it in the agenda last time. The agenda was too packed. And so we will give you the mic now. I don't know if you are ready Desiree, but if you are, just go ahead.

DESIREE MILOSHEVIC: Knowing what's the time on the agenda and that we have an important item afterwards, I would like to say that we're looking how to make these reports more structured to the GNSO Council. One of the suggestions is that the ccNSO liaison would have a regular time to report to the GNSO Council and the suggested period we've come up with was June and in September time frame. Usually, we meet with the ccNSO Council once a year. Although at this very last ccNSO Council meeting, they have expressed a desire to meet with us possibly at the ICANN

Hamburg meeting. One of the topics that they'd like to hear back from us or talk to us about would be the new gTLD process.

We have over the last, let's say, three months participated in some of their Council meetings. Sometimes, they overlap with the GNSO Council meeting like tonight. Some of the updates you might have heard about that the ccNSO Council has a new member [inaudible] that has joined their membership. So, they have 173 members. We have also congratulated Alejandra Reynoso for being elected back in March as chair of the ccNSO.

In June, we had no meeting scheduled together but they celebrated the 20th anniversary. I had the honor to be part of that back in 2003 [inaudible] They have a lot of activities, but I think one of the—and a lot of committees as well and the agenda is always fully packed like ours.

But one of the committees that I thought would be interesting to bring back to the Council is their Internet Governance Liaison Committee that they have where this particular committee is established to coordinate and to facilitate the participation of their members in any processes outside of ICANN that are pertaining to Internet Governance and then report back.

So, if we wanted to have more coordination within GNSO, that's something perhaps we could think about and discuss. Also, the ccNSO has, like us, previously adopted the final report [inaudible] CSC effectiveness but it's also going backwards.

But going forward, yeah, I think the main issue here is to structure our way of reporting [inaudible] to get some feedback from the

GNSO councilors to see how we would like to have this report, if we're happy with the report being done two times a year. I think the June period is really good because we have the past six months of activities and then [inaudible] the councilor is either leaving the council or to prepare for the [inaudible]. That's the end of my brief report. Thank you. Back to you, Seb.

SEBASTIEN DUCOS: Thank you, Desiree. And I'm very sorry. [I had to put the second ear] because it was indeed a bit hard to pick up. I hope that everybody was able to. But thank you for that. And we'll be in touch to see about that and organizing indeed our next meeting in Hamburg with the ccNSO.

With this said, I'll give the mic to John to take us to the final and give us an update on the closed generic process.

JOHN MCELWAINE: Sure. Thanks, Seb. The closed generics working group met yesterday. And there was a bit of a change in the work plan that we had put together that resulted out of that meeting. So some participants, after they'd begun a review of the comments, began to raise concerns about proceeding to even review the comments because there was some thought that there was just simply not sufficient community support with the framework.

So as everyone will recall, that was something that we wanted the various groups to do. We wanted folks to take a look at the framework and let us know whether it is something that they could support policy being built off of.

So what we're thinking about doing now is cancelling our next meeting for July 24th where it's been scheduled. We are going to have a July 31st meeting. So go take one week off. The participants are supposed to be reviewing the comments, reviewing the framework with their individual groups. And staff is going to work with GAC leadership, GNSO council leadership, and ALAC leadership over the next two weeks to come up with a way to address again what we were all talking about at the last meeting in Washington. And those are, do we feel like the framework is something that we can achieve consensus policy based off? Can we even achieve a final framework document and then develop policy off of it? If the framework is not the appropriate place to do this type of work, is there another place?

So I would say that we had a little bit of a change in where the group was headed. We thought we were going to be just reviewing comments and then producing a final report. But in effect, I think we're doing exactly what we intended to do, which was to get a sort of up or down guidance from the various interested parties prior to engaging in further work. So that's the update.

SEBASTIEN DUCOS: Thank you, John. Any questions to John about this? I do. I see Paul McGrady's hand.

PAUL MCGRADY: Thanks, Seb. John, this is probably a premature question, but what happens if the framework doesn't get support?

JOHN MCELWAINE: that I don't know. I mean, I don't know the exact answer to that. Obviously, the framework was an idea from the board to try to make policy or to come up with a method that the GNSO could make policy on it. So I suppose there would need to be a discussion with the board saying we're having difficulty, the framework doesn't look like it's going to work out. But to me, I think it's a GSNO council-board discussion.

SEBASTIEN DUCOS: Thank you, Paul. Because this has been discussed also in DC, I want to remind everybody that also the discussion about the critical path was long debated, well, not debated, but kept on being discussed and repeated during the meeting in DC. I know from having discussed with the group that the IDNs EPDP did particularly appreciate the pressure being put on or the pressure felt by the fact that they were on the critical path.

According to the very short timeline or the very brief work that we did in trying to put timelines, the new date that Donna's just confirmed to us today would set her or their work pretty much in parallel with the optimal timeline for the work on the closed generics. It was roughly landing at the same time.

So this is also something that we need to keep in mind, that this process, and we can't force it, it's not our process alone to handle, if we wanted to keep it within the package of the next round, we'll have to resolve it swiftly because otherwise it will become de fact the critical path. And they are not entirely sure that the GNSO, the

rest of the community would support having everything delayed and waiting for it.

Again, as I said in DC, I think that we should keep on working on it and pushing it. We have time and we should be able to do it. But if further delays are now created by the group itself, at some point we'll need to reassess that.

This said, and seeing no further hand, we still have two minutes on this, but if we don't, I'm more than happy to close two minutes early. I never thought that I would get to that point, but good. So thank you very much. Oh, Anne, last-minute hand. Go ahead.

ANNE AIKMAN-SCALESE: This is just coming attractions and thank you for the—hopefully I can do this in one minute, but in relation to our role as liaisons to SubPro IRT, Susan and I will be, I believe, bringing something to discussion in the next council meeting with respect to the possibility of forming a small team in relation to the SPIRT charter. We are expecting a workflow from ICANN Org that will show the relationships with respect to the predictability framework and the SPIRT and their relationship with the Org and how that is interwoven seamlessly with all that will occur in the SPIRT based on the charter that GNSO council will put together. So just coming attractions and think about whether you might want to be on a small team. Thank you.

SEBASTIEN DUCOS: Thank you. And thank you for the heads up. Okay. Well, it's been great. I am now happy to close this July council meeting. Thank

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you very much for everybody's participation and input. And we keep in touch. Terri, if you want to stop the recording.

TERRI AGNEW: I will certainly do that. Thank you, everyone.

[END OF TRANSCRIPTION]