KIM CARLSON:

Hi all. Welcome to the ccNSO-GNSO Joint Council meeting on 17 March at 19:00 UTC.

There will be no roll call today. Attendance will be taken based on those on Zoom. Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior. During the session, questions or comments submitted in chat will only be read aloud if put in the proper format, which we'll note in chat. Caitlin Tubergen, our remote participation manager will read the questions and comments aloud. If you wish to speak, please raise your hand in Zoom, and once you're called upon kindly unmute your microphone and take the floor. With that, I will hand the floor over to Katrina Sataki.

KATRINA SATAKI:

Hello, everyone. Good morning, good afternoon, good evening. Great to see so many participants and I'm very happy to welcome you in ccNSO room. Unfortunately, that's only a Zoom room. It would be nice to do that face to face, but we are where we are. So welcome, everyone. We have a great, very interesting agenda. I hope we'll have also very good discussions, share information. And here I'd like to thank our excellent liaisons who worked and discussed all those topics of mutual interest that would come up with this excellent agenda. So thank you very much, Sebastien and Maarten. Philippe, any welcoming words from you?

PHILIPPE FOUQUART:

Thanks, Katrina. Just a second. What you said, Katrina?

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.

KATRINA SATAKI: Would you like to say hello, good morning, good afternoon, good evening?

PHILIPPE FOUQUART: Absolutely, I would say that and add that we are delighted to have you with us for some time still. And we're looking forward to this. It's been a pleasure to cooperate with you notably on the budget, but we've got several other things on the table that we're kicking off with you. I'm sure it's going to be a fruitful cooperation. I would certainly second strongly the our thanks to all liaisons who worked on this. So let's get started.

KATRINA SATAKI: So, thank you very much. Our first idea was to start with IDN. As you may know, we work on what we call ccPDP4 that's on IDN ccTLDs. Here on a brief update on this topic, I'd like to ask our colleague councilor, AiChin. Ai-Chin, would you like to share?

AI-CHIN LU: Okay.

KATRINA SATAKI: I know you have some slides, too.

AI-CHIN LU: Yeah. Okay. Now, let me recap a little bit about the ccPDP4. Next, please.

The purpose of ccPDP4 is to develop policy recommendations for selection and the de-selection of IDN ccTLD strings. We hope the result of ccPDP4 will replace the IDN ccTLD Fast Track Process in the ccPDP2. Next, please.

In order to achieve the target, ccNSO found the ccPDP4 IDN Working Group in September 2020. This working group started a review of the 2013 ccNSO policy proposals for IDN ccTLD string selection criteria, process and documentation. And we all know the 2013 policy proposals did not include the topic of variant management. And we all know variant-related issues should be concerned in IDN ccTLD and the gTLD as well. Recently, the Variant Management Subgroup started it work. At a meeting earlier this week Alireza, the sub working group chair was nominated as ccNSO liaison to the GNSO IDN policy development efforts. Of course, his nomination needs to be confirmed by the ccNSO Council. Next slide, please.

Regarding the working method of ccPDP4, these two groups meet on alternate Tuesdays. So, you can see, we are very busy. And here now, the ccPDP4 IDN full working group have already met 12 times. And the other subgroup at this month, we have met twice. So in future, we plan to have two additional subgroups. One is on string confusion similarity, the other is on the de-selection of IDN ccTLDs. That's all my brief report. Thank you.

KATRINA SATAKI: Thank you very much. Here I'd like to use the opportunity to thank GNSO Council for pointing a liaison to this group. Any comments from

Dennis if he's on the call? Yes, Dennis, you are. So any anything you'd like to add?

DENNIS TAN: Hello, everyone. Nothing to add, Katrina.

KATRINA SATAKI: Okay. Thank you very much. Philippe, to you, any questions, anything?

PHILIPPE FOUQUART: Just one very basic question. I should probably know that timeline on PDP4.

AI-CHIN LU: I think the timeline for the ccPDP4, maybe the end of this year we will have something to come out. We discussed several times. So after ICANN70, we will check the progress against the work plan. But just so far, I think it goes through quite well.

PHILIPPE FOUQUART: Okay. Thank you. Maybe councilors would have questions as well. Thanks.

KATRINA SATAKI: Thank you. Thank you very much. So if there are no questions—and I don't see any either in chat or any raised hand so far. So thanks. Let's

AI-CHIN LU: Okay. Thank you. May I have another PowerPoint? Now I will recap a little bit about the IDN ccTLD membership. Okay. Next slide, please.

We know a lot of IDN ccTLD already comes out. But currently, the ICANN Bylaws does not enable IDN ccTLD to become members of the ccNSO. Next, please.

So, in February 2020, the ccNSO requested changes to Article 10 of the ICANN Bylaws, which covered two aspects. One is to update the definition of ccNSO membership. And the other is amended to the membership section of Article 10 and Annex. I think the big change is moving away from the principle of one vote per ccTLD to one vote per territory. Following the questions from the ICANN Legal on the original proposal, the ccNSO, including member and the Council, adopted a formal note in February this year in response to ICANN Legal. I think the last statement including the cover and we have a final response in amended Article 10 and Annex and a later statement was prepared. A charter team which took into consideration input from the ccNSO membership and the Council. That's all my report. Thank you.

KATRINA SATAKI: Thank you very much, Ai-Chin. Thanks. Are there any questions? Kristian?

KRISTIAN ØRMEN: Thank you. This is Kristian Ørmen speaking from GNSO. I have just a small clarifying question. Is it always the same registry holding both the ASCII TLD and the IDN TLD per territory or could it be different registries?

KATRINA SATAKI: Most of current ccTLDs are run by same registries but to there are some cases when those are different.

KRISTIAN ØRMEN: How do you decide who has the vote if it's only one vote per—

KATRINA SATAKI: It's one vote per territory. They have to agree. Then select some emissary so that they can cast the vote. That's the main idea.

KRISTIAN ØRMEN: Okay. Thank you.

KATRINA SATAKI: I see another question in the chat. "If anybody could give me insight into the difference between per ccTLD versus per territory, it would be appreciated." Yeah. As I said, in most cases, there's no difference in the operator so it's the same entity. But there are cases when IDN ccTLD is run by another entity, and in that case, both of two-letter ccTLD manager and the new IDN ccTLD manager, they have to agree on an

emissary that can cast the vote. I hope that answers the question. Tatiana?

TATIANA TROPINA: Hi, Katrina. Hi all. I just wanted to ask, do you perceive any challenges in how the territory will choose the one voting member? Will there be any procedures, or you leave it to them?

KATRINA SATAKI: The idea is to leave it to them, of course. Well, first of all, maybe the IDN ccTLD will never want to become a member of the ccNSO, so that's really up to them to choose whether to join the ccNSO or not to join. As you may know, you don't have to be a member of the ccNSO to actively participate in the work of the ccNSO. But if they want to become members, they can join, of course. And then yes, it's up to them to decide how to deal with the situation. Anyone would like to add anything?

PHILIPPE FOUQUART: If it's not contentious, do you have examples in mind? I'm sure that's, at this point, not an academic sort of exercise. I think it was Mark's question as well in the chat.

KATRINA SATAKI: Yeah. I see there are some answers in the chat. Max already indicated some examples. And as Bart said again in the chat, there are territories with more than one IDN ccTLD. So that's the case.

One more addition to this. This is not going to be a change in the fundamental Bylaw. Therefore, this is going to be a rejection action. Unless decisional participants actively oppose to the change, the change will go through. We certainly hope that other decisional participants will agree with the need to include IDN ccTLDs into ccNSO. So we count on you not objecting to this change. Okay. Any other questions?

Again, if I remember correctly, currently there are 63 IDN ccTLDs for 42 territories. So clearly, some have more than one IDN ccTLD. Okay. With that, if there are no further questions—but please feel free to ask your questions in the chat—we'll go to the next agenda item and that's SubPro. I can say nothing about that. So, Philippe, back to you.

PHILIPPE FOUQUART: Thanks, Katrina. Well, as you're certainly aware, the SubPro final report was approved at our last meeting already. It's been a while but it was for February meeting. So we'll be voting on the Recommendations report as per the Operating Procedures at our next meeting. And this will be handed over to the Board at that point.

I think one of the questions you had was on a timeline. I'm not sure we can be more specific than the general rule which is very flexible for the Board to consider. I think they can afford to consider this or there's a recommendation to consider this at the latest at the second meeting after the Recommendations report is provided. None is more specific on the timeline after that. So there's likely to be an ODP (Operation Design Phase) associated with that and then the ensuing discussion. I see Jeff has his hand up. I'm sure we can collaborate on this, Jeff.

JEFF NEUMAN: Yeah. Thanks. I'm GNSO liaison to the GAC, but I just wanted to get into queue just to thank the ccNSO for the members that really actively participated in the group—I should put my camera on—especially Annebeth Lange who not only was involved very much in the group itself and contributing but was also a key member of the leadership team. So I just wanted to thank you for your cooperation in that PDP. I think it is a model that we can hopefully follow for future PDPs where we have a joint vested interest. So I just want to offer that. Thanks.

KATRINA SATAKI: Thank you very much. It was a great pleasure. Thank you.

PHILIPPE FOUQUART: This is helpful, Katrina. Feel free to follow up with any questions you might have or any ccNSO Council members would have.

KATRINA SATAKI: Thank you very much, Philippe. Any questions? Nope. Thank you then. Let's move to the next agenda item. That's on ICANN budgets. How would you like to start with this one?

PHILIPPE FOUQUART: I think we might hand over ... I don't want to put anyone on the spot but I know, John McElwaine, you've been very much involved in the SCBO

with our counterparts from the SOPC on your side. Maybe that's one way to start. Would you mind that, John, to just give us a brief update?

JOHN MCELWAINE: Sure. Thanks, Philippe. Yeah, we had a good conference call between the SCBO and SOPC to go over some of our initial comments and thoughts concerning the ICANN budget, the Fiscal Year '22 Operating Plan and Budget, and also the 2022 to 2026 Financial Plan. It was a very constructive meeting. In fact, we got some good ideas out of that including a survey of the importance to both organizations of the various sub parts to the budget. As you will recall from my presentation to the GNSO Council, we were glad to see that ICANN was using similar budget and financial plan sections each year, and so the SOPC had a good idea of ranking that and we borrowed that. We sent out a survey to the SCBO members, asking them to rank those.

Where we stand right now, I think, if I can remember back to our meeting, we've got the staff report coming out, I believe, on 18th of March. We talked about getting back together after we see the results of our comments. As folks on the call know, concerning the GNSO, we made a couple of requests in our comments such as being told why certain things were a certain way. So we hope to get that information back and then have another call with the SOPC. So that's where we are sort of strategically with this. Back over to you.

PHILIPPE FOUQUART: Thank you. Thanks, John. I guess we could take questions or have your keys, Katrina, on these.

KATRINA SATAKI: Yeah. I'm more than happy to put Giovanni on the spot, especially because he knows he's going to talk about this. So, Giovanni, anything you'd like to add to John's comments?

GIOVANNI SEPPIA: Yeah. Thank you, Katrina. Thank you, John. Indeed, we have this constructive call. We, as the SOPC, we have submitted our comment before 15ᵗʰ of February and I'd like to just have a summary of the key points in our comment. First of all, we reiterated to ICANN that a nearly 400 pages document is far from being accessible to the community, so if there is any way ICANN can make this kind of documents more accessible to facilitate more input from the community, that would be great.

From the financial perspective, we found the Operational and Financial Plan Fiscal Year '22 to '26 more well structured than in the past with low, midpoint and high point scenarios in terms of funding, which are closer to the current forecast of the domain name growth in the cc and gTLD space. At the same time, we still believe that ICANN should adopt a more prudent approach when it comes to cost because we still do not see any cost optimization effort.

In terms of the reserve fund, we find that the allocation to the reserve fund has reached a reasonable level, so we complimented ICANN for it.

When it comes to the operational initiatives and functional activities which are the bulk core part of the Operational and Financial Plan '22 to

'26, what we found is that, first of all, there is a bit of confusion between goals, metrics, outcomes, deliverables, milestones. So what for one functional activity is a milestone for an operational activity is considered to be a goal. So there is this mix between the different ways some elements of the functional activities and operational activity initiatives are defined. So, for instance, key milestones for some initiatives are quite sound and clear, for others they look like processes rather than real milestones. For example, when there is a reference to continue the development of ICANN Org policy, for us that is not a milestone but rather a process.

Also, again, we fail to see a prioritization of the initiatives and of the activities. So there's this list of functional activities and operational initiatives but we don't understand where is the priority. And if there is one initiative or one activity that is more important than other, they all presented the same way so we fail to understand where is the priority.

That said, again, we find the plan was structured overall, but we believe that there should be an effort to make the plan more accessible. I'm happy to take any question. And I'd like to thank the members of the SOPC who are participating in this call as councilor today. And also all the members of the SOPC, they have worked really hard to go through this monumental document. So thank you so much.

KATRINA SATAKI: Thank you very much, Giovanni. Are there any further comments or questions? I think we all at ICANN should try and make our document shorter. This is a never ending quest for perfection but really difficult,

especially for newcomers to understand and read all those lengthy documents. In most cases, it's really not necessary to have all those hundreds and hundreds of pages. Sorry for this comment. Any other questions/comments on this one?

PHILIPPE FOUQUART: Just a personal note on what you just said, Katrina, and since the SCBO is open to "experts," meaning non-councilors, I think the exercise on the budget is indeed even more difficult to some extent because it's dry, the documents are comprehensive, although we all appreciate the work of the Finance team to make it somewhat readable for non-experts. The point being that in our times of remote participation, etc., it becomes even more difficult to convince volunteers in getting involved for the very nature of the activities that we have within the SCBO which also applies to the SOPC. I'm sure that you would have the same sort of difficulty, especially on budget. That's why we thank people like Giovanni who can help us understand the ins and outs of these things, but it's difficult to sort of motivate the community on this. So thanks again.

KATRINA SATAKI: Thank you very much, Philippe, for this comment. I concur to that. Thank you. Thanks a lot to all those people who look into all the documents and write summaries and comments. Thanks a lot again.

So if there are no further questions, we can move to some other heavy documents, maybe not as lengthy as ICANN budgets but still many, many pages to go through and analyze, and that's NIS2. That's Network

Information Security 2 Directive and Digital Services Act. Those are both developed by the European Union. Therefore, I will ask Peter Van Roste who is the general manager of CENTR, that's the Council of European National Top-Level Registries. Yes. I knew that. Thank you very much, Peter. So that's your European regional organization or European ccTLD. So Peter, the floor is yours. The screen estate is yours.

PETER VAN ROSTE: Thanks, Katrina. Hi, everyone. I've been asked to brief you on the DSA/Digital Services Act proposal and the NIS2 Directive also currently in proposal state. So I'll take about the next 5 or 10 minutes of your time to do exactly that.

These two documents are part of a larger package which will make Europe fit for the digital age, as obviously, at the moment, we are not yet. So I'll focus on the DSA and the NIS2, but I'll touch upon the eevidence and the EU intellectual property plan as well, since you will see at the end that those are interlinked with the initiatives that will be at the focus point of our attention today.

Commission launched initiative in December. This is not a proposal for the public to comment on. This is a proposal for the co-legislators. So this is now up to the member states and the European Parliament to have their say. There will be negotiations between those three parties. Together they're called co-legislators. And eventually, we will see a text which then probably will still go for a round of public scrutiny. But that doesn't stop us from already forming our opinion and, obviously, talking

to member states and the Parliament, but just to say sending angry letters to the Commission at this point in time is a bit useless.

Why do we have one? It's been 20 years since we had the e-commerce Directive. Time for an update. A couple of outdated concepts in there. But most importantly, the Commission is seeing legislations start shaping up in the member states. A patchwork not just cross borders but also cross services so you will have member states that come up with something for intellectual property rights or to combat fraud online, others for platforms. So they want to make sure that the European internal market is safeguarded in this digital age, which is actually something that probably everybody agrees on, especially when you're doing cross-border business, which is all of us.

So that's the background. This is what we're needing. We've been active together with RIPE in the shaping up and the forming of this proposal, which does not say that everything that is in there is currently something that we think is ideal. It's a good start but I'll take you through this.

So what matters for ccTLDs? First of all—and this is often a discussed point on a DSA. It's about liability. Well, yes and no. The DSA is not about assigning liability to anyone. That will be up to the individual civil laws in the member states, but it's trying to harmonize the liability across Europe, especially for those who are offering their services across the European Union. An important note here is why are we again in this global context of the ccNSO and GNSO discussing European instrument? Well, like the GDPR, the Commission has ambitions that reach far outside of Europe. So they want to make sure that everybody who

serves European customers adheres and are subject to the same rules. So that is why this is relevant here.

On the liability thing, the most important clarification in this draft is that TLDs are considered to be intermediaries. They're specifically called out to be intermediaries. Whether you like this or not, something is a good thing, others are a bit skeptical. But at least it brings clarity over two decades of discussions also within the ccTLD community, different papers, different opinions. So that's an improvement. As for the liability—in short, I really encourage everybody to read through the text. The relevant parts are actually quite interesting to read—there's four categories of functions, not specific organizational types of organizations.

To understand the liability provisions, it's important to realize that these are service-oriented. So in one court case, you could call upon an exemption that is designed for hosting providers, and in another court case you could fall back on an exemption that's drafted for mere conduit providers, depending on the actual function of your organization. So as a registry, for instance, one could say—and some have already argued internally in some of our communities—that just providing a zone file to the public is actually a type of a hosting service where others have said that the function of resolving a name would make you fit into the mere conduits category.

This is the main point of clarification that we will probably be seeking. If registries and registrars, by the way, who would also be affected by the provisions of the Directive would fall into one of these categories, it would be extremely helpful if up front it's a bit clearer. And whether we

do that by clarifying one of the existing categories or whether we call for a new category to develop, such as technical infrastructure providers or even naming and addressing providers as a category on its own, that is currently internally up for discussion.

A couple of other important points. What we typically refer to as a Good Samaritan clause, [so own] initiative measures to detect criminal offenses would not affect the exemption from liability, which I think is a good thing. We are still enjoying the general obligation put on member states, not on individuals, of course, or companies, to enforce the general obligation of monitoring under intermediaries, which is also a good thing. And this is nothing new but now it's pretty clear that the TLD can receive injunctions to remove domains to put them on hold or to delete them. Then, finally, there is a list of obligations and the good news is that for TLDs, what would typically fall under small and micro enterprises, there is quite a few exceptions to these obligations. The one that probably still stands out is the obligation for Annual Transparency report. Some of the other obligations in there such as provide proper contact details on your commercial website. So when you're selling, for instance, domain to the public, then these are not new but worthy reminders in this broader instrument.

So that was it for the DSA. At the moment, CENTR is drafting a response which we will send out. We will also send it to the Commission but it also might be useful for our own members to discuss the issues on their member states level. This is an important instrument. It has the potential to bring clarification. I don't think we should see it as a threat. And when it has the ambition to bring that clarification, I think we should help the legislators to make it even more clear. And with "we," I

mean this whole community. We've mentioned this quite often to registrars. Please take note of what's happening in Europe. We at CENTR are central happy to provide you the information, but in the end, it's the registrars that will need to make up their minds on these things.

So moving on to the next one, NIS2. Contrary to the DSA which is an Act—

PHILIPPE FOUQUART: Apologies to jump in, Peter, but before you do cover NIS2, there were two questions in the chat. Maybe it would be easier if you would address them. I think there was one from Maxim on whether illegal in your use in the previous slide will include copyright issues, and another question from Juan Manuel. You can see those in the chat. Apologies again to jump in but I think that's easier.

PETER VAN ROSTE: No worries. Thanks for pointing this out. Unfortunately, I don't seem to manage to get to see the chat since I'm sharing my screen in a bit of weird way. But on the illegal content, that will be up to member states level to decide. The European Commission is very careful not to step into member states' shoes to define what is what is illegal and what is not. As for copyright, eventually it will be court that will have to make that decision. I hope that answers the question.

And the other question, Philippe? I'm sorry, I can't see it.

PHILIPPE FOUQUART: If you bear with me for a sec. I think it was a question from Juan Manuel. I'm struggling with my chat.

KATRINA SATAKI: I see "Is it applied only for Europe or is already being applied worldwide?"

PETER VAN ROSTE: Well, one of the main practical effects for non-European service providers that they will have to indicate a formal place of business so that there is a nexus within the European Union for those providers that are targeting European customers. As to what "targeting European customers" means, typically, language is a giveaway but it's not the only hook that is being used. Currency as well, working with local partners, etc.

KATRINA SATAKI: And another question also from Maxim. Is RDAP in those texts? WHOIS is going to die soon.

PETER VAN ROSTE: Not that I'm aware of. All right. Moving on. NIS2, as far as I'm concerned is an instrument with a far more practical impact on our industry, but pointing out this is a directive so it will need to be transposed, whereas the DSA that I mentioned earlier will not need to be transposed. It will be directly applicable. NIS2 might take a bit longer as well but it's also up to the member states to do some interpretation.

The most important point you might have already seen in my slides. Let me get started with the essentials. It applies to all providers of DNS services. That is not really new. We already had the NIS, the first one. There it was up to the member states to decide on which type and which category of entity that the ccTLD or TLD was falling under. We have seen a bit of a patchwork across Europe. I would probably say a 60-40 split where the 60% already named TLDs as part of the category of essential facilities. So they've cleared it up a bit now. So now it's clear that TLDs are considered to be essential entities, slightly different wording, basically, same meaning. The good thing is that most of the ccTLDs and TLDs in Europe have already complied probably beyond what was required by the first NIS Directive and some of the other legislation that they had to face in their member states. Think ISO 27001 certification which would bring them definitely up to par with the requirements in this directive.

What is new? Everybody who has been following the WHOIS discussion is probably already aware of this. But now there is wording in this directive where—I'm going to read it. "TLD registries and the entities providing domain name registration services for the TLD"—so that's registrars—"shall collect and maintain accurate and complete domain name registration data." If you talk to a person in the street, and you would mention that you want something to be accurate and complete, it's pretty clear what you would be expecting. But when this is part of the European regulation, then a whole discussion about semantics starts, obviously. So what does accurate and complete mean? The best indication that we've received so far is the Commission consistently refers to that clause as meaning to be able to give identifiable

information and allowing the ability to contact. I don't think contactable is a word in English, but feel free to help me out. You need to be able to contact the registrant and you need to be able to identify the registrant. It will be up for the member states—and there we are again—as to what that really means. If you have a credit card number and that's it, well, it's identifiable. I'm sure those who read the GDPR will know that "identifiable" means that there is the possibility to identify a person within reasonable means. Well, probably for the law enforcement to reach out to a bank to check the credit card details and identify the holder. In some countries, that might be identifiable. As a result, that would fit into the accurate discussion. But this is probably not the easiest way to go. I think most registries are—or have at least been in the past—already considering all sorts of identification mechanisms from eID cards, some of the central members are working on a cross border implementation of the European eID framework, the eIDAS. But this is a discussion that's going to last for a while.

On the axis, which is probably one of the next question that people have—and I realized that my head was maybe in the way there—they should be able to provide that data to legitimate access seekers. And there we are, again. What does "legitimate access seekers" mean? For sure, law enforcement authorities, agencies, anybody with a clear and proper mandate to get access to this type of information, but it probably goes further than that. Again, this is up for discussion, space to watch. We at CENTR are definitely keeping an eye on these things and working with our members who typically have a good eyes and ears on the ground in the member states to understand what is living there.

What's next? That was for NIS2. I'm just going to go to the next slide and then I'm done. Maybe if there are some questions, Katrina, you can take [inaudible]. I mentioned two related initiatives that are worth our attention. I mean, the first is the platform that is developed within the European IP Information Center, EUIPO. Think WIPO but the European region. They provided tools for their members, brands, rights holder associations, law enforcement agencies, customs services. And one of these is a toolbox against counterfeiting and clarifying roles and responsibilities. And here as well, ccTLDs show up as part of being fitting within the scope. I've seen some of their developing initiatives but haven't been made public yet. For instance, blacklists, whitelists that they are supporting or creating are definitely ccTLD focused. So that's an area we are watching. Quite a few of the CENTR members actually participate in that one. There we go. That might be an easy way for us to monitor that.

Then finally, the e-evidence. I'm pretty sure most of you have already heard about it within ICANN context or in literature. Trialogue negotiations have started there. So we're looking at the timeline of probably wrapping up before the end of the year. The key thing there is a cross-border access to WHOIS in criminal proceedings where currently ccTLDs were dealing with their own law enforcement agencies to hand over information from their WHOIS database after they've obscured the personal details following the implementation of the GDPR.

Now the question is, how is this going to work in a cross border way? When a Danish ccTLD receives an instruction from a Czech law enforcement agency, how is that going to work? So the ID of the eevidence propose is to get done with [inaudible], but then how do we

make sure that there is identification of requester? What is the confirmation by a local court which would still be part of that process? I'm not sure it's going to clarify or speed up things. But at least it might be a bit clearer, given the fears that some have following the GDPR restrictions on how to deal with this.

That's it. If you have any to follow up on any of those things, you can subscribe to our newsletters. And we also have an EU policy update, which specifically addresses these issues. For that, you can contact my colleague, Paulina, so paulina@centr.org, and she'll happily subscribe you to her policy update which is published about once a month. She's always happy to follow up on questions, too. That's it. That was more than 10 minutes. Sorry.

KATRINA SATAKI: Well, it was a little bit more, but thank you very much. It's still shorter than any other presentation we've seen so far. Just to remind those of you who maybe haven't seen it, ICANN organized also meetings with the European Commission where they presented their view on all these documents, and that's a very long meeting. Here, Peter, even though longer than 10 minutes, still managed to keep the essence of everything and give excellent summary. So thank you very much, Peter. Tatiana, I see your hand is up.

TATIANA TROPINA: I hope that I still can ask a question. Well, first of all, Peter, thank you so much for those more than 10 minutes. It was great. Closest to being present in the room I have seen so far at any of the virtual meetings. I

have a question to you about e-evidence proposal. I understand that you probably don't have crystal ball and we don't have access to trialogue negotiations and most of the documents. Do you expect them to change somehow the mechanism of how providers are going to assess legality of the foreign court orders based on like, for example, [inaudible] Committee proposals and the criticism of European Parliament? Or do you think that we will indeed end up with providers, including ccTLDs, having to assess the legality of the foreign court orders or foreign police or they're sending the compliance with Human Rights? Do you think this burden would be eased at the end or not? Is there a hope?

PETER VAN ROSTE: I think there is definitely hope. One of the reasons that gives me that hope is that I know that Europol and the commission, bizarrely separately but hopefully these initiatives will merge, are working on streamlined processes where the verification would be happening through the process, basically. So that, say, all law enforcement agencies who are authorized to request access to specific services would be ending up in a centralized database, language preferences would be taken into account, etc. The last thing I heard was that Europol was making progress on this but I will need to follow up. I'll pass on your question to our policy advisor, Paulina, who might have a bit more on that.

TATIANA TROPINA: Thank you, Peter. I actually can reach to Paulina separately. Thank you.

PETER VAN ROSTE: Okay. Thanks, everyone.

KATRINA SATAKI: Thank you very much. Just again, a reminder, presentation and recording will be posted shortly so you will be able to see the slides. Thank you very much again, Peter.

PETER VAN ROSTE: Bye.

KATRINA SATAKI: Bye.

PHILIPPE FOUQUART: Thanks, Peter.

KATRINA SATAKI: Let me move to the next one. That's PTI Empowered Community from our sides. Stephen, a couple of words really, very briefly. Stephen is our representative on the Empowered Community Administration.

STEPHEN DEERHAKE: Thank you, Katrina. Very briefly, I just want to remind the GNSO community that the ECA is getting into what I call the busy season. We've just had the expiration of the rejection action period with regards to the PTI budget, and we will be seeing rejection action periods beginning with regards to the updated Strategic Plan and the overall

ICANN Fiscal Year 2022 Budget. Perhaps the Board will surprise us with a few more things, but I just want to make everyone aware of that. Correspondence is going out to JJ, ICANN Legal, this afternoon with regards to acknowledging the expiration of the rejection action period for the PTI budget. That's it. Thank you, Katrina.

KATRINA SATAKI: Thank you very much, Stephen. Are there any questions or anyone would like to add anything?

PHILIPPE FOUQUART: I just want to thank Stephen for telling me that I should watch my mailbox, which I didn't do last time. And the Council knows that.

STEPHEN DEERHAKE: You're most welcome. There is an obligation on SO/AC leadership to promptly inform, I believe, is the wordage in annex D, their constituencies about any rejection action periods that are commenced by Board actions. So I just want to remind SO/AC leadership of that. Thank you.

PHILIPPE FOUQUART: Thanks. And indeed, we've hopefully fixed that process to make sure that they're providing in due time. Thanks for that.

STEPHEN DEERHAKE: Sure.

KATRINA SATAKI: Thank you very much. We can move to the next agenda item, that's reviews of reviews. How we're going to deal with all the things that we have to deal with? How can we make this reviewing less of a burden and still more effective and efficient? How can we deal with prioritization issues? How can we deal with possible conflicts between different recommendations that come out of those reviews? Philippe, anything you'd like to say here?

PHILIPPE FOUQUART: No, other than saying that we obviously share that difficulty. We all know that there's several instances of examples of apparently conflicting requests. One of them being the review of the GNSO, which is planned for June, I think. So that's an ongoing conversation. But I'll open the floor for further comments from councilors. And I see hands so—

KATRINA SATAKI: May I go with Jordan first? Because I know he has to leave shortly. So, Jordan?

JORDAN CARTER: Thanks, Katrina. Hi, everyone. I was thinking about this in the context of a much smaller organization that I'm involved with, where we have this problem of different organizational improvement strands coming to a head and then there's all these different ideas and priorities coming up. And the contention and resources that it has and the disruption it has on the general work that we do. I feel like the ICANN model is probably

mature enough to be able to take a less intensive cadence of reviews and possibly sort of system-wide reviews rather than reviewing each particular silo within the structure. And if we could have the odd year or two where there were no reviews going on at all, that might actually help us get more of our actual work done. Maybe pushed away from some of the navel gazing aspects of the ICANN process. Just a few thoughts there.

KATRINA SATAKI: Thank you very much, Jordan. I see also another hand up. Mark?

MARK DATYSGELD: Thank you very much. So this is something that I have been wishing ICANN staff a lot for this year. From what I understand, and we had this discussion a few weeks ago, the team under Xavier Calvez is the one that's trying to kind of bring together all of the different processes and reviews. During our meeting with them, I specifically asked for further direction for the community to be able to prepare for this. And according to him, they are actively working on kind of a master plan, so to say, something that that's a bit of a roadmap and that we should be receiving that in the near future, whatever near future means in ICANN terms. So I would say that if anybody else is very interested in this, try to engage in this conversation as well, particularly with Xavier's team, because apparently, they're the ones who hold the ball in their hands. Let's remain vigilant of this and keep ourselves updated. Thank you.

KATRINA SATAKI: Thank you very much, Mark. Stephanie?

STEPHANIE PERRIN: Thanks very much. I'm a big fan of taking a pause on the reviews. And if there were ever a good excuse for taking a one year pause and doing nothing, I think that this year of COVID would give us that excuse. Is there any support for that? Is there anybody here who wants to, even if it's an amalgamated plan, mash on? Because frankly, with all the work we've been doing on WHOIS and no end in sight on that, we're busy. I make no mention of the other two big PDPs that have just closed. We're too busy to do reviews. I'm just wondering if there's any support for that view.

KATRINA SATAKI: Everybody who supports, can we just tick this green yes? They disappear really quickly. I see some. They unfortunately disappear after some seconds. But I see there is support for that. Any further questions? Stephanie, is this your old hand or new hand? Anything else you'd like to say?

STEPHANIE PERRIN: That's an old hand. And I guess what I'll do is try and bring it up at the Council. I'm just concerned about cutting Xavier off at the pass. Before he has a really nice plan all worked out. I appreciate the effort. But next year maybe you can do the plan. Thanks.

KATRINA SATAKI: Thank you very much. Okay. We're one minute past the hour. I know how long the slots have we booked for this meeting. If there are no further comments on reviews, any other business?

PHILIPPE FOUQUART: Just one very minor. I'm sure Sebastien mentioned it during your meetings, and I know we're late, but the IANA Naming Functions Contract Amendments is on the agenda for next week, slightly after the comment period, I think the end of the comment period but we're just in time, hopefully. The second one is more of a question. I think I understand that that's your last meeting with us, Katrina. Is it right?

KATRINA SATAKI: Well, don't count on that. It said last meeting with me as the chair of the ccNSO.

PHILIPPE FOUQUART: Exactly.

KATRINA SATAKI: Yes. In this respect, it is the last meeting. So it was a great pleasure working with you and meeting every time. It's really excellent experience. I've learned a lot from you. I always admire how you managed to herd the cats and GNSO being so different and still you can find a way forward. I really learned a lot from you, so thank you very much.

PHILIPPE FOUQUART: I just want to express the thanks from Council to you, Katrina, for your help and support over the years. It's been a pleasure. I know it's not the end, but still it's [inaudible].

KATRINA SATAKI: Thank you very much. Thank you. I saw Jeff's hand was up but—

JEFFREY NEUMAN: Yeah. It was just a question. I didn't understand the last topic on the reviews. Are we saying just no new reviews? Are we saying don't even implement the reviews that have been done? Because I think that's what Xavier's master plan is. From what I understood, it's the planning of the implementation of the hundreds of recommendations from CCTRT and ATRT and SSRT and you name it. I didn't understand, is it no new ones or let's just not do anything for a year?

KATRINA SATAKI: Not to do anything. Do many other things. Okay. Maybe, Stephanie, you can clarify it. I can say how I understood it.

STEPHANIE PERRIN: I don't know anything about Xavier's plan but I think you're probably right, Jeff. It's probably mushing forward and implementing all the other stuff. But it's also funding the new reviews because with the relentless cycle of reviews, there's a whole pile more hitting us. In particular,

there's a big one on the GNSO that I think is doing now. I mean, I feel like that is a waste of money at the moment because A, we haven't implemented the last recommendations—well, we have in the GNSO for some of them but there's a pile of things backed up—and B, we are now out of the woods yet in terms of virtual meetings, the pandemic and the impact that it's had on some of us in particular. Thanks.

KATRINA SATAKI: Thank you very much for this clarification. Actually, that's exactly how I understood it. So we implemented but we don't do any new reviews.

Any other comments, questions? Anything else? Any other business? If not, the last word to you, Philippe, to say goodbye to everyone.

PHILIPPE FOUQUART: You should have it. You should have the last word.

KATRINA SATAKI: Thank you very much. It was it was great to host you for this meeting. Again, thanks a lot to our liaisons for coming up with an excellent agenda. And thanks a lot to our presenters, everybody who shared their thoughts and their information of what was with us. Thank you very much. As I said earlier, recording will be posted together with all the slides. [Inaudible] ICANN70. Bye.

PHILIPPE FOUQUART: Bye all.

[END OF TRANSCRIPT]