
ICANN Transcription
Applicant Support GGP

Monday, 27 November 2023 at 15:00 UTC

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JULIE BISLAND: Good morning, good afternoon, and good evening, everyone. Welcome to the GGP call on Monday, the 27th of November 2023.

For today's call, we have apologies from Satish Babu. Statements of Interest must be kept up to date. Does anyone have any updates to share? If so, please raise your hand. Seeing no one, all documentation and information can be found on the public wiki space. Recordings will be posted shortly after the end of the call. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the Expected Standards of Behavior. And with that, I will turn it back over to you, Mike. Thank you.

MIKE SILBER: Thank you very much. And thank you, everybody, for joining us. Thomas has joined us as well. Thank you, Tom. Folks, we're rapidly approaching the finishing line. And as you would have

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seen from the agenda that Julie circulated, we have got to start making some calls on some of the issues. So I'm going to hand over to Julie. But I'm hoping that we can reach some degree of consensus on the whiteboard for a number of these issues and we can meet our deadline, which, as far as I'm aware, Julie, actually, next week should be our last call if all goes according to plan. And then we're just waiting for confirmation from the working group members and we can release our report to the Council. So, Julie, I'll place it into your expert hands. Thank you.

JULIE HEDLUND:

Thanks, Mike. This is Julie Hedlund from staff. Yes. Just as a reminder of where we are and looking at the agenda, we have only two recommendations for which the working group has agreed. There needs to be some textual changes, wording changes, and that's on Guidance Recommendation 1 and Guidance Recommendation 5. And then there's agreement that there should be some preamble text with respect to Guidance Recommendation 7 through 9. That's text that would appear in the report as a preamble to the start of that section where we talk about 7, 8, 9 Guidance Recommendations. So no changes to the recommendations there.

So we'll talk on item three on the agenda about the plan for the review of the Final Report, and in particular, the consensus designations. But so far, in our discussions, there has not been any disagreement on the suggested changes, the text of Guidance Recommendations 1 and 5. There has been no agreement and any other changes to the text of the other Guidance Recommendations. This is very good. This means that

there seems to be general agreement that the comments received in the Public Comment proceeding have been taken hand and warrant no further changes to other recommendations and that there's agreement on the changes to two of the recommendations. So we'll talk about in agenda item three process for consensus designations. But the general idea is that the chair would be able to make a determination on the consensus designations for each of the recommendations. So we're hopeful that we'll be able to make a suggestion to that end today. Then those designations would appear in the Final Report draft that goes out for review so that working group members can review the report and also review the consensus designations.

So, not to get too far ahead of the agenda, I'll go ahead to Recommendation 1, and then we're going to put the link to the agenda in the chat. And the two Word documents that I sent around just prior to this meeting about half hour prior are also on the wiki. So let me go ahead into those documents. I'm going to stop sharing the agenda and go to share the two documents. Just one moment.

Apologies if you hear purring in the background, I have a cat that's walking all over me. Hopefully she won't make any changes to the documents. I think she's in agreement with the changes. Okay. Let me share this document. It's my cat Georgie in the meeting last week where she decided to be ultra affectionate while I'm in the middle of a call. Not helpful. You have to jump down.

Okay. I hope you can see that. You're welcome to follow along the documents that are also posted. Sorry, Tom. We'll try to debrief. All right. So under Guidance Recommendation 1, there was an

agreement in the working groups to include the language that you see in brackets in bold under Implementation Guidance. So I'll read the full text of the Implementation Guidance.

“Target potential applicants from the not-for-profit sector, social enterprises and/or community organizations from underserved and developing regions and countries. [This should not exclude any entities from outreach efforts, such as private sector entities from underserved and developing regions and countries, recognizing the goal is to get as many qualifying applicants as possible.]”

So that was the language that after significant discussion members agreed on. I'm going to go down now to the rationale and then to the Public Comment Review, which is the deliberation section of the document that I sent around. This will also be the text that we'll send to the working group for review tomorrow for one week, along with the consensus designations. But this text will be updated based on today's discussion if there's any changes that result from the discussion today.

So the rationale was that the working group agreed to compromise language combining suggestions from Com Laude and the GAC to specifically not exclude private sector entities as a balance to maintain the intent of the original Guidance Recommendation while providing further clarity.

So in the Public Comment Review—and we're not going to read this word for word, you do have it. Hopefully, you can follow along separately. But we talked about the comments where the working group thought there might be some justification including changes

to the recommendation, and specifically Com Laude, Business Constituency, and the GAC, and that they all related to clarifying that for-profit entities are not excluded from outreach. There was some opposition or concern from working group members about leveraging resources for for-profit entities. But many working group members noted that while for-profit entity should not be included, it seemed preferable to emphasize this for non-profit organizations. Working group members agree that comments should be addressed, making it clear that for-profit businesses are not excluded in their recommendations.

We talked about a little bit very briefly about the NCSG comment with respect to surveys and agreed to this being included the implementation. There was some concern about the comment from the individual Gabriel Karsan, a concern that it was unclear where these textual changes, wording changes might fit and that they were perhaps unclear. In reference to SubPro Recommendation 17.2 on Applicant Support, it was noted as out of scope and it's part of the GNSO Council Small Team discussion on non-adopted recommendations.

So the heart of the deliberation—again, I won't read this all—centers on the Com Laude, BC, and GAC comments, and the discussion of whether and how to reflect that for-profit entities are not excluded. So we've tried to capture—well, this is really captured directly from the Zoom transcript, so from the recording, and summarized here in the key points. So we're hoping, as you review this—and you'll have more time to review on this call—that you will indicate whether you think anything's missing in the

summary of the deliberations, and whether for the other points need to be raised.

This will be the format as we did in the Initial Report for each of the recommendations. There'll be a brief rationale, and then the summary of the Public Comments review. Of course, the link to the Public Comment Review Tool will be included in this report. So we're not going to so try to summarize the public comments themselves. And what we said, since people have access to those comments in the Review Tool, it's inadvisable, in any case, to try to paraphrase those comments. We might be misconstrued. So I'm going to pause there and see if there are any comments.

MIKE SILBER:

Thank you, Julie. I'm not seeing hands. I'm not seeing comments in the chat. What I will say is, stylistically, it may not be the most elegant drafting and I think there is somewhat superfluous language in there. But people were concerned that a more tight drafting could be misconstrued. And I know that specifically calling out private sector could also be construed. But I think that the review comments and the discussion clarify it. So I'm in favor of adopting this language as it stands. As Maureen has said, I think it is an accurate record of the discussion. Yeah, it's not the most elegant drafting, but I think we explained why it is somewhat inelegant in our discussion.

JULIE HEDLUND:

Thank you, Mike. Ros has her hand up.

MIKE SILBER: Oh, sorry, Ros. I had not noticed that. Please proceed.

ROSALIND KENNYBIRCH: No. No worries, Mike. I just put it up. Thanks. Yeah, generally, I'm in approval of this. I should just say I e-mailed over with a couple of just really small textual edits just before the meeting. Just really minor. I totally understand and appreciate the informality, but just in the Public Comment Review, four paragraphs down, it says, "The GAC seem to suggest." I think we could just say the GAC suggested there. I don't know. Scroll down. Cool.

Then two more, again, tiny changes. The second to last paragraph, penultimate paragraph, I just wondered if it should say... So further down, it starts with "some working group members," the concern with domain in particular. Yeah.

JULIE HEDLUND: That's a typo for sure.

ROSALIND KENNYBIRCH: Then finally, just on the very last sentence, I wondered if, again, given the discussion as well, we should add after in parentheses private sector entities after that second quotation mark from underserved regions, and then continue within the list of entities that should not be included. Just to better match with the recommendation because we did say that the private sector entities should be from underserved regions.

JULIE HEDLUND: Thank you, Ross. Those are very helpful edits. I have to say that this all came together fairly quickly. Well, of course, we were still discussing things as of last week's meeting. And there's quite a volume of notes and chats and recordings and transcripts to cover. So I really do appreciate the close reading and your very quick response. And of course, welcome more edits as we send this text out for the full review over the next week. Thanks for that.

All right. I'm not seeing any more hands, Mike.

MIKE SILBER: Yes, let's move on.

JULIE HEDLUND: All right. Let's do that. This document is on Recommendation 5. This was a change. The working group agreed to change the Indicators of Success language, to insert in brackets, "This should be considered a floor, not a ceiling, and ICANN should strive to exceed this minimum." Again, there's a rationale text which is that the working group agreed to retain language that this should be a floor, not a ceiling, and ICANN should strive to succeed. Please go ahead.

RAFIK DAMMAK: It seems you're sharing the old document with me. You're sharing the—

JULIE HEDLUND: We did post the documents, Rafik, to the wiki. Here's the link to the wiki. And if you go on this page, both the documents are linked, if you want to pull the document up yourself. I can't post an actual document in the chat. The Zoom Room doesn't allow it. And it also was sent to the list at about 30 minutes prior to the meeting, both documents. Are you able to find them?

RAFIK DAMMAK: Yeah, I'm able to find it, Julie. I'm just saying what you're sharing in the screen... Anyway, what's showing on screen has nothing what you're saying. But anyway.

JULIE HEDLUND: Oh, I'm sorry. Let me stop. Thank you. I'm sorry to make an assumption. I'm going to stop sharing and share again. I had hoped that by switching documents, it would follow, but evidently not. Thank you. And apologies for misunderstanding. Okay. This should be Recommendation 5. Does this seem correct? I'll scroll up a little so you can see.

MIKE SILBER: That to me looks correct in terms of what we had discussed. We went through a fair amount of discussion last week. I think that correctly reflects that discussion.

JULIE HEDLUND: Thank you. It does seem to be sharing the right document now. I think it had not switched from Recommendation 1. So I think we

are all on the same page. So, just going back to the rationale for the final recommendation.

MIKE SILBER: Yes, that I think is very important.

JULIE HEDLUND: So the working group agreed to retain language that “This should be considered a floor, not a ceiling, and ICANN should strive to exceed this minimum.” In addition, it was agreed to add to the rationale that adequate resources should be made available if the number of qualified applicants exceeds or greatly exceeds the indicator of success, since an indicator of success should be seen as a floor, not a ceiling. The working group agreed that this change captures the intent that ICANN should strive to exceed the minimum number while addressing the concern that a stretch goal could result in failure or a lack of adequate resources.

Then the Public Comment Review—and again, this is taken from the Zoom transcription recording—focuses initially on the comment from Com Laude requesting additional metrics. I won’t read this. Again, you’ll have a copy and you’ll have more time to review. But we do provide the response from ICANN Org with respect to the feasibility of providing these additional metrics. That was actually provided that last week’s meeting.

Then we get into the discussion of the GAC comments and the suggestion that the #10 doesn’t seem to go far enough. So we’re trying to reflect that there was extensive discussion on the numbers on the minimum number on the search goal number, and

we wanted to show the evolution of that discussion to how we arrived at the final recommendation. So that's what this text is doing here. Again, I think we'll agree it's somewhat inelegant, but we do want to try to show how the working group took into consideration the comments and how they arrived at their conclusion, in particular, the changes to the recommendation. Again, this is draft, so we welcome any suggestions for improvement.

MIKE SILBER:

Julie, in terms of the recommendation, I think it looks good. I think that working group members need the time to go through it, which they obviously will have, but I think it's well captured. And from the quick look that I had through and now as you're presenting, I think it looks pretty good. Obviously, if anybody has any suggestions, edits, always most welcome. But if I could ask that we try and get those by e-mail so that we're more efficient, that will be appreciated.

JULIE HEDLUND:

Absolutely. Then the next agenda item we'll have the timing for the review of all of these text, not just for these recommendations but the text for all the recommendations, in the case of the other recommendations and the rationale for not making changes, for how the comments were addressed, and how the working group determined not to make changes to those other recommendations. So, essentially, the full report will be sent with all the text in place and that will go out tomorrow. Thank you, Ros,

for offering some edits. Very helpful. I won't try to do those on the fly right now. I want to make sure we get them right.

MIKE SILBER: Julie, I think better that way than trying to edit in course of the meeting.

JULIE HEDLUND: So anything else on this before we go to the preamble text for 7, 8, 9?

MIKE SILBER: It doesn't look like it. Let's proceed.

JULIE HEDLUND: Okay. So I didn't prepare the text for the context of 7, 8, 9 because there are no changes to those recommendations. We just have some preamble. So let me pull that up. One moment while I share my screen.

In the last meeting, we talked about how best to include this text. The working group agreed that we weren't changing the recommendations for 7, 8, and 9, but we wanted to clarify that they should be taken in as interdependent. Steve Chan has pointed out in the last call—or the call before, I forget which one—that it's standard for the GNSO Council to take recommendations as dependent or interdependent. But that text could be added to the report as a preamble to Recommendations 7 through 9 that made this clear. So this would appear in the report just prior to the

start of the section where we talked about Guidance Recommendations 7, 8, and 9. This is the text that you see here on the screen. So we would not alter the recommendations because it's not a recommendation per se or an Implementation Guidance, just a note to call out interdependency of these recommendations. So I'll just pause. This is not any new text. It's the same text that was provided, I think, two calls ago. Rafik, please.

RAFIK DAMMAK:

Thanks, Julie. Just here, I think it's maybe about procedure. So you find this understood correctly. The purpose of this is like, in any case, PDP is just we want to indicate to the GNSO Council about when the recommendations are interdependent, and so if there is any approval, they should not kind of make appropriate condition by recommendation. So I think that's really the purpose here is add any change in terms of the recommendation themselves. Is my understanding correct?

JULIE HEDLUND:

Yes. Thanks, Rafik. That's a good point. So, technically, if you look at the PDP manual and the GNSO Working Group manual, as well as GGP manual, they emphasize that the Council should, in any case, when considering recommendations, consider them to be dependent. So the Council is cautioned not to approve recommendations piecemeal. So, not to approve, say, one recommendation, and then not adopt another one, and so forth. So not to pick them apart and approve them one by one, but they shouldn't be approved as a whole. Because as described in the

processes, the assumption is that recommendations are interdependent. The ICANN Org comment that we picked up and discussed that ICANN Org wanted us to specifically emphasize that Guidance Recommendations 7, 8, and 9 are in interdependent. So this is really, although strictly not necessary, it is an important emphasis and doesn't detract in any way from the recommendation and really just enhances the recommendations and reinforces the message already in the processes that recommendation should not be approved separately but should be considered as a whole. So you are correct.

MIKE SILBER:

All right. I have no issue. I think that it's a useful comment and it's a useful reminder, just given that this is the first time we're doing this. I don't think there's any harm in just including some additional guardrails.

JULIE HEDLUND:

Thanks, Mike. Any further comments?

MAUREEN HILYARD:

I just wanted to add that I really agree too on that, being able to view all the recommendations as a whole. Since we've actually added that insert into Recommendation 5, our original target, which was that naught 0.5%, and that they should be considered a floor and not a ceiling, actually impacts on #3 which is about saying that we want Org to ensure that there are the necessary resources is actually related to the fact that we're saying, we want ICANN to strive to exceed this minimum that we originally set in

another recommendation. So it would be difficult to do them individually. And then if we cut one out, it just will affect the other. So I really think that that independent nature of our view of all the Guidance Recommendations is really important. Thank you.

JULIE HEDLUND: Thanks, Maureen. Any other comments?

MIKE SILBER: I'm not seeing any.

JULIE HEDLUND: All right, very good. I'll move on to item number three, if that's okay.

MIKE SILBER: Please do.

JULIE HEDLUND: All right, great. So the next step, according to our work plan, is that we put the Final Report draft text out for review by the working group, and we allow one week for review. That draft text will include in Appendix C the final consensus designations for each recommendation. This will be a table listing each recommendation, each consensus designation. Now, the consensus process that I sent around in response to the question that Rafik had is that the chair has the discretion to determine the consensus designation after all discussion has ended, and that is

included in the draft Final Report for all the groups to review and take back to their groups to discuss.

So I'm going to suggest that it seems that we could agree that there is full consensus on each of the recommendations. We've not had any concerns expressed about the final changes to Recommendations 1 and 5, and those are the only recommendations for which there have been agreement as to any changes. All other Guidance Recommendations are unchanged from the Initial Report. And so what the groups will be able to see is the Final Report with the Rationale and the Public Comment Review summary for each recommendation that will reinforce the determination that either the working group has agreed on changes for #1 and #5 or has agreed to retain the original language put out in the Initial Report. Then unless there is any disagreement, which we have not heard so far, with any of the text of the Guidance Recommendations as they stand now, we can put out as a draft for members to take back to their groups that there is full consensus on each of the Guidance Recommendations. That means there's full agreement on each of the Guidance Recommendations. Then groups will have one week to consider the report and those consensus designations, and that will go through the 5th of December. So that text will be released tomorrow. Groups will have through the 5th of December. We'll have a meeting on the 4th where members can raise any concerns from their groups and any minor textual changes to the Final Report, along the lines that Ros has provided. We don't expect substantial changes to recommendations or to the report as we hope that by now any substantial changes would have been raised and discussed and addressed. So then next week, we can

confirm working group agreement on the consensus designations and we can prepare the report for submission to the Council. We have submission the following Monday on the 11th, but we can submit it sooner since we expect the changes will be very minor. Or if next week we're not able to finish discussion for any reason, we could follow that with another meeting on the 11th. But we would be surprised if there would be any further discussion. So that's the plan. I'm looking to see if there any questions.

MIKE SILBER: I'm not seeing anything, Julie. I think we've got a way forward.

JULIE HEDLUND: Very good. I would just ask since he's here. Rafik, does the information I provided in response to your questions relating to the consensus process make sense to you? Did you have any further questions?

RAFIK DAMMAK: Yes. It's just I want confirmation about the consensus designation that will be delivered at the same time with the report. The call for concern is we confirm if we don't change that by next week. Yeah. I think we're on the same page. I'll take the opportunity here. I understand that the deadline for submission of motion is 11th. That's why we want to submit by the time. But that means just we are submitting to the GNSO Council for consideration, maybe just one week before the Council meeting. Anyway, we are not sure that they will approve. Maybe just too many expectations.

JULIE HEDLUND: That's a really good question, Rafik. Thank you very much. Yeah, that's a really good question. Yeah. So confirming again, groups can review the consensus designations with the Final Report, they'll be included in Appendix C. So you'll have a week to do that. The expectation with us should be full consensus for each Guidance Recommendation. So the timing is that by the 11th, we would submit to the GNSO Council. We're not trying to meet the Council deadline for the Council meeting on the 21st, although, technically, if we submit by the 11th or sooner, we could meet that deadline. But the Council does not have to vote on this type of report. The first time they receive it, usually there's a request to move the vote to the following meeting, I suspect because of the timing. Yes, exactly, for deferral. Thank you, Rafik. So I suspect because of the timing and we're running up on the end of the year that the Council will defer the vote to the January meeting and have more time to review the report, in particular, to review with the various groups. So we don't expect to be taken up in December. We can certainly provide an update, which we can do, and they will have the report to review. But I don't think there'll be a vote at that time. Apologies, I have a cat climbing all over me. Did I answer your question, Rafik?

RAFIK DAMMAK: Yes.

JULIE HEDLUND: Any further questions?

MIKE SILBER: I'm not seeing any hands. I'm not seeing anything in the chat, Julie.

JULIE HEDLUND: All right. I see Leon. Please.

LEON GRUNDMANN: Just a quick question to confirm. And thanks to everyone for making this a very efficient meeting today. Just wondering, so it's most likely that Council will meet in January and we'll then, let's say, officially adopt this report. Is that the right understanding?

JULIE HEDLUND: Yes. I think that's the correction assumption. We have the same groups represented in Council on this working group. So there should not be any surprises for Council members or their groups in this report. But of course, we do want to allow them ample time so we think January is the likely timing. I would be surprised if they needed more time. I'd be surprised if they didn't vote to approve, but I certainly wouldn't want to second guess Council.

LEON GRUNDMANN: That answers my question. Thank you.

JULIE HEDLUND: Thanks, Leon. Back over to you, Mike.

MIKE SILBER: Well, I'm not sure that there's much more that we need to do. I'm not seeing hands. I'm not seeing comments. I think we have a way forward.

JULIE HEDLUND: Well, thank you, everyone, and thank you, Mike, for chairing and for bringing this meeting to an early adjournment. So we will meet next week, Monday, at the alternate time of 20:00 UTC. Then we can confirm the consensus designations and any minor changes to the Final Report, after which the report will be prepared for Council.

MIKE SILBER: Please, if I can ask everybody, if you have any non-substantive changes to the Final Report, if you can try and get them through to Julie and Steve ahead of that meeting, if at all possible, by Friday so that they can incorporate it and we can go through it. Ros has been very efficient. Thank you, Ros. But if everybody else can do it, then hopefully we can just run through next week very effectively and efficiently.

JULIE HEDLUND: Thank you for that, Mike. Yes, that would be very helpful. We'll schedule next week's meeting for 60 minutes. I don't think we would need a 90-minute meeting as we've been having.

MIKE SILBER: I think you are right.

JULIE HEDLUND: Well, thank you, Mike. Thank you, everyone, for joining. I think we can adjourn this meeting.

MIKE SILBER: Thank you.

JULIA BISLAND: Thank you, Mike. Thank you, Julie. This meeting is adjourned. Have a good rest of your day.

[END OF TRANSCRIPTION]