## ICANN Transcription

## GNSO Council Meeting

## Thursday, 25 May 2023 at 05:00 UTC

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

The audio is also available at: https://icann.zoom.us/rec/play/7F5FcN91CErJoWL0NA6g4y6oLvVqYLld1-Auh_N_FUnedISM9pZlqgkv4fVsHRHfEddAfS59mPAzVpBZ.cSfD214tVlZ8awq

Zoom Recording:
https://icann.zoom.us/rec/play/td34I75O2WdcrH_pdSIIXQWPlnLP9svAQ37Gwz1Chbj6bmAPJ1NgTXrSg5UMICWDTsTWupl2jO1Y-o-2.-LDJbvHhFCgrDaG9

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

**List of attendees:**

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

**Contracted Parties House**

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

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

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evan

**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 (apologies, proxy to Tomslin Samme-Nlar), 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)

**Guests:**

**Katrina Sataki, Chair of the OOrganizational Effectiveness Committee of the Board (OEC)**

**Evin Erdogdu, ICANN Org**

**Donna Austin, IDNs EPDP Chair**

**ICANN Staff**:

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

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 (apologies)

Emily Barabas - Policy Development Support Senior Manager (GNSO) (apologies)

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)

TERRI AGNEW:	Good morning, good afternoon, and good evening, and welcome to the GNSO Council meeting taking place on Thursday, the 25th of May 2023. Would you please acknowledge your name as I call it? Thank you. Antonia Chu?

ANTONIA CHU:	Present. Thank you.

TERRI AGNEW:	You are welcome. Nacho Amadoz?

NACHO AMADOZ:	Present.

TERRI AGNEW:	Kurt Pritz?

KURT PRITZ:             Present. Thanks.


TERRI AGNEW:            You are welcome. Sebastien Ducos?


SEBASTIEN DUCOS:        Present. Thank you.


TERRI AGNEW:            You are welcome. Theo Geurts?


THEO GEURTS:            Awake.


TERRI AGNEW:            Greg DiBiase?


GREG DIBIASE:           Present.


TERRI AGNEW:            Desiree Miloshevic?


DESIREE MILOSHEVIC:     Present.

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| TERRI AGNEW: | Marie Pattullo? |
| MARIE PATTULLO: | Yeah. Thanks, Terri. |
| TERRI AGNEW: | You are welcome. Mark Datysgeld? |
| MARK DATYSGELD: | Present. |
| TERRI AGNEW: | Oh, hi, Mark. Good. You were able to join. Perfect. John McElwaine? |
| JOHN MCELWAINE: | I'm here. |
| TERRI AGNEW: | Susan Payne? |
| SUSAN PAYNE: | Present. Thanks. |
| TERRI AGNEW: | You are welcome. Osvaldo Novoa has sent his apologies. His proxy will go to Thomas Rickert. There are no proxies, but just in |

case. Thomas Rickert? I don't see where Thomas has joined the meeting yet. Paul McGrady?

PAUL MCGRADY:          Here.

TERRI AGNEW:           Wisdom Donkor?

WISDOM DONKOR:         Present.

TERRI AGNEW:           Stephanie Perrin? I don't see where Stephanie has joined the meeting yet. Manju Chen?

MANJU CHEN:            Here. Thanks, Terri.

TERRI AGNEW:           You are welcome. Farell Folly also sends his apologies. Again, if it was needed, the proxy would have went to Tomslin Samme-Nlar. Bruna Martins dos Santos?

BRUNA SANTOS:          Also here.

TERRI AGNEW:             Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR:    [Present, Terri. Thank you.]

TERRI AGNEW:             You are welcome. Anne Aikman Scalese?

ANNE AIKMAN SCALESE:    Present.

TERRI AGNEW:             Jeff Neuman?

JEFF NEUMAN:            I think I'm here.

TERRI AGNEW:             Justine Chew?

JUSTINE CHEW:           Present. Thank you, Terri.

TERRI AGNEW:             You are welcome. Also, I believe Thomas Rickert has joined at this time.

| THOMAS RICKERT: | I'm present, yes. |
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| TERRI AGNEW: | Welcome. And Maarten Simon? I don't see where he has joined either. Our guests today will be Katrina Sataki, Evin Erdogdu, and Donna Austin. From GNSO support staff, we have Steve Chan, Marika Konings, Mary Wong, Julie Hedlund, Caitlin Tubergen, Nathalie Peregrine, and myself, Terri Agnew. |
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| | May I please remind everyone here to state your name before speaking as this call is being recorded. |
| | As a reminder, we are in a Zoom webinar room. Councilors are panelists and can activate their microphones and participate in the chat once they have 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 microphones nor the chat. |
| | As a reminder, those who take part in ICANN multi-stakeholder processes are to comply with the expected standards of behavior. |
| | With this, I'll turn it back over to the GNSO chair, Sebastien Ducos. Please begin. |

| SEBASTIEN DUCOS: | Thank you, Terri, and good morning, good afternoon, and good evening, and particularly good afternoon to our friends in the Asia-Pacific. This is one of your calls that is at a more challenging time |
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for North American and an early one for Europeans. It's 7:00 in the morning, it's a reasonable time.

But yeah, the clock turns and let's go. This is one of the meetings that we did change after the December meeting and request made from that region to have a few more calls scheduled for it. So here you go, it's all for you.

We have done the roll call, 1.1. I would like now to call to see if there are any updates to statements of interest as per 1.2 of our agenda, and I'll wait a second to see if I see any hands up, but I don't. So all that is good.

I saw yesterday in [inaudible] preparation for this call, the IRT call, or the documentations on the SubPro IRT, and I saw, for example, a list, none from people that I directly knew or recognized, but there was a number of SOIs missing, or at least not linked, I assume that they are missing. So again, important to have those up to date and ready to go for any participation as there will be asked more and more. Thank you.

On this, 1.3, I want to make sure that there are no reviews for agenda, and I'm saying this as I have seen, actually, a request coming last night for me from Stephanie Perrin. I'm not sure if Stephanie is on the call, she wasn't during roll call, but Bruna, I see that you are, if you want to present this.

BRUNA SANTOS: Hi, Sebastien, hi, everyone. Yes, of course. It was mostly based on the fact that we were aiming to have some more space for discussing probably two liaisons instead of just one, just in the

hopes that this would allow us to have better information and more, I would say, like timely conversations on the process in general.

To me, at least, this is a request that would be based mostly on whoever volunteers for these roles can be able to share, and it's not super burdening for the volunteers itself. So I don't know if Tomslin or Manju want to add something to this, but that was the initial goal from our request.

SEBASTIEN DUCOS: I appreciate—so one of the things that I'm missing is where we—if we would do it earlier—so the idea, sorry, for everybody else, was item 10.4 of the AOB is discuss the Council liaison to the IRT, and the idea was to have that earlier in our discussions so that it's not left with the AOB with five minutes to go, which is, I try to leave more time for AOB each time, but indeed sometimes the conversations do go. And to have this then, I guess, within—I'm trying to see where it would fit, within item five, I guess, or just before or after item five, I guess.

So we will try to do that. It does mean that we will need to limit the conversation just simply and mechanically, because otherwise we don't want to go through the rest of the agenda, that's why we put things in AOB, but I'm fine with that. Let's do that. I just wanted to check that it wasn't disrupting too many of our guests either, because in the meantime, they're waiting for their turn, and I see that it might bump you out a bit, Donna Austin, if you're already on the call. Okay, thank you. I guess we will do that, and as it's not directly on the agenda, we'll correct the agenda afterwards.

Now, on to 1.4, acceptance of the minutes of our previous calls, so it's the last Council minutes, and it's the minutes to the extraordinary call that we had on SubPro. I see no particular hands or comments on those. So, those are now in for the record. Thank you very much. I'm looking for hands, but seeing none, which takes us to item 2 on the review projects and action lists. Any comments there?

I just wanted to make a comment, because I didn't hear anybody mentioning it for the last, I think it's the third month. As per request of this Council, I believe it's the action items, and I'm very sorry, it's early in the morning, so I don't have all my terms in a row, Steve will correct me, but we asked to have those items that had changed noted, and you will see, or you will have seen, as everybody goes through them again and again, exactly, that if you do that through the wiki, these items appear as broken links, but if you download the same and read that through the PDF version on your laptop, you'll find that these are indeed links that work, and we are looking, it's not in the first emergency, but looking at a way to maybe make this slightly more aesthetic on the wiki too, so that we can keep all those together and visible for the future. So that's that.

Otherwise, again, are there any comments about these and the progress that we track? I know that we discuss this progress in different forms, particularly in the last, this year, in '23, as we're trying to line up a number of those items, or pretty much all—a number of the items, not all of them are, are—sorry, have a correlation on SubPro, but alone, and so we also track them separately through that.

And again, it's a balance. Sometimes I hear that we spend too much time during our calls talking about that when there is a tracker, and sometimes I hear that people want to know what's happening. So again, all that documentation is there and available for you guys, I hope you keep track of our work through that, and thank you again for the different leaderships of all these different groups, because having that information there is all good, but it also means that they spend time every month updating their time track and their progress and etc. for us, so thank you for those present there.

I still see no comments, so we will move on, and we will move on to item four, and Katrina, I'm about to pass on the mic to you, so the item four is on the Board request for Council input on the NomCom rebalancing, we received a document, and I'm very sorry, [inaudible] do not work, so I can't remember if there was a date written in there, but we received the document, I want to say a little over a month ago with a request for comments. We received at Council, all the SGs and C leaderships received it also, and we thought it was a good time to give background, fully explain where this is, and what the moving pieces are.

And as we were trying to find the best person to talk about it, I don't know exactly who had this brilliant idea, but we found Katrina Sataki from the Board, who was willing to join us and explain all this for us, and give us the background, particularly as this request comes from the [caucus she's participating in in] the Board.

So without further ado, Katrina, and thank you for joining us early this morning, Katrina, do you want to take this and walk us through this request? I'll start and then I'll give the floor to Evin.

Good morning, good afternoon, good evening, and thank you very much for allowing us to join and talk a little bit about the letter and the questions. I won't take much of your time, I know that we don't have a lot allocated to this topic.

I'm here in my capacity as the chair of the Board's Organizational Effectiveness Committee, and that is the committee that deals with reviews and everything around reviews. And when we were reviewing a report from the NomCom Review Implementation Working Group, from the NomCom 2 organizational review, there's recommendation 10 which the working group was not able to address during the implementation phase.

And when the OEC, Organizational Effectiveness Committee, looked at the history, at this particular recommendation, there was an appetite to, not to sweep it under the carpet, but to try to address and finally resolve the issue that has been coming up over the years, many times over the years, and Evin will walk you through a little bit about history.

I really wouldn't want to influence your discussion on the topic, but there's one thing I really would like to stress, and that's, we should look at NomCom as independent body which is tasked with selecting leaders for ICANN, and the idea of the NomCom is, it's not a working group, they do not develop policies binding for everyone. They work on something that is for public good, for the whole interest of whole ICANN.

And therefore I really would like to urge you to look at specifically at the first question in Board's letter, and that's about all the criteria, criteria that you would use to determine whether NomCom

is balanced or not. And with that, I will shut up and give the floor to Evin from ICANN.

EVIN ERDOGDU:          Thank you so much, Katrina. Hello everyone, good morning, good afternoon, good evening. Thank you so much for having us here to present on NomCom rebalancing. I'm Evin Erdogdu, for those of you who don't know me yet, and I'm part of the ICANN Org review support and accountability team.

So our presentation—and I apologize in advance if it runs a little long, but we wanted to provide some good background on this topic for you. Our presentation is split into three parts. We'll provide the background on the NomCom, walk through the topic of NomCom rebalancing at ICANN, and then finally provide information about the related NomCom rebalancing correspondence that Katrina mentioned, and we're also happy to take your questions towards the end of the presentation.

Great, so I think we're on this side. So this slide shows the current composition of the NomCom, and as most of you are aware, the NomCom is a committee tasked with selecting key ICANN leadership positions, including some members of the ICANN Board of directors and public technical identifiers or PTI Board, as well as other positions within the ICANN community.

The NomCom functions independently from the Board, the supporting organizations, and advisory committees. NomCom delegates act on behalf of the interests of the global internet community and within the scope of the ICANN mission and

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responsibilities assigned to the NomCom under the ICANN bylaws. They do not act in furtherance of the group that appointed them to the NomCom.

So this slide shows the current composition of the nominating committee. There are five delegates selected by the ALAC, seven by the GNSO, and one each by the ccNSO, ASO, and IETF. And we'd like to note that there is a public comment proceeding currently open with proposed bylaws amendments pertaining to the second organizational review of the NomCom. The proposed bylaws amendments, if approved by the community, would transform all NomCom delegates into voting delegates, except for leadership, and we'll share more information about the public comment proceeding later in this presentation. So if you could go to the next slide, please, Terri. Thank you so much.

So the ICANN community has been discussing the topic of rebalancing the NomCom for over 10 years. Recommendation 10 from the first organizational review of the NomCom sought to address issues of the size and composition of the Nominating Committee, as well as the related issues of NomCom's recruitment and selection functions.

A Board working group on the nominating committee, or the BWG, formed in February 2014 and was charged with performing the review called for in recommendation 10. Later in 2014, the BWG provided a proposal via public comment to rebalance the NomCom. The proposal recommended to increase the number of appointees from ccNSO and ASO, and reduce the number of GNSO appointees, while increasing GAC representation at the GAC's discretion.

Overall, the size of the NomCom was proposed to increase from 21 to between 25 to 27 individuals. The BWG rationale was to keep in mind principles of equality to align with the structure of the SOs and ACs. They recognized that regional representation and diversity was important to reflect within the NomCom, and noted that the structure of the ASO, ccNSO, and the ALAC support the use of appointees selected from across geographic regions.

As a result, the BWG proposed that the ASO and the ccNSO would each appoint five members as opposed to one from each of their five geographic regions. Because the GNSO does not use regional representation as their organizational structure, but rather a special interest, the BWG proposed that the GNSO appoint four members to the NomCom to align with the stakeholder group structure at the time, as set out in the ICANN bylaws. And due to the growing membership of the GAC and the diversity of views among the governments, the BWG proposed it would be appropriate for the GAC to appoint up to three members to the NomCom at the discretion of the GAC.

So the summary report of comments received indicated disagreement with the proposal. Regarding the suggestions about the GNSO specifically, the reduction of GNSO members was generally opposed, with comments noting the need for a wide range of interests represented by GNSO constituents in the NomCom.

However, there were comments in the support of adding a seat for the NPOC by the BC and ISPCP at the time. And it was also commented that realignment is required as the current model is

disproportionate and favors an outdated GNSO representation. If we could go to the next slide, please. Thank you so much.

So recommendation eight from the second organizational review of the NomCom suggested that the current number of NomCom delegates is appropriate and should not change. And this recommendation 10 that you see here on this slide from the same review suggested that representation on the NomCom should be rebalanced immediately and then be reviewed every five years.

The independent examiner found that there was concern that the NomCom may not accurately represent constituencies both across the SOs and ACs and within the SOs and ACs. Next slide, please. Thank you so much.

So the community working group—and Katrina mentioned this a little bit at the beginning—this working group tasked with implementing recommendations from the NomCom 2 review, first considered the development of principles to guide rebalancing. And during implementation, the working group updated their plan to focus their efforts on centralizing the rebalancing efforts only on the seats selected through the various components of the GNSO.

In relation to rebalancing the GNSO's allocation of seven seats, the working group proposed that it should be the GNSO's constituencies and stakeholder groups that decide how these seats are distributed. Their proposal was to recommend to the Board that the ICANN bylaws be revised to eliminate language referring to specific seats for stakeholder groups. And with such a bylaws change, the GNSO would then rebalance itself periodically without requiring bylaws changes.

The GNSO would then undertake a rebalancing exercise for its seven NomCom seats, and possible outcomes among others included maintaining the status quo or rotating the seven seats among the GNSO's constituencies and stakeholder groups.

However, at the time, the GNSO expressed opposition to the working group's proposal and suggested that a more fundamental assessment of the NomCom would be more appropriate. They noted that the working group proposal to have the GNSO select the GNSO representatives to the NomCom would create an enormous effort of work and debates within the GNSO, which would not be justified by the expected outcome.

So the community group noted the ensuing conversations made clear that significantly more time needs to be devoted to this issue at a broader community level to address the representation issues on the NomCom. It ultimately withdrew its proposed bylaws changes with respect to Recommendation 10, and the ICANN Board Organizational Effectiveness Committee and community were informed that this recommendation was not implemented.

The working group identified that it might not be the most appropriate group to move forward consideration of this issue, which led to the Board's March 2023 resolution. So with that, I will turn it back over to Katrina, I think, to walk through the correspondence from the Board and the questions. Thanks so much.

| KATRINA SATAKI: | Yes, thank you very much, Evin. Are there any questions about this review of history? Okay, if not, then yes. Again, as I already mentioned, the OEC proposed and the Board agreed that we do address this hot topic and try to find a solution that would work for everyone. So the Board developed a set of questions, and we would very much appreciate your input on all of them. I think that, yeah, and the letter was shared with all groups, community groups at the ICANN, and we hope to get input from all these groups as soon as possible. |
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The Board itself will discuss the same questions during its workshop in Washington DC. So if we go to, I think we had questions on, yeah, here we have those six questions. So as I already mentioned, the first and probably the most important one to start with is, what does it mean to have a balanced NomCom? So what criteria would you apply?

And then, of course, after we have those criteria, to look at the current composition and see how it works, so with those criteria in mind. And as you heard, Evin said that independent examiners suggested to review the balance every five years, but still we're asking, what's your opinion on the frequency? Again, next questions are more about the practicalities of the issue. So how do you suggest move forward, and who should and how should do the work?

Okay, with that, thank you very much again. If there are any questions, we're happy to take them. And if not, back to you, Sebastien.

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SEBASTIEN DUCOS:    Thank you very much, Katrina and Evin. I still see no hands up. So just as a reminder for everybody, for us, this is a multi-level question. Not only are there all the questions that Katrina had listed there, but again, this communication went both to us and to our different constituencies. And as the, I want to say the ball is currently with the constituencies, because again, we Council don't appoint anybody directly. They do as far as the GNSO is concerned. We would normally let them respond directly and not have a Council response. But potentially, we could formulate a Council response if members of this Council wanted to join, to draft and propose that response. Because it might, in the future, depending on what those responses be, have an impact on us.

Rebalancing in general is probably a topic of interest. But again, even if it's not in the question, proposed in that recommendation 10, was also the fact that maybe that appointment of seats should happen from Council to the SGs and Cs, rather than being fixed in the SGs and Cs and having to be revised. I see Mark Datysgeld's hand. Go ahead.

MARK DATYSGELD:    Thank you, Sebastien. So just to be clear from the experts on the subject, is there any reason why another seat cannot be added? Is there any practical reason why this is not being considered? Thank you.

KATRINA SATAKI:    Yeah, thank you very much, Mark, for the question. Well, practicalities. Well, first of all, those are costs. And that's a direct

impact on increasing the number of total seats on the NomCom. I'm not saying it can't be done. I'm just saying that those are additional costs.

But looking back at history, and look much further than 10 years or 20 years. In the ancient Rome, when Julius Caesar wanted to get rid of the Senate, he proposed to increase the number of seats from 100 to 300. And basically, by doing that, he incapacitated the Senate because they just drowned in discussions. Personally, I think that smaller groups can be more efficient, not necessarily, but it's just sometimes it works better.

SEBASTIEN DUCOS: Thank you. Now, as always, I hate to close early a discussion that is ongoing. But sadly enough, we've got an agenda and a time to keep. So I will say thank you very much, Katrina and Evin for joining us and for your explanations. Again, I strongly encourage the Councilors to look into it, want to remind their SG&C leadership to provide answers.

And also, and possibly on the on the mailing list, if anybody wants to volunteer to provide Council answers, we'd be interested in that. I guess this has been the condition now for the last few years, we would spin a quick small team on this and [inaudible] I see no particular volunteers at this stage, but we will send that also through the mailing list as a reminder. Thank you very much.

Can we go back to the agenda and to item 5? So item 5, we had 15 minutes for it. And I think that what we'll do is maybe let Paul go through his discussion points, reporting on the small team's

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[progress and effort.] And then we'll find some time to discuss the issue of liaisons. And I hope that Anne and Susan, you're ready then to take the mic if questions are asked. Yeah, without further ado, Paul, did you want to walk us through that update?

PAUL MCGRADY:      Sure, Seb, thanks. And I think my report will hopefully be fairly short. And we'll have some time for the new topic that's been added into this section in relationship to the IRT. Just a quick update that as you all know, the small team has completed its triage exercise. We got that document in essentially final shape to present to the Board. It was sent out to the Council. That finalization was based upon comments that we got back from Council in our special meeting. So thank you all for participating in that.

We had a conversation with the Board this week, the Board and Council have both been invited to follow along as that document was developed. So it seemed like the Board members that were there and participating knew the content fairly well, and were able to ask good questions and make good comments. And so that was great.

So the information that was provided was in a provisional form to the Board, because of course, it's not final until it's final. But we did have a good discussion with the Board on May 22. So just wanted the purpose of this agenda item here is just to let you guys know how it went and that we're still ultimately planning on delivering the work plan and timeline to address all the pending

recommendations within the timeframes that we had talked about before.

And for some of those, it seemed clear that there was alignment between Board and Council. And so to finalize the work plan for those issues, seems like it's going to be a little easier. There were other items where it wasn't clear that the Council and Board were aligning. And so there may be a need for further discussions. That having been said, I don't know what the Board's time frame is to get us additional feedback beyond what we got on that call. So I think we have to keep moving forward to finalize what we have, if we ultimately end up needing to change it down the road, based upon additional inputs from the Board. We'll have to take that up at that time, based upon the feedback that we get back from the Board. But for now, I think we're making our best educated guess of where we think this should ultimately land, based upon the conversations that we had with the Board. So we have some work to do.

The small team is meeting again tomorrow to sort of go through the chart one more time to figure out which of those we think have pretty clear alignment with the Board at this point. To the extent that the Board has asked us for brief statements, essentially turning our talking points into a brief written statement that they can rely on, I expect we'll start to feed those in some way to Council to finalize and get to the Board, all with the goal of retiring things from the triage chart that we can. And for those that we can't, hopefully getting alignment ultimately with our finished product, which we're heading towards getting done as 77 kicks off,

with the Board so that we can start to actually sign the work, do the work, and get it done.

So the bottom line is, we got good feedback from the Board. There's still some ambiguity about what the Board is thinking. We're not stopping. And we're just going to keep working and do what we can, deliver it on time to all of you, and work quickly to get it wrapped up. And like I said, if the Board comes back with comments that are inconsistent with where we landed, we'll have to figure out what to do about that at the time comes. But I don't want us to start shadowboxing about what the Board may or may not say. Until they say it, I say let's just keep moving forward with what we're doing and what we told the Board how we would like the land. And so in the words of Dory the fish, just keep swimming. I think that's the plan.

So that's a fairly brief update. I'm happy to take any questions. And I also want to be respectful of the time that this issue in relationship to the SubPro IRT fits here. And people want to make sure we have time to discuss it. So I don't want to belabor this any more than needed. So happy to take any questions. If not, Seb, back to you.

SEBASTIEN DUCOS:    Thank you, Paul. And I'm seeing no hands on this. So thank you. Thank you very much for this brief update, which lends us almost perfectly to where we should be time-wise. But again, because we're moving an item from AOB up, we will just scoot and move the rest of the items a few minutes. So I certainly don't want to start any discussion here. But I also do want to put a sort of a line

to make sure that we are able to go through the rest of our agenda. So let's say tentatively now, I will stop the discussion at 50 past the hour, in 10 minutes.

But with this, I see that Stephanie has joined us. Stephanie, as you proposed this item, can I put you on the spot and ask you to basically guide us through the discussion that you were intending on this topic? Or maybe, sorry, just one quick question, one quick comment.

So we are to appoint a liaison to the IRT, and we've made a call for this. And we had two excellent candidates raising their hand. And that is Anne Aikman Scalese and Susan Payne. In principle, we're there to appoint a single liaison. But indeed, in the last week or so, and I think, Anne, you were the one that first suggested it, at least I saw it from one of your emails, there was a suggestion of having not one, but two appointees since we have two candidates.

In the past, when finding a liaison, we rarely have competition. In fact, I don't know if you remember, but we spent from October to December last year trying to find a liaison role. It was a slightly different liaison because it was to a PDP, which Osvaldo, in the end, raised his hand for. But we're more often in that position of having to fill a seat than having multiple candidates.

The Council doesn't need to vote for these appointments, again, in the sense that very often we have a single candidate. It just flows logically. But here is the position as leadership. Indeed, we can, as a Council, decide to appoint two liaisons. And I'll maybe give my personal thoughts on it in a second as a—I don't want to say

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an experienced liaison, but a liaison to a similar IRT for the last four years.

We can decide to appoint a single person and find a way to designate which one of the two that should be, or we can decide anything else. And I'll let Stephanie, maybe, to go through the options that she has in mind.

On a personal note, I've been an IRT liaison for a number of years. I joined the EPDP phase one—I wrote phase two the other day, but it was phase one. I'm getting all confused. IRT, four years ago, as I was joining the Council, even before I joined the Council, replacing Rubens, who was the then Councilor in my seat, and a liaison for the IRT that was just starting.

And I just want to make sure that everybody fully understands that this role as a liaison is quite different from a PDP liaison. Again, the IRT is a staff exercise. They have the pen. They are the ones running the show. This is not something that is controlled by Council. And Council liaison is there as a messenger, as a go-to person, should there be any problem that needs to rise to the level of Council. And in principle, we want, or the IRT wants to avoid that and make sure that everything is contained within the IRT.

We did have, during the phase one, issues that needed to come to Council. There was issues with Rec 12, in particular, which I had to bring to Council. And there, the liaison role is not so much, again, to find solutions or to be part of the decision-making. The role was to be aware of all the discussions and all the points of view around the table, and in particular on that one, the differences were both between the IRT and staff and within the

IRT itself. So there was different angles there. So being able to represent that to Council accurately.

But it wasn't the liaison deciding. It wasn't the liaison deciding with the IRT leadership. It was just a conduit. It's very much a pass-the-parcel messenger type of role. I think that in the rules and regulation, it does have one power there, and that's to keep the room civil and following the expected standards of behavior, that the liaison is supposed to do and raise the flag when things are not being held in a civil way. But that's pretty much it.

So those were my points. I've eaten already almost half of the time [inaudible]. So Stephanie, if you wanted to drive us through to the points you wanted to raise, and then we'll have a short but essential discussion. Go ahead.

STEPHANIE PERRIN:    Thanks very much. And I believe it was actually Manju who suggested with the... It's very rare that we have two people who want to be a liaison, regardless of whether it's to an IRT or to a PDP. I think it is clear, and I made these points in my original note to Council.

Number one, this has been a very difficult PDP. There are a number of issues that have not entirely been resolved, hence the discussions with the Board. It is clear that there are some open questions which caused a great deal of friction during the PDP that may arise again as we attempt to implement. And the whole question of what's policy and what is implementation, which we studied years ago in the large working group—I know that

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Chuck Gomes was one of the co-chairs of that group, and I can't remember the other gentleman's name. But I was on that, and so was Anne Aikman-Scalese. And I, personally, was very impressed with the way she performed on that group, because I think this is going to be an issue.

That's one of my worries, is that the IRT will just go ahead and treat arising policy issues that stem from a lack of clarity in the final recommendation, and not bring them back to Council. That's why I think it's really important to have a variety of perspective on the part of the liaison, so that decisions to bring these issues back to Council will be balanced.

And I also quite worry about the competitive issues that will be arising in the IRT as we push forward. We do not know, because of the inadequacies of the SOIs in terms of revealing client interests, whether or not the group that forms the IRT are, in fact, living out their commitments to declare any conflicts as they arise.

So, I think those are all the points, but I would invite my colleague Manju to raise anything that I've missed there in that little summary. I don't see why, since we have two eager applicants, we don't take them both.

Oh, yes, one more thing. There will be an issue if we divide this IRT into two work streams, and that question is still alive, to the best of my knowledge. I know that NCSG has been saying, do not open up more than two small teams on this, because we do not have bandwidth to manage all these small teams, and this is very important. So, we need full representation. I think that's about

MANJU CHEN: I don't have much to add, but first, I just wanted to, of course, I strongly support this idea, but like Steph said, it was actually suggested by Anne, and I really liked it, because I remember when we had very complex issues, for example, the SSAD, the EPDP Phase 1, 2, and 2A, we did have two Board liaisons. I'm just like, they're both very useful, very helpful during the process, so I thought it would be a good idea, as Stephanie suggested— they're having proposals of multiple streams. If there are going to be multiple, I don't know if they're going to use the word work track or streams, it would be extremely helpful that we have at least more than one. Of course, we have super capable people here volunteering, two on both streams, so we don't lose anything. Thank you.

SEBASTIEN DUCOS: Thank you, Manju. John, I see your hand up.

JOHN MCELWAINE: So, with respect to having two liaisons, I just sort of disagree with Stephanie's, I think, proposal that they would be both reporting back to us and essentially serving the same role. I don't think that that gets the efficiencies that Manju and Bruna have been talking about, which I think is something to consider.

I know that there's at least one part in the IRT manual where a liaison needs to make a consensus determination, and I just think it would be odd to have two people making that determination, or they could be at odds. But to the extent that two liaisons could be assigned separate and distinct parts of this, then I think that's something to consider, because I think that could help with the burden and speed things up. Thanks.

SEBASTIEN DUCOS:    Thank you, John. Jeff, I see your hand up.

JEFF NEUMAN:    Yeah, thanks. And if I'm overstepping my bounds, tell me to shut up and I'll stop. But my comment is more as the past, one of the past co-chairs of SubPro, of the PDP. And I kind of put this in chat, but I think it's worth stating, is that SubPro was an interesting PDP because it really wasn't just focused on policy, it was policy and a lot of implementation.

And frankly, wasn't really that important for people necessarily to classify whether something was specifically policy or implementation during the work of SubPro. It was what people felt should be done in the next round. And some of it was definitely policy and some of it was definitely implementation and lots of gray areas.

So the way I see the role personally, it's less of a—and this is not a comment of whether one or two is good or bad or on either of the candidates. It's just to say that I think the role of this liaison is going to be more or less of determining whether something's

policy or not, but really whether something is straying from the recommendations or implementation guidance given in the SubPro report and how to figure out what the best way, and bringing that back to the Council, the Council can figure out the best way to resolve that. So I hear what Stephanie's saying on policy and implementation and how that is normally very important.

To John, I would say that two people can work well together, or if two people can work well together, then determining consensus is actually not hard to do as two people. So Cheryl and I, I think, worked well together as co-chairs, and we discussed on a number of recommendations whether things had achieved consensus or not. I personally found it very helpful to run that by someone else and at the end of the day agree with them. So it could work with two, it could work with one, and I make no comment on either of the candidates. I think they're both great. So thanks.

SEBASTIEN DUCOS:     Thank you, Jeff. I raised my own hand. Again, I strongly encourage everybody to reread the roles and responsibilities of the liaison in an IRT and etc. From a perspective of who is going to run this, from Lars Hoffmann's perspective, I guess, he will certainly want to make sure that the conversations do not go back into relitigation. It will be very much his responsibility to keep firm on that. Calling in the Council to go and adjudicate on every decision is going to be just as time-taking as letting these conversations happen within the IRT. So I think that there will be forces there both to limit that danger and also to make sure that

the discussions and the approvals that he will need to move forward from item to item are contained within the IRT.

I expect that indeed a few things will come back to us, but we need to also be careful not to make it a constant conversation between the IRT, Council and staff, because otherwise we will just go nowhere. We will then, by expecting to be constantly in the conversation, we also need to be fully aware that we will drag this process down. So we need to do that.

One person that I haven't heard from in this conversation, and I'm sorry to put you on the spot, is Susan, and maybe you did react in the chat, but I didn't see you. Yes, you did. So I just wanted to make sure that in the case, and it doesn't look like we have time to decide now, so we might have to decide on the list, but in the case we do have a two-head team, I just wanted to make sure that Susan too was comfortable.

SUSAN PAYNE:              Thanks, so did you want me to speak? So I put earlier in the chat, I haven't held a liaison role before. I think Anne hasn't either, and I've no doubt we've both read the relevant details about what the roles and responsibilities are.

It's very helpful for me certainly to hear from people who have more experience in being a liaison, what their feelings are on the concept of the role, and the idea of whether it's feasible to share the role. You know, Anne and I have known each other many years. I'm quite sure that if the decision of Council is to have the

SEBASTIEN DUCOS: Thank you very much for that perspective. Again, I'll have to draw a line behind it under this. Thank you for the discussion, and let's agree on the list quickly. Again, this doesn't require a vote, but if we are agreed, let's confirm it on the list quickly so that we can go back to the IRT with our nomination or nominations.

Thank you very much. And if we can go back to the agenda, we are running a few minutes late, but we will try to catch up. I think I have a topic, and I'll make it short. With this, and without further ado, I'd like to pass on the mic to Donna Austin, who will discuss the IDN EPDP timeline. Thank you.

DONNA AUSTIN: Thanks, Seb. Thanks, everybody, for your time today. The purpose of this call, and I'm obviously joining this Council meeting as the chair of the IDN EPDP. Justine Chew is my vice chair, and I believe Justine, being liaison to the Council, is also on this call. Steve Chan, Ariel Liang, and Emily are our staff support, who will be helping me out here today.

The purpose of my attendance here today is really in response to a Board request to Council for the IDN EPDP to develop a project plan and a timeline for getting through the phase two part of our work, as it's been identified as a dependency in some respects on the next round. It's a project plan for the GNSO EPDP working group, identifying all charter questions that will impact the next

applicant guidebook, along with considerations to ensure a consistent solution on IDN variant TLDs with ccPDP4, in accordance with Board resolution, and a timeline for when the IDN's EPDP working group will deliver relevant recommendations to the GNSO Council.

So, just a little bit of context, I suppose. The IDN EPDP has recently published our initial report on phase one, and we currently have a public comment period that is open until, I think, the fourth or fifth of June. It's likely that that public comment period will be extended because we have received some requests so far, but that's something I'll run by the EPDP team later today.

The work that we're doing, we have had regular conversations with IDN ccPDP4, who are also thinking about introducing variants for CCs. So, that's work that we're doing as well. So, really, what I want to discuss here today is the analysis that we have done to identify our timeline for how long it will take us to get to the end of the phase two work. So, next slide, please, Steve.

Alrighty. So, the phase one that's a more detailed overview of what I just gave you, but what's probably important here is our estimated delivery time for the phase one final report to Council is the 10th of November 2023. So, we've built in 18 weeks to review the comments and compile the final report. So, that's work that we still have to do, and we'll pick it up once the public comment period closes.

One of the benefits, I suppose, of extending that, the current comment period from the 5th of June to probably two weeks, which will take us to the other side of ICANN 77, is it means that

we can focus on phase two deliberations during ICANN 77. So while some may be concerned that we're giving an extra two weeks and that's eating into time, I don't see it that way. I actually think it's a little bit of an opportunity for the EPDP team. So, next slide, please.

So, we did an impact analysis of phase two. So, basically, it's looking at the charter questions, and perhaps what I should say too, we initially split the charter questions into two. And the reason to do that is because we understood that all of those charter questions that related to top level domains, we probably should prioritize those because they will be required for getting the applicant guidebook ready for a next round. So, that's why we split the work in two initially. And we have the, as I said, the initial report out for phase one.

So, the phase two charter questions are really to do with management of variants at the second level. And I think in our initial thinking, we weren't really thinking about whether the questions would need to be addressed for the development of the guidebook. And we've also since been informed that it's not just the guidebook, but it's also anything that might impact the registry agreement.

So, what we've done, we've got 19 questions that are in the phase two bucket. Topic C is related to the same entity principle and whether that should apply at the second level. And essentially, it's whether the registrant of an IDN at the second level, whether they should also have a connection or it be the same registrant for any variants of that. So, that's topic C. So, the same entity principle is

something that the team is readily comfortable with now, having been through that discussion on how that relates to the top level.

Topic D is about adjustments to the registry agreement, registry services, registry transition process, and other processes, procedures that relate to the domain name lifecycle and whether the introduction of variant IDNs at the second level and the same entity principle is going to impact any of those processes. And then topic F, adjustments to the registration dispute resolution procedures and trademark protections. And then topic G is the process to update the IDN implementation guidelines.

So, our analysis that we conducted were based on the following key assumptions. So, the EPDP team will develop corresponding recommendations for each question that will result in a change to the status quo. So we have to assume that there will be a change coming as a result of our recommendations.

The 2012 guidebook will serve as the basis for the next AGP. So one of the challenges that we've had with our work is that there was an assumption that SubPro IRT would have been set up two years ago, but it wasn't. So, a lot of the charter questions that we had for phase one recommended that we discuss the charter questions with SubPro IRT. Well, we couldn't do that. So, we've basically worked on the assumption that whatever was in the 2012 guidebook is probably going to be very similar moving forward. So, that's been a key assumption for us through the work that we've done. And then the impact on the registry agreement will have an impact on the next AGB. As they'll be published together for public comment. So, next slide, please.

So, this is an analysis overview of the question. So, the C1 through to G2, that's the charter question number. So, the analysis of whether it's going to impact the next applicant guidebook. So, you can see there's a yes, no, and a maybe category. The application question, again, a yes, no, and a maybe.

So, when we say application question, so when somebody—is there going to be a question in the application that this charter question may have a requirement in the, a direct requirement as an application question. And then the contractual obligation. So, whether it'll be in the registry agreement.

So, what really pulled us over the line in thinking that one of the options that was available to us here is just to split the phase 2 work into phase 2A and phase 2B. What we've kind of come to agreement on is that it doesn't make sense to split this work further. So, we'll just do the phase 2 as a single job lot. We're not going to split it. Because that will just add extra time for what will ultimately be just probably a small set of questions. So, we don't think it's worth a separate process for doing a separate initial report, public comment process and all that. Because all it will do is just add time to the work that we're doing.

You know, an observation as chair is one of the things that we are seeing with the EPDP that as time goes on, we're losing members. And that's normal for any long-term project, particularly PDPs. The other thing to note here, I suppose, is that we've identified some foundational questions within the charter questions. And they're the ones that are highlighted in yellow. Next slide, please.

So, this is just a breakdown of what the project plan would look like. So, we've done an analysis of how long we think it will take to get through the charter questions. So, how many weekly meetings. At the moment, our cadence is we meet for two hours once a week.

So, you'll see there that the total number for the group one, and the group one topics are those that actually fit within that. They're either an impact on the registry agreement or an impact on the applicant guidebook. So, the total number of weeks that we've got there is 38 with the contingency buffer. So we're just building in a buffer that if we go over that, it could be another nine meetings. So, really a meeting equates to a week. And then with the second group of topics, so that's, as I said, a smaller group of questions, we think maybe around 11 weeks. So, if you do the math, that comes out at quite a large number. Next slide, please.

So, here's our estimated timeline. And obviously, the important date here for the Council is that we've identified that the phase two initial report would be 18 April 2025. And yeah, it's not a typo, it is 2025. And then the phase two final report to Council would be 24 October 2025.

So, a couple of things I want to stress here. The estimated timeline is conservative, extremely conservative. And as the current chair of this working group, I certainly don't want to still be doing this in 2025. So, you have a personal commitment from me that we will do this as quickly as we can.

One of the important things to think about here is that it's not just phase two that we're still considering, it's phase one. So, we had

anticipated that we would start deliberations on phase two in December 2023. So, that means that the focus for us at this point in time would be phase one. I'm happy to report that we have started deliberations on phase two. And we started that about three weeks ago.

Because the initial report for phase one will still be in a public comment period when we are at ICANN 77, we have four sessions on the agenda for the IDN EPDP team. And it is our intention to get through as many of the charter questions for phase two as we can during that meeting. We think face-to-face time is important for us to get some kind of momentum to get phase two in a really good position before we have to go back to the phase one work.

One of the concerns I have about, I'm being pretty upbeat here at the moment, but one of the things that could potentially slow us down is if we have to do significant rework of our phase one initial report. So, I think while the recommendations do have consensus support, I would say from the team, which is a representative model with most of the groups within ICANN represented as part of the EPDP team, there is one that's missing and that's SSAC. So, we're not sure how SSAC are going to respond to our recommendations.

We're trying to get ahead of that a little bit by having a conversation with SSAC during our call later today. So I know that that's not what folks wanted to see, but again, while I'm upbeat, I am reluctant to change that date because based on the review that we've done of the charter questions and we still have that unknown on whether we're going to have to do a rework of phase

one in any significant way at this point in time, I think that's what we want to stick with.

So, there's a couple of other things I want the Council to understand as well. So, I am very keen to use as much time as we can during ICANN meetings for the IDN EPDP team to get together. That's always a challenge because we have conflicting schedules, but I'm really happy that for ICANN 77, we have a meeting every day and that the conflicts so far don't look too bad. So, I am confident that we will make some good progress on the charter questions for phase two.

One of the other things that we would like Council to consider, and we're bringing this to you now, Steve, if you want to go to the next slide, please. We want to make a formal request for a face-to-face meeting for the IDN EPDP team to speed up the phase two deliberations. It's my understanding that these requests require a six-month approval process, so that's why we're making it now. You know, if it turns out that we don't need it, great, we don't need it, but I do think that we will, and I do think it will be beneficial in getting the work done.

One of the things that will be important for us is understanding what the timing of that might be. What we would like to see is somewhere between November and December of this year, if that's possible, but of course we've flagged this with the EPDP team, but until we have a date certain and a location, we won't be able to get that commitment from our team members about their availability to attend, and the other thing I'm not sure about is what resources ICANN provides in getting people to these meetings. So I'm pretty confident that some of our team members won't be able

to get there under their own steam, so we might need some assistance with that.

So that's kind of the end of the presentation, and it's pretty detailed if you go through and look at the deck that's been put together. One question I do have for the Council is I'm making this presentation to you here now as part of, as the Chair of the IDN EPDP, but I'm not sure whether you need us to do something more formal and provide it to Council so that you can pass that on to the Board. My understanding is the Board has made a request to Council, so it will be the Council that responds, so what I'd like to understand is what do you need from us to provide that information to the Board, provide that response to the Board. So thanks, Seb, that's pretty much the high-level overview.

SEBASTIEN DUCOS:     Thank you, Donna, for the in-depth presentation and all the points to think about. I see also in chat, and I want to relay that for everybody to understand that, indeed, this is a group that is already working very hard with often multiple, at least two calls a week [inaudible]. This is not a case of a topic that is being dragged on and over-discussed and should be better steered and etc. I think that an enormous amount of effort has been put by everybody and everybody's goodwill to go through a very large body of work. So we should not only thank the group for that, but appreciate their request for more time together.

And again, you would have seen also in the agenda for ICANN 77 that indeed there is a meeting a day, and it's an hour and a half each time as per the agenda, I believe. So yeah, we should do our

best effort to help you in any way. Let me have a quick think, maybe we'll come back to you in the next few days as leadership to see what we think is formally needed from the group, particularly for the face-to-face. I don't think that there would be much. We understood the request and pass it on.

Again, because there's no charter change or anything at this stage, there's no reason for us to vote or anything like that. But indeed, as Donna said, if we need the group's backing and writing of requests and etc., we'll come back to you. Jeff, I see your hand up and I'm afraid that we're running out of time. So we'll have to move on after that. Go ahead, Jeff.

JEFF NEUMAN:          Yeah, sorry. I won't take up time, but one of the things that the Council may want to do is talk to some of the other SOs and ACs to think ahead about implementation work in a different format than what we're normally used to, which is PDP report comes out, Board takes a long time to consider, Board approves, then an IRT comes into place. I think it would be very helpful for the Council to brainstorm with the Board and with the other SOs and ACs as to how, if there's a way to kind of implement or work on implementation as we go along.

So of course, phase one, we'll have those recommendations earlier than phase two, but even on phase two, if there's a way to, as things are getting towards final to, in other words, not wait until everything's all done before you even start thinking about implementation. And I will note that at least, and I've been someone who's dropped off a little bit in recent weeks,

participation, but at least when I did participate heavily, ICANN Org was also participating heavily in it. And so hopefully with their participation, I'm hoping that they're thinking about implementation as it goes along when they're making their comments so that implementation is not going to be your standard serial type of thing where it's well after the Board votes and all that kind of stuff.

SEBASTIEN DUCOS:       Thank you, Jeff, and well noted on the suggestion to bring that to SOs and ACs. Thank you very much. Go ahead, Donna.

DONNA AUSTIN:          Yeah, sorry, just to make a couple of comments, not directly in response to Jeff, but one of the things that is happening is he's correct that we do have ICANN staff from Karen's team that attend the calls regularly. We did have halfway through our charter one, we did get some feedback, which was very helpful to our work. Unfortunately, for the second part of the charter questions, we have to wait for the feedback to come through the public comment process.

We do have two liaisons from the Board that are part of our work that regularly attend as well. And while one of them is really an active member of the working group, I'm very confident that the Board is talking about this work. We did meet with a number of members of the Board at ICANN 76. And I really have encouraged strong willingness to share information among between Board staff and others that are working on this particular topic.

One of the things that I find that I'm running into as the chair is I'm picking up bits and pieces that somebody's talking to somebody about this, and we don't know what was said, and maybe they're saying the wrong thing. And maybe they don't understand what we're doing. So what we're trying to do is encourage stronger lines of communication. The door's open. If you've got a problem with what we're doing, come and talk to us about it, because we can't do anything if you can't—if you're having a conversation, if the Board's having a conversation, and it's the wrong conversation that they should be having, coming at the information you need, and then sure, go and have the conversation. But you know, we're here, we're a resource that's available to the Board, to the ICANN Org team, that's also part of the implementation. So come and talk to us now, it's going to work out better for everybody.

SEBASTIEN DUCOS: Thank you very much. And I'm sorry, but I'm going to have to close this. Thank you very much, Donna, for being with us. And if we can move back to the agenda. So we have three topics on the agenda to cover. We have 15 minutes for each, but I'm already giving notice that it will be 10 minutes for each. So John, you're the next with the closed generics discussion. And again, I'm already curtailing your time. I will curtail mine afterwards. Go ahead.

JOHN MCELWAINE: All right. I don't know, are we going to do slides for this? Yes. All right. Go to the next one. Losing precious time. Okay. So the good news is that we are making good progress on the framework.

Right now, the group is meeting twice a week for an hour and a half. So lots of work is going in, and we're really down to the sort of final issues. The bad news is that it's probably going to slip a little bit because just the process of figuring out what is going to go into the framework has resulted in a document that will be final, but needs to be really sort of moved around and massaged a little bit so that it's a digestible, robust document for everybody to look at.

So I'm really pushing still for the delivery on May 31st, but it may slip. But if it slips past that, it shouldn't be too much. And it's really only just to have a better document for everybody to look at. Of course, the purpose of having the framework in front of the Council is because we need to prepare a timeline to engage in a process to take that framework and turn it into a policy that can be part of the applicant guidebook. That's if, of course, the framework does get developed that everybody finally agrees to, but it's looking to be that way. So obviously, the content, the detail in all that's going to impact the timeline. So if we can go move to the next slide.

In terms of what that policy process should look like, having talked about it at the leadership level, and I won't go into a ton of detail that's on the slides, but we think that an EPDP process is going to be the best vehicle to take this forward. The SubPro was a PDP. It is the type of quick process that we have in place to make policy.

And importantly, this is a lot of interest throughout the community. So it's a way of making sure that all voices are heard and comments are done and that it really does become a bottom-up decision-making process. If we could go to the next slide.

In coming to that conclusion, we looked at whether a GGP might be the right way to go and determined it wasn't. It just did not fall into that same scope of what a GGP would be looking at doing. And then we also looked at whether the Section 16 of the PDP manual could be implemented or applicable, but that it's not because there's not a current policy in place. So right now, the suggested policy path forward is to do an EPDP. Next slide.

Also, as we know, the GAC has requested to participate in the next steps for the policy development. Of course, the next steps are going to be chartering, and then that charter would set forth the members that could be part of the working group to develop that policy. So the GAC is interested to know what we're considering. I think that's really coming from their belief that this is an issue that they're very interested in, and the notion that no policy in a closed generics is better than having bad policy. So they want to be as involved as they can in the process. And we believe at the leadership level that the standard processes standard processes through PDP 3.0 are going to provide that type of input, will be transparent, will be collaborative. And I think that those efforts should be sufficient to provide the type of approach that the GAC will be happy with. Next slide.

So what's going on right now? Staff is looking at where the current framework is and what we're going to have to do from a policy perspective. That includes putting together definitions, putting together policies for an application, questions for an evaluation process, and then other sort of contract. So there will probably need to be a schedule to the registry agreement and post-delegation processes. So kind of looking at how long will it take to

make policy around those, and then taking into account the typical chartering, the ramp up to get a working group in place. And then staff is much more knowledgeable than we are as to then what are those next steps? How long will it take? Let's factor in the comment period, etc.

And based upon that, it's looking like it's going to be 18 months from approval of the final framework to delivery of a final report to Council. So, of course, absent any objections, we can certainly discuss about any of this here. We propose to have staff continue their work of developing an achievable plan to get the framework elements as we're seeing them developed into a policy process. So with that, Sebastien, I'll turn it back over to you if there's any questions.

SEBASTIEN DUCOS:      Thank you very much. Paul McGrady, and then Kurt Pritz. Go ahead, Paul.

PAUL MCGRADY:      Thanks, Seb. And thank you, John. I mean, I will say that it's somewhat difficult to evaluate whether an EPDP is the right next step when we don't have the framework in front of us. So I mean, I take it that that's where somebody wants this to go, but ultimately who knows without knowing what the proposal is or even if there is a proposal.

I suppose that since this would be policy work that would be kicked off to try to change the fact that this was looked at by the SubPro PDP and no policy was developed, this is essentially a

piece of re-litigation on that topic. Is the proposal that we take the constituent elements of this framework and talk about them in an EPDP, is that what's being recommended? Or would the EPDP as a practical matter in order to get it done be essentially a one-question PDP, yes or no to the framework that's been developed? Because if it's a one-question PDP, then that to me sounds like something that might actually get done within some sort of time frame that makes sense and would not be just re-litigating the theories and substance behind closed generics generally. Because if we have something that is more broad ranging and really is basically taking up the question of whether or not to have closed generics, and if so, do we do this framework? We could very easily spend two or three or four years on that and end up at stalemate.

So I'd like to at least throw out the idea, first of all, that we all remain a little agnostic about EPDP until we see the framework. But secondly, if EPDP is what we're going to do, that the Council consider a very narrow one question, yes or no, EPDP, and then get this thing done. And then I guess the third thing is just what everybody else is probably thinking, which is to a certain extent, this work is dependent on where the Board comes down on bylaws amendments about RVCs and PICs. Because unless there's some surprise in the framework, presumably that's how the framework would be adopted in a contract. Because it is—putting limitations on how a closed generic could be used has to do with the nature of the domain names and how they're used. So we're looking at that narrow issue on PICs and RVCs more generally. And so I don't know how to disassociate the closed generic framework when it arrives from that bylaws process on making

sure that ICANN doesn't go too far away from its non-content mission. So there's that additional part of it. So again, sorry, this is so long winded, but I think that the more narrow we make that, the remit of the EPDP, the more likely it is to happen. So thanks.

JOHN MCELWAINE:     Yeah. So Paul, this is a good opportunity to describe this a little bit better because we heard, we being the dialogue group, heard the Council and heard the Board to start. This was not to be an exercise to engage in policy making. So we're not going to get a one page. We're not going to be handing a final report that says, hey, we solved every policy question. Again, it is more of a framework that the GAC, the ALAC, and the participating GNSO members think would be acceptable. We're going to have to put policy around those four things, some definitions, some application questions, some methods of evaluating, some contractual amendments to the registry agreement, and then some post delegation, which I guess is also going to be contractual amendments, but some post delegation issues.

But none of that's been decided, just suggested. So hopefully that helps clear up a little bit, but it's not going to be a one question EPDP. Sebastien, you want me to run the queue?

SEBASTIEN DUCOS:     Yes, please. Go ahead. And just for information, we've agreed with Mark to bump the last point of item. So you have time to have this discussion. Reasonable time. Go ahead.

JOHN MCELWAINE:      All right. Kurt, over to you.


KURT PRITZ:      Thanks very much. It was a really thoughtful presentation. I think I learned quite a bit during it. I'm with Paul though in that, how can we decide on a plan for putting together a policy before seeing the final product, especially when it's been held close to the vest?

I understand the Board's sense of urgency in us getting them a plan, but I think that saving a few weeks to rush into a PDP might result in a longer process than if we take time to develop a more time economical solution once we have full knowledge of the GAC Council product.

I'd like to discuss more, I think like Paul, what are the other choices? At one end of the spectrum, there's a PDP. And then at the other end, there's a, put this issue back to the Board where it was originally put. Are there any other options in between? You discussed a couple, but maybe there's more. And I think there's more wiggle room in there than we think. I won't discuss any of the options. That's just speculation, but I'd like to know what's allowed.

But to me, a PDP at this point seems like the worst choice besides possibly delaying the next round. I can't think of a more spot on example of Einstein's definition of lunacy. You know, although it's not popular, I'm still an advocate for following the approved final report recommendation and giving this back to the Board. Remember the community debated this heatedly and determined that this issue should not delay the next round. I was on one side of this issue, right? And both sides gave up tightly held positions in

order to turn this to the Board and say we can't settle it, but we want to go ahead with the next round. So let's go ahead.

But nonetheless, I am very interested in hearing options that might be other than a PDP. And I think we should take the time to do that. I think I'll just leave it at that because that's the big picture. So I'd like to get into this discussion and try to figure out a better, faster way. Thanks.

JOHN MCELWAINE:     And thanks, Kurt. And I don't think that we're suggesting with this presentation that we're trying to rush a decision on this. We just want to have staff be looking at least the most likely form being an EPDP and what would that time be? But that doesn't necessarily mean that that's the decision or that we will be deciding it at the June meeting.

KURT PRITZ:         I'm sorry, just to respond to you. And I'm really sorry, Justine. Yeah. And I think that's really cheap insurance to have staff continue to look into that. So we should, I don't think we should retard that. So I think that's right. Thank you.

SEBASTIEN DUCOS:    I'm sorry, Justine, over to you.

JUSTINE CHEW:       Thanks, John. I wanted to ask two questions and maybe make a comment. I'll start with a comment. I think something that Jeff

posted in chat is actually worth looking at given all this discussion that we've heard so far, which is that there is a possibility that Council could go back to the Board and say, we want to take closed generics off as a dependency. So let the next round move ahead without the ability to apply for closed generics. And as in when the policy comes out, then we implement it. So that's a possibility. I mean, it's up to Council to deliberate on that.

The two questions I had was, John, thank you for the update. It's been very, very informative. My questions would be, do you foresee that the framework that's coming out of the closed generics dialogue is something that could potentially morph into a charter for the PDP process, whether it's a EPDP or whatever? Is that something that the group is looking to produce?

So meaning to say that, is Council looking at cutting short the time between the framework coming out and having to set up a chartering group to then establish the charter for whatever the PDP process might be, number one? And number two is, has leadership thought about the nature of the PDP, the form of the PDP, whether it's going to be open or representative or both? Thank you.

JOHN MCELWAINE:    So the framework is intended to be a document that can quickly, efficiently be used to put together a narrowly scoped charter, to answer the first question. The second part to your question, I don't know if we've really talked about it at the leadership level, but I think we can tell by virtue of the interest in this process that a more open—I don't want to say open in terms of anybody can join

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it, but more cross-community involvement is something that's going to be useful to have to just to ensure that there is broad support. Jeff, over to you.

JEFF NEUMAN:  Yeah, thanks. I'm a member of this small team and I have to say, I hate the fact that we are all so secretive about everything in this group, because for some reason Chatham House rules got merged into everything being confidential, which I don't think is really what was intended or should have been the case.

I think what you're going to see out of the framework, at least the way it's heading, is going to be very different than what many probably thought you would get. I mean, I'm going to certainly be much more vocal after it comes out on my own opinions, but I just think that I'd really encourage the Council to think about the dependency issue. I am all for, always been for some version of closed generics, but not to the point where now it's just going to invariably lead to a 2028 next round, as opposed to the—I just, it's been a very difficult process, and for me, I felt like there was a lot of re-litigating issues that should never have even been discussed within the group, and I will certainly make much more of that known after the group is done, but yeah, unfortunately, this was not the process I envisioned when we first got into it.

JOHN MCELWAINE:  Thanks for those comments, Jeff. All right, so we've got one minute, so Anne, if you can be quick, and I'll try to get to you, Susan.

ANNE AIKMAN SCALESE: Thanks very much, John. I just wanted to comment procedurally that within SubPro, we had some quite extreme positions being argued, both on the side of, well, all closed generics should be permitted without any restrictions, and then we had, on the other hand, that should never happen, because—I guess they're essentially freedom of expression issues on both sides of the question.

But what was different about the Board facilitation process was the Board said to the groups who were asked to discuss this, we don't want to see either one of those extreme positions. We wish to see something other than extreme positions. That's what makes this process different.

Now, everybody, I think, acknowledges that closed generics involves policy issues, but the Board asked for a facilitated dialogue that did not go in either extreme direction, so it certainly behooves Council to address that. Whatever comes out of this, and I'm not at all familiar with what the discussions have been, whatever comes out of this, it behooves Council to address and to come back to the Board due to their direction, and it does, to me, look like EPDP, but I understand why everyone's saying, hey, let's see what the framework looks like.

Separately on the dependency issue, I think there might be quite a bit of willingness on the part of the Board to proceed with the next round while policy work on this particular issue is still in play. Thanks.

JOHN MCELWAINE:    Thanks for those comments, Anne. Sebastien, sorry, turn it back over to you and get back on schedule.

SEBASTIEN DUCOS:    It's all right. We will have to race through the rest, but important discussions. Can we go back to the agenda? I will go through a very brief progress report on the small team, the RDRS small team. Just to say that we shared with Council the success criteria that the team came up with. I just want to make it—there was heavy discussions on these success criteria. Again, everybody around the table wants to make sure that we're leaving enough flexibility to take the decisions that we will need to take once the project is online, once we can see what comes out of it. At the same time, the Board was saying, we need to be able to say today where we're going. They asked for those success criteria.

They are what they are, but they are voluntarily non-binary, non-black and white, [inaudible] pass-fail because we don't know exactly what will come out of it. We assume that the changes will have to be made along the process to make sure that we adapt to the market realities.

For our concern as GNSO Council, because we were supposed to send that then back to the Board who asked for it in Cancun, these are ready. I think I can say that I have run it past the Board members that are participating in the small team who confirmed that in their view, that would pass master with the Board. As far as I'm concerned, they are Board ready.

I remind again, the second item that the Board asked us to look into is the possibility to enforce the participation into this program and that the small team decided not to go the route of policy development to ensure enforcement that we would make best efforts to encourage that usage.

I don't know if you've seen, but just back to yesterday, last night, a Circle ID article by my good friend, Ashley Heineman of the Registrar Stakeholder Group encouraging registrars to go and try it and already pre-announcing the fact that it's coming. So we will go that path and that will be also formulated back to the Board.

With this, and again, because we're running seriously out of time, I will see if there are any hands up on this and thank you for not having any. I have seen in the background with my good friend, Mark Datysgeld, who gracefully agreed to take his topics to the list. I'm very sorry, Mark. And this, again, doesn't reflect on the great discussions that we've had in the DNS abuse small team and etc., the great work, but I'll let you take it to the list.

And with this, we're in 10 minutes to go, which should land us right on target, I'd like to go back, go to the AOBs and maybe ask Steve to walk us quickly through 10.1 and the day zero SubPro session.

STEVE CHAN: Thanks, Sebastien. You may, and probably did, see the email I sent earlier today where it provides the schedule, or I guess the proposed agenda for the day zero session. And so I talked about this during the April meeting and the structure of what I shared in April and what I shared in the Google sheet is essentially the

same, which is to spend at least one of the four sessions on reviewing the three work plans. So the IDNs EPDP, the closed generics one that was just discussed, and then also the timeline for the pending recommendations. And so just stressing all three of those things are work plans and timelines. It doesn't necessarily mean that the work itself needs to be completed, but it's, of course, I probably don't need to remind you all of this, but it's all about work plan and timelines.

So that would be one, possibly two of the sessions, depending on where things sit. And then at least two sessions would be spent on trying to make substantive progress on the pending recommendations, which from discussions with the Council Board meeting could be in the form of developing the clarifying statement from the Council. It could be better understanding what steps might be needed if there's potential non-adoption for recommendations. I think we'll see further once we hopefully get guidance from the Board about where things might land for each of the recommendations.

So that's essentially the split between the four sessions, is to spend time looking at the work plans and timelines, and then also trying to make substantive progress on the—actually trying to resolve some of the issues substantively.

Just administratively, that session, the day zero session is not actually on the schedule because it's not officially part of the ICANN meeting. That said, it will be available to observers to participate passively, but that is a session for Councilors. So that is all I wanted to share on that.

I did want to make one other note just to set expectations for the Council's closed session that's on Tuesday, which is there are no services available for that session, which means that there is also no remote participation. So I just want to set expectations that if there's indeed a use for that session beyond having just a couple of cocktails, there will not be remote participation. So if there's any questions about either of those things, happy to take them. Thanks.

SEBASTIEN DUCOS:    And again, in the interest of time, I think that we will move on. 10.2 was on accuracy. I see Marika's name on it, but I will take it very quickly as agreed with her yesterday. We have given you a status report on where things were at in terms of staff and on the accuracy. We would like to suggest that—we had given ourselves [six months] to review this, that given the fact that there has been no particular progress on this, to postpone or give ourselves another six months. Again, to let staff continue their work.

You would also have seen, and I don't know how public that is, but maybe Thomas can share that on the list. There was some work at the European Union level on developing a survey and then a report that might've been relevant here in the accuracy scope that was just canceled. I believe that we received a letter about it last week. So that may put things into perspective also for us here.

Again, I don't want to have a long discussion about this here, but the suggestion is to postpone another six months. I'm very happy to hear anybody's comments on this, on the list. With this, I see Susan's hand. Go ahead.

SUSAN PAYNE: Yeah, sorry. I just had to say to go to the list and maybe that's the answer, but I'm not sure any of us came to this meeting with instructions on whether to postpone. I know we voted on this last time. I'd had some sort of informal input from my constituency, but I wouldn't say formal instructions. And so I'm not sure we're necessarily in a position to be doing something, which last time we agreed by a vote and to be sort of now doing on the nod.

SEBASTIEN DUCOS: Absolutely appreciate it. And then let's table it for next meeting if we need to vote on this, but put it on the list and we'll agree if we need to. Thank you very much, Susan. 10.3, the WS2 framework. Marika, do you want to speak to this and knowing that we have three minutes to go?

MARIKA KONINGS: Yes, Sebastien, no pressure there. Very briefly. Email went out to the list, I believe last week with a number of templates that have been updated in line with the recommendations of the CCOICI implementing the WS2 recommendation in relation to the impact of human rights on policy recommendations. There have already been some comments on the list, in particular from Anne. So it would be really good if others can have a look at this and weigh in. Seeing Thomas post in the chat, Thomas, there was a specific question for you as well. So if you could weigh in, that would be really helpful.

Just again, brief reminder, these are templates. This is just kind of putting a point in there to make sure that in the different steps of a PDP, attention is paid to the potential impact of human rights of policy recommendations that are being made. Nothing prevents a Council or a working group to expand or elaborate on those just because the template has certain language.

We did consult on this with Ephraim, who is the chair of the cross community working party on human rights and has specific expertise on this. But obviously, if there is further input or suggestions, please share that with the list. And based on the conversation there, we can see if we can finalize or wrap up that conversation on list or whether there's a need to bring this back to Council for further consideration.

SEBASTIEN DUCOS: Thank you. Seeing no hands, we'll go on. 10.4, we discussed earlier. And 10.5 and 10.6, I see Emily's name next to it. So Emily, if you want to take us to the end, you have two minutes.

STEVE CHAN: This is not Emily, she's [inaudible]. So I'll do my best Emily impression. So quickly, 10.5 is really just an FYI. The Council had adopted the CCOICI working group self-assessment recommendation support, which asks that standard process and template be set up for conducting self-assessments mid-flight, so not at the end of PDPs. So with the IDNs EPDP having delivered its phase one initial report and with that out for public comment, it seemed like a good time to use a survey for the first time. And so

this is really just an FYI that the survey opened on Monday and it will remain open for three weeks. And of course the results will be shared with Council. So as noted, that's just an FYI and as an output of the work of the Council.

Assuming no questions, 10.6 is regarding the non-registry liaison to the CSC and alternate. So currently Milton Mueller is serving as the non-registry liaison to the CSC and his term ends in October. That said, he is eligible for another term and he is interested in staying on. So the Council and the ccNSO Council actually both adopted the CS effectiveness review team report. And in it, it actually recommended that an alternate be made available or an alternate be appointed—I guess that's a better way to put it—to that non-registry liaison.

So what leadership is suggesting is that expressions of interest process for that alternate be published and then that the assignment be sent to the standing selection committee to make a selection. And so to meet those deadlines associated with the appointments for the upcoming term, the Council will need to reappoint Milton. I assume that's what the Council wants to do. And then also confirm the alternate selected by the SSC during the July Council meeting. So the timelines are pretty compressed. And if this is something that the Council wants to do to name that alternate, it needs to act pretty quickly, or I guess just make a decision that wants to do it. And then the parts about the EOI and selection process can be put in motion. And I exceeded my two minutes, sorry.

SEBASTIEN DUCOS: Thank you very much, Steve. Thank you, everybody. Again, apologies for running a bit late. Clearly from what I've seen in the chat and what I hope to see also on the main list, we will table accuracy as a topic of discussion on our next meeting, if we can fit it. July at very worst, but well worth a broader discussion. So we'll do that.

Thank you very much for all the comments, attendance and good participation, and see you all next time in DC, I guess. Thank you.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned. I will stop the recordings and disconnect all remaining lines. Take care.

**[END OF TRANSCRIPT]**