ICANN
Transcription
GNSO Council
Thursday, 22 August 2019 at 12:00 UTC
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List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Erika Mann (absent)
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell
gTLD Registries Stakeholder Group: Maxim Alzoba (apologies, proxy to Rubens Kühl), Keith Drazek, Rubens Kühl
Nominating Committee Appointee (NCA): Carlos Raul Gutierrez
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa, Paul McGrady, Flip Petillion
Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade, Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali (absent)

Nominating Committee Appointee (NCA): Syed Ismail Shah

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GNSO Council Liaisons/Observers :
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Maarten Simon – ccNSO observer

Guest speakers: ICANN Org: Cyrus Namazi, Trang Ngyuen, Brian Aitchison

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apologies)
Marika Konings – Vice President, Policy Development Support – GNSO
Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement
Julie Hedlund – Policy Director
Steve Chan – Policy Director
Berry Cobb – Policy Consultant
Emily Barabas – Policy Manager (apologies)
Ariel Liang – Policy Support Specialist
Caitlin Tubergen – Policy Senior Manager
Sara Caplis - Manager, Meetings Technical Services
Nathalie Peregrine – Manager, Operations
Andrea Glandon - Operations Support - GNSO Coordinator

NATHALIE PEREGRINE: Good morning, good afternoon, and good evening, everybody. Welcome to the GNSO Council meeting on the 22nd of August 2019. Would you please acknowledge your name when I call it? Thank you ever so much. Pam Little?

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba has sent his apologies and assigned his proxy to Rubens Kuhl. Rubens Kuhl?

RUBENS KUHL: Here.

NATHALIE PEREGRINE: Keith Drazek?

KEITH DRAZEK: Here.

NATHALIE PEREGRINE: Darcy Southwell?

DARCY SOUTHWELL: Here.

NATHALIE PEREGRINE: Michele Neylon?

MICHELE NEYLON: Here.

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NATHALIE PEREGRINE:	Carlos Gutierrez? I don't see Carlos in the Zoom room. I'll circle back to him. Marie Pattullo?
MARIE PATTULLO:	Here. Thanks, Nathalie.
NATHALIE PEREGRINE:	Thank you. Scott McCormick?
SCOTT MCCORMICK:	Here.
NATHALIE PEREGRINE:	Paul McGrady?
PAUL MCGRADY:	Here. Sorry I was double muted.
NATHALIE PEREGRINE:	No problem. Thank you, Paul. Philippe Fouquart?
PHILIPPE FOUQUART:	I'm here. Thank you.
NATHALIE PEREGRINE:	Thank you. Rafik Dammak?

RAFIK DAMMAK: Here.

NATHALIE PEREGRINE: Elsa Saade?

ELSA SAADE: Here.

NATHALIE PEREGRINE: Arsene Tungali has sent his apologies for today's call. We're still awaiting for a proxy to be assigned. Flip Petillion?

FLIP PETILLION: Here. Good afternoon and good morning.

NATHALIE PEREGRINE: Thank you, Phillip. Osvaldo Novoa has warned that he will be joining the call late, we'll be sure to note that in the attendance. Tatiana Tropina?

TATIANA TROPINA: Here. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you. Martin Silva Valent?

MARTIN SILVA VALENT: Here.

NATHALIE PEREGRINE: Thank you. Ayden Ferdeline?

AYDEN FERDELINE: I am here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. Syed Ismail Shah?

SYED ISMAIL SHAH: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Cheryl Langdon-Orr?

CHERYL LANGDON-ORR: Here.

NATHALIE PEREGRINE: Thank you. Erika Mann? I don't see Erika listed in the Zoom room. We will try to get a hold of him. Julf Helsingius?

JULF HELSINGIUS: Here, Nathalie.

NATHALIE PEREGRINE: Thank you. And Maarten Simon?

MAARTEN SIMON: Here.

NATHALIE PEREGRINE: Thank you. From staff, we've received apologies from David Olive, Emily Barabas, and Terri Agnew. On the call today, we have Marika Konings, Steve Chan, Mary Wong, Julie Hedlund, Caitlin Tubergen, Ariel Liang, Berry Cobb, Sara Caplis for technical support, Andrea Glandon; and myself, Nathalie Peregrine. I'd like to remind you to please remember to state your names before speaking for recording purposes, and also to have the documents and Wiki page up during the call to be able to follow easily. Thank you, Keith, and over to you.

KEITH DRAZEK: Thanks very much, Nathalie. Hi, everybody. Getting ready to start our GNSO Council call of the month of August 2019. That is August 22nd. I am just now getting into the Zoom room. Thanks for everybody and their patience. I'm at a remote location. It's 5:00 in the morning and I think I'm finally in.

                        So, I'm going to ask if anybody has any updates to their statements of interest at this time.

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SCOTT MCCORMICK: Keith, this is Scot McCormick.

KEITH DRAZEK: Hey, Scott. Thank you. Go right ahead.

SCOTT MCCORMICK: Thank you. I have recently moved on from HackerOne to a company called Reciprocity. We're a SaaS solutions start-up out in the Bay area. So, I will be filing an updated SOI shortly.

KEITH DRAZEK: Excellent. Thank you very much, Scott. Congratulations on the new move. Are there any other statements of interest to update? Okay, I don't see any additional hands, so let's move on then. We'll review the agenda at the moment. We'll go briefly through. After we get through administrative matters, we will go through a review of the action items. Specifically, item number three on our agenda today is the consent agenda. We have no items on the consent agenda currently.

Item number four is a Council discussion on the council letter on the status of the consultation. This is the EPDP Phase 1 recommendations that the Board did not accept in full, so there's a draft letter that's been circulated to the list and this is an opportunity for us to continue a discussion of the letter. As we tee up that conversation, I'll just note that the letter that is before the Council for consideration at this time is basically sort of a checkpoint with the Board to identify any areas where

there is a misunderstanding to confirm that we're on the same page before the Council makes any formal decisions. So, that's essentially the rationale behind the letter. I included that in the email that I included to the list. So, that is item number four on the Council agenda. Let's move on. Nathalie is scrolling.

Item number five is a Council discussion on ICANN Org's request for clarification on data accuracy, and specifically on the WHOIS ARS. This is a letter that we received from Goran back in June and this is a discussion on the request for clarification that we received from ICANN Org.

Next item on the agenda is number six and this is a discussion of the Council action related to the ICANN Board referrals of the CCTRT recommendations. I'll just remind everybody at the top of the call here that the ICANN board in not accepting all of the CCTRT recommendations referred quite a number of them to different parts of the community including ICANN Org for further review and assessment of cost and impact, things like that. It referred some to the GNSO Council for consideration. It referred more to some of the PDPs that we have underway. So we're going to discuss that in a little bit more detail. And I think what we have in front of us for discussion today primarily is the five or six recommendations that [inaudible] to Council.

Next item. Sorry, scrolling. Item number seven. Council discussion on the ICANN Org's assumptions document related to the new round of gTLDs. We will have both Cyrus and Trang, I believe, join us during this Council action item number seven where we'll have an opportunity to engage and hear from ICANN Org about the assumptions document that

they put out and an opportunity for us as Council to ask any questions as we assess the next steps. And I'll just remind everybody that this was one of the items that the subsequent procedures PDP leadership asked the Council to help engage and to help navigate. I think, if you'll remember, there were several items – four items I think – that the subsequent procedures group asked us for assistance on. One was any dependencies related to the name collision analysis project. Another was the RPM PDP and this was one of the group, the assumptions document from ICANN Org.

Next item on the agenda will be a Council discussion, proposed amendments to the Consensus Policy Implementation Framework (CPIF) and will be joined by Brian Aitchison of GDD for this item.

Next item. We'll have an update from Pam and Rafik on the PDP 3.0 small group update.

Next item. Then we'll get to any other business. Included in any other business will be a review of the ICANN 66 draft schedule which is fast approaching. Some discussion of the GNSO strategic planning session currently planned for January 2020. And confirmation of volunteers for Council liaisons to our PDPs and IRTs. As you'll remember, at every AGM, we go through a process of reviewing and assessing and making any necessary appointments to our Council liaison roles as the composition of the Council changes. We'll discuss then EPDP Phase 2 work plan. There's a plan that's been circulated to the EPDP phase 2 team and we'll have an opportunity to discuss. There's an ATRT-3 survey to discuss. And finally, as you may have seen on the list, there's an

update on the status of the RPM PDP Working Group related to some questions in terms of baseline working plans.

So, that's the agenda for today. Are there any suggested edits? Anything that anybody would like to add to AOB before we move on?

I don't see any hands, so let us then move back up to the top of the agenda. Thank you.

1.4, status of the minutes. The minutes of the Council meeting on the 26th of June were posted on the 13th of July and the minutes of the Council meeting of 18 July were posted on the 2nd of August. Thanks to staff for all of the good work in terms of making sure that the minutes were taken care of.

With that, unless there's anything else to add, let's move to item number two which is a review of the projects – actually, just the action items list. The projects were available to everybody at any time for review, so let's just go directly to action items. Okay, thank you very much. We have the action items in front of us and we will go through these.

As always, some are action items that we will discuss during today's call. Some are action items that are not currently on the agenda, so we'll go through these fairly quickly, just as a status update.

So, the first item is related to the IRP-IOT. I think, as you'll recall, there was a call from the ICANN board to repopulate the IRP-IOT. There was a group of I think it was seven who submitted requests for sponsorship, if you will, or support from the GNSO Council. The GNSO provided that

support and basically recommended those seven individuals to the ICANN board during that process. So, that was complete.

We have an action item here for a small team to provide a proposed Council response to questions that were received and I think we need to circle back on that one and identify where we are in terms of any open questions related to the IRP-IOT. I think that's a fairly old action item that may have been overtaken by events. So, if anybody would like to speak on that one, feel free to put up your hand. I've lost my participant's box and chat box. Julie, please. Thank you so much.

JULIE HEDLUND: Thank you very much, Keith. Actually, this one is nearly complete. I've been working with [Phillip] and with [Elsa]. They're currently finalizing some questions for Council consideration and I've confirmed with ICANN Org, with Sam Eisner, that ICANN is still interested in receiving that input and it would be helpful to them. We'll be meeting next week to finalize that input and it will be before the council for the September meeting.

KEITH DRAZEK: That's fantastic, Julie. Thank you so much for the update. It's concise, direct, and to the point. So, thanks, also to the small team, Elsa, [Phillipe], and others for contributing to this. And as everybody knows, this IRP and the IRP-IOT are really important to the ICANN accountability mechanisms and to ensure that we can move forward on that in a timely manner is very important. So, thanks to all of you for that.

Next item, RPM charter amendments. I think the open item here … I know that there's been a small group engaged in the initial phase for drafting some RPM charter amendments. This is specific to the IGO/INGO curative rights issue or IGO protections. I'll just remind everybody a couple of phases for this effort. One is to focus specifically on the language needed to provide for this, a specialized or a focused sub-team to focus on the IGO protections issue and then there's a second phase which will focus more broadly on updates to the RPM PDP charter for phase two to incorporate some of the PDP 3.0 reforms.

So, I don't know if Paul or anybody else would like to speak to this briefly, but this is an ongoing effort and there's a small group that's working on this with the support of Mary and others. I don't see any hands, so let's move on.

Okay, next item on the action items list is the legislative tracker in progress. We have developed a draft message back to ICANN Org on the legislative tracker and I think there's currently an action item open for ICANN Org, the Global Engagement Team, to take into account our feedback. I'm not sure if there's any further upkeep from staff on this one. Marika, if you've got anything to add on this, feel free to jump in, just in terms of timing and what the Council should expect in terms of a response from Org on our input. Marika typed in the chat, "No update but we can follow-up." Thank you.

Next item on the action items list is a CSC effectiveness review final report. If we could scroll down a bit, thank you. I think we had an action item here for us to share the results of the motion from a previous meeting with the CSC. Any further update on this one? I don't see any

hands. Marika or Steve, if there's anything to update on this one, feel free to jump in. Otherwise, let's move on.

Okay. Next item on the action items, IRTP policy status report. I may turn to Pam here briefly, but this is basically a topic that has implications related to the transfer policy more broadly and holistically. So, I think that we've got some questions about what we're going to do next as it relates to the transfer policy. Pam, can you add anything?

PAM LITTLE: Hi. Thank you, Keith. Hi, everyone. Yes. Initially, we were hoping to maybe ask the IRT for the EPDP Phase 1 to look into the gaming registrar form authorization issue. But Rubens, I think that might have been superseded by subsequent conversations between certain registrars and ICANN staff. So, the Council now can expect a letter from the Registrar Stakeholder Group chair shortly with a request for the Council to write to ICANN board to hopefully address this issue and also may have some view about how we conduct the IRTP transfer policy review in terms of timing, composition, and structure, etc. So, hopefully the communication would come to the Council very soon. Thank you.

KEITH DRAZEK: Okay. Thanks very much, Pam. Rubens, if you've got anything to add on this one, feel free to jump in. I think, for the action items list, we should capture Pam's update there and make sure that it's clear that we're anticipating input from the Registrar Stakeholder Group on this one. Alright, let's move on.

The update on the IANA Functions review team. My understanding is that there's ongoing and further questions around the ability to populate the IANA Functions Review Team and that there are some … I think we know that there were challenges with the ccNSO. I think there may be some further challenges right now in terms of availability of community members or availability of appointees to this. I'm not sure if anybody has any further details or specific update on this one but I saw some traffic on the list recently. Marika, is there anything you'd like to add on this one? Okay, Marika typed in the chat, "No." I think that I covered it. So, this is an open action item for the community broadly and we'll circle back to this one. Let's move on.

Okay. Update on managing IDN variant TLDs. I think as you'll recall I think it was in May the Council basically sort of put our hand up and said, "Hold on a second. We need to take a look at the IDN variant issue holistically." Coming out of Kobe, the ICANN board passed some resolutions that flagged the IDN variant issue and asked the GNSO to work with the ccNSO to make sure that there was a consistent policy developed related to managing IDN variant TLDs.

GNSO Council, we pulled together a small team of councilors and subject matter experts from our community to start taking a look at this issue and I know that we've got some councilors here on the call who are involved in that effort. So, perhaps, Rubens, if I could turn to you for any specific update here. Actually, Michele has his hand up now. So, Michele, let's go to you first and then we'll come to Rubens.

MICHELE NEYLON: Thanks, Keith. So, the small group has set up a mailing list because using CC is such a terrible idea. We had one conference call, I believe it was last week, and we're working on trying to agree times that we can rotate in order to meet a regular basis. At this juncture, we're trying to map out what exactly we're meant to be doing and how we're going to try and do it. So, we don't have a substantive update at this juncture, but we are trying to work on having something for Montreal. I'm not sure if anybody else wants to add anything further. Thanks.

KEITH DRAZEK: Thanks very much, Michele, and it's great news that this small group has engaged and started its work and started to focus on this question on where are there policy concerns for the council and how do we tackle this I think is essentially – the work of the small group at this point is to try to scope the issue, the topic, and to identify where the Council, from a policy perspective and policy management perspective, has a role. Pam, I saw your hand go up. Feel free to jump in.

PAM LITTLE: Hi. Thank you, Keith. I'm not sure I remember correctly – Michele, please correct me if I'm wrong – I thought there was an action item out of last week's meeting where the small team actually was asking the council to send two liaisons to the CC effort that is also working on some of the IDN issues, because the board's direction or directive to us is to make sure the GNSO and the ccNSO sort of coordinate to make sure we don't develop policy that are going to be contradictory to make sure there is consistency.

Is that the action item? Or maybe staff can help us out here or I can follow up later and update. Yes, staff just confirmed that's the action item, so I presume we need to decide or maybe call for volunteer to be the liaisons to the ccTLD's effort. Thank you.

KEITH DRAZEK: Okay. Thanks very much, Pam, and for flagging that. So let's make sure that we capture that in the action items list if it's not already in here, it may be off of my screen if it is. Ariel, please go right ahead, and then Michele, if that's a new hand, you're next. If it's an old hand, then you're not. Ariel.

ARIEL LIANG: Thanks, Keith. Just want to provide some additional information on that action item indeed has been recorded, and because ccNSO will start discussing the PDP [effort] regarding IDN for their effort, so staff will monitor when this effort will start and we will coordinate with the council leadership in terms of when to send out that call for volunteers message.

Our understanding is it may not be super urgent at this moment and the scoping team may consider incorporating this action item in its future recommendation to the council so we send this whole package together, and at the same time we'll coordinate the time with the ccNSO and see when is the best time to send out a call for volunteers.

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KEITH DRAZEK:	Excellent. Thank you very much, Ariel. So this is obviously an important topic, a fairly complicated topic in terms of a subject matter, and obviously very important for us as the GNSO to engage with the ccNSO as we move forward on essentially separate but parallel tracks.

Would anybody else like to speak to the IDN variant issue before we move on? Alright, let's move on. Thank you. Okay, IGO-INGO access to curative rights protection mechanisms. We have an action item here to work with Susan Kawaguchi and Heather Forrest on a report regarding the usage of the 3.7 appeals process. That's an open item, but I know that it's in progress and that Mary is working with the two of them to move forward on that report, but otherwise, this action item is captured previously in the discussion of the update to the RPM charter to charter the dedicated subteam on the IGO protections issue.

Okay, move on. Okay, next action item is the evolution of the multi-stakeholder model of Internet governance. This is the issue that Brian Cute is shepherding, and I think if I'm not mistaken – and I've been offline a bit this week – I know there's expected to be an update and a public comment period on the latest document that Brian is working on sort of as we head into Montréal, and we had had Brian attend the previous council meeting and there's an opportunity to invite him to future council meetings, but I think the action item here is for us to identify once the public comment period is open any areas of concern to the council and then to encourage our stakeholder groups and constituencies to contribute directly to that. Michele, I see your hand. Please.

MICHELE NEYLON: Thanks, Keith. Correct me if I'm wrong – and it's quite possible that I missed it – but I don't recall us ever receiving a concrete, clear reply to the query that both myself and Maxim had raised with respect to the budget allocation and costs on this particular project.

KEITH DRAZEK: Hi, Michele. Thanks very much for that follow-up, and I think you're right, I don't recall seeing anything specific either. But Mary has her hand up. Marie, go right ahead.

MARY WONG: Thanks, Keith. And Thanks, Michele, for the question. You're right, there hasn't been a response, and I apologize, that was on me to follow up with my colleagues in ICANN Org and I will do so right after this call.

KEITH DRAZEK: Alright. Thanks very much, Mary, and thanks, Michele, for flagging that. We'll make sure that we follow through on that. Any other discussion on the evolution of the multi-stakeholder model? Let's move on.

                        Okay, next item are the PDP updates, and we've got a couple of open action items here, one of which is on my plate for drafting a letter to the ICANN board and at least with a CC to SSAC related to the impact of the NCAP program on subsequent procedures.

                        As I noted earlier, we have a standing request here form the subsequent procedures folks to help navigate name collision issues, string similarity,

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IDNs, and [any potential dependent] PDPs, including RPMs. So I've got an action item to draft that letter to the board about NCAP.

Okay, let's see if there's anything else here. I'm just looking down the list. Oh, yeah, and then we have a separate action item there related to the string similarity and IDN issue to engage with the ccNSO on those two topics. So we've got two open action items there at a minimum.

Any discussion on that? Alright, let's move on. The next group of action items are all things that are on our agenda today, so let's not go through them line by line in the interest of time, but these are the items that are on the agenda for today. So let's move now directly to the agenda. We'll give it a moment for the screen to update.

Okay. We're currently at agenda item number four, which is the council discussion on the council's draft letter on the status of consultation in relation to the EPDP phase one recommendations that were not accepted by the board.

So just to remind everybody on this one, we as the council have some responsibility and obligation here to follow through with the ICANN board on issues where consensus policy recommendations from a PDP as approved by the council were not accepted in full by the ICANN board.

There were two specific topics, just to refresh everybody's memory. One was the recommendation one purpose two where I think there's general agreement or recognition that it was placeholder language and is the subject of further work within the EPDP phase two effort, and then there was a second topic, recommendation 12 that was related to

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the deletion of data associated with the organization field if and when that data was not confirmed by the registrant.

So again, just to refresh everybody's memory, we had a discussion with the ICANN board during our working lunch in Marrakech where in particular recommendation 12 was discussed. There was some clarifying information provided to the board, and we received at least a preliminary indication from the board members engaged in that conversation that the clarification was helpful, that they had run out of time during their deliberations. They hadn't had the chance to ask that question of council or the EPDP group, and that the clarification was helpful.

So what we have drafted and was circulated to the list was, or is, a response or a communication to the ICANN board outlining our understanding as council related to that discussion asking the board if they have any different opinions or different understanding. That's basically an opportunity to inform the council before we take our next steps.

And the next steps are important, as we've discussed in this process from the beginning, as it relates to setting precedents and documenting a procedure and engagement between the council and the ICANN board on this issue of a situation where they were not accepting a consensus policy recommendation.

So without getting into further detail at this point, let me just pause and see if anybody has anything to add, any questions about that so far. If

staff has anything to add, anything that I've missed, feel free to jump in. But that's just trying to set the stage for this conversation.

I hope everybody's had an opportunity to read the draft letter. We went through a couple of rounds of comments. It's been out there for a while in terms of discussion. I think we were able to incorporate the views of the range of councilors of this one, and so I'm hoping that we can move this forward substantively and substantially today during our conversations so we can be prepared to, in fairly short order, send the communication to the board and to basically move this process forward in a more timely manner than I've done so far.

Marie, and then Tatiana.

MARIE PATULLO: Thanks, Keith. I sent a quick note to the list yesterday on behalf of the BC. We're really grateful for the amendments you did make in essence saying that not all of the councilors agreed when it came to recommendation 12. I'm not going to rehash the arguments because we all know what they are.

That said, we do still have a concern with rec one purpose two as you know. We do believe that it contradicts advice from the European Commission, so we think that this is the time to look at that.

We really do think it's the time for the EPDP team to be instructed by council to reword that placeholder language as soon as possible. Again, I'm not going to read out my entire e-mail, but as a minimum, Keith, we'd be very grateful if you could at least make it clear in the paragraph

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that refers to recommendation one that just like with recommendation 12, this isn't all of the council agreeing it should be adopted as is, because the BC really doesn't agree with that. Thank you.

KEITH DRAZEK: Okay. Thanks, Marie. And I apologize, I'm actually out of the office this week and have not been keeping up as well as I should have on e-mail. So I haven't seen the substance of your e-mail, but I don't think – the letter doesn't say that recommendation one purpose two should be adopted as is.

I think what we've acknowledged in the letter is that it is subject to further work within the EPDP team. And I just want to make sure that we're all on the same page here that the council essentially is not challenging the board's decision on this, and I think there's an acknowledgement that it was placeholder language and that it is subject for further work within the EPDP phase two team.

So I think at this point, it really is within the remit of the EPDP phase two and it's not clear to me that the council needs to provide further guidance on that one, because it is the subject of further work of the group.

But I just want to make sure that I'm understanding and that we're on the same page that the council's not saying that the current language should be adopted. It's basically still just acknowledging that it's a subject of further work. And I may turn to Marika or Rafik shortly on this one to help clarify, but Tatiana, you're next in queue and then Marie,

you're welcome to get back in queue and then we'll get to Flip. So Tatiana.

TATIANA TROPINA: Thank you very much, Keith. Hi all again. I don't know, for what it's worth, I wanted to make one substantial suggestion about this letter which will not actually change its meaning but maybe will provide a bit more clarification. But I don't know how this is going to fly.

So if you look at the bullet point number two of the letter itself, not of the council document or the draft letter, it refers to, second paragraph refers to the point that some council members are of the view that [as deletion ...] and bla bla, and then other council members agree with the board's reason as to why this part should not be adopted.

I want to ask if it would be possible for clarity actually to add which constituencies dissent here. Well, unless there's a strong opposition to this. I believe that it might provide a clearer picture of what is going on and what is actual composition of this dissent and who is for and who is against. I think that this is just a sort of factual clarification which doesn't change the meaning of the letter. But then again, this is just a suggestion. Thank you.

KEITH DRAZEK: Okay. Thanks very much, Tatiana. I think that's a reasonable suggestion. I'm happy to hear other views on that, but to the extent there are clear opinions on this, that's something that we can certainly consider.

And I think that certainly means that we would have to have all groups sort of formally state that so we can capture that, which adds another round of deliberation and discussion in terms of timing. So let's consider that.

Okay, next we have Flip, then Darcy, then Elsa and Michele.

FLIP PETILLION: Thank you, Keith. First, a comment on what Tatiana just suggested. I have no objection to mentioning the names of the groups expressing their specific views, but I think it's good to remind everybody that although we are representing as a group, I think we are all working towards establishing policies that are in the interest of the entire community.

That having been said, I very much thank you, Keith, for having changed the letter and adding some language, and coming back to Marie's point that we received yesterday or today – I don't remember – I do support her analysis, but I also agree with Keith who stressed that this is really something that should [now] be addressed in phase two, and I would really encourage that the council in turn stresses that the EPDP team should really very much focus on this topic to make it in compliance with the applicable regulation. Thank you very much.

KEITH DRAZEK: Thank you, Flip, very much. And I think to the point where the council can acknowledge and encourage the EPDP team to focus on that, I think does make sense. The question I think is, what form do we need to

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take? And I may turn to Rafik and to Marika on that question in terms of next steps in terms of encouraging that focus.

I know that it's on the workplan and that it's under consideration or will be part of the work that the EPDP team does, so I guess the open question is how best do we communicate your point. So let's move on. Darcy, Elsa, then Michele. Darcy?

DARCY SOUTHWELL: Thanks, Keith. Regarding section two – I'll call it – I think I find it personally a little confusing, what we're really asking the board to do, and I've put this out on the list. I just suggest we be a little bit more clear. I think what we're asking is for them to come back to us once we've given them the written explanation which mirrors what we verbally – what James actually verbally gave them in Marrakech.

So I don't know if everyone else is struggling with this, but I'm really struggling with what our ask is of them, and I don't want them to struggle. And then we have [more delays] because they're not sure what we're seeking from them. So I would suggest we make this language more clear. Thanks.

KEITH DRAZEK: Hi, Darcy. Yeah, thanks very much for that, and certainly, I welcome any further suggested edits to the language. This is not necessarily the final version. So we have an opportunity to tighten it up and be more clear.

But I think substantively, you're right in that what we're doing with this letter is not to say to the board "This is our decision," we're saying "This

is our understanding. Can you confirm that we're all on the same page before we make a decision?" It's a checkpoint opportunity, I think, between council and board to make sure that the verbal conversation that we had in Marrakech is validated by the written update and that we have an opportunity to ensure that the board is in agreement with that discussion.

And again, we had some board members – we may have had the entire board, but there were only a couple of board members who contributed to that discussion, I think primarily Becky and Avri. So I think it's an important opportunity for us to sort of present our understanding and the rationale that was provided from the EPDP team and further explained verbally in Marrakech to make sure that the board is in agreement and that we're not talking past each other.

So I think that's the intent of this letter, and if we can update the language to be more clear in that regard, then we should. And again, I'm happy to take any suggested edits, Darcy, if you or anybody else has anything that will help be more focused here.

Elsa, and then Michele.

ELSA SAADE: Hi, Keith. Thank you. I appreciate this conversation a lot. I just wanted to highlight something in the letter that the board had sent that we might have been blindsided about. And it's the use of the term "global public interest," which also Flip just mentioned in his comment, public interest.

It's easy for us to say public interest and think that everyone else thinks the same way about what we mean when we say public interest. And NCSG has raised the flag several times to the board and to the community about the risk of using the term "global public interest" loosely.

So I would suggest that we at least have some language on the use of the term "global public interest" in the letter from the board. I think it was the third paragraph, it says, "The board action is in the best interest of ICANN and the community and will serve the global public interest via allowing ICANN and gTLD registry operators ..." Etc.

So I just thought I would flag this and note that we as a GNSO council should be very careful about the use of such terms. And maybe we should actually mention it in our letter. Thank you.

KEITH DRAZEK: Alright, Else. Thanks very much for flagging that, and I think if I'm not mistaken – and I'm sure I'll be corrected by Marika or others, that the global public interest is one of the thresholds that the board has to attain or has to demonstrate in the event that it decides not to accept a consensus policy recommendation, and again, Marika, feel free to correct me if I'm off base, but I think sort of the use of that language was probably a necessary component of the board's rationale for not accepting these recommendations.

But I agree with you that that is a term that is not well defined and that there may be various interpretations across the community of what it

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means, and that we I think as a council probably do need to be cognizant and aware of its use.

Marika has typed in the chat sort of the actual language that says the board determines that such policy is not in the best interest of the ICANN community or ICANN so it does not reference global public interest. So I was wrong, thank you Marika for clarifying that, and Elsa, I think your point stands that the use of that could be interpreted by different people in different ways. I'm not sure how and where and what we would say specifically in this letter as it relates to that. If you'd like to propose some text, certainly happy to consider that, but I think I'd need some help in terms of how we would actually incorporate that point into this particular letter.

Okay. Michele, you're next.

MICHELE NEYLON: Thanks, Keith. A couple of things. First off, I'm finding this entire discussion around one or two particular points which have just been raised by, as far as I can make out, essentially one, potentially two constituencies, quite painful.

The EPDP phase one report approval was delayed due to objections from one or two constituencies, and yet now we have the situation where again, we're having to pander to one or two constituencies' concerns, and this is being framed as if this is the way things should be, which I find quite frustrating.

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All the stakeholder groups and constituencies have representatives within the EPDP, in other words within the working group, and [inaudible] these issues need to be dealt with. I'm finding it very difficult to understand why some people seem to think that it is council's job to rewrite recommendations. It isn't. It never has been. And to suggest so is, I think, intellectually dishonest.

The points raised by Elsa around global public interest I think are ones that are worth repeating and focusing on, because it is very dangerous to throw those kind of terms around. I kind of see that as being up there along with "think of the children." Throw global public interest around and suddenly you have carte blanche to do whatever you want.

So I think when that terminology is used, it needs to be very clear why it's being used and what is meant by it, because it's one of those things that a lot of people seem to use as an excuse to just kind of drive a carriage through things. Thanks.

KEITH DRAZEK: Thanks, Michele. I think in this particular case, if we can incorporate language that establishes where the various groups are on this particular topic, I'd like to be able to get a joint council statement on this one. I think setting aside the substance and the substantive arguments and the recommendations themselves, we have a procedural issue here that we need to, as council, manage and we need to demonstrate in terms of setting precedent and demonstrate our ability to engage with the board.

So I want to make sure that everybody keeps a focus on that in addition to whatever substantive issues or concerns. So just from a process management perspective, we need to send this letter or a version very close to this letter to the board in short order.

So if anybody has suggested language or updates on this one, please send them this week so we can start to incorporate that and get another version out to the list so we can agree that it's time to send.

So I think I've got some suggested edits coming from Marie, some suggested edits coming from Elsa. If anybody else has anything to add, please let's try to get this thing wrapped up. Tatiana, I have you in queue. You're last on this one, we need to move on. We're about 15 minutes over time already. Thanks.

TATIANA TROPINA: Thanks very much, Keith. I'm just trying to be brief. First of all, I agree that the council cannot change recommendations substantively and the reference to the bylaw is that council can change its recommendations about adoption, but not actually the recommendation of the group. We cannot direct the content of the recommendations of the group. And this is why I do not think that the reference to the bylaws which was on the mailing list is actually relevant to this case.

But I want to ensure that we understand what is going on with the public interest, because I think it might be also a procedural issue and actually, the board letter and annex is lacking the clarity. While board says that this adoption of this recommendation is not in the public interest, that in the annex two, the board says the board requests that

as a part of phase two, the EPDP consider the extent to which deletion as opposed to redaction that results in loss or changes to the name of the registrant is in the public interest and consistent with the ICANN's mission.

So basically, it looks like the board asks the EPDP to consider public interest, and I wonder how we are dealing with this procedurally and if it has any implications.

I don't know if this is for our letter for now or if this is for further discussion with the board or if this is for EPDP to discuss with the board, but certainly, this is some lack of clarity which I would like to flag, because it might have procedural implications for us as GNSO as a shepherd of the EPDP policymaking process. Thank you very much.

KEITH DRAZEK: Thanks, Tatiana. I think all good points and good questions in terms of next steps. I'm not sure that that is something for this letter at this time, but I think it is something that we ought to discuss further.

With that, I'm going to turn to Rafik for any further comment on the EPDP phase two effort related to this specific topic, and then we really do need to move on. We're probably going to have to cut some stuff out of the agenda today, regrettably, but that's where we are. Rafik, over to you.

RAFIK DAMMAK: Okay. Thanks, Keith. I think with regard to the point made about recommendation number one and the purpose number two, if I'm not

mistaken, I believe that will be covered when we are discussing the SSID. Maybe it's not indicated or called out, but it will be a topic to be covered.

So probably, I can follow up with the EPDP team and we can maybe have a discussion of that level if needed. So that's my understanding for now, but I'm happy to follow up later on.

KEITH DRAZEK: Thanks very much, Rafik. Yeah, thanks for this, and I think we will take you up on that offer. So let us then move on to the next items on our agenda, but just as a final point on this, everybody please review this letter, send any suggested edits that you have as soon as you can so we can move this thing forward.

And I know that there were a couple of weeks in August where it was pretty quiet. I'll take responsibility for that on this particular action item, but this is something that we need to move forward on and we need to do it fairly quickly, so there's an opportunity for further exchange with the board if needed prior to Montréal.

Okay, next item. While we're waiting for the screen, there has been some further exchange on this in the chat, so I would just refer folks to that. Apologies for the seagulls in the background if you can hear them.

Okay, next item on the agenda is a council discussion on ICANN Org's request for clarification related to data accuracy and phase two of the EPDP, and specifically around the WHOIS ARS. So just for context, on the 21st of June we received a letter from ICANN Org, from Göran, which

was seeking a better understanding of the EPDP team plans to consider the subject of data accuracy and specifically around the WHOIS accuracy reporting system, the WHOIS ARS.

And so we discussed this during our July meeting, and we circulated a draft response to the letter which was, I think, essentially an acknowledgement of the initial letter, but substantively, we have some work to do here. So let's see here, I'm just getting back to chat. I lost my chat box and my participant box again.

Elsa, I see your hand, and then if anybody would like to get in queue on this one, please do so. Elsa, over to you.

ELSA SAADE: Thanks, Keith. I just wanted to note that the EPDP in our opinion should not be dealing with accuracy at all. In fact, nowhere is accuracy mentioned in the EPDP charter, and ARS, as we all know, is not consensus policy.

So I think we should be clear cut in terms of suggesting an issue scoping phase, having a traditional PDP for accuracy, and the community should definitely have the chance to comment on this.

So I just thought I'd note this down, and definitely note that accuracy is not part, anywhere, in the chart of the EPDP, so it definitely isn't fair to even throw this at EPDP phase two. Thanks.

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KEITH DRAZEK: Okay. Thanks, Elsa. I think the question of where this question is appropriately targeted, I think, is a good one. And I think from a council perspective, everybody will recall that we have initiated a review and working with ICANN Org to basically assess where we are related to the policies, procedures and contractual provisions that are impacted by the EPDP phase one recommendations and the temporary specification before that.

So that process is ongoing. Council leadership has had at least one meeting with Karen Lentz, and Cyrus and Trang are sort of shepherding this process, but Karen Lentz from ICANN Org is on point from the Org perspective on this broad question of where are the policies, procedures and contractual provisions impacted, how do we as a community tackle these in terms of a review of where these impacts are, where are the inconsistencies, where are the phase one EPDP recommendations incompatible with other existing policies and procedures.

And I sort of see this specifically around the WHOIS ARS question as a subject of that review and subject of further work of council, of Org, of the IRT from EPDP phase one.

As it relates to the broader question of accuracy, I think Elsa's point is probably a good one, but I want to hear from others at this point. Let me just clarify, I circulated a draft of the acknowledgement letter to the council list. It has not yet been sent. That's something that I'd like to get everybody on board with so we can get that sent, at least acknowledging that we received it and we're discussing it. And again, that's something that was on me to get done probably sooner than this.

Marie, I have you in queue. If anybody else would like to get in queue on this one, please do so.

MARIE PATTULLO: Thank you, Keith. I realize that you haven't been able to see e-mail, and I'm glad because that means you're spending it me relaxing with seagulls.

We have no issue with the letter. Obviously, it's a [holding letter.] But from my own understanding here, I was very interested to hear what you just said about the work you've done already with ICANN Org.

I would like to understand what ICANN anticipates doing to develop an update to the ARS for cases where ICANN itself is asserting its own purposes for processing data which is nonpublic. And we all know that we need to get a lawful solution for ARS and we know that ARS is supposed to stay [inaudible] until replaced, clearly.

I just wonder if you have any idea of what ICANN is actually doing, because if we know what they're building on, maybe we can build it wider, make more synergies, and back to the wonderful EPDP team – and I mean that with all sincerity, they are completely wonderful – in phase one, as we all know, recommendation four did say the ARS isn't going to be changed, and footnote six said that it would be considered, which is a great word. The BC would really support the council, if we're able to do this, in confirming that the ARS is indeed included as part of phase two work. Thanks very much.

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KEITH DRAZEK: Okay. Thanks, Marie. If anybody else would like to get in queue, please do. I'll respond, Marie, to your point about, do we know what ICANN Org is thinking or doing around this? And I think that's probably a question for us to ask and us to pose.

It might make sense for our next council meeting for us to invite ICANN Org to speak specifically to this topic and to have that further engagement. I do expect that we will have an update for council as it relates to the broader approach of reviewing the impacts of the EPDP phase one recommendations during our next council meeting, but I think it makes sense for us to have this further conversation with ICANN Org, the appropriate folks on this particular topic. So I'll take an action item to follow up on that with staff.

Marie, I still see your hand up. Feel free to get back in the queue if you'd like, but I do want to acknowledge what you've said about the recommendation four, and I think you said footnote six, at least to acknowledge that you've made that point. I would have to go back and review that. I don't have that at my fingertips and haven't followed it that closely. But if anybody else would like to speak to the topic.

But what I heard is there is a b it of a difference of opinion there between Elsa's point and what Marie has said as it relates to the focus around WHOIS ARS within the group. Elsa, you're next. Go ahead.

ELSA SAADE: Hey, Keith. I'm just going to clarify that I'm not going to go into substance at all because in the chat, there were some comments about substance and GDPR and ARS generally. I'm really speaking about

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procedure, and the footnote should not overlap with charter language. And in my opinion – other people might have different opinions, but I really think that EPDP phase two should not even touch accuracy.

If we really are interested in actually touching upon accuracy or ARS generally, we should in fact invest in a traditional PDP and time and give our community the privilege they deserve to actually comment on this. And maybe even have a different shape for dealing with ARS and accuracy generally.

So yeah, this is my suggestion and I hope it's noted down somewhere. Thank you.

KEITH DRAZEK: Okay. Thanks, Elsa, and thanks for the follow-up. So I guess I'm wondering what the next step is here and whether there's an opportunity to try to have maybe a small group of councilors get together and focus on this question of WHOIS accuracy broadly, and the WHOIS ARS more specifically.

And again, I think as we all need to recognize, the term WHOIS is coming out of the EPDP phase one recommendations and the work of phase two. The term WHOIS is likely going away and going to be replaced by something else, whether it's a standardized system for access and disclosure – I think we need to be cognizant that this is part of a much broader issue and a much broader topic. WHOIS ARS is one component of that, but WHOIS or what replaces WHOIS as a protocol, this question of accuracy I think is a much broader issue and a much broader question.

So perhaps what we could do is call for a small group of councilors to get together, maybe make some suggested language for us. Michele, and then Paul.

MICHELE NEYLON: Thanks, Keith. First off on your most recent suggestion, I would vehemently oppose that. I think that's a massive waste of our time. I think at this juncture, anything that touches on the artist formerly known as WHOIS – I think it's going to be replaced by a little symbol or something – is not appropriate for us to spend time on that. I don't think it's going to be productive. I can just see it be causing more headaches and frustration.

And if anything, getting some kind of update from ICANN staff on what their current thinking of the situation on that might be some way productive, and maybe then as a kind of follow-on from that, we can engage with our reps within the EPDP to see if based on where this thing is moving, whether or not it is something that basically is going to be looked at or not within the EPDP. That's fine, but I don't see anything good coming of a small group of councilors doing anything. I just see frustration.

Specifically when it comes to discussions around accuracy, there is definitely a massive difference in opinion as to what accuracy actually refers to when it comes to GDPR and data protection law in general. Thanks.

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KEITH DRAZEK: Thanks, Michele. And just to clarify, what I'm hoping – my suggestion was to have a small group of councilors volunteer to help craft some language or a substantive response to the letter we received from ICANN Org on the 21st of June. So we've got a draft that's been circulated to the list basically acknowledging receipt, but that's not a substantive response and we need to develop one.

I a conversation with ICANN Org in the interim would be helpful, we can certainly invite whether it's Cyrus or whomever from ICANN to have a conversation around this to help inform our response, but my hope is and my suggestion was we pull together a small group of interested parties to help craft the substantive response on this point. And it may go through several iterations, because there may be differences of opinion, but we've got to start somewhere.

But I understand your point that the discussion of accuracy of a registrant data or RDS data has the potential to take quite a bit of time and have some pretty strong differences of opinion. Paul, over to you, and then we probably need to start moving on.

PAUL MCGRADY: Thanks. I think I'm reacting to Elsa, I believe, because there was as broader suggestion, Keith, that I think was put out there beyond the small group of councilors that you were suggesting. I think that was as suggestion that there be some PDP on this accuracy issue basically taking it out of the EPDP. For a lot of the reasons that Michele stated, I don't think that would be a good idea.

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I also don't know what the purpose of that PDP would be. I don't think that we would have a large segment of our community come forward and say that they're really for protecting fake data. The PDP question would be, "Should we protect fake data, yes or no?" And I don't think that would be a good use of anybody's time. So that's all. Thanks very much.

KEITH DRAZEK: Okay. Thanks, Paul. Thanks for the input. And I think one of the other questions is around things like validation of registrant. I think that's one of the other things that such a group or any group would need to consider. But anyway, we need to move on just in the interest of time, but I would still like to ask for volunteers to help contribute to a substantive response on this one, and in the interim, we will take an action item to invite appropriate folks at ICANN Org to help have a further conversation about this in terms of how we move on and how we tackle the issue of WHOIS accuracy or formerly known as WHOIS accuracy, and specifically this topic of the WHOIS ARS.

So if anybody would like to volunteer. I see Marie's putting her hand up in chat. Thank you. Anybody else, feel free to contribute. And then let's now move on. We're moving to item number six, whatever that is. If somebody could please scroll the screen. Mine is frozen. Thank you.

Alright, this is council discussion on the ICANN board referrals of the CCT RT recommendations. How are we doing on time, Nathalie?

NATHALIE PEREGRINE: Hi, Keith. We're running 15 minutes late.

KEITH DRAZEK: Alright. I think what we'll do at this point is either move this item, because it's not urgent, to either the end of the call or to our next council call for a substantive update. And Pam, I see your hand. Go right ahead.

PAM LITTLE: I was going to suggest something similar or defer to the next meeting. Thanks, Keith.

KEITH DRAZEK: Thanks very much, Pam. If we happen to pick up time, we'll reinsert this for at least a brief update, but if not, then we'll move it to the next meeting.

PAM LITTLE: Good. Thanks.

KEITH DRAZEK: Thank you, Pam. Okay, item number seven is a council discussion around ICANN Org assumptions for the new round of new gTLDs. As I noted at the top of the call, we're joined by Cyrus and Trang from GDD. And just to again set the stage here, the GDD issued a document, I think it was just prior to Marrakech if I'm not mistaken, basically establishing a baseline of assumptions, ICANN Org or GDD assumptions for starting

to consider the necessary implementation and framework and sort of the machinery of how ICANN Org will implement whatever policy recommendations come out from the subsequent procedures PDP.

And I understand that it was just sort of a first cut and that there's an opportunity for the community to provide feedback or input to GDD on the assumptions, but this is an opportunity for us as the GNSO council and the managers of the policy process to help engage with the subsequent procedures PDP to the extent there are any questions or comments.

So let me just pause there, and again, welcome Cyrus and Trang. Thank you very much for joining us today, and I'd just like to hand it over to you, Cyrus, to sort of tee this up from an ICANN Org or GDD perspective and specifically if there are any questions that you have for council at this point and anything that you would like us to focus on in particular, I very much welcome that.

So Cyrus, over to you.

CYRUS NAMAZI: Keith, thank you very much. Hi everyone. This is Cyrus Namazi, I'm joined with Trang, Christine and Chris Gift from the Org side. We wanted to express our gratitude for this opportunity to be addressing the council today, and as Keith so eloquently put it, the objective for this brief conversation, the genesis of it really began earlier in this calendar year when we began formulating our thoughts and having discussions internally on the subsequent procedures PDP whose work is

expected to be completed and the recommendations be sent to the council by the end of this calendar year.

Considering the complexity of the program, the process, the implementation of these policies into a new gTLD round from our side, we thought it frugal for us to begin formulating our own thoughts in terms of how operationally we need to be ready for it and began briefing the ICANN board, like I said earlier in this year, sharing some of these assumptions with them.

So I underscore the assumptions are based on operationality of a program, so they're not interpretation of policy per se, but to the extent that actually, the different pillars of operations need to be put together and what it takes to do them, that's the intent of this exercise.

So this particular discussion led to a set of core assumptions that we've made, and like I said, we've shared this with ICANN board, we've gotten feedback from them, and then the next step was for us to take this to the community which as Keith put it, we shared it with community, SO and AC groups and leadership before Marrakech.

With some of them, we've engaged directly just like we are today, and some of them have actually corresponded with us by e-mail and such have given us some really good feedback.

So this is that forum for us to essentially present to you what we have based these assumptions on. And remember, these are assumptions and we have to make assumptions because we have incomplete information at the moment. The policy work is not done, we don't know

what the council is going to do with the recommendations, we don't know what the board is going to do with them.

But considering the amount of work that it takes to pull this program together, which we anticipate to be a multiyear effort, we wanted to move as many things as we can in parallel with sort of the tail end of the policy development process and such.

So all of you hopefully have seen this brief paper that we shared with you, and considering the short window of time that we have here today, I'm not sure if it's wise for us – and I leave it completely up to you, Keith and the council leadership – for us to go through that again. We'll be happy to do it, but also just wanted to say maybe the remaining time, we'll be happy to answer questions, get some general feedback from you, anything that can help us again with strengthening the foundation we're trying to pour, as I call it, based on which we can build a blueprint to build this program.

Let me pause here and see if you'd like us to very briefly talk about these core assumptions to start the conversation or we can jump into Q&A. Back to you, Keith.

KEITH DRAZEK: Thanks very much, Cyrus, and thanks for sort of the overview. So just to acknowledge again that you've acknowledged, and I think from the beginning, and again here today, that you're not presupposing or jumping to any conclusions about what the policy work may produce and what the council may do with it or what the board may do with it, as you just said, but it's more an effort to try to establish some

understanding or a baseline of assumptions as to how to start moving forward preparing the board and preparing Org to be able to build the framework and build the machinery of how the policy recommendations would be or may be implemented once they're complete.

So I just wanted to underscore that for everybody's benefit, that this is not Org trying to get ahead of the policy game, it's really making sure that the implementation work is sort of ready when the policies are finalized. So thanks for this.

To answer your question, I don't think we need to go through the detail of the assumptions document. That's been out for a couple of months now if not longer. Marika has provided a link to everybody in the Zoom room chat, so if you haven't looked at it recently, please do that, everyone.

So yeah, let's just jump to Q&A. Let's make sure that there's an opportunity for councilors to ask questions while we've got Cyrus, Trang, Christine and Chris here with us today. So thanks. Anybody like to get in the queue? Darcy, please.

DARCY SOUTHWELL: Thanks, Keith. Thanks for this, Cyrus. And I'm still reading through it, but I was curious about sort of the underlying data that supports some of the assumptions, for example the 2000 applications. Obviously, I think the volume of applications is a critical piece to understand, because that is going to inform a lot about what the processing and the building within ICANN Org is going to look like.

Is there data supporting some sort of research or analysis that indicates that 2000 applications, about the same as the last round, in fact should be expected or may be likely, I should say?

CYRUS NAMAZI: Darcy, thank you very much. This is a very good question, and it is something that we have also struggled with. The point to make about the number 2000 really that is in our paper is really an assumption on building, processing and operational capacity for it.

So it's not actually assuming based on some scientific research or market data that we know with certainty that there's going to be this number of applications. We don't know that for sure. But from an operational perspective, there are certain [step] functions that sort of come into play as we plan for and specify and hopefully build a machine, so to speak, a factory to process applications.

And up to about 2000, there's a certain line that we hold in terms of the complexity and the necessary bells and whistles that we have to put into it.

Much beyond that, the complexity goes up, and then we have to build a more complex machine, which means that the cost is going to go up, the time that it's going to take to build it is going to go up. So it's from that perspective that we put a stake into the ground that we've said we're going to build a factory, basically, that is going to be capable of processing up to 2000 applications.

The real number, I'm not sure there's even a way that you could meaningfully and scientifically actually come up with an estimate of it. Some of it, a lot of it I think, is going to depend on whether we're going to have one limited round, very similar to the 2012 round that we opened a window then we closed it with sort of an unspecific future round date type of thing, or whether we're going to actually be asked to put in a sort of rolling set of windows of applications, say, three months every year that are going to be open.

So some of these things will obviously play into what the number is going to be in the first instance of receiving applications. Hopefully this helps answer your question.

KEITH DRAZEK: Okay. Thanks very much, Cyrus. And Darcy, feel free to get back in queue if you'd like to follow up. Philippe, you're next.

PHILIPPE FOUQUART: A follow-up from Darcy's question, really more on the processing part. The document refers to 1000 TLDs a year maximum, right? I was wondering whether that was in the assumption and whether you had investigated whether you could do more than this. Given that we're now ten years on, we could expect [slightly quicker] than what we did ten years ago. Thank you.

CYRUS NAMAZI: Thank you, Philippe. Another good question. So the number 1000, if I recall correctly – and Trang can correct me if I'm wrong – I think is

actually in the AGB from 2012 round. But just so you know for your information, at its peak when we were processing the 2012 round, the highest number that we actually ended up contracting and delegating into the root was about 400 or so TLDs. So 1000 is a really high number, and I think SSAC and RSSAC have actually also given advice to the Org and to the community in terms of the rate at which the root is going to expand and have actually asked us to maintain sort of a reasonable rate. And I'm not sure if the reasonable rate has been defined, but loosely, it's defined to be loosely sort of below the 1000 a year.

This is also the subject of discussions within the PDP for subsequent procedures if I'm not mistaken, but essentially, in places – and this is general statement – where we didn't have a better answer, we reverted back to what we had in the AGB in 2012 and the process that we followed, unless and until it's replaced with something newer and better. Thank you.

KEITH DRAZEK: Thanks very much, Cyrus. There's been some additional exchange in the Zoom room chat for anybody else who'd like to follow that. So if anybody else would like to get in queue here, we have an opportunity for Cyrus and the team for any other questions related to this assumptions document. So please put your hand up if you'd like to speak.

Okay, Darcy. Thank you.

DARCY SOUTHWELL: Thanks, Keith. Just a follow-up. Cyrus, thanks for your answer on my question. I think that's helpful. But I'm also honestly a bit concerned that we're just sort of throwing darts at the board. I think there's a significant cost difference when you talk about, let's say, 500 applications versus 2000 and how that impacts processes, and I guess considering where we're at with the last round and sort of how some TLDs have done well and some have struggled, etc., there's got to be an ability to do some market analysis to go out and understand what the opportunity is.

So I would encourage ICANN to invest in that rather than just picking a number and trying to staff and put in processes that maybe aren't going to work because the estimated number is just pulled out of a hat – or assumed from last time, I should say. So thank you.

CYRUS NAMAZI: Darcy, thank you. I appreciate that feedback. We continue to sort of try to illuminate the dark corners here so to speak to see if there's a better way for us to estimate the number that we can expect. In 2012 round, we also ran into this issue that you just highlighted that we expected like 500, 600 applications and we ended up with 2000.

So yes, having a more realistic expectation of what is to come would definitely be helpful. If you all know of ways to do that, I'm completely open to consider it. And in fact, I would ask people who are really much closer to the market than we are on the Org side, like yourself, Darcy at the registrar side or Michele and others, if you see the types of indications that could, to some extent, bring more focus into the level of

demand, please let us know where to go look, or if you have data points, please let us know. But thank you for your feedback. It's not something that we have forgotten, I just haven't found a good way to do it yet.

KEITH DRAZEK: Thanks, Cyrus. Michele, you're next and then we need to move on.

MICHELE NEYLON: Thanks. I think I can understand the challenge with trying to come up with hard and fast numbers. However, the costs associated with staffing and resourcing 2000 applications versus 500 applications are significantly different. From a commercial perspective, if you came to me with something like that and I asked you where you got the data and you gave me an answer like that, I would probably laugh you out of my office.

The reality is while I can understand that it is hard to come up with that, you would need to do better in terms of providing underlying data. But there is a way to deal with that, which is to actually look at it in terms – one potential way to look at it is in terms of having traunches of scale. In other words, instead of looking at the number of applications in total, looking at the number of applications per fiscal year.

So you could say a cost of X would allow us to process Y applications per annum, a cost of Z would allow something else. But what would scare the hell out of me would be somebody coming to me and saying "Well, you need to sign off on buying a load of hardware and hiring a load of

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staff, because we might have to deal with X but we really don't know." I would have terrible difficulty with that. Thanks.

CYRUS NAMAZI: Yeah. Michele, thank you. So just to understand clearly what we mean by 2000 and the operational capacity, I'm not asking for and we're not sort of naïve enough to go hire enough staff to process essentially 2000 applications in six months without even having a notion of what is to come in.

The processing capability has to do with two things specifically. One is to specify systems that actually can handle a certain number of applications as a throughput. Not 2000. I think you touched on this. So we're going to put a stake into the ground as we get closer, I think, to the application window, I think our visibility will get better to be able to process a certain number of applications on a sort of regular basis.

I'm not going to build a machine that is going to process all 2000 applications in six months or anything like that. I don't think that makes sense.

Also keep in mind that in terms of staffing, the way that we actually do this – and we've learned this having gone through the first round – there is certain number of staff that we obviously will consider core and will bring them in as full-time staff and all of that.

There's certain functions within the processing of applications that come into sort of step functions and then go away. We very typically – and we intend to do this again in this round – staff those with what we

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call temporary staff in the US, and as that phase of work is completed, that temp part of the staff is either reallocated to something else as necessary, or they're done away with because from the start, we said this is temporary.

So this is not at all to say to staff up for 2000 applications processed in a short period of time altogether, all of that. So there's none of that in there. Hopefully this helps clarify it.

KEITH DRAZEK: Okay. Thanks very much, Cyrus. And yeah, it's all really helpful. There's been some good ongoing exchange in the Zoom room chat, so let's make sure that we carry this conversation on. But we do need to move on on our agenda.

so Cyrus, I just want to follow up with one question I guess, and that's next steps. I guess you've issued this document, it's been out for a while, you've engaged with other parts of the community, you're engaging directly with us today. What should the GNSO council and our stakeholder groups and constituencies sort of be doing at this point to provide any feedback to you? What is the timeline for doing so, and what are your next steps in terms of iterating this document and sort of further updates to the community or to the board?

CYRUS NAMAZI: Thank you, Keith. That's another good question. So our goal is to solicit this feedback, inputs from all these good conversations, an example of which we're having here with the council today, and update essentially

that paper that you've seen. We'll share that with the board, we'll share that with the community perhaps through a blog or something to which everyone has access.

And then the next step is really observing what the work of the PDP working group is, and then essentially going to the board with these updated assumptions to inform the board, A, and B, ask the board to essentially authorize the organization to formally begin planning.

Remember, this is all sort of unbudgeted, almost sort of back of the envelope work. We have no budgeted resources, frankly, for subsequent procedures because it's not an approved project. That's how it's done within the Org.

So once we get your input and everybody else's input, some of which we already had, I hope to have that input as soon as we can. We'd really like to have an updated assumptions paper going into Montréal meeting, which is the beginning of November. To the extent that the council feels that you would like to provide us input, something in writing sent back to us highlighting your thoughts, comments, feedback, concerns, whatever you have sometime by the end of September would be ideal for us to be able to keep on that timeline.

KEITH DRAZEK: Perfect. Thank you very much, Cyrus. That's very clear. So we'll take an action item from a council perspective to provide any written feedback to you by the end of September and we will instruct our councilors to basically flag the same to the various SGs and Cs to make sure that everybody's got the opportunity to provide feedback and provide you

input. So, very helpful. Cyrus, thanks to you and your team, and everybody from ICANN Org for joining on this one. Very much appreciated.

CYRUS NAMAZI: Thank you very much, Keith and council.

KEITH DRAZEK: Alright. Thanks, everybody. So we will now move on to agenda item number eight. We have approximately 25 minutes left on the call. We're 11 minutes behind, I'm told by Nathalie. Thank you, Nathalie. So let's get right to it.

                        This is an update on the proposed amendments to the consensus policy implementation framework, or the CPIF, and if I'm not mistaken – see if we can scroll down a bit to the end here – that we're joined by Brian Aitchison from GDD. Is Brian on?

BRIAN AITCHISON: Yes, I'm here, Keith.

KEITH DRAZEK: Thank you so much for joining us today.

BRIAN AITCHISON: Great. Yeah, no problem. I think we're just bringing up my slides, so bear with us. And this should be pretty quick. I'm just going to give you

kind of an overview of what we're doing, why we're doing it, and just go over our ask. So it should just be fairly quick.

I'm not seeing anything on my screen, Marika, coming up, or Nathalie. Bear with me.

KEITH DRAZEK: No problem, Brian. It takes a little bit of time sometimes. There we go.

BRIAN AITCHISON: Great. Okay, so can we just move on to the intro slide? Okay, so just a bit of background on what we're doing here. We're amending the consensus policy implementation framework. This is planned within the CPIF. Back in 2015, this framework was developed in collaboration with the policy and implementation working group, and essentially, it's a roadmap for the community to follow as GDD implements these consensus policy recommendations that we receive.

If you look at the point H of the CPIF, you'll see that there's a mandate here from the Org to continually review the framework and kind of add to it and improve it as we sort of learn new lessons is essentially the mandate there.

Back in 2018, we did a kind of alpha test of amending the framework. We sent it around to the GNSO after we had proposed some amendments. Relatively minor set, just kind of cleaning it up from adding a few things like links and that kind of thing, and just sort of testing how it would work to update this with the council's input.

Now, for 2019, we're planning a kind of beta test that's going to be a bit more sort of structured, I would say, and that's something that's been added to these amendments. So next slide, please.

Here's just an overview of the amendment proposals. Obviously, it's going to be much more detailed in the document you'll look at. We proposed two new sections. One is the post-implementation consensus policy review process. You may be aware that this is something that's been in discussion for quite some time and we've tried to provide a kind of formal structure for how we review consensus policies, as the name implies, after they've been implemented. We had very vague guidelines in previous versions of the CPIF, so we're trying to improve that.

Then we're actually adding an amendment process to the new framework, so we're kind of bootstrapping here, trying to figure out how we want to work out this amendment process versus doing it. We don't plan on doing it every year or anything, even though we're doing it twice in the past two years. So in the amendment process, we're proposing it every five years we do a review.

So take a look at that. And there's also minor updates throughout where we updated the language to sync more with GNSO guidelines to link across into the more policy development space, so you can see where these sort of updates are coming from and why the CPIF is the way it is, so to speak.

Small changes like we started using phase terminology rather than stages, just it was kind of inconsistent throughout the documents. Another important change but it was rather small was that we actually

implement consensus policy recommendations, not actual consensus policies so to speak. So it's a small technical point, but actually kind of an important one to just kind of have written out.

So that's just an overview of the amendment proposals. If you can go to the next slide, we'll go to our ask and take any questions. So you should have the redline document, and what we'd like to ask you to do is just review it and provide feedback if you have any. We tried to be very sort of safe so to speak with the kind of proposals we've made. Hopefully nothing should be too controversial. We've tried to link it all, like I said, across existing ICANN procedures and practices.

So have a look, track any proposed changes, or you can just e-mail me if you have any comments or concerns, and happy to take e-mails to discuss anything on detail, just make sure you CC the council list. And we're requesting this by the 25th of October, but we're happy to take an extension if you all need it.

So that's my presentation, and I'm happy to take any questions if you like.

KEITH DRAZEK: Okay. Thanks very much, Brian. Appreciate the update, and obviously some good progress being made here. I've got a couple of hands up, so we'll go to Rafik and to Pam next. But what I'm going to do is just take some council volunteers for a small team to do a review and make some recommendations to council as far as next steps on providing feedback to ICANN Org.

So Brian, thank you very much, and let me go first to Rafik and then to Pam. If anybody else would like to get in queue, please do so. Rafik?

RAFIK DAMMAK: Thanks, Keith, and thanks to Brian for this presentation and the highlights what are the sections that were updated.

My question is more about the process here. Brian, you said that the deadline for getting feedback is 25th of October, so what will happen later? Should we expect another draft? And so how we will proceed for getting feedback, reflecting that in a new version and how it will be continued later on. So just to have an idea about the timeline and how we can engage you.

BRIAN AITCHISON: Sure, Rafik. That's a good question. I'm kind of repeating what we did last year, and if I recall correctly, you and Pam were the ones who were providing a lot of the feedback. So what we did last year was the 25th of October date is kind of the tentative cutoff line for accumulating all the feedback. We'll then review it ourselves and send it back to you with any kind of updates or discussion items and then just kind of do an iterative update process between us.

So it sort of takes as long as it takes. Last year, the comments from the council members were relatively minor, so it didn't take too much to get them all in there. It kind of depends on the nature of the feedback, but it's one of those things. We want to get it right and it'll take as long as it takes. Did that help?

KEITH DRAZEK: Thanks very much, Brian. Rafik, feel free to follow up. Let's go to Pam next.

PAM LITTLE: Thank you, Keith. Thank you, Brian. Brian, I just want to check with you. The deadline, I thought the e-mail you sent to the council indicated that the 9th of September was the deadline.

BRIAN AITCHISON: Right. I think just because of the way the schedule moves, we just pushed it back to give you more time.

PAM LITTLE: That's fine. Thank you, Brian. [We can] confirm that. But my second question, if I may, and this concerns the process that you envisaged the council will provide input.

As you mentioned last time, I think it was really just individual councilors providing input and you probably consolidate them without having to reconcile differences or contradiction, because they were relatively minor. So this time, I heard Keith suggested that council as a small group come up to review this document and maybe come up with any suggestions or feedback.

But the Registries Stakeholder Group actually is now reviewing this document and we are making some suggested edits already, so what

I'm proposing, or maybe just for the councilors just to see how we go about, is we're happy to maybe use that as a base, the one that Registries Stakeholder Group is working on and share with the council list and see whether other council members agree with our proposed further edits, and then finally we can have sort of a council response, if you like, if everyone can agree and support our suggested edits, or maybe there'll be further edits.

So Keith and Brian, would that work for the council?

KEITH DRAZEK: Thanks very much, Pam, and thanks for the offer of at least taking a first cut at some proposed language. And again, there may be some things here that are the views of a particular stakeholder group or constituency, and that's fine. Those can be communicated directly. But I guess if there is something that the council views as a broad – supported by all stakeholder groups and constituencies, a point that we would like to make, then we should take the opportunity to do that. So Pam, thanks for the offer of sharing some suggested text or edits or recommendations with the council as a starting point. It always helps to have a starting point to get people to focus.

So yeah, I guess just to circle back and to summarize, stakeholder groups and constituencies or councilors should take the opportunity to contribute directly if you feel that you've got something to say, and if there's an opportunity for us to produce some consolidated comments, then so much the better.

So Pam, thank you for volunteering there, and thanks to you and Rafik for the work that you've done on this previously on behalf of council and your stakeholder groups. And Brian, thanks very much for all the work that you've been doing on this. So Brian, is there anything else you'd like to add before we wrap up on this point?

BRIAN AITCHISON: Not really, other than it's obviously up to you to determine how you want to review it, and we're happy to support any way you do. And you can share it among any segments of the council or with anyone who you think would have input on it. So please do share. We welcome as much input as we can get.

KEITH DRAZEK: Very good. Thanks so much, Brian, and thanks for your time today and for all the work that you've put into this. Unless there are any other questions or comments, let us move on back to our agenda document. We have just about ten minutes left on the call today.

Okay, next item on the agenda is item number nine, PDP 3.0. This is the small group update, and I'm going to turn this one over immediately to Pam and Rafik to provide an update. This is an important one for us as council. I just want to make sure that everyone understands that our PDP 3.0 implementation work is critical and something that we need to move forward with this year as we head into our strategic planning session for 2020.

So Pam and Rafik, I'll hand this one over to you. Thanks. I think Rafik, you're on hook for this one. Thank you.

RAFIK DAMMAK: Thanks, Keith. I will try to go quickly through the slides since we are trying to summarize the highlights or highlight the improvement and what we did at the PDP 3.0 team. Let's move to the next slide.

As you can see here, we are summarizing our status, so we completed five out of 14 PDP 3.0 improvement, but what we submitted to the council is just four as a package of first deliverable because they are kind of linked or in the same theme or topic for discussion.

So the team is continuing to work on the other improvement. All of them are in the pipeline at different stage. One approach we followed, and I think it helped us a lot, is to have a designated small team member as a lead for each improvement, and he or she work closely with the staff for the implementation of the improvement. Please go to the next slide.

Okay. So for the improvement number one, that's regarding the terms of participation for working group members, and this is a requirement for those joining the working group to sign this statement of participation, which is outlining the commitment that we are expecting from the working group members and so on.

So for this one, we used what we had at the EPDP as a starter, and we asked or we reached the PDP working group chairs and also the ombudsman to give an input and feedback and we included their

suggestion and we added to that existing document. So what we have now for the council to review is an updated version from what we had at the EPDP, and I think it's more based on the kind of real experience from the different PDP leaders when they dealt with working group members.

Okay, can we move to the next slide? Okay, improvement number two is regarding considering alternatives to open working group model, and we tired here to have a comparison table for three models and kind of to highlight the difference and to help the drafting team when working on the draft charter to see the pros and cons and the different aspect with regard to the working group or the model structure.

So we tried to make some changes based on what was discussed before, so it's more, I think, consolidated compared to the initial discussion we had at the [SPS] level when we started the work on this improvement. So one thing we also find out is we need probably to add more criteria to make a decision when the PDP charter is being developed. Please move to the next slide.

Okay, improvement number three, this is regarding the criteria for joining for new members after PDP working group is formed or rechartered. It's in fact two documents, and one of them is regarding the member skills guide.

This is more like adding further clarification for GNSO working group guidelines, and also to outline several factors for working group that can be considered when you accept new members after the effort is started.

Here we go more in details and explanation, so this is more like to give guidance here. So [inaudible] because of the time constraint to go more in details, but for [all] improvements, we'd like to ask the councilors to review them.

Okay. Then the last improvement, this is expectation for working group leaders, and this is related to what we discussed before and started the discussion. So we went in more details regarding the responsibility and the role, and what we are expecting in terms of skills and the expertise and we tried really to go into further details that I think will be helpful for the council but also in particular for the leaders that we can see what they need to do on what we are expecting them to do.

Okay. I think if I'm not mistaken – oh, it's not the last slide. Okay, so we have these four improvements or [several] document, and we hope really for the council to review them as soon as possible. So if there is any input or questions for the team to be able to respond as soon as possible, since we have this ambitious target to finish all improvement implementation by AGM, and you can see we have just now two months left.

So there are also some action that we are expecting from the council to start some of those improvement, like improvement number one and three for GNSO council to consider when we publicize and deploy this requirement, so this is more a question of planning and scheduling.

Improvement number two is for GNSO council to consider whether the structure of any existing PDP will need to be considered, and for

improvement number six, for GNSO council to consider the following process, the call for volunteers with clear list of expectation and skills.

Okay, so I think probably we can follow up with those action, and basically we are looking forward to councilor input, and I want to take the opportunity here to thank the PDP 3.0 members for the work done since Marrakech meeting. I think we got a good momentum and working hard to get all those improvements and working on the rest of improvement, and also I want to thank the staff for the support and help.

Okay, that's it from me. I want to ask Pam if you want to add any other comment.

KEITH DRAZEK: Thank you very much, Rafik. I think I heard you ask if Pam would like to add anything else. Pam, if you would like to, feel free.

PAM LITTLE: Nothing.

KEITH DRAZEK: Oh, go ahead. Thanks, Pam.

PAM LITTLE: Sorry, Keith, nothing to add. I think Rafik covered it all, and I'm also conscious of time. Thank you, Rafik. Thank you, Keith.

KEITH DRAZEK: Alright. Thanks, Pam, and thank you very much, Rafik, for the excellent summary but also for all of the work that you all have been doing as the PDP 3.0 implementation team. It was a very comprehensive summary and we really do appreciate the work, very important work that you as the team have been doing on this.

So we have an action item here, everybody needs to review these improvements and the recommendations for next steps and to provide any feedback to the PDP 3.0 small group to make sure that we can move this forward as we head into ICANN 66 and the AGM.

So thank you, Rafik. We are at the top of the hour, but we have some AOB items, so if I could ask everybody to hang on here for another five minutes as we get through the AOB items. And if there's things that we need to take to the list, we can certainly do that, but I do want to at least go over them.

Okay, so AOB item number one is the ICANN 66 draft schedule review and travel booking reminder. There's a link there, so please take a look at the draft schedule, and if you have travel booking obligations, that's your reminder, please focus on that. And I note that Julf has said there's an EPDP meeting starting, so we need to wrap this up fairly quickly.

AOB number two is just a reminder that the GNSO SPS, the council strategic planning session is now scheduled for January 2020. The dates have been circulated to the list, so please focus on that and make your arrangements accordingly.

AOB number three, confirmation of volunteers for council liaisons to PDPs and IRTs. We have three that need to be confirmed. I think we'll hold this open for a week. If anybody has any concerns, questions or comments, please let me know, but we have Sebastien Ducos being appointed to the EPDP IRT, Maxim Alzoba, translation, transliteration IRT, and John McElwaine to the RPM PDP working group. Obviously we've got a couple of new incoming councilors in that list, so if anybody has questions or comments, please flag them for me.

AOB number four is the EPDP phase two workplan package. As I noted, I think it was last Tuesday. The EPDP team was presented with a workplan package, and I think it's important for everybody to review that and to understand where the EPDP phase two effort is going and what the plan is for delivery of an initial report and eventually a final report, and we can spend a little bit more time on that. But please review that if you've got any questions or comments. We can send those to Marika and Berry and Rafik for any explanation needed.

Next item would be the ATRT3 survey. The questions have been sent by ATRT3, there's a survey and we need to have some councilors basically volunteer to pull together to develop a council response. The survey was circulated on the 20th of August.

And then finally, the last item is questions about the RPM PDP working group. So we as the council leadership through Paul McGrady as the council liaison received some questions from the RPM PDP cochairs. The council leadership has responded.

Those links are in AOB, but if any councilors have questions, comments, concerns, any feedback for council leadership on a particular point, please review these. This is important as it relates to the ongoing work of the RPM PDP working group in terms of some of the assumptions, baseline assumptions. So please review these and advise council leadership, me directly, Pam, Rafik, if you've got any questions, comments or concerns in terms of the response that we sent to the RPM PDP co-chairs.

With hat, let me pause if there are any questions or comments or anything on any of the AOB items now or if there's any follow-up conversations or e-mail that we need to have about them, we can certainly do so.

Okay, any final questions, comments, anything else? I see that Mary has said that an e-mail with the RPM documents has been sent to the council list, a copy posted to the working group mailing list for transparency. So again, if anybody wants to focus on that – and I'm sure that Paul McGrady would also be happy to answer any questions about the ongoing exchange related to the RPM PDP co-chairs.

Alright, I don't see any hands, so with that, thank you all for your patience and going over five minutes. We'll wrap up this call and allow those going to the EPDP team meeting to go ahead and make that switch. Thanks, everybody. Much appreciated. We will conclude this call. Bye.

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NATHALIE PEREGRINE: Thank you all for joining. This concludes today's GNSO council meeting. You may now disconnect your lines.

[END OF TRANSCRIPTION]