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ICANN Transcription
IDNs EPDP Charter Drafting Team Group
Tuesday, 27 April 2021 at 12:00 UTC

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NATHALIE PEREGRINE: Good morning, good afternoon, good evening, everybody. Welcome to the IDNs EPDP charter drafting team call on Tuesday, 27th of April 2021. In the interest of time, attendance will be taken by the Zoom room only. This call is being recorded, so please remember to state your names before speaking for transcription, and keep your mics and phones on mute when not speaking to avoid any background noise.

As a reminder, those who take part in the multi-stakeholder process are to comply with ICANN expected standards of behavior. With that, I'll hand it over to Dennis Tan. Please begin.

DENNIS TAN: Thank you, Nathalie. Welcome, everyone. We are close to finish this, in the last stretch. So we have our agenda for today's meeting. Just as a backdrop, we already made a full pass on the draft charter, so we'll touch that in just a bit. So today, we want to focus on the EPDP initiation request. As Ariel teased that document in our last meeting, it's basically a template that we

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need to populate with information from the charter. So that should be a quick review today, hopefully.

After that, we'll go through comments on the draft charter on the clean version. So I'll touch on next steps on that when we get there. And after that, we'll discuss whether we need to meet or not next week, and then we'll open up for Any Other Business. So I just want to see if there are any observations. Okay, no comments, so let's get going.

Let's get right into the EPDP initiation request. Ariel, if you will, could you walk us through the document, please?

ARIEL LIANG: Thanks, Dennis. So as I explained in the last meeting, this is a template for this drafting team to fill out, and most of the comments come from the charter, so I will just provide a very brief overview for each of the sections. Section A, name of the Council member, SG and C, so basically, that's the requestor for the EPDP and what we put in here is the drafting team and everybody's name, the members' name in the drafting team and their affiliation, so pretty straightforward, and then the second paragraph just talks about when this drafting team was established and when it kicked off its first meeting and when this initiation request is submitted. So our estimation submission date is 10th of May, ten days before the Council meeting in May. That's the document submission deadline. So that's the first section.

Section B, origin of the issue, e.g. previously completed PDP. So this content comes from the background section in the charter.

First paragraph talks about the Board approval of the IDN variant TLD implementation staff paper. You've already seen this text before, so I won't read them word by word.

Second paragraph talks about the Council's establishment of the scoping team and what the scoping team was mandated to consider. So that's the implementation guideline as well as the variant implementation framework staff paper as well as the IDN implementation guideline 4.0. So that's a quick overview of the scoping team's mission.

And then third paragraph talks about ICANN Board approval of the recommendations for the technical utilization of the RZ LGR and Board's request to the GNSO and ccNSO to take these recommendations into account when developing their respective policies.

Fourth paragraph is basically the conclusion from the scoping team. The scoping team suggested tackling the IDN-related issues in two tracks, operational and policy tracks, and that's an overview of that outcome of the scoping effort.

The final paragraph talks about GNSO Council's agreement with the scoping team's suggestion that an EPDP will be a desired approach to tackle the policy track work. So that a really kind of high-level overview of the background of the issue.

And section C, scope of the effort, detailed description of the issue or question that the EPDP is expected to address. This content comes from the introduction section right above the charter questions in the charter. So again, that will just provide an

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overview of the content. So of course, the first paragraph talks about what the general scope is for the EPDP. One is to define [all] TLDs and the management of variant labels, and then the second area is how the IDN implementation guidelines which the contracted parties are required to comply with should be updated in the future.

So—okay, Jeff, got you. Jeffrey. And then the second paragraph talks about the potential that this scope may change due to the operational track work because the EPDP is expected to provide recommendations to resolve the issues regarding the IDN implementation guidelines 4.0 if and when such issues are identified by the operational track team and agreed to by the IDN guidelines working group. So just provide that caveat that this scope may change in the future.

And the third paragraph talks about the EPDP is expected to develop its recommendations, but building on existing work on IDNs, in particular SubPro's recommendations under topic 25 on IDNs.

And then the following paragraph provides an overview that the SubPro's recommendations already took into account previous work on IDNs such as the staff paper and the TSG recommendations. and as such, we have adopted this framework when developing charter questions. So that's the three bullet points that this drafting team has agreed on, so not to revisit SubPro recommendations with future TLDs but consider how they can be implemented to existing gTLDs and also to address gaps. For example, if TSG paper or staff paper had some recommendation that SubPro didn't get to address, this charter will

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cover. And then also, the requirement for the future IRT for SubPro and this EPDP to coordinate on a number of issues to provide a consistent solution, so just to reiterate the framework that the drafting team has agreed on.

So that wraps up the scope of efforts for section C in this request. And section D, description of how this issue meets the criteria for an EPDP. So this comes from the EPDP manual. There would be, if we meet one of the two criteria here, then this EPDP is set aside. The first on, a narrowly defined policy issue that was identified and scoped after either the adoption of the GNSO policy recommendation by the ICANN Board or the implementation of such adopted recommendation, or two, new or additional policy recommendations on the specific GNSO policy issue that had been scoped previously as part of a PDP that was not completed or other similar effort, including relevant supporting information.

So basically, this EPDP satisfied the criteria number two, and on the right-hand side, we provide a more detailed explanation of that. So the first paragraph is basically copy pasting from the EPDP manual about under what condition the GNSO Council can initiate an EPDP. So an EPDP may be initiated by the GNSO Council to provide new or additional policy recommendations on a specific policy issue that had been substantially scoped previously such that extensive pertinent background information already exists. So that comes from the EPDP manual and basically this one satisfied this criteria, and then the following paragraph is to explain how it's satisfying this criteria.

So the second paragraph is to reiterate what's explained before, that this EPDP is expected to develop its recommendation by

building on an existing body of work on IDNs, especially SubPro recommendations, and also previous work on IDNs such as staff paper and TSG recommendations.

And then the third paragraph is to, again, reemphasize that these recommendations have already been scoped previously as part of previously completed policy work and the existing material can serve as a proxy for what is normally contained in the GNSO final issue report.

And the fourth paragraph, again, is to remind the reader that the scoping team reached the conclusion that EPDP is the desired approach, and the following paragraph talks about Council's agreement with scoping team's conclusion and that also the Council agree to establish a drafting team to develop a charter and initiation request for an EPDP in October last year. So in conclusion, the criteria for an EPDP has been met. So this is to explain how we satisfy section D, basically, why this is an EPDP.

Following this section, section E is not provided as part of item D, the opinion of the ICANN general counsel regarding whether the issue proposed for consideration is within the scope of ICANN's mission, policy process and specifically the role of the GNSO. So before the Council agreed on establishing a drafting team for the EPDP on IDNs, staff has already reached out to the ICANN legal team regarding this question, whether this is within scope of ICANN's mission and the GNSO's role for policy development. So they already gave a green light, basically said it is, but it's because in order to fill out this template, we need a more formal response from ICANN's legal team, so they're reviewing this request and get back to us for a more written, formal response to

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be included in this section. So once they do that, we'll alert the drafting team and let you review what they provide. But staff don't really have concerns that they will have a disagreement, because this item has already been checked before in October last year.

Section F is not provided as part of item D, the opinion of ICANN staff and their rationale as to whether the Council should initiate an EPDP on the issue. So basically, yes, they know the deadline, we have informed them, they should be able to provide us something by the end of this week or no later than Tuesday the next week. So they're fully aware of that.

So section F, because staff is basically in agreement with what the scoping team has concluded, the pertinent information is already enough, can satisfy an issue report and the EPDP is the desired approach, so we don't have really additional opinion on this matter so we just didn't really fill out this part and we can ask the reader to check item D for the rationale for EPDP.

Section G, proposed EPDP mechanism, so that's a working group, so pretty straightforward here. Section H, method of operation if different from GNSO working group guidelines. So the method of operation is consistent with the GNSO working group guidelines, but we want to specify or emphasize that the working group will employ a representative plus open model that consists of members, participants and observers, and I just want to kind of highlight this particular component here because that's a PDP 3.0 kind of innovation or improvement.

And the section H, decision making method for the proposed EPDP mechanism, of course, we're following the method outlined

in the GNSO working group guidelines, but because of the model of this EPDP, what we highlight instead in paragraph is that the consensus call or decisions are limited to members and that's because of the model we have chosen. But for the purpose of assessing consensus groups that do not fulfill their maximum membership allowance should not be disadvantaged.

So all these come from, I think, one of the parts in the charter that talks about decision making methodology, so that's just repurposing the content from the charter, and this part has already been reviewed by the drafting team. And of course, a highlight of the consensus playbook that the working group is expected to review and use the practice and tools in the playbook when trying to find consensus.

The last section, desired completion date and rationale for this date, what we put here is also what the drafting team has agreed on, is the last final report is expected to be delivered to the Council no later than two years after the working group convenes for its first meeting, and the rationale provided here is that because the PDP is expected to develop its recommendation by building on existing work, [with a focus on] SubPro's recommendation, and also the charter has been narrowly scoped so that we think it's a reasonable timeline that this EPDP should be able to complete its working within a two-year period. So that's the rationale we've provided here.

So that's all from me about a quick overview for this initiation request, and I see Jeff has raised his hand.

DENNIS TAN: Thank you, Ariel. Yes, Jeff noted a question on the chat about ICANN legal knowing the deadline for delivering this charter as there is a pending answer from them. Jeff, please go ahead.

JEFFREY NEUMAN: Thanks, Dennis. And this is on section J. I know I brought this up the last time, and I think it's even more important now. If we're okay with a two-year expedited PDP, we're talking about two years from the first meeting, so assuming that charter gets passed in May, maybe July is the first meeting, you're talking about July 2023. That is ... If SubPro's going to be dependent on this, that is way too late. You're now talking about 11 years between rounds. And two years is not fast at all. It's not expedited, as Maxim says.

So we need to do one of two things. Either shorten that deadline substantially, or divide this up into phases. And those that are needed for the next round, if any, must be in by a much earlier date, otherwise we're now basically saying that this is the hold up for the next round. So I can't sign off on two years at all. That is not something I agree with. So we should really be talking about that. Thanks.

DENNIS TAN: Thank you, Jeff. So I just want to note the expedited designation of the EPDP is not about the timing but the requirements as to initiate a PDP process, such as the issues report. That's one of the main differences, not the timing.

Now, I note your observation about the timing and the dependencies and whether the Council decides to do it in a serial

or parallel manner. So I wonder what other things about the deadline question here. It's an upper limit to put on the work. This drafting team not knowing exactly the details and how in-depth the discussions are going to be. But I have a queue again. So Jeff, and then Maxim. Please go ahead.

JEFFREY NEUMAN: Thanks. While technically you're correct in the sense that the only difference between the manuals are about the issue report, the whole purpose of an expedited PDP, the whole reason why we initiated or developed it was to have it progress on a much quicker timeframe. The fact that it's taken us more months than it probably would have to do an issue report is a little strange. But again, while I understand what you're saying, the whole point of expedited PDP was to have a quicker process.

So that's number one. Number two is, whether upper limit or not, we cannot—I can't sign off on something that says two years. Perhaps we can, again, go through this like I had asked several times during these few months, of pulling out the parts that are absolutely necessary for the next round and getting those done quick and putting this into two phases, but yeah, we can't come out with a product that says an expedited PDP is two years. Thanks.

DENNIS TAN: Thank you, Jeff. Maxim, you're next, and then Edmon.

MAXIM ALZOBA: First, I'd like to note that this EPDP happened after SubPro finished its work as a working group. So there could be no dependencies from this, for SubPro from this PDP. So this EPDP can be dependent on result of SubPro, but not vice versa.

The second thing, I don't think that this particular policy effort should be stopping gate to the next round. And I haven't heard this confirmed from Council, so we shouldn't suggest that it's something which stops the next round. Thanks.

DENNIS TAN: Thank you, Maxim. Edmon.

EDMON CHUNG: Yeah, so I think interestingly, I somewhat agree with Jeff and Maxim. I think we can safely say one year, and we can always go back to the Council and extend it if we run out of time. The other thing is that the dependency is—I think there's valuable stuff that this group would produce that could input into the SubPro implementation side, but to really draw a line on dependency is probably not the best way to describe it.

And finally, as I mentioned last time as well, if this group is to prioritize, I would even argue that we need to prioritize not the SubPro stuff, we need to prioritize the 2012 round issues. So yes, we can develop in phases, we can do those things, and I think we can do it quicker, but I guess in general, we shouldn't dictate how the group prioritize later on. But I do think it's not too ambitious to try to say one year, with the expectation that maybe the group will need to go back, once the group prioritizes, to the GNSO to ask

for extended time to complete all the parts of the work. Hopefully, this makes sense.

DENNIS TAN: Thank you, Edmon. Jeff, please go ahead.

JEFFREY NEUMAN: Thanks. So this is where the Council needs to have a discussion with ICANN staff and ICANN Org, because I can tell you now that there have been a number of statements from executives at ICANN Org, and even the Board, that have put dependencies in the next round on this work, and so Maxim, I hear what you're saying as far as what you think, and I agree with you that it shouldn't stop it, but we all need to be on the same page and I don't think we are. And in fact, if you look at—I'm trying to remember which letter it was—it might have been the ICANN Board's response to the draft final report for SubPro. ICANN Org made it very clear that they thought that this work was potentially a dependency. So we can say all we want and delude ourselves and say that we don't think it should and if the Council hasn't said it's not a dependency then it's not, but we need to— and should—encourage discussion between the Council and Org and the Board who finally put SubPro out for comment Friday or Saturday.

So I think I'm going to at least agree with Edmon that we should not be putting anything longer than one year for an expedited PDP. And then I will also express my views that there should be discussion between ICANN Org—well, GDS and the Council,

DENNIS TAN: Thank you, Jeff, and thank you, everybody who has weighted in on this issue. So it looks like, whether it 's one or two years and what's reasonable or not, I don't know how hard this deadline or suggested deadline is going to be looked at from a Council perspective.

Just off the top of my head and thinking out loud, is it going to be—how reasonable is it to say one year but right now we're thinking, yeah, maybe we'll just put one year but knowing that potentially—and more likely than not—it's going to be an extension would be needed? Taking into account, at least two public comment periods in which the working group goes silent for the most part. Just thinking out loud.

One year, let's say they meet on a weekly basis one hour at a time. I think that's the usual. So that's 52 hours of work if they're not taking any off weeks, including during public comment period. Just want to put that out there. And Jeff says one public comment period only. Okay, maybe Jeff, please go ahead.

JEFFREY NEUMAN: Yeah, technically, the Council should, while constituting the team, can state that the constituency statement period starts, and that can be shortened from 30-whatever days to 21 days. So that could be done initially. And then there's an initial report comment period. There is no draft final period comment period. That is at

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the election of the working group and/or the Council. But there's no mandate for a final draft report comment period. Thanks.

DENNIS TAN: Thank you, Jeff, for that clarification. It's useful. So one comment period, and then of course, because of representation, you get the most comments out of—during the working groups, which is going to be very important. Steve says—not substantial. Okay, thank you.

So I think most of the working group feels more comfortable with a 12-month suggested deadline. Is that where we're landing? So let me suggest, I think two years is out of the question, and then it's 12 months, and may I suggest an 18-month deadline so that we have two options and maybe we can just do a quick poll and see where we land? But before that, Ariel, your hand is up. Please go ahead.

ARIEL LIANG: Thanks, Dennis. Just wondering, if we do put a 12-month period, should we also specify if the working group decides to conduct its work for only one phase? If there would be several phases, then likely, that won't be a super reasonable kind of deadline. I'm just wondering if we do include 12 months as the expectation, should we also say within one phase?

DENNIS TAN: Thank you, Ariel. Jeff.

JEFFREY NEUMAN: Yeah, no, I think we should just say 12 months, and that's it. Because we haven't recommended any multiple phases here. I would like to, but we haven't done that. So it should just say 12 months. And I would not even say 12 months plus time for public comment period. I would just say 12 month and if the Council doesn't like it, then they can discuss it, but we're really ... Again, 12 months is what it should say.

DENNIS TAN: Thank you, Jeff. Edmon.

EDMON CHUNG: I hear a very strong opinion from Jeff, and at this point, I think this is work that needs to be done. I don't see the Council closing it down prematurely, so I don't see any risk of saying let's be ambitious and target 12 months. And if the work is going on and it's not somehow sabotaged or run into an issue, then if at the end of the day we need a little bit more time, I don't see Council shutting this work down. And I think it's good to have a more ambitious timeline and try to finish it. So yeah, that's where my head is.

DENNIS TAN: Thank you, Edmon. [inaudible], do you want to speak to it? Okay, so I think we are on 12 month, and knowing, I think, the Council will not hold the drafting team account able for that decision making and as Edmon said if the work is going and issues arise—

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because what PDP has not had issues? I think that Council will reasonable give more an extension or a revision of the timeline.

And one of those things that the next working group has to tackle first is the workplan and timeline. So I think we can leave it on 12 months but knowing that the next working group, one of the first things they need to deliver to the Council is the workplan and there, they oil have a confirmation whether 12 months is achievable or not. Thank you, Maxim, for that observation.

Okay, so is there any other observation or comments on the initiation request? Edmon, please go ahead.

EDMON CHUNG: It just came to mind that the scoping team report, there's a listing of all the relevant documents. I don't see it here. I don't know whether it is in the charter somewhere, and I wonder if it should be. If it's already there, then it's good, but just want to make sure that we capture that.

I do see that the scoping team report itself is listed. I don't know whether—I remember there was an appendix with a fairly exhaustive list of links to the previous reports and documents that kind of take the place of the issues report. I don't know whether that should be incorporated into this charter document somehow.

DENNIS TAN: Thank you, Edmon. Yeah, Ariel is noting that the scoping team final report is referenced in the charter and then appendix [B] is in the scoping team. So you are suggesting we bring the appendix

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[B] list front and center and not just by proxy of the scoping team report? Is that what you're suggesting?

EDMON CHUNG: Yeah. Should we? I guess it might be more clear for future working group members, and the council can consider. I remember we made the appendix B because we thought this would be included into the charter somehow as pre-work that was done during the scoping team to substantiate that. And EPDP rather than PDP makes sense. So I'm good either way, but I guess in some ways, to staff, whether it makes sense to include that or a more clear direct pointer to appendix B rather than just the scoping team report. Oh, that's exactly what Steve just mentioned.

DENNIS TAN: Yeah. I like that better.

JEFFREY NEUMAN: Yeah, I think it might get confusing, because SubPro considered all these documents in developing its recommendations, so I'm not sure all these—we shouldn't list all these up front. We could say read the scoping report and then they could see these as appendices, but I just think if we have all of these, it sort of may ignore the fact that SubPro did review this stuff and did develop policy since the scoping team report.

DENNIS TAN: Thank you, Jeff. I want to note, this is background information and the charter questions really hone in into the issues that they need to look at, and those are clearly—and in those where SubPro already made recommendations that's clearly stated, and those should not be revisited, but the information in Appendix B is more of a background information of the issues and all the history. So I don't see why we couldn't list those.

Okay, looking for other hands here, observations. Okay, so I think that closes the initiation request, I believe. Any final thoughts on the EPDP initiation request before we move on to the next agenda item, the draft charter?

Okay, seeing none, let's jump to the charter. Now in front of us, we have a clean version of it. So what I want to do—or we don't have to review this right now, [you just have it in front on your screens,] we're not going to read it during this call, but what I want to propose is that—so next week, we can have a regular scheduled meeting on Tuesday next week at 8:00 AM and go through any comments from Today until Monday next week. If there are no substantive comments of observations, we can forego the meeting on Tuesday and we just—[if clean] the document to the fullest and get ready for GNSO council submission. So basically, what I'm suggesting is a last call for comments between today and next Monday, or—so next Monday so that we can review any observations in the rest of the next week, from Tuesday to Friday and get ready the package for the GNSO Council.

Okay, I have a queue now. I have Jeff and then Edmon.

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JEFFREY NEUMAN: Thanks. I think in general, that's right, although I would just ask that if as staff's been incorporating the changes we discussed over the past few months, if they could point out areas where they would like us to focus on because either they're not 100% sure that they captured what we had asked for or discussed or where they just want closer review, that those get pointed out. Thanks.

DENNIS TAN: Thank you, Jeff. Edmon, and then I'll reply to you, Jeff.

EDMON CHUNG: My comment is similar to Jeff's. It would be useful, because there has been quite a bit of moving things around as well, and some things that were left and parked and so on, as I remember when we were discussing, so it would be useful to highlight that.

And I'd suggest that we schedule the call for next week, if only just for a quick walk through and confirmation, because I think, again, which ties into what Jeff and I just said, is there were some moving parts, and I think it would be useful for the group to get a sense and a walkthrough. So I think we should plan to have it nevertheless.

DENNIS TAN: Thank you, Edmon. Yeah, no problem, let's have—the meeting is already in our calendars, I believe, already scheduled, so if we meet for ten minutes, then we have some minutes left. If not, we

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just use the full hour. So no problem. I think that's a reasonable suggestion. Thank you.

So as far as Jeff's question and also Edmon's about what are the areas in which to pay attention, I believe, because every week, we have—staff and I met together in order to review the changes and observations and how those were taken into the charter, so I review those, I believe it is addressing all those changes that were suggested by the working group. So if I need to answer that question, I think it should be like everything, because I believe every single question, paragraph was somehow changed to incorporate in general our framework as to how we approach policy questions and also implementation guidance. I cannot think of one single question that you really need to pay attention, so in overall, I think sections A and B which are the definition for TLDs and variants and also the same entity question, I think those are the most important ones. But yeah, I would encourage to go through all the policy questions just to make sure we capture what was intended. And of course, we can go back to the notes as well. But yeah. Hopefully, it's not that cumbersome.

So just to recap, we'll put this out there, this clean document. I think we can put the link for the working group to access the clean version of it. We'll put it on the mailing list for you to go review from today until Monday, and we'll reconvene again on our scheduled time next Tuesday to go over all those observations and comments, and that probably is going to be our last meeting before we clean the package and prepare to send it to GNSO Council. And with that, I want to turn to Ariel. You have been patiently waiting. Please go ahead.

ARIEL LIANG: Thanks, Dennis. So, it seems from staff's perspective that the charter questions are the most important part that we hope the drafting team can do a sanity check whether we have indeed incorporated all the suggested changes and also the framework that the drafting team agreed on when revising these questions, and you will notice that the list of questions is much shorter compared to the original list that you saw in the first meeting. A lot of them have been consolidated and also the section had been consolidated and retitled to notice these changes.

There's only one kind of parking lot question we still kept the comment on, is regarding the RPMs, so there's one question that based on our understanding of the drafting team's discussion, it may not be in scope in scope for the EPDP to deliberate, and maybe something that the GNSO Council should consider what is the right group to kind of deliberate on this question. It's F2, so we kept that comment here, so we'd like to confirm from the drafting team whether that's the correct way to capture this.

So again, definitely all the charter questions are the most important part that we want the drafting team to pay attention to, and to read again. The other sections are pretty straightforward and the changes that we feel pretty confident that we have reflected them accurately. So if you don't have a lot of time, you don't need to do a really detailed review because we do feel pretty confident that the changes have been reflected accurately. So this is from staff's perspective and [the same as] Dennis.

DENNIS TAN: Thank you, Ariel. Any comments or observations in this regard? So again, next week, we'll meet. Please go ahead and review that. I think that closes this item .What do we have next on our agenda, please? So next week's homework, which is what we just talked about, the charter, initiation request, I think that's done.

Okay, so next steps, next week, we do meet on May 4th to review the observations, comments on the clean version of it, and that's pretty much it. Any Other Business then?

I see no hands or chat, so I think that's it. We're finished. Okay, so ten minutes back to your day then. Thank you very much. Please go ahead, review, go through the whole charter document, make your observations, and we'll meet again next Tuesday to finalize the work. That's all for today. Thank you very much.

NATHALIE PEREGRINE: Thank you all for joining. This concludes today's call. We'll drop all lines. Have an excellent rest of your days and evenings. Take care, everyone.

DENNIS TAN: Thank you. Goodbye.

[END OF TRANSCRIPT]