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**ICANN Transcription  
GNSO Council**

**Thursday, 22 July 2021 at 19:00 UTC**

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**List of attendees:**

Nominating Committee Appointee (NCA): – **Non-Voting** – Olga Cavalli

**Contracted Parties House**

Registrar Stakeholder Group: Pam Little, Greg Dibiase, Kristian Ørmen

gTLD Registries Stakeholder Group: Maxim Alzoba (apology, proxy to Kurt Pritz), Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

**Non-Contracted Parties House**

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Stephanie Perrin, Tatiana Tropina, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly

Nominating Committee Appointee (NCA): Carlton Samuels

**GNSO Council Liaisons/Observers :**

Cheryl Langdon-Orr– ALAC Liaison

Jeff Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

**Guests:**

Janis Karklins – ODP SSAD

Chris Disspain – IGO WT Chair

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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**ICANN Staff**

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

Marika Konings – Senior Advisor, Special Projects

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement (apologies)

Julie Hedlund – Policy Director

Steve Chan – Senior Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Senior Specialist (apologies)

Caitlin Tubergen – Policy Director

Nathalie Peregrine – Manager, Operations Support (apologies)

Terri Agnew - Operations Support - GNSO Lead Administrator

Andrea Glandon – GNSO SO/AC Support

TERRI ANGEW: Good morning, good afternoon, good evening and welcome to the GNSO Council meeting taking place on the 22nd of July 2021. Would you please acknowledge your name when I call it? Thank you. Pam Little.

PAM LITTLE: Here.

TERRI AGNEW: Maxim Alzoba has sent in his apology and his proxy has been assigned to Kurt Pritz. Kurt Pritz.

KURT PRITZ: Here. Thank you.

TERRI AGNEW:                Sebastien Ducos.

SEBASTIEN DUCOS:        Here. Thank you.

TERRI AGNEW:                Greg DiBiase.

GREG DIBIASE:              Here.

TERRI AGNEW:                Kristian Ørmen.

KRISTIAN ØRMEN:            Here.

TERRI AGNEW:                Tom Dale.

TOM DALE:                    Here.

TERRI AGNEW:                Marie Pattullo.

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MARIE PATTULLO: Here. Thanks, Terri.

TERRI AGNEW: Mark Datsygeld.

MARK DATYSGELD: Here. Thank you very much.

TERRI AGNEW: John McElwaine.

JOHN MCELWAINE: Here.

TERRI AGNEW: Flip Petillion.

FLIP PETILLION: Present.

TERRI AGNEW: Philippe Fouquart.

PHILIPPE FOUQUART: Here.

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TERRI AGNEW: Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

TERRI AGNEW: Wisdom Donkor.

WISDOM DONKOR: I'm here.

TERRI AGNEW: Stephanie Perrin. I don't see whether Stephanie has joined. We will try to get a hold of her. Farrell Folly.

FARRELL FOLLY: I'm here.

TERRI AGNEW: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Here.

TERRI AGNEW: Tatiana Tropina.

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TATIANA TROPINA: Present. Thank you.

TERRI AGNEW: Juan Manuel Rojas.

JUAN MANUEL ROJAS: Here. Thank you.

TERRI AGNEW: You are welcome. Carlton Samuels.

CARLTON SAMUELS: Here. Thank you.

TERRI AGNEW: Olga Cavalli.

OLGA CAVALLI: Here, Terri. Thank you.

TERRI AGNEW: Jeffrey Neuman.

JEFFREY NEUMAN: Present.

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TERRI AGNEW: Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Present, Terri.

TERRI AGNEW: Maarten Simon.

MAARTEN SIMON: Also here.

TERRI AGNEW: Thank you. We will have two guest speakers joining today; Janis Karklins speaking on the ODP SSAD and Chris Disspain for the IGO Work Track. In addition, we have staff of David Olive, Steve Chan, Marika Koningst, Julie Hedlund, Berry Cobb, Caitlin Tubergen, Emily Barabas, Andrea Glandon and myself, Terri Agnew.

May I please remind everyone here to state your name before speaking as this call is being recorded? As a reminder, we are in a Zoom webinar room. Councilors are panelists and can activate their microphones and participate in the chat once they have set their chat to all panelists and attendees—or everyone depending on your Zoom update—so everyone is able to read the exchanges.

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A warm welcome to attendees on the call who are silent observers meaning you do not have access to microphones nor typing in chat. As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. With this, I'll turn it back over to Philippe Fouquart. Please begin.

PHILIPPE FOUQUART: Thank you, Terri. Good morning, good afternoon, good evening, everyone, and welcome to all councilors to our Council call for the month, and welcome to our guests, Chris and Janis. So let's move on with our agenda, moving on to 1.2, any updates to our statements of interest.

Okay, seeing no hands, 1.3, any change to the agenda that you'd like to make? Stephanie?

STEPHANIE PERRIN: Sorry, clicked the wrong button. Ignore that please. Thanks. Apologies for being late.

PHILIPPE FOUQUART: That's all right. Thank you. So, any change to the agenda? Okay, gone. Thank you. 1.4, which is as usual, note the minutes of our meetings of May the 20th and June the 16th. And moving on to our item two and our review of the projects and action list. Before I hand over to Berry, I would just refer to his e-mail on July the 13th and just note that—and you will correct me if I'm wrong, Berry—the items that were relative to what's now called the COICI,



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committee for overseeing and implementing the continuous improvement, the pilot that we just launched last month, those have been moved to the out-of-range section of the ADR. And Berry, you may want to say a word about the recording I think that's in preparation relative to this, project tools. So, Berry, over to you.

BERRY COBB:

Yes. Thank you, Philippe. There's ten minutes for this agenda item. I could spend the full Council time going through a lot of this, but I'll keep today's session very brief. I'll note that over the past year that we've been using these work products, they literally evolve every day. But in particular, as we're coming up on to the annual general meeting in October and we do have a change of part of the Council for new incoming councilors, I'm starting to prepare a recorded webinar that will go into detail about how these work, kind of as a learning opportunity to understand the details and how they function and operate together. But I think that this next version or this recording will be beneficial even to our existing councilors because there are other changes that are in the pipeline to continue to evolve this.

So as Philippe noted, last Council meeting in June, the Council resolved to launch the standing committee on continuous improvements, the COICI. It's not an acronym that rolls off the tongue, but it's the committee on improvements that'll be in a pilot as part of that decision that the Council made, was to amend the Action Decision Radar so that these bigger items that are still unclear exactly how the GNSO Council as well as the full GNSO

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will work them have been moved down to page two into a section that I'm labeling kind of out of range for now.

So until we get better clarity about how much of this work is going to be addressed, whether it be implementation of review recommendations or upcoming review such as the holistic review, they won't provide or take up any space within our traditional range markers as items move closer to the zero- to one-month range up here at the top.

Personally, I'm not a fan about keeping these items here on page two because they really exist in the larger tool that we're referring to as the program management tool. And I'll just note that the ADR is only as good as what we have loaded into the program management tool and what I'm going to actually just briefly touch on is how that is becoming much more important.

You'll notice on the agenda as well as a few e-mails that hit the Council list about the reappointment for the GNSO's representative on the CSC. There's another upcoming review about the CSC effectiveness review. For whatever reason, those didn't make it on my prior version of the program management tool, but they're on there now. And had they been on there, we would have started seeing these float from the bottom to the top. But this time next year, now that it is loaded in, it's basically reinforcing the fact that the program management tool is kind of this master inventory of everything that is within scope or touches the GNSO.

We here in the policy department may not even own that particular effort or project, but if it consumes GNSO resources, community

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members, if the GNSO is interested in the outcome, provides resources or owns the project, that's where we're evolving this program tool more and more. So just as kind of a quick example here on the zero- to one-month range, you see these new items for the CSC.

The next thing I want to show you, something that also the Council approved last year was the transfer policy project plan. I know that this is an eye chart that you really can't see on your screen very well, but the point that I'm showing you is that we've initiated this PDP, we're now implementing PDP 3.0 guidelines and taking a more project management-based approach to our policy efforts. There's a full-blown project plan that basically has absorbed the policy topics and charter questions into this particular project plan.

We've reviewed through those within the working group and the group came up with its expected planned delivery dates. The dates within this particular plan go all the way through to delivery of the final report as well as the Council consideration of any possible consensus recommendations that may come out of that. And that is kind of the marker for the end of this particular project plan which is on or around in calendar year 2023.

Now, why this is important is this really just shouldn't be considered in isolation. For the working group, it's fine, but here on the Council and the program tool, we now have a direct connection. So what you're seeing here on the screen—again, I realize that this is very small for you, but within the transfers program track and specifically the Phase 1 for the transfer policy here.

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If you haven't heard, we've implemented a new tool called Smartsheet. The project plan for the transfers that I showed you is in Smartsheet and it's basically a child that is linked to its parent of this program tool. So at any time the dates of that project plan change, percent complete, duration of task, it automatically updates its parent program tool.

And as we move forward in time and increase our adoption of a project management mindset for the policy efforts that we own, then the more in line this program tool becomes much more accurate with when things will start and when they may complete, which in turn then becomes kind of our forecasting or planning tool when we start looking out years ahead, especially as for each year we do the annual budget and planning cycle and those kinds of aspects.

The final thing I'll say—but I'm not going to demonstrate much—what has happened here within operations, now there's even a particular line item for the COICI, the continuous improvement group. And as they continue through the pilot and assuming that the pilot becomes kind of a standard standing committee, then we'll start connecting that group with the efforts that we've outlined basically in the Action Decision Radar.

So I'm going to stop there. I know that's a lot to absorb, especially being so small on the screen. As I noted, we'll have a recorded webinar where we can better demonstrate how these tools are working together. But again, the final message on this is as more information comes in that is factual, it's as best as it can be based on the available information that we have today. We're updating it monthly. And as we get word of other projects that we may not

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own, I try to update them so that we understand when these particular items kind of start to come knocking on our front doorstep so that we can not only plan but take appropriate action at that particular time.

Sorry to fit all that in. Thank you, Philippe, and I'll turn it back to you.

PHILIPPE FOUQUART: Thanks, Berry. Any questions for Berry? Thanks for reminding us that our tools are just as good as the data that we feed them with, and had it been for the rigor of our ccNSO friends, we might have missed the CSC-related items that we'll come on to later. Any questions for Berry?

Okay. Seeing no hands. Thanks, Berry, and we'll move on to our item three on our agenda. As you can see, we have three items, the approval of the IDN EPDP chair, the acknowledgement of our liaison to the IDN EPDP, that's Farrell. I'm sorry, I should have mentioned Edmon is the chair. And our motion to adopt our review of the GAC ICANN 71 communique.

And on that one, I would commend the team for coming up with our comments in a timely manner. I would just note for transparency that we had a discussion both within the team but also at Council on how far we should go in terms of expanding the scope of the review of the communique, and we'll probably continue the discussion outside of this remit. But the review essentially sticks to providing pointers to prior decisions made at Council, as was customary for this exercise.

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So with this, and given that that's a consent agenda, I think we can go to our voice vote.

TERRI AGNEW: Thank you. We'll go ahead and take our vote now on the consent agenda. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Please say aye. Hearing none, all those in favor of the motion, please say aye.

UNDEFINED PARTICIPANTS: Aye.

TERRI AGNEW: Would councilors holding proxies please say aye? So Kurt Pritz, this is for you.

KURT PRITZ: Aye.

TERRI AGNEW: Thank you. With no abstentions, no objections, the motion passes. Back to you, Philippe.

PHILIPPE FOUQUART: Thank you, Terri, and thanks to Edmon and Farrell for stepping forward for this, and congratulations. So with this, we'll move on to item four. That's our vote on the accuracy scoping team and the work of the small team. As you would recall, we had a briefing

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document earlier this year on this topic and the impact more broadly on GDPR, on enforcement.

The idea was to make the scoping exercise easier, so leadership and staff developed next steps in April based on our extraordinary meeting that we had on the topic and where we reviewed the briefing document.

We had a call for participation to the SGs and Cs and SOs and ACs, and we had a number of expressions of interest on this. And based on the proposed next steps, we convened a small team to develop the remit of a scoping team. We had a vote on the output. And thanks for your hard work.

So Pam, I'll hand it over to you to help us with the output of the small team, noting that Jeff, you have your hand up. So I'll take your comment first, Jeff, and then we'll move to the readout of the small team. Jeff.

JEFFREY NEUMAN:

Thanks. And I apologize. It was up for the last item. If I could just ask maybe for an item under Any Other Business then to just ... There were some questions or things asked of the Board in the GAC communique and I just thought to introduce it or to see if the GNSO Council wanted to respond in any kind of way to those things. But it's not critical and it could wait until the end if there's time.

PHILIPPE FOUQUART:

Thanks, Jeff. So I'll take a note to myself, but if I were to forget, please remind me. Thanks, Jeff. So coming back to the accuracy

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scoping team and the readout of the small team, Pam, would you like to help us go through this?

PAM LITTLE:

Sure. Thank you, Philippe. Hi everyone. As Philippe mentioned, the scoping team was formed after the Council's May meeting. We have a representative from each GNSO SG and C in the scoping team, including the Registrar Stakeholder Group has Greg and myself. But I was there mainly just to facilitate the discussions within the small team rather than a representative of the Registrar Stakeholder Group.

And as Philippe said, this is the output of the small team. It was submitted along with the motion that I submitted I guess over ten days ago now. So I hope councilors, you would have seen that document titled the registration data accuracy scoping team formation and instructions.

Basically, that is a document that contains a set of instructions, if you like, which focuses more on the assignments or tasks for the registration data accuracy scoping team.

A number of our councilors were not quite clear about what the scoping team as a structure was meant to do, so I just want to mention that the scoping team is supposed to actually scope the issues. So the Council is tasking the scoping team to help Council do that, to focus on scoping the issues and making recommendations for possible future actions to address the issues they identified.



The scoping team is not supposed to or is not expected to develop solutions for those issues they identify, but come up with recommendations how those issues may be addressed and who should address those issues.

I also want to recognize that this is a very important topic for many of our members in the community and some of our stakeholder groups or constituencies within the GNSO. And some of the councilors probably would have liked this effort—and community members as well—to start sooner rather than later. But currently, as you may see, the proposed timeline in the document is to kick off this effort after the EPDP 2A delivers its final report.

Another aspect of that output document you can see deals with the composition of the scoping team. Previously, we envisioned to have two representatives from each community group, but the output document currently has two from each community group but three from the contracted parties, i.e. the Registries Stakeholder Group and the Registrar Stakeholder Group, recognizing they are different business models and also the more likely significant impact on the Contracted Parties House. So these two stakeholder groups will have three representatives. And they are also very detailed tasks or assignments described in the output document. I hope you have all had a chance to review that.

So with that, I am going to see—because I submitted the motion, so before we discuss the document or the output document and the motion further, perhaps if I could ask one of the small team members or even Council members who were not on the small team be willing to second the motion. Anyone? Marie?

MARIE PATTULLO: Happy to. Or Olga I also see in the chat, Pam.

PAM LITTLE: Thank you. Okay. So can we have that on the record? We have Marie and Olga seconded the motion. Okay, with that, Philippe, I think maybe we can open for discussion, and I would be happy to answer any questions regarding the output document. Thank you.

PHILIPPE FOUQUART: Thank you, Pam, and thanks to those who seconded the motion. Thanks, Pam, by the way, for highlighting the nature of the discussions within the small team, including the various positions. I know that that's something that sort of strikes a happy medium between not opening the nature of the exchanges but being fair in terms of transparency to not only those who didn't take part but also those who monitor the work of Council.

That being said, any questions to Pam or to those who are part of the small team before we go to our vote? Any questions? Okay, seeing no hand, I think this is going to be a voice vote but we probably need to read the resolved clauses of the motion.

PAM LITTLE: Sure. I'll be happy to, Philippe.

PHILIPPE FOUQUART: Please do. Thank you, Pam.

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PAM LITTLE:

Thank you. So the resolved clause reads as follows.

One, the GNSO Council adopts the Registration Data Accuracy Scoping Team Formation and Instructions.

Two, the GNSO Council instructs the GNSO Secretariat to request interested SO/AC/SG/Cs to confirm their representatives to the Registration Data Accuracy Scoping Team as well as invite the Board and ICANN org to appoint a liaison noting that the first meeting of the Scoping Team is not expected to be scheduled until the EPDP Phase 2A delivers its Final Report.

Three, the GNSO Council instructs the GNSO Policy Staff Support Team to launch a call for expressions of interest for candidates to serve as the Chair of the Registration Data Accuracy Scoping Team. Council leadership will review the applications received and make its recommendation to the GNSO Council.

Four, the GNSO Council thanks the small team for its efforts.

Thank you, Philippe.

PHILIPPE FOUQUART:

Thank you, Pam. And with this, I think we can go to our voice vote. Terri.

TERRI AGNEW:

Thank you. We'll go ahead and conduct a voice vote at this time then. One moment, please. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Please say aye. Hearing none, all those in favor of the motion, please say aye.

UNDEFINED PARTICIPANTS: Aye.

TERRI AGNEW: Thank you. Kurt Pritz, holding a proxy for Maxim Alzoba, please say aye.

KURT PRITZ: Aye.

TERRI AGNEW: Thank you. With no abstention, no objections, the motion passes. Back to you, Philippe.

PHILIPPE FOUQUART: Thank you, Terri. And thanks to the members of the small team for their hard work and, as Marie put it, their very constructive spirit in which that was conducted. And with this, we can move on to our next item, and that's number five on our agenda, that's our discussion on the ODP on the SSAD and the update from our liaison.

As you would recall, in March, the Board initiated that ODP with a scoping document that describes the remit and goals of that task. And as a point of information, all of this is—well, the mailing list is public. Not sure that everyone is aware of that, so we'll probably share the URL on the list. We should have done that earlier, but I thought I'd mention that.

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Following the initiation of the SSAD ODP, Janis was appointed in May as our liaison. I will note that this is the first instance of this kind, and looking ahead to the SubPro ODP, this will certainly help understand the remit and role of the liaison. So the team and Janis met earlier this month, and Janis sent a report that was forwarded to the Council mailing list on July the 14th.

So with this, Janis, welcome. The floor is yours if you would help us go through the report and [inaudible].

JANIS KARKLINS:

Yes. Thank you very much, Philippe. My apologies, I'm in the French Alps and the connection here is a little bit dodgy. But let me say that I met the team twice. The first time, it was a general conversation where we agreed on the way of working. We agreed that we would meet at least once a month and review the progress. And also, we agreed that after each meeting, I would send a report to the Council. And I would be very curious to hear feedback from the report that I sent to you. I will not repeat what I said in there.

And I would like to have this conversation in two aspects. One is the substance of the questions raised by staff, and another is the ODP process itself. So maybe the ODP process itself, maybe it's too early to say how it's working or not, but I think going through this, we will learn and see what could be done to put this thing on the right footing. So that's the one element.

Another element is at the moment of appointment, I was clearly instructed by the councilors to be transparent and to make sure that whatever progress is made, it is reported to the community. It

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was my intention to have a regular briefing to the community, but when I learned that staff is planning to do those webinars on a regular basis, I dropped the idea of doing it myself. The first staff webinar took place, if I'm not mistaken, on the 13th and it was well attended, and I found myself rather instructed.

So staff is planning to continue with a series of webinars and reporting to the progress of their evaluation of the results and recommendations of the PDP. And I'm curious to hear now feedback from councilors on the first report. Thank you.

PHILIPPE FOUQUART:

Thank you, Janis. We'll open the floor for questions or comments on those two questions, both on the report that you gave through the e-mail and the assumptions versus responses that you shared, and also the broader question of transparency to make sure that Council and beyond, the community is duly informed of the progress.

Any questions or comments? The webinar was extremely well attended, including from councilors, and I think at least to me, it certainly fit the bill in making sure that the community was duly informed of the progress. But I see Marie, you have your hand up. Marie.

MARIE PATTULLO:

Thanks, Philippe. Janis, thank you so much both for all of the work that you're doing and for the report. I completely agree with Philippe that that webinar was very useful. If I may, I would like to raise one point that you kindly shared with us in your report, which

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was—if we’re talking about the same one—I hope we are—the assumptions that came from Org and the liaison response. I’m hoping that’s right.

PHILIPPE FOUQUART: That’s the one, yes.

MARIE PATTULLO: Great. Thank you. Always good to make sure I’m talking about the right thing. One very brief point. I’m now flicking down because I had the place and naturally I’ve now lost it. It was recommendation 10.14. Now, in the assumption that came out of Org—I’m not going to read it all because you’ve all got it, but part of it said Org’s interpretation of this is that such a review is expected to be done across all contracted parties and not review individual contracted parties.

I have one small comment on that which comes from, naturally, the BC which is, yes, however, 10.14 should not prohibit a report which focuses on individual contracted parties, as in it’s not the requirement, that is not what this recommendation is targeted at, but it should not prohibit a report that does focus on individual parties. I hope that’s helpful. Thank you.

PHILIPPE FOUQUART: Thank you, Marie. Janis, maybe a follow-up to this, or an answer? That was essentially a question.

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JANIS KARKLINS: Look, I think that the progress of the SSAD needed to be reviewed against not, let's say, one individual player but against all in general. That said, of course, if there is some bad apple in the pile, they need to be figured out and taken out and pointed to. But in general, you cannot evaluate and develop or improve the system if you talk only about one exceptional case. So you need to look in entirety. But of course, the entirety is composed by exceptional cases. So in that sense, I agree that there certainly will be evaluation of individual cases, but all in all, the results would be—so that's extracted from how all parties involved in SSAD who will be responding to the queries.

So again, I don't think that there is a contradiction, what Marie said and then what was response to assumption.

PHILIPPE FOUQUART: Thanks, Janis. And I don't think that was phrased as a contradiction. Marie will correct me in the chat if I'm wrong, but that was more of a comment than questioning what was called a response in the e-mail. Thanks to both. Thanks, Janis. Thanks, Marie. Berry, you're next.

BERRY COBB: My hand's raised for Kurt. He's unable to do it from the Zoom room.

PHILIPPE FOUQUART: Okay. Kurt.



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KURT PRITZ: Thanks. Thanks very much, Janis. My comment is kind of a non sequitur, but I just want to capture again that in discussing the viability of SSAD, it was brought up in multiple instances that perhaps phased implementation might prove a good path for implementing SSAD in a risk averse way while obtaining benefit and then going on to the next step. So even though they're not to that stage yet, I don't want to let the nuance be left on the cutting room floor. To the extent we have, we want to preserve that sort of minded approach to different ways to implement SSAD. It's just a comment, not a question. Thanks very much.

PHILIPPE FOUQUART: Thanks, Kurt. Janis, a follow up to that, maybe? I think that's essentially for you to bear in mind maybe moving forward. That's something that was regularly put forward, that question of the [inaudible].

JANIS KARKLINS: Yeah. If I may.

PHILIPPE FOUQUART: Sure. Please do. Janis.

JANIS KARKLINS: I clearly recall during the discussions and working on SSAD that many unknowns were left to the discretion of the staff. So because of course, we do not know how many queries will be received, and that will determine a lot of things, including the cost structure and so on. And probably, Kurt is very right saying that SSAD, if

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adopted by the Board, will be implemented in phases and every implementation phase will give us additional information and we'll learn from it and try to improve it in the next step.

PHILIPPE FOUQUART: Thanks, Janis. Any other comment or questions? Okay, seeing none, I would just thank you, Janis, for being with us and for providing the report. I think at a very high level, on substance, since we learn as we move along, I think the feedback that you gave is—and given the questions—precisely the sort of feedback that Council would expect and we'll be relying on you for the next steps of this ODP. So, thanks again. Have a nice day in the Alps. And speak to you at the next report then.

JANIS KARKLINS: Thank you.

PHILIPPE FOUQUART: Thanks, Janis. So with this, I think we can move on to our item six, and that's our review of the all rights protection mechanisms in all gTLDs Phase 2 as it relates to the review of the UDRP moving forward. And just a bit of background, for those councilors who may not have been around, over the last few years, I should say, because the issue report is ten years old, we approved the Phase 1 report in January I think, and the EPDP charter, the next steps is for the GNSO Council to initiate Phase 2 of the PDP to review the UDRP, and the question is when and how—and that's the purpose of the proposal which is associated with the agenda. I'm sure you've reviewed that.

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The proposal is to have a policy status report, and I'll try and summarize what we mean by that. There would be three goals for this PSR: identify the issues reported to Org and the respective UDRP providers regarding the use of the UDRP, include recent and relevant data that can assist with the assessments of the UDRP and eventually with the review of the process, and in particular, highlight any changes that have been observed or trends that have been observed. since the last issue report on the state of the UDRP, and that's something that is literally ten years old, so it's likely to be outdated.

And the rationale is, coming back to PDP 3.0, is to base those next steps on data. And there's seemingly a massive amount of data that can be used to frame Phase 2. And finally and probably most important, we want to do better than Phase 1, I think, and the self-assessments by the co-chairs that was undertaken by the completion that I referred to earlier is quite telling in this respect.

The charter was described, when we talked with them, as being too wide and not data driven. That had to be done during the PDP, so it made the working group's job extremely difficult. So investing in the chartering exercise is certainly worth it, hence our proposal from the leadership for a PSR, and we would like to seek your guidance as to whether this seems like a good way forward.

With this, maybe I'll just turn to Julie, Steve or Pam and Tatiana, whether you'd like to add anything to this brief summary before we go to our discussion. Okay. Thank you. Pam.

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PAM LITTLE:

Thank you, Philippe. Thanks, Philippe, for that introduction. I'd just like to add, it appears to me we have two options here, or at least two options from what I can see. One is to request this policy status report from ICANN Org, or we can go directly to update the RPM charter for Phase 2. And you have explained why the latter doesn't appear prudent at this point given the issue report seeming quite old and have become stale, or the data or lack of which.

So I guess it's sort of a pros and cons exercise for us as a Council as to what is the best approach. And based on the information we have, it appears that requesting a policy status report sounds feasible and the way to go.

I do have a question for staff though, is if the Council decides to request this policy status report, how long that is likely to take? You may not have the answer. And if we do say maybe six months or whatever time, then after the status report, what do we envisage? Is the status report itself sufficient for the Council then to embark upon a charter revision exercise to come up with a new charter for the Phase 2 work, or do we have to go through the issue report, all the different steps prescribed in the GNSO operating procedures?

So I guess two questions from me. One is the estimated timeline for this status report, and the next step after the delivery of the status report. Thank you.

PHILIPPE FOUQUART:

Thank you, Pam. And thanks for clarifying that it is indeed an option. We could have gone to the chartering exercise now, but

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given the elements that I summarized, it seems that the PSR is maybe warranted in this case.

TO Pam's question, timeline and next steps, Julie, would you like to help us with this?

JULIE HEDLUND:

Yes. Thanks, Philippe, and thank you for your questions, Pam. We don't have a timeline to give you at this point as far as how long the PSR, the policy status review, would take, although of course we can query ICANN Org and get an answer for you with an estimate if this is the direction the Council wishes to go.

But to your second question, it's envisioned by staff that upon the completion of the PSR, there would not be a need for an issue report, that we could go directly to the charter drafting team or the charter scoping team and that the information, the data collected in the PSR would be able to inform that effort. And that is the data, of course, that we do not have at this point, which is why we're suggesting to go that route. Thank you very much.

PHILIPPE FOUQUART:

Thank you, Julie. So that's an important point, so there would be [inaudible] in terms of the timeline. And we would appreciate indeed if there were an estimate that could be provided to Council later on. But on the fact that we wouldn't need an issue report should we go directly to the chartering exercise if we go to this PSR. Thanks, Julie.

So I think Marie is next, then Jeff, and John. Marie.

MARIE PATTULLO: Thanks, Philippe, and thanks, Julie. It's been ages since I've spoken to you, so lovely to see you here. I was one of the many participants in the RPM Phase 1, and I completely agree with a lot of what you have written in this document. In particular, we do need data. We need facts.

And to me—and also, we discussed this with the BC in our meeting last week—we're not sure that this should be dumped on GDD. And what I mean by that is to my knowledge, GDD has never been involved in taking UDRP. And beyond that, we have a body—WIPO—international body that developed the UDRP for ICANN back in 1999. So it has all of these datapoints and facts and stats.

And it seems to me that asking GDD to take on yet another piece of work where they do not have access to all these data and facts and stats, is it really the most efficient way forward? So I think that we should actually—I fully agree with the concept of PSR, I fully agree with the fact that we need this information, but to the BC—and we think that maybe WIPO should actually be the one who leads on this.

And if you look at the bylaws, section 13.1 allows us to seek external expert advice and it even refers to relevant public bodies with expertise. And yes, it is WIPO—sorry, World Intellectual Property Organization, Kurt—who are independent, they're in Geneva, they're global, they're accountable to their member states. I work with them a lot on non-ICANN things, would you believe.

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So just to me, for efficiency and for process, would make a lot more sense that WIPO took the lead on this. Thank you.

PHILIPPE FOUQUART: Thank you, Marie. So we'll take that as a comment for the PSR. A follow-up, a response maybe, Julie? Or I thought that in the description, when we referred to data, I think there was a reference to collecting data from UDRP providers, which would include WIPO, I think, with my vague knowledge of the topic. But that was sort of my ... Yes, it's only one, but the data would then be included. But that's just my reading, and I'm certainly not an expert on this. But we can certainly take that comment, Marie, moving forward.

And exactly, that would be my expectation, GDS would reach out to all providers, not only WIPO but including WIPO. So next is Jeff.

JEFFREY NEUMAN: Yeah, thanks. And I'm offering this comment in a sort of personal capacity of someone who's participated in a number of these reviews over the past 20-something years. I agree with Marie that I don't believe the right place to do this is within ICANN. I believe the way that the 2011 issues report was drafted, it was after a bunch of different sessions—I think it was Singapore, it's like 2010 or something, 2011, and it was those sessions that gave ICANN an understanding of what the issues were to draft that first preliminary issues report way back.

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I don't think ICANN as an organization is going to be able to come up with on their own all of the issues, because as Marie said, they're not steeped within the UDRP every day. I think going to the UDRP providers—all of them, not just WIPO—is excellent, but I also think that there are a number of registrant rights organizations and others that may believe that they have some issues that would like to be reviewed as well, and so I wouldn't limit it to the UDRP providers. But whether it's drafted by ICANN or not, this PSR has to have the input of those that do the UDRP every day, those that file those, that defend, and those panels that decide it. Thanks.

PHILIPPE FOUQUART: Thank you, Jeff. So we'll note that in terms of identifying the sources of data that will be collected. John, you're next.

JOHN MCELWAINE: Thanks, Philippe. I'm not really saying anything that we haven't heard already. I do support the idea and think that looking at the providers is a really good start, because what jumped out to me at the idea of the PSR initially, other than saying I think it's a great idea and we all know that the charter needs to be rescoped differently, was to firstly go back and look at what kicked this all off. So we should all go back and look at the February 3rd 2010 motion that kicked off the first issues report, because we definitely saw some mission creep from that February 2010 until the final report essentially that was done. So I think there needs to be some narrowing, and I really do encourage that staff goes back



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and looks at some of those earlier motions that—in particular, the February 3rd one that kicked it all off.

The last point I'll make is that while I definitely agree with getting more data—and I think it's just another way of saying the same thing that Jeff and Marie stated—what data are we talking about? So I would kind of like to have a better idea of that. I do trust that the providers could offer that.

So to the extent that there is any more involvement of Council in the PSR—which again, I support even as drafted—I think that we have to be more transparent about the types of data we're asking to be collected. Thanks.

PHILIPPE FOUQUART: Thank you, John. Flip, you're next.

FLIP PETILLION: Thank you, Philippe. It's very difficult for me now because I'm the fourth, so you have Marie, Jeff, John. I don't know if you say that in English, but I would like to second, third, quarter what has been said so far. I very much would insist that we call upon the experience, the knowhow and the in-depth analysis that providers like WIPO have in this world. I've been working in this field for 20 years now and I could not imagine we do something without their input. That is what I would like to add to the discussion.

And I'm speaking in my personal capacity, and probably this is the view of most of the IPC members because we've actually not discussed that, but this is what I wanted to add to the discussion. Thank you very much, Philippe.

PHILIPPE FOUQUART: Thanks, Flip. And before we go to Tomslin, I see that, Kurt, you have your hand up in the chat. I think that was before Tomslin, so I'll go to Kurt first.

KURT PRITZ: Okay. Thanks. Sorry, Tomslin, [so I'll just knock in there.] So I would never think in my wildest dreams that we would not, that it was ever in our contemplation or the contemplation of anyone to not include the providers and WIPO in particular as the leading provider of these services as the primary source of data, and that GDD or whoever doing this study would be relying heavily on— for all the shovel lifting on data.

I think my two cents here is that WIPO and the other providers, NAF, [inaudible] whatever, they're all self-interested too. So I think we just want to ensure that whatever information is provided by them is provided in raw form to whoever doing the work as well as a staff summarized version of it so that the policy questions are considered by those working on the policy problem and not on the policy with the data from WIPO, NAF and others but not with their policy recommendations. Thanks. I don't know if I've made that point very well, but there you go. Thank you.

PHILIPPE FOUQUART: Thanks, Kurt. And Tomslin.

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**TOMSLIN SAMME-NLAR:** Thanks, Philippe. I'm just wondering, trying to understand or clarify this. Are we saying that ICANN GDD shouldn't manage this effort of collecting this data and WIPO should lead and manage this effort? Because in my head, I can't understand why GDD cannot manage the effort and collect the data from all the providers of the UDRP. That's the clarification I'm after.

**PHILIPPE FOUQUART:** Thank you, Tomslin. At this point, yes, it's probably worthwhile trying to summarize where we are. I seem to be hearing some support for the PSR, but also questions—I wouldn't call them concerns but questions over the sources and the collection of the data. And to your question, Tomslin, I don't think anyone is questioning the role of ICANN in this. It's more about being transparent in terms of the sources of data and making sure Council is duly informed of how we progress that, make some progress on this and make sure that we incorporate all potential sources of data. There was a reference to WIPO but also other UDRP providers. I think that's where the concern is. I hope I'm characterizing the comments that were made with justice.

So with this, Marie, you're next, and then Julie.

**MARIE PATTULLO:** Thanks, Philippe. I get the feeling we're talking past each other here, because from what I understand, we are not asking the GDD to draft the charter, we're not asking the GDD to give us a list of issues. What we're asking or what is being proposed is that we're going to actually be able to start drafting the charter and moving

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forward on the basis of facts and data that we didn't have in Phase 1.

Now, I don't really understand why we're trying to make out that WIPO isn't neutral. Of course WIPO is neutral. Any provider is neutral. The reason I'm saying WIPO is it's the one I know the best. Frankly, like I said, I work with them in my non-ICANN day job.

To me, it's just not logical to ask the GDD—i.e., somebody not involved in this on a day-to-day basis—for info and facts and stuff from a body that does do it on a day-to-day basis, because to me, that's just not efficient. And also, there are so many nuances involved.

I hope that makes sense, Philippe. I'm trying to be helpful here. I'm trying to get us forward in the most practical and reasonable way so that we can get to an end solution. And we have to bear in mind that WIPO doesn't make any money out of this. It's not like I'm saying give it to somebody who's going to get paid lots of money. They don't. It's a not-for-profit. So it just strikes me as being the most sensible way forward to go to the global body that wrote this thing, that has been doing this thing for the last 20 years, and ask them to head it up, working with, yes, the other providers and anyone else from whom they think we need data, and then by all—yes, absolutely, and then at that point, give it to GDD and let GDD do everything else that they need as well.

I'm sorry if that sounded a bit strange, but to me, it's just practical. Thank you.

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PHILIPPE FOUQUART: Thank you. And thanks for correcting this. Maybe I wasn't clear, but we're not talking about the chartering exercise here. We're talking about the PSR that would be on prior to that. I'm sorry if I wasn't clear.

On the collection of data and the role of GDD, Julie, would you like to clarify that?

JULIE HEDLUND: Yeah. Thank you, Philippe. And thank you, Marie and others, for all of your helpful questions and comments. One thing that we'd like to point out is that—well, a couple of suggestions and something that might be helpful for the Council to consider.

First of all, within ICANN Org, the group that would be doing the PSR and that has done these, is that GDS—so that's not GDD, but nonetheless, what we could suggest is to have GDS present to the Council its approach to the development of the PSR. That is the suggested outreach to providers, not just WIPO. Of course, WIPO, but others as well because there are others. And then also looking to the Council for any suggestions of other outreach that should be made, noting that it's not actually GDS that is developing the data.

I think as you rightly point out, Marie, it's really the data exists elsewhere and it's a coordination by the GDS to gather the data, to make the inquiries and to build the PSR. And so we would not be looking to an outside entity to build the PSR, but we would be looking to outside providers and entities to gather the relevant data.

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So perhaps as a first step, the GDS could bring to the Council its suggested approach and also gather any ideas and suggestions for outreach from councilors as well.

PHILIPPE FOUQUART: Thank you, Julie. So moving forward, the idea is that—so again, I think I heard some support for the PSR, but the question on the collection of data. So coming back to Julie’s suggestion, GDS would present to Council the way in which data would be—data would be collected is probably not the right word to phrase that, but the way in which they would reach out to UDRP providers to get at this data. So it’s essentially a coordination from the various sources, and they would report to Council and we will have a discussion on that. But overall, I think we’ve heard and considering the need for this to be data supported. There’s some agreement on the way forward.

Any other comment on this? And just on that, again—sorry about that, on the timeline, but Julie, since we’re talking about a ... Not report, I’m hesitant to call this a report, but to Council, when would that happen?

JULIE HEDLUND: Thank you, Philippe. We’ll have to consult with our colleagues to find out, but I would imagine we’d try to shoot for, if not the next Council meeting, perhaps the subsequent one. But we’ll take the action item to coordinate with them and come back to you all with some timing.

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PHILIPPE FOUQUART: Okay. So we're talking about just a few meetings from now. Thank you, Julie. So I think with this, it concludes our discussion on Phase 2 and the review of the UDRP. Moving on with our agenda, we're now on item seven, that's our discussion on the IGO Work Track. As you would recall, when Council approved the IGO/INGO recommendations in 2019, we instructed RPMs to consider an IGO Work Track as part of Phase 2 to consider a policy solution of recommendation five, and that's on IGO jurisdictional immunity. That would be a policy solution that would be consistent with those recommendations that were approved as recommendation five wasn't.

And before I hand over to Tatiana and given that there are several dimensions to this discussion, I would just highlight the three things that are under this item seven. The first one should be hopefully straight forward, that's the need for a project change request which may be submitted next month. The second one is the ability or legitimacy of the Work Track to publish a report. And the third question is a question of scope of the Work Track with regards to how IGO jurisdictional immunity is addressed. So as we move along, I think we need to keep that in mind. There are three dimensions to this item.

So with this, Tatiana, would you help us go through the substance of this?

TATIANA TROPINA: Thank you very much, Philippe. And thanks for scoping those three dimensions saving me a bit of time. I want to note that I hope that all the councilors read the document with the proposed

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way forward, the document which was prepared by ICANN staff. Thank you, ICANN staff, for helping us with this.

So I hope you read it, because there is a lot of information there and we have only 20 minutes, so I'm not going to go into long explanations regarding this unless there are some questions.

Philippe already scoped the issues, so let me start with the first question, and this is the project change request, PCR. You know probably that ICANN has a moratorium on public comments. And while the Work Track was able and it is progressing since February to submit the report, however, it just makes no sense because right now there is a moratorium. So there is an external factor that influences the ability of this Work Track to submit this report in August, initial report, as it was planned. And this is not under the control of the Work Track itself.

And there is a strong belief—and we saw how well it was progressing—that the Work Track will take advantage of this time and will progress even more. So I would like to pause here and ask you if you have any questions, comments or concerns related to this project change request. And also, I want to note that we have John, and also we have Chris Disspain who is the chair of the Work Track on this call. So John and Chris, I will give you the floor on other issues. I thought that that was the least controversial one. But if you have something to add, please raise your hand.

Okay, so I see no hands. I see that John is saying that he has nothing to add. I would like to ask again if the councilors have any questions or objections to this project change request. I see no hands, I see nothing on the chat. I will count silently from one to



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three, and we are going to move to the second issue then. So this is your last chance to raise your hand.

And if not, let's move to the next issue, which is the vehicle, the structure of the Work Track. As you know, the RPM 1 report was already approved, and RPM Phase 2 hasn't started yet. So the Work Track has no working group it belongs to. So in a way, it has no parents, it's an orphan.

So the question is, this subteam just simply cannot deliver the policy recommendations if it doesn't belong to any other working group. It just cannot exist as a policy vehicle without the parent. And just bear in mind that this comes from the operating procedures.

So the question is what kind of vehicle it is going to have to continue its work. Bear in mind that without it, it cannot proceed with recommendations. Yes, it's very poor, I agree with you. It's never easy for a Work Track to belong to no group.

So we have three options on the table outlined by staff, and they come logically and naturally here. So the first one is the EPDP, expedited policy development process. And of course, it sort of makes sense because it is a narrow topic, it has substantial existing work, and this might be the most feasible option. However, other two options are the normal PDP which if you read the document with various options—if you consider EPDP and PDP, it's hard to think what kind of advantages PDP will have compared to EPDP.

And the third option on the table is for us to wait until the start of the RPMs Phase 2. And during the previous agenda item, of

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course, you probably can gather that it will take some time. And the question here is if we're waiting for the RPM 2 and rechartering this work, will we rush into this, and could this impact the effectiveness? Because from the survey of the Phase 2, we know that the data actually emphasized that it is important that the process will be chartered in the right way. So, what kind of factors will we be introducing if we decide to wait with this Work Track?

So to wrap up this issue is to say that we have three options: EPDP, normal PDP, and to wait until RPM Phase 2 so this track will belong to this new phase. I would say that all three options are on the table, although I highlighted that EPDP might be the easiest, but then again, it's up to discussion. So I'll pause here, and I don't know if John and Chris have anything to add or if any of the councilors have something to say. John, please go ahead.

JOHN MCELWAINE:

Thanks, Tatiana, for all that explanation. I just wanted to kind of kick off discussions saying that I do think that an EPDP is probably the best step. This is a working group that has been meeting now for several months if not more. It's working well, it's got great leadership with Chris Disspain, and I think as long as we can work on the second issue along with this first issue we're talking about, an EPDP makes really good sense and I would support it. Thanks.

TATIANA TROPINA:

Thank you very much, John. Anybody else has anything to say about any of the three options? And I would like to note the comment on chat that indeed, the consensus policy cannot be

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outcome of the Work Track which doesn't belong to any working group. This is like full stop. We have to choose a solution for this. And we have John's opinion that EPDP would be the best solution. Anybody else?

Philippe, please go ahead.

PHILIPPE FOUQUART: Thanks, Tatiana. Just in my—not personal capacity but just as a councilor, just to support the idea of an EPDP. I think basically, what we're trying to do here is to separate the variables and the risks that are associated with option three that you described. It's just a nonstarter. For various reasons, we didn't start off with an EPDP because we thought Phase 2 would start earlier. But given where we are now, I think it's certainly the easiest way forward. That's a tool that's available to us, and I think we should use it. Thank you.

TATIANA TROPINA: Thank you, Philippe. So I've heard two councilors supported EPDP. Oh, Pam, please go ahead.

PAM LITTLE: Sorry, Tatiana. I didn't mean to interrupt you. I was just hoping to maybe ask a couple questions. The first one is the fact that the RPM Work Track was conducted under an addendum to the RPM PDP charter. So the way we categorize these Work Tracks is often a bit unclear to me, because it is not an addendum to Phase 1, and it is an addendum to the RPM PDP, which, I don't know its status, I don't know how to categorize its status because we are

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now thinking about how to kick off Phase 2, maybe start asking for a policy status report.

So to me, technically, RPM PDP is still on foot rather than seem to be the assumption that it actually no longer exists. So that is one question for me. I don't really know the answer. Do we, the Council, treat the RPMs PDP as dead or concluded? Because to me, it's not, because it contemplated two phases, and Phase 1 has concluded, Phase 2 hasn't started. To me, technically, that PDP is still alive rather than dead.

So that is sort of a premise we seem to be based on our recommendation of one of the options which is to start an EPDP. And the second question for me is, can the Council actually initiate a new EPDP when the work has already started? And if the answer is yes, then how should we go about it? Do we then draft a new charter for this new EPDP, or what's the mechanics of doing this new EPDP? I guess that's what I would like to understand. Thank you, Tatiana.

TATIANA TROPINA:

Thank you, Pam. And indeed, I'm also curious about this Schrödinger's cat status of this PDP if we are talking about Phase 1 being finished and Phase 2 not started yet, and at the same time, we had an addendum. So, can we consider the Phase 1 finished yet, actually, although it's submitted its report?

About the technicalities of making this Work Track an EPDP, I probably put it wrong right now in the sentence because as far as I understand, we are not converting the Work Track, we're just trying to find an appropriate vehicle for this.

I will pause here and ask if John, Chris, or maybe somebody from staff—one of those who prepared this document—can kind of have any thoughts about the technicalities of this process, Pam's second question. Steve, please go ahead. Thank you.

STEVE CHAN:

Thanks, Tatiana. I'll try to answer two questions. I welcome my colleagues, of course, to chime in as appropriate. There isn't a formal step in the GNSO operating procedures where it says that the working group is basically shuttering itself after the Council approves its recommendations, but that's generally the accepted practice. That's essentially what happens when, let's say, Phase 1 completes its work. And I think with Phase 2, with the previous agenda item, it's already acknowledged that there's going to be rechartering that needs to be done.

So I'm not sure if it's really the most ... Maybe we can try to shoehorn, I guess, the Work Track into that work, but I guess you could look at it another way just saying that there's another avenue to be able to give the IGO Work Track the legitimacy that it needs to be able to develop consensus policy.

I think if you only had the option of waiting for RPMs 2, that's a different reason to try to look down that path of considering whether or not the RPMs Phase 2 is operating, one, and maybe two, how long it would take to spin up Phase 2. So again, I just say that—it's a little bit different if you only had that option, but there's a potential other option here of actually launching the EPDP. So hopefully, that helps there.

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The second part about actually launching the EPDP, regarding the charter—there'd be two pieces, one is the official EPDP initiation request and then the second part would be the charter. Since it is a new policy development process, it would need a new charter. But logically, thinking this through, the addendum would form the bulk of the charter.

The addendum itself and a charter are not wholly different, so I think a fair amount of the content from the addendum should be able to translate pretty well. I won't say verbatim, but I think it'll be quite fit for purpose once you actually transfer into a formal charter for the EPDP. I'll stop there and see if any of my colleagues want to comment. Thanks.

TATIANA TROPINA:

Thank you very much, Steve. Jeff, before I move to you, anybody else from ICANN staff want to speak about this? And if not, thanks a lot, Steve. I don't know if Pam has any more questions about this, but let me go to Jeff first. Jeff, the floor is yours.

JEFFREY NEUMAN:

Thanks. And just to try to be a little bit helpful, when we were working on PDP 2.0, it was recognized that an issue could arise during a PDP that merited its own PDP. So it was contemplated—although not written in the rules—that you could take an issue, remove it from one PDP and move it into its own if there was ever something that merited that.

So I don't think it's really relevant whether the group that it's currently part of is alive or dead. I think the relevant part is that the

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Council believes this issue, for whatever reason, merits its own PDP track because it is expected to result or could result in consensus policy development. So I don't think there's anything in the bylaws that would prohibit that.

And other than the different voting thresholds you have for EPDPs versus amending a charter that was originally done, I don't think the mechanics are too difficult. I think it's fairly easy. I hope that helps.

TATIANA TROPINA:

Thank you very much. Anybody else wants to—I see Kurt's question on the chat. I actually think your question will be covered in the next issue we're going to discuss. So if I may defer this question to the third issue, if you let me.

Right, so I see no hands right now. Pam, do you have any more questions or comments after Steve's answer and Jeff's comment?

PAM LITTLE:

Not really. I am still considering how this can be done in a logical and coherent manner. I guess it's a bit unusual for us to be confronted with these challenges or this situation. And I guess in the normal course of business, there's a logic in the steps that describe in the operating procedures what needs to happen first. But in this case, we're actually having a Work Track working along, and I understand it's really progressing well, making really good progress. So we don't really want to lose our momentum.

But also, we don't want to do this in the name of expediency without respecting the spirit or the intent of the operating

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procedures, because as the manager, I guess we also need to follow those rules as well as the desire, I understand, from the working group wanting to find a home and have a place for the output from the Work Track. Thanks.

TATIANA TROPINA: Thank you, Pam. Steve, please go ahead.

STEVE CHAN: Thanks, Tatiana. So the one thing I wanted to add is that if you had a chance to take a look at the briefing—and sort of apologies, I guess, because it took a little bit longer to get that delivered to the Council list. Part of the reason was that we were actually waiting on some input from Legal about the question that Pam was asking about.

And I guess the way that we had phrased it to Legal was whether or not you could convert a Work Track to an EPDP. And what they came back with is essentially that perhaps that's the wrong way to look at what's happening here. It's more about recognizing that the Work Track in its current form without a parent PDP is not a valid vehicle to develop consensus policy. So what it's rather about doing instead is creating that mechanism that is empowered to develop policy, which is really only a PDP or EPDP.

So that's the way that they reframed, restructured our question to try to provide the guidance that we needed, which is, how do you take that Work Track and give it the power to actually develop consensus policy. The summarized portion of that feedback is in



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the briefing document that we prepared and shared to the Council list. Thanks.

TATIANA TROPINA:

Thank you, Steve. And I know that we are running out of time on this agenda item a bit. So if we have no more questions or comments, I would like to move to the third question here, and this is the question of scope. So I do hope that you read the explanation to the agenda item and you read the briefing document. So I'm just going to sum it up quickly for all of us.

As we know, the Work Track is supposed to look at recommendation five. So there was a task from the original PDP. However—Kurt, I'm coming to your question on the chat—the policy outcomes should be generally consistent with recommendation one to four and other factors the Council identified in the resolution.

And of course, the Work Track is focusing on the recommendation five, but as the recommendation five really only relates to the end of the process, so after the UDRP or URS decision has been made by the panel.

The problem here identified by the Work Track that it needs to look at access to the UDRP URS at the beginning of the process, because if the IGOs cannot even ever use this mechanism, the UDRP or URS in the first place, then basically fixing the end, the outcome of this process has not much effect. It's not really feasible to make recommendations on this.

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So the question here is that in looking at this beginning, there appears to be some touch point, some synergy with recommendations two and three from the original PDP, but the Work Track has not yet looked at these issues in depth and considered only the generally consistent question.

So what we understand from the chair of the Work Track—and Chris, I see your hand is up and I'm going to give you the floor, but let me finish. One second. One minute. So we understand from John and from Chris that the Work Track is productive and it's making significant progress, and the IGO protections and curative rights are long running issues. And it seems that if we as a Council believe that the Work Track, the group is making very good progress, do we need to give the group the space and the scope that they need? So how do we feel about this? And Chris, now over to you.

CHRIS DISSPAIN:

Thank you, Tatiana. I was just getting ready to say something, not seeking to interrupt your very cogent explanation of where we're at. I just wanted to really add one thing at this stage, and I'll happily answer any questions if anybody has them.

I think where we are right now is we are generally consistent with recommendations one, two, three and four. I think the way we're headed does account for the possibility that an IGO may enjoy jurisdictional immunity. Doesn't affect the registrant's rights to file judicial proceedings. It depends on how you define them, but leave that aside for a second. Preserves their rights and recognizes the IGO's jurisdictional immunity.

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But I think it is highly likely that when we produce—assuming we do produce—our initial report and it goes out for public comment, that there will be some people who will say that we are out of scope and we are not operating within the charter or whatever it's called that allows us to exist.

And it's for that reason that I think the leadership of the Work Track and the members decided it was appropriate at this point, given that we were already talking to you about an extension because of the moratorium and where our parentage lies or rather our authority to issue a final report, given that we were talking about that anyway, we should probably bring up the possibility that there will be those who will say that we're out of scope, because whilst I believe firmly that we are within scope, I would be more than happy to accept that we are skating very close to the edge of that scope.

So it was an opportunity for us to give the Council an opportunity to consider that and decide whether it wanted to do anything about that at this stage. I hope that's helpful, and I'm really happy to answer any questions that anybody has. Thanks very much.

TATIANA TROPINA:

Thanks, Chris, for giving us the opportunity to consider providing you with an opportunity. I will pause here and see if anybody has their hands up. Kurt, go ahead.

KURT PRITZ:

Hi Chris. Thanks a lot, and good to hear your voice. So I've got to confess that I don't know enough about this to have a discussion

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about it, but I'm of a firm understanding that issues such as curative rights were done and dusted and agonized over by a set of community volunteers that labored over a long period of time, and this seems, at first blush, to be a way to reopening that discussion.

So my kneejerk reaction—and I guess I'm going to learn about this if we decide to discuss it further as to understand more, but my kneejerk reaction is not to expand the scope but say I'm sad that our policy says that we have to generally adhere, because I think for me, the work in recommendations one and four took a long time and were settled and should not be upset or reinvestigated.

So for me, I'd want to understand this better before I would feel comfortable with expanding the scope. But again, I apologize for not being able to discuss it in more depth. Thanks.

PHILIPPE FOUQUART: Thanks, Kurt. So we have Chris in the queue and then Tomslin. Chris, go ahead.

CHRIS DISSPAIN: Yeah, a couple of things, Tatiana. In responding to Kurt, first of all, my apologies, I'm not clear that there is an intention to actually discuss this particular aspect, [anything other than I outlined today.] If there is, I'm very happy to go into detail.

And secondly, just to say that, Kurt, I completely understand what you've said and appreciate it. If the Council decides at whatever stage that it doesn't want to do anything with a scope, that's fine, but I think we are more concerned about making sure that you

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guys have a clear heads up that there is likely to be pushback from some quarters, and perfectly legitimately, and that we would rather be concentrating on the substance of what it is that we're going to recommend rather than concentrating on arguments about whether those recommendations may or may not be in scope. But that's entirely a matter for you guys and not for us. We're simply giving you the opportunity. Thank you.

TATIANA TROPINA: Thank you very much, Chris. Tomslin, you're next in the queue.

TOMSLIN SAMME-NLAR: Thank you, Tatiana. I just wanted to agree with Kurt that we need more information on this because I didn't quite get my head around what exactly we'd need to expand the scope to. And like Chris just mentioned, we also need to—at least I need to understand what sort of pushback the Council will be expecting, a bit more detail around that for us to make an informed decision. Thanks.

TATIANA TROPINA: Thanks, Tomlin. John, please go ahead.

JOHN MCELWAINE: Thanks. I think I completely understand that it's a complex issue, and I'm going maybe off script so Chris, please forgive me, but I think one of the issues here is that we recognized as IGO Work Track leadership team that we're going to have to do a new charter, something like an EPDP, and as Chris said, that there's

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going to be a question about whether some of the work that's currently going on is "consistent with the recommendations."

And it would just be kind of sadistic for us as councilors, once we let you know of all of this, to approve a charter and then at the end after people spend six, eight, nine, whatever, ten months on it to say, "Oh, thank you very much for delivering that. It's out of scope." So that's the issue. We've got a chance—again, not asking for people to make a decision on this now, but we have a chance to get some thought on this, and we don't want to waste people's time. Because the solution that's being proposed for five necessarily entails work on some of the other recommendations, we ought to respect people's time and think about this hard. Thanks.

TATIANA TROPINA:

Thank you very much, John. And frankly, taking into account that we had only 20 minutes on these three issues related to IGO Work Track, I certainly think that it's probably not enough time for us to fully dive into the issue of scope. So I don't know what would be the best solution here. I'd probably better to defer back to Philippe so he can maybe suggest how to proceed the best with this, because I think that we actually exceeded the time on this agenda item.

The only thing I would say that of course, we have not decided about feasibility of extending the scope or rather going more granular about the scope, but I would like to take note here that both liaison and the chair are saying that the scope is ambiguous and we probably need to think about it.

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And with this, I will wrap this up as there are no more hands. Philippe, back to you.

PHILIPPE FOUQUART: Thanks, Tatiana. So yes, I certainly agree, we went as far as we could on that third point, but given the discussion that we've just had, it would seem appropriate for us to go slightly into more substance as to how close we are to the edge—to use your words, Chris—and that seems to be quite consistent with the other recommendations. I think what I'm hearing from the councilors is that more discussion is warranted on this.

But I think people understand why we put the three items under the same slot, because it seems that we might actually have an opportunity if we were to launch an EPDP, and again, we'll take the comments onboard to address that very last point.

So I think what we'll need to do on that third point is to have a discussion on the substance as to the relationship between the approach taken on recommendation five and the overlap with the approved recommendations at the next Council call, but also in-between. We'll certainly rely on John and Chris to update the Council list as we would approach our call next time. I think we will need to have more discussion on this, but I think we needed to do this at this point, so it's good that we did.

So, thanks, everyone, for this. And mindful of time, we'll now move on to the next item on our agenda. That's item eight, and I'll try and be very quick on this. As Berry alluded to earlier, it's one of the things that we could have missed without the help of our ccNSO friends. This is a heads up on two items that we will need

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to address by September related to the Customer Standing committee—that's the oversight body of the PTI's performance of the IANA naming function. And as per the bylaws, that's something that the ccNSO and the GNSO have joint responsibility over.

There are two things that we'll need to review very shortly. First, the approval of the CSC membership, and second, the CSC effectiveness review.

On the first point, the approval of the membership, it has to be approved by both councils, and at the latest in September. And in terms of composition, there are two members from the registries and two members from the ccNSO. That's something that's probably straightforward, but we must be prepared for this and that will be put to our vote in September. So that's the first item.

On the second one, the CSC effectiveness review, we had a meeting with the ccNSO leadership on this, on how we can approach that review which will be the second of the kind, and that's three years after the previous review. The method is generally determined jointly with the ccNSO, and it seems that the approach that we took could be replicated in essence, although obviously, there were some recommendations relative to the first review, and I'm sure that that second one will consider them in addition to what we did three years ago.

So our common suggestion would be to do pretty much the same as the previous review in terms of membership. So that would be two members appointed by the ccNSO and two members by



ourselves to have a reasonably small team. Well, even more so given the current situation.

That being said, I will just refer to my note last week on the list—and that was on Thursday—As far as the membership is concerned. Last time, it so happens that there was a member of the CSC effectiveness review team who was not with the registries. I was that member. I happened to be the liaison to the ccNSO at the time. And the question I asked in the e-mail—and if you would consider that by tomorrow evening—is whether we need this diversity here given that this is a topic of interest mainly to the registries.

So we were hesitant to mandate an member that would not be from the registries. Wouldn't seem to be a problem within the leadership, but please consider the question by tomorrow evening. There was no comment on the list so far, but if we turn back to the registries to offer two seats, we want to make sure that everyone's okay with that.

With this summary, I'll just open the floor for questions or comments on these two things, the approval of the CSC membership by September and the effectiveness review. Any questions or comments on this? Okay, seeing no hands, we'll move on to our next item. Thank you. That's the AOB, and the first item is a brief summary of the workplan that the transfer policy review PDP came up with. I'll just refer to Greg's e-mail, Greg DiBiase, our liaison to the PDP on July the 9th. I don't know whether, Greg, you want to say a word about that report and the workplan in particular. [Not sure whether Greg's with us.] Might not be attending. I'm sorry.]

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So you will see that in his e-mail, there's a workplan put forward with a 1B initial report that would be planned for the end of March 2023, and a final report in mid-August 2023. I'll put it very briefly. You have all the details in Greg's e-mail on the list. Any comment on this workplan? And we can take that to the list. Berry.

BERRY COBB:

Thank you, Philippe. Since Greg's not on the call, just per the e-mail and kind of as a reminder, there are two subphases to this part of the PDP. The Phase 1A, as you noted, hopes to deliver its initial report by mid-June next year. The moment that is done and going into public comment, we immediately kick into Phase 1B where both will conclude into a final report by mid-August of 2023.

We do recognize that that sounds like a long time, but the current pace of the group is set to just one meeting per week, but we certainly—I think I speak for the full transfer leadership team that we hope to deliver before that and we are looking for opportunities to be able to discuss some of the topics in parallel. But we thought it best to have this longer duration for the plan just in case, because a couple of the policy topics are expected to take some time to work through. Thank you.

PHILIPPE FOUQUART:

Thank you, Berry. And noting this, any comment? Okay, thank you. And finally, Jeff, the AOB that you just referred to earlier during the meeting.

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JEFFREY NEUMAN: Thanks. And I apologize. I know everyone is itching to get out, so I'll try to make this brief. As Philippe explained at the very beginning of the meeting, the Council generally uses the response to the GAC communique as just an opportunity to point out actions that the Council has previously taken on the subjects to which the GAC communique refers.

But we don't have a vehicle right now to respond to requests made by the GAC to the Board on items that may impact the GNSO for which there may not have been previous action.

So in this communique, for example, there were two items. One is that they had asked whether the GNSO would consider supporting the GAC's request for a tracking tool for the various reviews that are going on, including the CCT review team review. So that was one request which we didn't really have a vehicle to respond to.

And the second is the GAC has asked the Board to extend the moratorium on the reservation of IGO names in the new gTLDs—or sorry, the acronyms—at least until the IGO Work Track on curative rights—which may become an EPDP—is completed.

So the way that that impacts the GNSO is that this policy of releasing from reservation the IGO names was passed by the GNSO in 2014 and approved by the Board. But we don't have a mechanism or we didn't have a mechanism to respond to let the Board know if we care about this or not. We may say it's perfectly fine or the GNSO may say, "No, wait a minute, it's gone on six, seven years or whatever and that's enough."

But we should have a vehicle at some point to respond to those types of items, because I would think that the Board would most

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likely want to hear our thoughts on those issues. So it's something to think about, whether it should in the future become part of the communique, whether it's something separate.

But we do—I would think as the liaison, it would be good to respond to the GAC on items where they either directly ask us a question or where they send something to the Board that could impact something that we've previously approved. I hope that makes sense.

PHILIPPE FOUQUART: It does. Thanks, Jeff. And obviously, we're already out of time. We won't discuss the substance of this, but we'll come back to the list and to Council on these things as to there's a need for a dedicated vehicle for this or whether we would like to approach the examples that you gave, for instance, on a case by case basis and provide our feedback or our views through the usual letters that we can send. That's certainly a discussion that we need to have. So, thanks for bringing that up, Jeff.

With this, we're already two minutes past the hour, and unless there is one last comment, I will just thank everyone for the meeting. I hope you're all well. And speak to you soon then. Thanks, everyone. Bye all.

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

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**[END OF TRANSCRIPT]**