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ICANN Transcription

GNSO Council Meeting

Thursday, 17 November 2022 at 05:00 UTC

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https://icann.zoom.us/rec/play/EmFhKxFY6fFzmsisYVV2QvzTGUupuYJGaJk76ZydhKTWAa4GctMiqvq_1WkNJB5ZL_4iON6nCMtNjvU1.Fhjt3eYGv-YTL3s2

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https://icann.zoom.us/rec/share/oCyxv39dSpcD3DpcLOuwMgYcyiXMf0a7ybwuxAvA1JLwb-XrBOwmptBHTpK_iCbL.qAb1V6RTumiZDN9D?startTime=1668661284000

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page
http://gnso.icann.org/en/group-activities/calendar

List of attendees:

Nominating Committee Appointee (NCA): **– Non-Voting** – Anne Aikman Scalese

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evan

Non-Contracted Parties House

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.

Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Osvaldo Novoa, Thomas Rickert, John McElwaine, Susan Payne

Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos, Manju Chen, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers :

Justine Chew : ALAC Liaison

Jeff Neuman: GNSO liaison to the GAC (joined late)

Maarten Simon: ccNSO observer (absent)

Guests:

Leticia Castillo, Amanda Rose, Jamie Hedlund, ICANN Compliance

Olga Cavalli, Chair of the CCOICI

ICANN Staff

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

Marika Konings - Vice President, Policy Development Support

Mary Wong - Vice President, Strategic Policy Management

Steve Chan - Senior Director, Policy Development Support & GNSO Relations

Julie Hedlund - Policy Development Support Director

Berry Cobb - Senior Program Manager, Policy Development Support

Emily Barabas - Policy Development Support Senior Manager (GNSO)

Ariel Liang - Policy Development Support Senior Specialist (GNSO)

Caitlin Tubergen - Policy Development Support Director (GNSO)

Nathalie Peregrine - Manager, Policy Development and Operations Support (GNSO)

Terri Agnew - Policy Operations Specialist (GNSO)

NATHALIE PEREGRINE: Good morning, good afternoon, good evening, everybody. Welcome to the GNSO Council meeting on the 17th of November 2022. Would you please acknowledge your name when I call it? Thank you. Antonia Chu.

ANTONIA CHU: Present.

NATHALIE PEREGRINE: Nacho Amadoz.

NACHO AMADOZ: I'm here.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: I'm here.

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NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Present.

NATHALIE PEREGRINE: Theo Geurts.

THEO GEURTS: I'm awake.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DIBIASE: Here.

NATHALIE PEREGRINE: Desiree Miloshevic.

DESIREE MILOSHEVIC: Here.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. Mark Datysgeld.

MARK DATYSGELD: Present.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Susan Payne.

SUSAN PAYNE: Here. Thanks.

NATHALIE PEREGRINE: Thank you. Osvaldo Novoa. I don't see Osvaldo in the Zoom room. Thomas Rickert.

THOMAS RICKERT: Present.

NATHALIE PEREGRINE: Paul McGrady.

PAUL MCGRADY: Here.

NATHALIE PEREGRINE: Wisdom Donkor.

WISDOM DONKOR: Present.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: Present. Thank you.

NATHALIE PEREGRINE: Thank you. Manju Chen.

MANJU CHEN: Here.

NATHALIE PEREGRINE: Farrell Folly.

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FARRELL FOLLY: Present.

NATHALIE PEREGRINE: Bruna Martins Dos Santos.

BRUNA SANTOS: Here. Good morning.

NATHALIE PEREGRINE: Good morning. Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Here. Thanks.

NATHALIE PEREGRINE: Thank you. Anne Aikman-Scalese.

ANNE AIKMAN-SCALESE: Present.

NATHALIE PEREGRINE: Jeffrey Neuman. I don't see Jeff in the Zoom room yet. Justine
                        Chew.

JUSTINE CHEW: Present. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you, Justine. Maarten Simon. I don't see Maarten yet either. We have guest speakers today. We have Leticia Castillo, Amanda Rose and Jamie Hedlund of ICANN Compliance, as well as Olga Cavalli, chair the CCOICI.

From GNSO support staff, we have Steve Chan, Marika Konings will be joining us shortly, Berry Cobb, Caitlin Tubergen, Emily Barabas, Ariel Liang, Terri Agnew, and myself, Nathalie Peregrine.

I'd like to remind everyone to remember to state your name before speaking as this call is being recorded. We're in a Zoom webinar room. Councilors are panelists, can activate their mics and participate in the chat once they have set their chat to everyone for all to be able to read the exchanges.

A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor to the chat. As a reminder, those who take part in the ICANN multi stakeholder process are to comply with the expected standards of behavior. Thank you, Sebastien. And it's now over to you.

SEBASTIEN DUCOS: Thank you, Nathalie, and good morning, good afternoon and good evening to everyone. It's early morning here in Europe. Frankly speaking, earlier than I usually operate. So if there's a bit of slowness or something like that, in advance, I apologize.

Now that the roll call has been done, we will go to the update of statements of interest. Does anybody needs to update their statements of interest? I'll pause for a second to see if any hands are raised. And I can't see anything. So I just assume that everything is in order.

You will have reviewed the agenda. And you will have seen that there was a bit of movement in the last few days in the AOBs. The voting part of the agenda hasn't moved much, but there were a few AOBs added. Does anybody need to add or change anything at this stage to the agenda? And again, I'll pause a second to see if there are any hands up. And I see nothing. So I assume that the agenda is ready to go.

You will have also reviewed the minutes from the previous meeting. I certainly did. And I'd like to [inaudible] anybody that needs to change any of that. And pausing a second. Seeing no hands. I assume that they're all good. Thank you very much for that. And that swiftly closes our first item of the agenda.

So item two, as has been the tradition for the last few months, we only open the project list and action plan, when we need to raise specific awareness to a certain point, but still very much intend for councilors to review it. So I hope that you did to this extent. And in preparation for the SPS that is happening next month—actually starting with a webinar next week, I'd like to remind everybody that everybody who hasn't yet should go and watch the excellent Berry and Steve production to explain all the fine details of this tool. And if Steve is listening, I will ask him to put a link to the video in the chat for everybody to pick up again. And if Steve is not there to do it, if anybody can help, that would be fantastic. Thank you, Steve.

If there are no questions about the tool, the project list or the action item list as posted by Berry. I will—thank you very much—then close item two.

Which brings us to item three of our agenda, the consent agenda. We have two items on the consent agenda. The first item on the agenda is to acknowledge John McElwaine to serve as the Council liaison to the Rights Protection Mechanism. Implementation Review Team. I remind that he raised his hand and was the sole candidate for it. But he's a great candidate, so I guess that's why we all agreed to keep him.

And the second one is the acknowledgement of the expedited PDP on international domain name IDNs project change request. Again, I remind that Donna Austin came to present to us that request in our last meeting, and that the PCR has been shared for us to accept.

Nathalie, I'll need your help here for a minute. Do we need to read the resolved clause on this? Or do we just go directly to accepting the consent agenda?

NATHALIE PEREGRINE: We can go directly to the vote, Sebastien.

SEBASTIEN DUCOS: Thank you very much, then I'll leave it to you.

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NATHALIE PEREGRINE: Thank you very much. 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, would all those in favor of the motion please say aye?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: No abstention. No objection. The motion passes. Thank you very much.

SEBASTIEN DUCOS: Thank you, Nathalie. And congratulations to John. And we will inform the IDN EPDP team of the result. And now—and I'm sorry, I'm pressing a bit for time because we have a long agenda today. So item four is the item on the WHOIS disclosure system, and then next steps and going forward.

You will have all received the motion that I submitted 10 days ago. You will also have seen the friendly amendment submitted by Greg on behalf of the Registrar Stakeholder Group. Friendly amendment that I accepted yesterday, I believe, or formally accepted yesterday. We have discussed this before. So, again, the WDS, the WHOIS disclosure system is the result of discussions from the small team appointed by Council on request of the Board following the ODA and the enormous cost that was calculated during the ODP presented in the ODA for the fully fledged SSAD as recommended following the policy work, and as

recommended and voted—recommendations that were voted in by the Council last year.

We've gone through this project several times, updated this group several times. You will have seen the motion and the addendum. I'm happy to field any questions about it. I actually did field a question from Anne Aikman-Scalese just minutes ago [inaudible] my email this morning. So I'm happy to field any questions on the project itself or on the addendum.

We discussed also how that project should be accepted by Council and sent to the Board. And to that extent, I presented the motion and again, the motion that was reviewed by the [registrars.] So I don't think I need to spend much more time reintroducing the topic. Everybody's familiar with it. But I wanted to see, at this point, if anybody had any questions about it, any comments about it that you think needed to be discussed before we go to reading this time the resolved and going to vote. I see Susan Payne's hand up. Go ahead, Susan.

SUSAN PAYNE: Yes, thanks, Sebastien. It's not a comment at this point. It's just I wanted to note that I would like to make a statement to be included in the record when we come to the vote, please.

SEBASTIEN DUCOS: Thank you. It was anticipated. Thank you very much. Any other comment? I see Kurt's hand up. Go ahead.

KURT PRITZ: Hi. I'm for the amendment that Greg added. And I think it's well done. But I'd just like to get clarification on the intent of that amendment. What's it intended to point out to the Board or to the reader?

SEBASTIEN DUCOS: Thank you for your question. Greg, as you submitted it, can I give you the mic for it?

GREG DIBIASE: Yeah, I think the registrars are supportive of this initiative, they want the work to continue. There was some concern that we're outside the normal policy making process here. And we just wanted to reiterate that this is us forwarding something to the Board and accepting this recommendation, as opposed to approving policy. This is not policy we're approving. This is merely in response to a request from the Board. We think this work makes sense. And we think this addendum should be sent to the Board as opposed to accepting capital P policy. So we just wanted to make sure that was clear. And that was the intent behind that. Does that make sense, Kurt?

KURT PRITZ: Seb, if I can answer.

SEBASTIEN DUCOS: Absolutely.

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KURT PRITZ: Yes, perfectly. And I think it does make sense. I see the SSAD Light as sort of an operational call that's somewhat outside our bailiwick. Weather and not to undertake this three-year $3 million pilot in the hope that it provides some information as to whether we should launch a five- to eight-year $20 million program that might pay off is not something for us to approve here. So I expect the Board will read that in that vein. So thanks very much for doing it.

SEBASTIEN DUCOS: And thank you very much for the question. So yes, indeed, fully acknowledged. We are walking, not completely outside of the path, but on a new path here. Starting with the ODP. Again, this was the first ODP that we did. And then with the Board coming back to us with questions and asking for our opinion, and we're just delivering recommendations here. The decision on this is very much in the Board's hands. Stephanie Perrin, I see your hand up.

STEPHANIE PERRIN: Thanks very much. I found that explanation provided in response to Kurt's question clarified the matter so nicely. I'm not suggesting that we sort of take it from the chat and paste it in. But I was finding that the recommendation was sort of oscillating between getting pretty prescriptive sounding and on the other hand, making things a little less clear. I wonder if we have the language right, because as you say, we're walking a fine line here in terms of procedure. And I don't think a casual reader would understand that from what we've got so far in terms of drafting. Thank you.

SEBASTIEN DUCOS: Can somebody who's running the screen maybe put the motion page up front? And yeah. Is that what you wanted, Stephanie? And maybe go down to the resolved clause. Yes. So the changes were made to the last whereas from memory, and Greg, correct me if I'm getting this wrong. And then also, there were some changes made to the resolved. Yeah, that's the main point that we're talking about. Right?

Yeah, thank you, Greg.

STEPHANIE PERRIN: Yes.

SEBASTIEN DUCOS: Okay. I'll keep quiet whilst other people might be reading. If there are no further question—Stephanie, I still see your hand up. But I assume that's the previous one. Yeah. If there are no further questions on this, might we move to the vote? Now, as Susan mentioned, there was—her group wanted to read a statement. I believe that there's another statement coming from the IPC. Should we do this before we read resolved or between the resolved and the vote?

NATHALIE PEREGRINE: Sebastien, I think you can go ahead and read the resolved clauses and the IPC's statement will be included in the motion [inaudible] at any time which is provided.

SEBASTIEN DUCOS: Okay, thank you very much. So on this item and [inaudible] vote, we resolve that the GNSO Council accepts the EPDP phase two small team findings and recommendation as outlined in the addendum, and the addendum will be linked. The GNSO Council requests that the GNSO secretariat transmit the addendum to the ICANN Board. The GNSO Council confirms that pending the implementation and subsequent running of the WHOIS disclosure system for a period of up to two years, the SSAD recommendation should remain paused for consideration by the ICANN Board. And finally, the GNSO Council thanks the EPDP small team for its work and requests it to remain available to continue work on this topic as part of the next step in this process, which aims to inform the further consideration of the SSAD recommendations by the ICANN Board.

Now, again, and I believe before we go to the votes, did Susan want to offer her statement?

SUSAN PAYNE: Yeah, thanks, Sebastien. And thanks very much everyone. I was asked by the IPC to make a statement to explain our thinking, or our reasoning when we come to vote on this motion. And wanted to say that the IPC appreciates the work of staff in developing the initial WDS proposal and both the small team and staff working together to seek to refine elements of the WDS design to address some of the concerns from different parts of the community.

The IPC also supports the multi stakeholder model. And John McElwaine has participated in the small team effort in good faith. We do appreciate that some changes have been made in response to some of the IPC's concerns. We are instructed to vote yes on the motion in order to enable Org—assuming that they're asked to do so by the Board—to take the WDS forward. And this is on the understanding that there's a commitment being made to continuous improvement of this.

But it is very much a qualified yes. And it is not the case that all IPC members believe that this was the right path. We do remain concerned that the WDS will not serve the purpose for which it is intended. And in particular, we question whether the data likely to be generated will be sufficient to assist the Board in its task.

Many IPC members have indicated their willingness to try using the WDS and that they will encourage others to do so. But we do urge Org to adopt light touch T's and C's that promote participation rather than discouraging requesters and registrars from signing up.

We're also aware that the EU NIS2 directive means that there is new law in Europe. And we want to be very clear that whilst ICANN experiments with this system as a means of data gathering, the WDS is not, and I quote, guidance and standards developed by the multi-stakeholder governance structures at an international level, as mentioned in NIS2.

So in summary, we truly hope that the WDS does prove useful and meets its objective as a proof of concept in providing the data needed to enable further evaluation of the SSAD system, and

particularly data as to demand and usage. But unfortunately, we're not yet convinced that this will be the case. Thank you.

SEBASTIEN DUCOS: Thank you, Susan, for that statement. Well received. Makes sense, at least to me. And sorry, [I thought there would be a second.] This is the one statement indeed that I have been warned of. So before we proceed to vote, was there any other statement or anything else coming? And seeing no hands, Nathalie, could you proceed to the vote on this?

NATHALIE PEREGRINE: Thank you, Sebastien. 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, would all those in favor of the motion please say aye?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: No abstention. No objection. The motion passes. Thank you, Sebastien.

SEBASTIEN DUCOS: Thank you, Nathalie. Thank you, everybody. And personally, having run with this team for the last few months, I'd like to thank the team for their great work. Thank you. This closes our item four

GREG DIBIASE:

So, as your recall, we discussed in the last meeting the recommendations that we received from the Registration Data Accuracy Scoping Team regarding assignment one and two. There was a recommendation for a registrar survey and possibly a registrar audit. For recommendation three, there was a recommendation to wait until outreach to the European Data Protection Board and a DPA between ICANN and contracted parties could be reached.

After discussion and a follow-up motion, the motion adopts recommendation three, and then considers deferring the recommendation regarding the registrar survey and registrar audit until after the DPA has been completed. And Susan added some kind of clarifying remarks into the resolved clause that added a little more structure around kind of when we revisit this, those were accepted as friendly amendments. Because we believe that the more clarity, the better.

So that's kind of where we are right now. Does anybody have any question on the motion or the amendments Susan submitted before we proceed with reading the resolved clause and going to a vote? Okay, so now I should read this somewhat lengthy resolved clause, right?

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NATHALIE PEREGRINE: That's correct.

GREG DIBIASE: Okay, great. resolved number one, the GNSO Council adopts the recommendation three of the write up, which recommends pausing the work in relation to proposals that require access to registration data. Two, encouraging ICANN Org to proceed with their outreach to the EDPB as well as the data protection impact assessment and connection with the scenarios in which the request and processing of registration data takes place as a matter of urgency. And three, requests the ICANN Org and contracted parties finalize the negotiations on the data processing agreement or the DPA as soon as practicable as the absence of a completed DPA may act as a roadblock for policy work before Council.

Two, the GNSO Council defers consideration of recommendations one and two until such time that DPA negotiations between ICANN Org and contracted parties have completed and there's feedback from ICANN Org on if or how it anticipates the requesting and processing of registration data will be undertaken in the context of measuring accuracy, or for six months, whichever is shorter.

Three, once the DPA negotiations are completed, and the feedback referred to at paragraph two is received from ICANN Org, the GNSO Council will review the formation and instructions to the scoping team to ensure these are still fit for purpose and requests the scoping team to further consider potential proposals that require access to registration data, as well as the impact of

existing recommendations one and two, for example, should these still be considered by the GNSO Council for adoption or in the context of proposals that require access to registration data, these may no longer be relevant or priority.

If after six months from this resolution, the DPA negotiations are not completed and/or the required feedback referred to in paragraph two has not been provided by ICANN Org, Council will discuss and determine whether or not to continue deferring the consideration of recommendations number one and two.

Four, taking into account the delay with which the writeup was delivered, as well as some of the challenges that were shared with the scoping team's chair during the briefing to Council, Council leadership will reach out informally to scoping team members to better understand the issues encountered to help inform Council's review of the formation and instructions.

Five, Council leadership is requested to send a communication to ICANN Org in relation to recommendation three, as well as contracted parties in relation to the DPA, as well as communicate that Council's decision to non-GNSO groups participating in this effort—ALAC, GAC and SSAC—as well as the scoping team.

Six, the GNSO Council thanks Michael Palage, outgoing chair, and Olga Cavalli, outgoing Council liaison, for their efforts. As part of the review of the formation and instructions to the scoping team, Council will consider next steps for finding new leadership for this effort.

And then I see, Mark, would you like to make a statement before the vote?

MARK DATYSGELD: Thank you very much, Greg. Yeah, it's a very brief statement, nothing too much. It's literally that within the BC's discussions, we certainly took notice of the importance of NIS2, the European regulation, and its potential consequences in relation to this particular subject. And we would like to just make sure that every stakeholder and ICANN Org in particular is looking towards this legislation and that we will be ready to actually react to it and to the potential consequences that this will carry. But apart from that, just a more of a general reminder for us to not forget that this is in the pipeline and we will affect us. Thank you very much.

GREG DIBIASE: Understood. Thank you, Mark. With that, Nathalie, can we go to a vote?

NATHALIE PEREGRINE: Thank you, Greg. 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, would all those in favor of the motion please say aye?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: No abstention. No objection. The motion passes. Thank you, Greg.

GREG DIBIASE: Thank you.

SEBASTIEN DUCOS: So thank you, Nathalie, Greg, and Mark for your statement. Just a quick note on Mark's statement. We have discussed within leadership the opportunity to organize at some stage—but I don't have any dates or anything like that—maybe a webinar for councilors to walk through what this NIS2 says and means. We had gone through similar exercises with GDPR back in a time. And so I think that will be worthy to organize that, again, more as we'll have more information. But I see already in the chat that there's a few hands up to say that it's a good idea. So we will proceed with that. Thank you.

I'll also note that we have been an excellent class today and we are running a little bit ahead of time, which is great, because the AOB had a few items packed up and little time, so we'll have time to see everything. Thank you for that.

And we will go then to item six, which is the discussion and vote on the DNS abuse small team report. I would like to pass the mic to Mark. I hope that I'm not putting you on the spot as we discussed this before, but would you like to present the small team work and get us ready for this vote, Mark?

MARK DATYSGELD: Thank you very much, Sebastien. I would, but Zoom is currently giving me a lot of trouble not showing the screen. So potentially I'll switch very quickly to be able to do that. Could you hold like 40 seconds or something?

SEBASTIEN DUCOS: Sure. Would it be helpful if we post the agenda in the chat so you have that ready to go?

MARK DATYSGELD: Yep, that would be good. There we go. Thank you very much. Okay, now we're good to go. Essentially, as you all know, we have been hard at work on this report for the past several months. This has been a collective effort. And to be honest, I think that the reaction has been positive across the Board.

We had an initiative by the CPH, to actually reach out to ICANN Org reacting to some of the things that were pointed out by this team. I would not like to claim victory for our team, it is definitely not an isolated effort by us. But I would like to think that we were helpful in steering along some of these discussions that hopefully, it has become clear, or it is becoming clear to everyone, our intention is to benefit the general Internet community. That has been the mindset of the team from day one. I think they did some very consistent and serious work that allowed us to come to this report.

So in summary, it follows pretty much what we had laid out before. It points towards three different directions. I guess, one that has been popping up in this very call is the necessity for us to start

doing outreach outside of ICANN, outside of our immediate concerns and start really socializing these issues with outside actors.

How do we get the spam lists? How do we get the malware notifiers? How do we get these people to work together with us? This is a strong recommendation that has emerged from the group. And I know that some of us are already pursuing that from the group. I certainly am.

But it is something that it would be even more important if the Council stood behind this so that we could go out there and say the entire ICANN community believes that this is a broader Internet community effort. So that's one point. We would also like to point out that there's the possibility of us looking into the subjects of bulk registration and into the subjects of—I will preface that—I'll say the other way around, actually.

We are looking towards the community to see what they think about the problems that we're pointing out. So we did identify bulk registration and the subject of malicious registrations as potential sources of PDP work or of communitary work. It is something that we would like to see pursued, at least in terms of trying to understand where the community is. And supposing that the community is amenable to look into those matters from a PDP perspective, than we do that, or if they want to see it done differently, if the CPH would like to socialize better their practices around this so that we can discuss as a community if we would like to talk to outside actors.

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Regardless, it is something that we would like to pursue. We would like this information. And this is what we're seeking to do together with the community. Hopefully, it's the sort of thing that we can solve, again, in a communitary fashion, as we did with the next topic. It is something that ideally, we wouldn't drag into a PDP. We could, but hopefully, we'll find ways to work to get around this as a community.

And finally, we are moving ahead, if the Council finds this to be desirable, with drafting a letter for the Contracted Parties House for ICANN suggesting some amendments to the current contracts. We see this as—even though the CPH has published recently a letter which I think was very well received by the entire group. We would like to add our strength to that letter, we would like to be able to say that the entire ICANN community is behind this, not just the CPH together with ICANN, and hopefully this will make this more of a community effort, something that brings us together instead of dividing us, which hopefully is what the subject of DNS abuse is doing. We are trying to find our common ground.

So I believe that's the general introduction. I would like to hand it over back to Sebastien, because I don't know the procedure, who reads the motion and so on. Thank you.

SEBASTIEN DUCOS: I'll be happy to if you want. But before that, I see Theo's hand up.

THEO GEURTS: Yeah, thanks, Sebastien. Thanks, Mark. So a couple of observations here, and maybe some caution to the group here.

When I'm looking at this motion, I'm in full favor of it, but a few caveats, so to speak.

When I'm looking at a process that the contracting parties are currently engaged with ICANN to make modifications to the contract, which I fully support—I mean, as a registrar who has been mitigating for half a decade now, even turned that into a successful business model, I'm in full support there.

But then I look at the process that the registrars are on now with ICANN and registries. There is a large threshold to be met there when it comes to making the modifications. So there's the process of making the negotiations with ICANN. But there's also a voting threshold. And that bar is pretty high. And since this is the first time in history that the contracted parties went to ICANN, we do not have any historical knowledge how that vote will go among all the registrars. We're just not talking about the SGs here, but all the registrars.

So that is going to be a little bit interesting, so to speak, to get buy-in from all those who are not present during the ICANN meetings, who basically do not know we are here or even exist in some cases. So that is a very interesting process that's going to happen.

However, assuming that it will be successful and we will get into some mitigation mode, if you will, I don't know where the language will end up. But if we are going to end up at some path that we are going to do a lot more, then we are going to discover a lot more. And that is going to influence everything on the table that we are discussing nowadays.

So I think it will be very interesting to see what we will discover when we go into actual mitigation mode and what ICANN Compliance is going to discover, because if they are going to investigate a registrar who does nothing and has high levels of abuse, that is going to feed us tons of information there.

So that information will go back to the ICANN community. And I think that's going to provide us with actionable intelligence where we can act on. As of now, what we do have on a table—and it's still outreach—that is still based on a lot of assumptions made by the ICANN community, which I do not entirely agree on. But for the sake of the discussion, I'll bypass that for now. Thanks.

SEBASTIEN DUCOS: Thank you, Theo, for this. Just for the record, as a registry, I think that a lot of what Theo said also applies. The registry community is a bit more—because of our structure, we're probably, let's say, the representation is probably a bit bigger in ICANN and on these topics, but the same will apply. I see Tomslin has a hand up.

TOMSLIN SAMME-NLAR: Thank you, Seb. I raised my hand up just to put in the record that regarding this process that the Contracted Parties House is having with ICANN Org, I hope that the community will be given opportunity to comment on the language that they would negotiate on. So that's just what I wanted to put on the record. Thanks.

SEBASTIEN DUCOS: Thank you, Tomslin. And I won't personally comment on this one. If somebody wants to from the CPH ... If there are no further questions or hands up, maybe we should go to the resolved clause, which I'll be happy to read. Thank you very much, Nathalie.

So on this item six on DNS abuse, we resolve—the GNSO Council accepts the recommendation as outlined in the DNS abuse small team report and requests that the leadership of the small team works with Council leadership on developing their respective communications as foreseen under recommendations number two, number three, and number four.

In relation to the recommendation number one, the Council commits to considering requesting the development of a preliminary issue report on the topic of malicious registrations after the outreach and the communication as foreseen under recommendations number two, number three and number four have taken place, and the Council has had an opportunity to consider the progress made from efforts related to the outreach. If the Council determines that a preliminary issue report is needed, it must be undertaken in a way that avoids overlap and/or duplication of efforts.

Resolved three, the GNSO Council thanks the small team for its effort, as well as the community groups that contributed to it. And I'm not sure I should read the—No. Nathalie, can you proceed to the vote, please?

NATHALIE PEREGRINE: Thank you, Sebastien. 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, would all those in favor of the motion please say aye?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: No abstention. No objection. Motion passes. Thank you, Sebastien.

SEBASTIEN DUCOS: Thank you very much, Nathalie. So this leads us to our next item on the agenda, which is the discussion—we're done with voting for today, which is great. Thank you very much. And so Council discussion on the uniform domain name dispute resolution policy, UDRP, and a review of the next steps. And for this, I'll call upon John McElwaine, who is a whole lot more knowledgeable on the topic than I am and will speak about it more clearly. Go ahead, John.

JOHN MCELWAINE: Thanks. So as everybody I'm sure knows, phase two of the RPM review is supposed to look at the uniform domain name dispute resolution policy, UDRP. Back when this effort was going on, there was really two phases. So again, people will recall that there's a phase one of looking at rights protection mechanisms. And that in

particular looked at those rights protection mechanisms that were part of the new gTLD program. So things such as a uniform rapid suspension, and the trademark clearinghouse, etc.

After the more than three years of work on that phase one review, I think it's fair to say that the consensus of the participants and the Council at that time was that there needed to be a rechartering for phase two to provide a bit more guardrails around the topics that would be in and out of scope, just to make sure that we could handle what is supposed to be a review of a policy that uniformly has been looked at as operating well, that we could do that review in a much more efficient manner.

That being said, it's still no small task to review the UDRP, which has been functioning now for some 20 plus years. So what we decided as a Council was to have a policy status report prepared. And that was delivered to the Council that was looking at what data is out there to be reviewed, and whether that report could help us narrow the scope of any charter.

During that presentation of the report, there was a number of councilors that discussed that we may want to consider deferring work on the phase two of the RPM review because of the considerable amount of work we already had on our plates. And it was really getting to the point where people were concerned that that was going to be undertaking another workstream that would overwhelm the community.

So the RPM phase two review has kind of bubbled its way back up now on the ADR. And it's a time for us as a Council to sort of decide what we want to do with it. And as leadership's discussed

prior to this call, there's really three different types of ways we could move.

First, on one sort of edge would be to start a group to redraft the charter and begin phase two upon its completion. So go forward, essentially, with a review of the UDRP in a rechartered way.

The second middle ground would be to defer the work on a phase two review for set a period of time, whether it's 12 months, 18 months or a trigger that makes sense. So for instance, the completion of another work stream that would then allow this to slot in.

And the third sort of other outlying option would be to terminate the PDP which requires a sort of supermajority vote, but to a certain extent, if we terminate the PDP because there was consensus within this group that we should delay it for a long period of time and it needs to be rechartered—in other words, a deferral for a very long period of time and then rechartering is almost the same thing as just deciding to terminate the PDP because it would involve—all policies do need to be reviewed periodically. So it eventually comes back up on our action decision radar and we would need to charter a group for that.

So that's sort of guidelines. We would love to have some discussion on that to see where the temperature of this Council is to make a decision on the phase two of the RPM review. And I'll be quiet and see if we've got any discussion. No hands up. Manju, over to you.

MANJU CHEN: Thank you, John. I actually just have one question. Is there any precedent of the GNSO Council terminating a PDP?

JOHN MCELWAINE: That's a great question. Not that I'm aware of since at least since I've been on Council. I don't know if anybody else with a bit more experience has a comment on that. I would say that it is something that needs to be fairly well thought of by the entire Council because it does require that supermajority vote. But curious if anybody—Stephanie, I see that you have your hand up.

STEPHANIE PERRIN: I don't recall terminating one, but I'm sure Marika and the team— Yeah, there we are. Marika is putting something in the chat. But my question was really more of, it does sound like we're dumping work, which does seem to be precisely what we're doing. But I believe in the old if it ain't broke, don't try to fix it model. Acknowledging that, as you say, policies do have to go through some kind of periodic review. Is there some other mitigating thing we could you do other than kill the PDP? Could we not do like a very brief scoping paper and put it out for a call for comments to the community? I mean, as you say, people seem to think that it's working fine. Have we probed the community to see if they view it otherwise? Thanks.

JOHN MCELWAINE: So I can answer that a little bit. Of course, with respect to the initial report that goes all the way back to I believe like the 2010-2011 timeframe, that's exactly what was done. We looked at—a

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variety of meetings were held and input was received. And really, what I've been referring to is a laundry list of issues were identified. But also coming out of that final report is a statement that, as you said, it really ain't broke. So should we engage in trying to fix it?

So anyways, the long story is I know that that sort of analysis has been undertaken, it has been a while. And I think that the concern is that even a narrowly scoped process at this point would still be a substantial undertaking, unless we really did change it up to be like only a review of a small team of experts or something to that effect. I see Marie is next. And so I'll go over to Marie for questions or comments.

MARIE PATTULLO: Thanks, John. Morning, everybody. Thanks for that intro, John, and the explanation. And thank you also to Stephanie for points that are very valid.

On a personal level, we went through four and a half years of pain in phase one. None of us need to relive that. On a more serious level, I completely agree with you, John. As you put it, if it ain't broke, don't try to fix it.

That said, if we do need to go to a review, if you feel it's appropriate for a review, then my suggestion would be that we get an expert review. So for example, we look at Section 13.1, we get an expert provider—in my head, that would be WIPO—who can give us a nuts and bolts, "These are nuances. Here's the review." Because bluntly, this is what they do all day every day. So they do

know how it works. If we need a review. So that's my suggestion, should we come to that point. But thank you very much. Thanks.

JOHN MCELWAINE: Thank you. Susan, over to you.

SUSAN PAYNE: Thanks, John. And thanks, Marie. Actually, that was a point that I was also going to make, and it's something that the IPC has made previously, including in our comments on the policy status report where we're certainly—in terms of if there is a review, we very much favor a review that is led by experts and that there is scope within the GNSO operating procedures to have such an exercise.

The other thing I wanted to just say was that, like Marie, I lived through the four and a half years of phase one and equally don't relish the same prospect. We only just have the phase one recommendations now having been put out with a call for volunteers for the IRT and, again, this is a point that the IPC has made before. I think we do feel that there is a very real risk that the same members of the community who are familiar with that four and a half years of work on the phase one recommendations and are likely to be involved in the IRT are also, in large part, the same members of the community that would need to be involved in a review of the UDRP. And that includes not just community members, indeed, but also staff members. I think there's certainly an overlap of skills and expertise. So yeah, just a sort of reservation about starting this phase two work on the UDRP,

when we are yet to implement the recommendations on phase one and concerns about the sort of resourcing of that.

JOHN MCELWAINE: Thanks, Susan. Yeah, and perhaps the completion of the IRT for phase one could be the trigger for a rechartering of phase two. Greg, I see that you have your hand up. So over to you.

GREG DIBIASE: Just real quickly, [the last time we're just going to get input] from the Registrar Stakeholder Group, I think the last time we discussed it, there's a general consensus this should be delayed. Going back to that, if it's not broke, don't fix it. We haven't discussed termination, we can bring that back. But I think certainly something like an 18-month deferral would make sense from our perspective.

JOHN MCELWAINE: Thanks, Greg. Desiree, over to you.

DESIREE MILOSHEVIC: Thank you, John, for putting this in front of us. And my question to you is really, when considering what to do next in terms of whether to recharter, terminate or delay, is really to see if we were to go along with any of these three processes, where do we see the input of the registrants being represented in this conversation who might have a problem with UDRP? I believe that it was in the

charter of the RPM PDP. So I'd just like to hear your comments on that. Thank you.

JOHN MCELWAINE: So I think from an expert sort of group perspective, the registrants would need to be represented through something like the ICA, which represents domain holders. I know that's maybe not your average registrant.

I also think that we saw a lot of input from registrants just in the public comment process. I just doubt you could find a registrant that would kind of fall into the category of this expert, but certainly, there were a lot of comments I know submitted from that side. And, of course, if there was just a normal working group structure, any registrant would be welcome to join through the proper ICANN channels. Hope that answers your question.

DESIREE MILOSHEVIC: Yes. Thank you for clarifying. I can see there seems to be some coalition being built to hold on to this one until the implementation is done. And I'd support that. Thank you.

JOHN MCELWAINE: Thank you. I don't see any more hands up. But it seems like that we're sort of coalescing around either a deferral for 18 months, deferral till perhaps the IRT is done—and I think it'd be useful if we have any predictions from staff as to how long that IRT would take. I'm not asking for that now. We might be able to get that information out to councilors. And then there's some discussion of

putting together an expert group which should, as I kind of understand it, alleviate pressure on the community because it would be a smaller group of people working on it, and rechartering to fit that mold.

So let me, just after kind of summarizing that, see if anybody has any comments or questions. And if not, we can move on to the agenda. All right, I don't see other hands. So Sebastien, I'll turn it back over to you to go to the next point in the agenda.

SEBASTIEN DUCOS: Thank you, John. And thank you everybody for the great discussion and contribution. Now, I'm going to—so item eight of our agenda is on the expired domain deletion policy and expired registration recovery policies, the EDDP and ERRP policy respectively.

Here again, I'll lean on one of my colleagues who is a lot more expert on this topic. And I will ask Greg to take this, if he can.

GREG DIBIASE: Yeah. I think where we left this, we were discussing whether [inaudible] to do a policy status report on the expired domain deletion policy, but before and as part of that, we asked for Contractual Compliance's feedback if they had any input on the effectiveness or potential gaps in this policy. So I think our friends from Compliance are on the call today, and then they're going to give a presentation and then we'll discuss further.

JAMIE HEDLUND: So Greg, is that the cue for Compliance to be in?

GREG DIBIASE: Yes, I'm just going to go ahead and say yeah, go for it.

JAMIE HEDLUND: All right. Terrific. Thank you. Jamie Hedlund, senior vice president for Contractual Compliance and US government engagement. And Leticia Castillo and Amanda Rose are on the call as well. They actually prepared the report. I know it was a couple of weeks later than we originally committed to. But I think it's a better report. It's a fairly thorough, dense report and replete with metrics as well as observations. And so with that brief introduction, I will turn it over to Leticia and Amanda to present the contents. Thanks.

LETICIA CASTILLO: Thanks, Jamie. Hi, everyone. This is Leticia Castillo. I'm going to apologize. I'm keeping my camera off because I'm having connection issues. And I want to make sure everyone can hear me. Can we go to the next slide, please? Thank you.

So like Jamie said, my name is Leticia Castillo, I'm a director with Contractual Compliance. The report that we prepared provides data gathered through nine years of enforcement of the EDDP and the ERRP. So being mindful of the time that we have today and considering that all the details are in the report itself, we're just going to highlight some points within the report. And of course, we welcome any questions that you may have.

Our enforcement of all policies and agreements results from processing external complaints, but also from our own monitoring and audit related activities. The next slide includes metrics from August 2013 through August 2020, pertaining to external complaints. And like I said, these are all in the report.

To highlight here, many of the complaints that we received were invalid. This happens across all complaint types, not just renewal. And by invalid, I mean, for example, complaints involving ccTLD domain names or where the complainants were asking us—ICANN—to renew the domain. They confused us with the registrars.

And another point to highlight here is that most of the cases that were closed were closed because either the registrar demonstrated compliance with the applicable obligations to the case at hand, or the complainant never provided us with the evidence needed for us to pursue the case with the registrar.

The next slide corresponds to the period September 2020 through August 2022. And this is when we transitioned to a new case processing system that allowed us to capture more granular data.

Approximately 6% of all complaints that we received were renewal complaints. You can see there that of the top three issues that were reported to us by self-identified registrants, domain renewal issues were in third place, with transfers being number one. And again, most of the complaints that we received were invalid.

Most of the cases that were initiated with registrars refer to failed renewal attempts and/or unresponsive resellers. And the cases

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that we closed, we closed mainly because the registrar demonstrated compliance or remediated detected noncompliance. And the percentage of closed due to termination may have gotten your attention. This was a result of the Net4India situation. We received thousands of complaints against Net4India and many cases were ongoing and then closed when the termination took effect. And this explains that 30% there.

Of the 96 remediation plans that were presented and completed by contracted parties during this period, 19 referred to renewal obligations and mostly related to renewal reminders not being sent to the registered name holder at all prescribed intervals.

And finally, on the next slide, there is some information on compliance audits. And EDDP, ERRP, we audited these obligations in the past. [inaudible] registrars remediated any issue found within the relevant round. There were two breaches related to ERRP obligations in the last round, and they were both cured. And then we are currently preparing another registrar audit round that will also include EDDP and ERRP obligations. The [link tool for breach notices] is in there as well as in the report. And now I'm going to hand it over to Amanda for the last part of our presentation.

AMANDA ROSE: Thank you, Leticia. We can move to the next slide. I'll be presenting some of the observations that we've made through our enforcement efforts related to these two policies. They're included in detail in the report, but I'll just highlight some of the points here. First, in describing required actions, the policies can often use

undefined terms or actions that are required by the registrars. Sometimes these ambiguities create confusion either for registrants mostly and in some cases registrars as well, such as failing to timely renew domain names.

Some of the examples that we included in the report include the terms or the use of deletion or delete. These can take on different meanings depending on the lifecycle of a domain name. For instance, at the registrar level, the domain is deleted when the registrar sends an explicit delete command to the registry operator. It can also be interpreted to mean the deletion by the registrar on just the account level for their customer. And then finally, there's the final deletion or purge from the DNS following the redemption period and pending delete cycle.

Some of the other confusion sometimes comes with the use of terms such as cancellation of the registration or terminating a registration agreement, as these actions aren't defined by the policies. An instance specifically in the deletion policy states that where a registrant doesn't consent to renew, that it shall result in cancellation of the registration and then later in the same policy alluding to the same action following a termination of the registration by the registrant, the domain must be deleted.

So essentially, registrants and again, in some cases, registrars can get confused as to differences between terminating a registration, canceling a registration or deleting a domain name, all of which are sometimes used interchangeably.

Finally, we gave the example of the use of the auto renew grace period. This term we often see in registrar policies internally to

define different actions outside of what is described in like the EPP auto renews. So that, again, causes confusion when those terms are used differently.

And then next, we have observed that requirements related to post expiration auto renew grace period combined with registrars' aftermarket activities do cause confusion with many registrants. Registrars often implement a process in which they auction or reassign the rights to expired domain names during auto renew grace period. These domain names don't enter into the 30-day redemption period. And then we get complainants that contend they weren't afforded redemption or permitted to reregister a domain name because it's not eventually dropped.

While this activity is not prohibited, the manner in which the auction or resell events are described by registrars don't always make clear that these domain names may not be available during a redemption period or that they won't enter a redemption period.

And then finally, we noted here, section 2.2 of the ERRP explains the circumstances where the DNS has to be interrupted. And the report explains in detail this but depending on how deletion is defined, there's an argument that could be made that the DNS path interruption is not required. This is usually the biggest indicator to registrants that a domain name is expiring.

Sorry, my notes broke up here. But finally, we have here a note related to the expiration reminder notices that there could be confusion as it requires notices to be sent to the registrant. And then the policy later describes examples of how these notifications can be sent. And that includes references to admin contact and

telephone calls, which appears to contradict the requirement. And then next slide, please.

We also noted two common noncompliance issues. These aren't necessarily issues we note with the policy or policies, they're just circumstances that we see repeating in compliance cases with registrars, the first being a reseller's failure to perform certain obligations which they were delegated by the registrar.

Examples include sending out renewal reminders or renewing domain names. Under the RAA, they remain responsible, the registrar remains responsible for compliance with these services regardless of whether they're designating them to the reseller. And we continue to enforce those obligations under the RAA as well as these policies, regardless of whether it's the reseller or the registrar performing those, but we just see repeated issues recurring with those reseller models.

And then lastly, we noted a common issue with published renewal policies or I mean—sorry, deletion and auto renew policies where they contain details of those policies, but not necessarily the expected time at which a nonrenewed domain name would be deleted relative to the expiration date. So this is required to be within a date range of 10 days. And that kind of ties back into the previous point about registrant confusion over the post expiration period and auto renewal period.

So there's a lot more observations and detail in the report. So you can refer back to that. But I'll go ahead and wrap that up. And that, I believe, is our last slide. Happy to take questions as well.

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GREG DIBIASE: Theo, did you have a question?

THEO GEURTS: No, just an observation when it comes to the resell failure. I mean, as a wholesale registrar, we have a ton of experience with resellers. But the initial policy didn't really envision [and it did develop] when it was created, is to distinguish between several business models. Within that the Netherlands, just an example, just throwing it out here, we have different consumers. We have business consumers and normal consumers.

And if you are engaging with business consumers, usually, you have very long-running contracts, sometimes from 5 up to 10 years. And these contracts, when it comes to the payment, it is very usual that you set up a contract and pay five years later. So it is very usual that you don't set any renewal notices within that five-year period.

So resellers fail to be compliant with the obligation of the current policy, because they're going like, "Yeah, this is a business customer. So why do I need to send a renewal notice when this domain name is up for the next five years?" So there's all these kind of caveats that the policy doesn't cover. Thanks.

GREG DIBIASE: Thanks, Theo, and thanks, Amanda and Leticia. That is a very detailed and interesting report. We've sent this to at least our

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stakeholder group and we know they've been diving into it as well. So yeah, we really appreciate the update. Kurt.

KURT PRITZ: Thanks, Greg. So Amanda, does this report try to say that some issues for registrants could be ameliorated if ambiguities were somehow eliminated, either in the language used in the policy itself or in industry practices using language? Or are the ambiguities ways to sort of get around the policy and so it can't be fixed?

When I first read this before the meeting, I said, "Oh, ambiguities, we can fix that easily." But after listening to you more carefully, I'm thinking that's harder. So the question is, kind of, is the recommendation of Compliance in this report that the policies can be made clearer and more effective if we eliminate the ambiguities some way through a negotiation and amendment of the policies?

JAMIE HEDLUND: So Kurt, if I could start, and then Amanda, if you could clean up anything I say. But I think you're asking—and correct me if I'm wrong, but I think you're asking, does Compliance have a recommendation as to how the policy should be reformed?

And the answer to that question is no. The role of Contractual Compliance is not to assess the effectiveness of policy or make policy recommendations. It's to enforce the policies once they're implemented. We're sort of at the tail end of the policy development process. We're there to ensure that whatever

the community intended, and is reflected in the agreements, is actually enforced.

What we've tried to do here is provide observations and allow those involved in policy development to take that input and make the determination whether additional refinements are necessary.

The other part though, the role that we play in the policy development process, is that once it reaches a point where actual obligations are being developed, we will weigh in internally and externally [inaudible] on whether or not the obligations as written are clear, they're understood and they are enforceable.

In the past, there's been text throughout the agreements, sometimes, that is ambiguous and as a result, lends itself to multiple and conflicting interpretations which makes enforcement difficult and leads to frustrations in different parts of the community. So as the community moves forward in developing policy recommendations, as they get implemented, we as Contractual Compliance will weigh in on our views about the clarity of the text and whether it's enforceable. Hope that's helpful.

GREG DIBIASE: From my perspective, I think that's really helpful. And I also want to say that all this tracking of data really seems to yield some results, at least in this report. So great work there. Does anyone else have any questions for compliance before we talk about possible next steps on this policy? Okay, thanks, Compliance.

JAMIE HEDLUND: Alright, thank you all.

AMANDA ROSE: Thank you.

LETICIA CASTILLO: Thank you.

GREG DIBIASE: So I think going back to the decision we have to make, is whether we want to delay the request of a policy status report. At least the initial registrar position was this policy is working relatively well. And we did not need to open it. We've forwarded the compliance report, and so far, that hasn't kind of moved the needle in that determination. However, after listening to that report, at a minimum, there's some ambiguities that could possibly be sorted out, or at least highlighted by policy status report. So I think this group would need to decide—maybe this comes down to a prioritization exercise to a certain extent. But I think we'd open up discussion on whether this is something that Council would be okay with delaying the request for the policy status report or not? Theo.

THEO GEURTS: So when I was looking through the report, there's some couple of issues there. But then I'm looking at the amount of complaints and certainly, the amount of complaints that were already resolved

within the first phase. You know, when you just drill down on the numbers, there is not a lot of meat there, in my opinion. Thanks.

GREG DIBIASE: Thanks, Theo. Yeah. And I think from the registrar perspective, we recognize that the obligations that are in place are effective, there's not a lot of pushback on, "No, these really aren't doing anything." And I think there's relatively productive interaction with Compliance and registrars. So that's kind of the take the registrars have, that we would lean towards delaying this PSR. But we'd like to hear if there's other opinions in the group of whether this is something that should be prioritized. Kurt?

KURT PRITZ: So the data to me seemed—and I might not be interpreting the data correctly, but that that seemed to indicate that there were a lot of complaints and at the end of the day, like, 3000 a year, is that right? 300 a year. And at the end of the day, very few compliance actions, very few advisories to registrars and even fewer terminations.

So it seems like the data comes in, the complaints come in, they're handled, they're analyzed. The registrars are either in compliance or get into compliance, and in the few cases that they're not, they're handled. So from the data standpoint, and the way the policy is operated seems fine.

I still don't understand the ambiguity part and whether that's an issue for registrants or an issue where the policy language can be cleaned up or what that is. And maybe the registrars could look

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into that themselves if it rises—if you think. I have no idea. But if you think there's some—because terms are used differently across the industry or because the policy is worded ambiguously, maybe look into that. But I think that's sort of a tweak to the implementation of the policy and not the policy itself. And so I agree with you about not instituting the PSR. But I still don't understand the ambiguity part and if there's an opportunity there. Thanks.

GREG DIBIASE: Yeah. Thanks, Kurt. And I agree with that. And as you were thinking, I was thinking that would be a perfect topic for the contracted party summit to take this feedback from Compliance, and then get on the same page to lessen confusion for registrants. And so I think, Stephanie, you're last in the queue. And then I think we have to move on.

STEPHANIE PERRIN: I'm just curious, particularly with this whole reseller issue, do we actually have data on how satisfied the beneficial users were? Because if we're really resolving issues at the registrar level, when there has been an unhappy end user that didn't have a good client relationship with the reseller, and didn't provide the information, are we perhaps not safeguarding the interests of the final end user? I'm not looking for work, believe me. And it wouldn't be [inaudible] on this PDP.

But I think that there's a lot of ambiguity there in my opinion. Apocryphally, the data that I gather from end users who use

resellers are not at all clear about what their obligations are and what the registrar's role is if they're dealing in a bundled way with domains. So if we've never set clear policy for that, maybe it's time we at least examined it. Thanks.

GREG DIBIASE: Yeah, so that's a great point. I don't have the answer to that. But I think it's something we should consider. Seb, do we have time for one more comment from Desiree before we move on?

SEBASTIEN DUCOS: Yeah, let's do this, but let's wrap up right after, because otherwise, we won't be able to tackle everything.

DESIREE MILOSHEVIC: Thank you, Greg. I lowered my hand. I think Stephanie made the point. Yeah. Thank you.

GREG DIBIASE: Okay. Great. Thank you both. Seb, back to you.

SEBASTIEN DUCOS: Yeah, thank you very much, Greg, and again, everybody for participating in this discussion. As I said, we're running maybe five minutes late. So I will pass on the mic immediately to Olga to cover Item nine and the status report on the CCOICI. Olga, are you there to walk us through this?

OLGA CAVALLI: Hi. Good morning, good afternoon, good evening. Nice to be back in the GNSO at least for a moment to present to you this report of the CCOICI, the Council Committee for Overseeing and Implementing Continuous Improvement that I used to chair. I think that you have to find a new chair.

And this is a report that as far as I know was shared with you in the GNSO list like 10 days ago. I'm not sure if there were comments. I think there were no comments as far as Marika and [our friends from] GNSO staff told me. So this report is about the Work Stream 2 recommendations. If we can go to the next—it is a very short presentation. If we can go to the next slide.

One of the things that we have to review in the CCOICI was the GNSO framework for continuous improvement pilot. We had to review the status of the Cross Community Working Group on enhancing ICANN accountability, the second part, the Work Stream 2.

Some items were relevant to the GNSO. So we didn't review everything, we just reviewed the ones that were important or had some relationship with GNSO. And those are the ones that are included in this slide. It's recommendation one about diversity, recommendation two about guidelines for good faith conduct, recommendation three, human rights framework, and recommendation six, SO/AC accountability.

Please remember that for the Work Stream 2 recommendations that are directed at the community, a special group, community

Coordination Group, CCG, was established. And I was the representative of the GNSO in that group. So I don't know if you have found a new representative, but have in mind that you need someone to follow up with what this Community Coordination Group is doing.

So this is mainly the content, the work that we did in this last part of my work in the CCOICI. And this is the content of the report that we have received some days ago.

So briefly, in the next slide, you can see the recommendations report [as the summarized conclusions.] Put forward proposed status designations for the Work Stream 2 recommendations from the perspective of the Council. For example, not applicable for action or complete or implementation plan, action/decision required. So we reviewed all the recommendations. And we in the group evaluated if one of these different status was applicable, the ones that I just detailed to you.

It includes implementation recommendations related to the recommendations 2.1.2, provisions for removal of directors, update existing guidelines as well as instructions to align the Work Stream 2 recommendation.

And recommendation three, which is the framework for interpretation for human rights, updating of templates, including a checklist to facilitate consideration of the impact on human rights of the GNSO policy recommendations. So these are the recommendations that we have in the report. So if we can see the next slide, please. Thank you.

So the Council should consider the recommendations report for adoption. And you have received it, as I said, some days ago. And when adopted, to communicate status designation to ICANN Org team responsible for tracking the status of this implementation of Work Stream 2 items, and then the staff support team should move forward with the implementation of two recommendations that I just showed to you in the previous slide, and consult with the GNSO Council and the CCOICI.

So this is all the update. Please, if you didn't, review the report because the GNSO has to consider and adopt it. And I don't know if there are questions or comments.

SEBASTIEN DUCOS: I just wanted to add that indeed, we are looking to present that for adoption in our December meeting, so in a month, if my notes correct. And we will discuss that in AOB again. But as Olga has reminded us all, she's moving on. She has been graceful enough to stay with us two more months to present this and to finish the report and everything. But we will need to find somebody to replace her and it will be a hard task. Seeing no question on this and given the fact that we are running a bit late, I'd like to move on quickly to item 10. Thank you very much, Olga, for your presentation and for your t ime.

OLGA CAVALLI: Thanks to you. Thank you for inviting me.

SEBASTIEN DUCOS: Thank you. So I wanted to talk about the SPS. Again, because we're running short of time, I'm not going to spend a huge amount of time on it. So there is an agenda that's been prepared, if somebody can put it forward.

So again, we are planning this SPS in two phases. The first phase is actually starting with a webinar next week on Tuesday, 20:00 UTC if I'm not wrong, 9:00 PM, I have it on my calendar for Europeans, where we will start going through the material.

For those who have done this before, like for those who are new to this process, there is a fair amount of material to be read. So I strongly, strongly encourage you to start going through it already. Don't wait for the webinar, don't wait for the SPS to start.

At the top of the hour, we mentioned the project tracker and following that video. But there's much more to be read. And those who've read this in the past years, it's always good to have a new look at it. And for those who are new on Council, please do go through it because there's quite a bit. So that's the first point I wanted to make.

And then the second point is we will share this high-level agenda after the call. And maybe we can go through it quickly. But we have an action packed three days there to go through everything. And again, I won't repeat it enough, but the more we prep for it, the more relevant it will be for everybody. The less we discover on the day, the more we're able to interact. I see Jeff put something on chat. Jeff, if you want to add something, please go ahead.

Oh, sorry, not in a position to speak. So will read the chat. Sorry, I am not very good at doing two things at the same time. And I think Marika is answering that. And I'm not sharing a huge amount of information right now. But again, it will be all in the agenda as we will share it. Please don't hesitate to ask questions, reach out if there's anything that needs to be addressed or question and then we'll answer. Again, don't forget, webinar Tuesday 20:00 UTC. Be there and be ready. And please don't forget to do your homework before. And unless there is something major that I'm forgetting— looking at possibly Marika right now. But unless there is anything major, I'd like to move on to AOB because there was quite a bit of stuff to go through. No, I guess not. So thank you very much.

And that leaves us with AOB. We had 10 minutes originally on it and then we started piling on new topics. I just wanted to make sure there's enough time for that and [inaudible] another four or five minutes. So that's great.

So point one of the AOBs is the new chair for the CCOICI. Again, I'd just mentioned a minute ago Olga is going on to bigger and better things and will need to be replaced. And this goes to another—also point 11.2 and we had a number of vacancies that we want to fill. And I strongly encourage you to raise your hands. We need, basically, the help. And so I'm really looking at this Council to sort of raise their hand. There's fantastic support from staff, and hopefully, from leadership too in all these roles.

So please, don't feel like you're being thrown in the deep end by yourself. We're here to help. But we need people to step up and volunteer for these roles. So, as is written, Olga agreed to finish the assignment two. It's just been published, we're going to vote

on it next week. But we need to keep on working on it. And we'll need somebody to work on it.

Obviously, it might be easier to have somebody from the current set of committee members, and I'm sadly not volunteering at all. But otherwise, candidacies are open. I see your hand up, Manju. Do you want to say something?

MANJU CHEN: I don't know how to do this but I volunteer to serve the position.

SEBASTIEN DUCOS: Thank you very much. That's great news. And again, I believe that Olga is not completely gone. So let's take that. If nobody else wants, I'm very grateful for you raising your hand, and we'll make sure we can liaise with Olga to do this seamlessly. So that's one tick done. Thank you very much, Manju, for that.

The other vacant Council position is Council liaison to the transfer policy, which is currently held by Greg who has stepped up also for the vice chair and wanted to remove themselves from that. [inaudible] in terms of that, but also, I understand it would be more comfortable to be out of this neutral position.

So has anybody looked at this to fill the role for the transfer policy? My understanding—and Greg, correct me, please, was that whilst Greg is a registrar, and so far it's just sort of seemed to fit, we were looking for somebody who might not be from the registrar or the CPH. Just to ease the conversation there. Greg, did you want to add something to this?

GREG DIBIASE: Yeah, I think someone from outside the Contracted Parties House would be preferable, just because within the group, there is so much representation on the registrars just as a matter of technical function that I think it would be helpful if someone from outside the Contracted Parties House stepped up to take this role.

SEBASTIEN DUCOS: And I hope that is received loud and clear. Again, I'm not putting anybody on the spot. I'm not waiting for a hand to be raised immediately. But we have put this vacancy up already [for about three months.] So yeah, please look at your availability, your centers of interest, your capacity to do this. And I would like for this to be definitely closed by next month to let Greg go back to his life also. Thank you very much.

The last vacancy is not written here. But again, we discussed it earlier, we are still looking—less of an emergency, but still looking for somebody to replace Michael Palage with the accuracy work. And so there is a strong element of neutrality required here. Obviously, it doesn't need to be a councilor, so we need to look for this person outside, but anybody has any idea, any profile that might be of interest, please let us look into it. It's going to take a while. I just want to make sure that we're not [dropping the ball.]

So this closes 11.1 and 11.2. 11.3, we will have to go back to, I believe in January, with nominees for two roles in relation to the fellowship program. And one role is as a mentor. Chris Disspain has been filling this role this last year. I reached out to Chris

personally to ask him if he was interested in staying in the role. And he indicated that he was more than happy to do it. But I just wanted to make sure that this was offered publicly. If nobody raises their hand or presents interest within the next few days, I think that we will be happy to invite Chris to stay on for another year, and thereby [avoiding everybody] the process of an EOI. But if there is interest, I'm more than happy to look into it and review. I see your hand up, Susan.

SUSAN PAYNE: Yeah, thanks, Sebastien. And this is not me expressing interest. I did want to comment on the process here, though, and partly to try and understand it and to understand what the expectation is. I should preface this by saying that I'd be perfectly happy if the upshot of this process was that we reappointed Chris. But I was sort of hearing from you as a kind of suggestion to this group that you're looking to check that there are no other expressions of interest before appointing Chris.

And it seems to me that neither of these roles are roles that come from the GNSO Council, they're roles that are open to the GNSO membership as a whole. And if indeed we need to seek alternative expressions of interest before we were to decide to reup Chris, then surely, there should be a general call for expressions of interest rather than just kind of like a few days' notice to Council on this call.

I'm just seeking to understand what we need to do and whether if we need to put out a call, if we need to seek alternative

expressions of interest, then surely the place to do that is to put out a general call.

SEBASTIEN DUCOS: Thank you, Susan. That's a very fair point. So yes, absolutely. What I wanted to avoid is going through a whole process of expression of interest, putting Chris through the task of filling all the forms and applying, if it turns out that he's the only applicant. That's the only thing. But you're absolutely right. So I will reach out beyond this announcement here. I will reach out to the SGs and Cs leadership and invite them to also see within their membership that there's anybody interested, noting again that we have a potential candidate here. The aim is certainly not to close the door on anybody and to do this quickly. The aim is to avoid the extra work if again it turns out that we have a sole candidate.

And I will reiterate this exactly the same way for the other position that we have, which is the selection committee member where the incumbent on the previous was Chris, the incumbent on this was Heather Forrest who was replaced in June by Tomslin who took over because Heather couldn't do any more. And then I took over from Tomslin in September. So the fact that I am the incumbent, exactly the same cases as Chris, I'm more than happy to continue this. But we'll run this through the SGs and Cs also to see if there is any particular candidate. I see Tomslin's hand up. And yes. To the question in chat, these are two different positions, mentor, and the selection committee member are different roles. Tomslin.

TOMSLIN SAMME-NLAR: Thanks. So I just wanted to say I can help again with the selection committee member if it's needed.

SEBASTIEN DUCOS: Thank you for the offer. And it's noted. And I might take your offer. Anyway, as I said and following Susan's comment, I'll go and contact the SGs and Cs and see how they answer. But I've noted your interest.

This leaves us with officially three minutes for the last item of discussion. And I hope that I won't surprise you that we wanted to have this, Kurt, who raised the question about this. Kurt, do you want to walk us through the closed generic board liaison request?

KURT PRITZ: Sure, Seb.

SEBASTIEN DUCOS: Sorry. I see John's hand up, because I also now do remember that we decided that John might guide it. But [inaudible] John, do you want to handle this?

JOHN MCELWAINE: Absolutely. Yeah. So with big thanks to Kurt, Kurt had suggested to the Council list that we raise the issue of perhaps appointing a Board liaison to the closed generics group that is going to have a facilitated dialogue. That got support on the Council list. So I raised it at the last closed generics meeting. And I'm pleased to report that it was generally really well accepted. A lot of people

were in favor of it. And so it looks like that is going to be the next step, is to request the Board to appoint liaison to assist and join that effort. I think it will help from a transparency perspective and just so the Board understands the deliberations and the outcome from that group. But we're not going to wait on that person. So it's not like this is going to delay things whatsoever. So just wanted to report that and see if anybody else has any comments or questions.

SEBASTIEN DUCOS: Thank you, John. I see Tomslin's hand up.

TOMSLIN SAMME-NLAR: Thanks. And John, I just had a question, does this mean therefore that the Council doesn't really need to do anything on this? It sounds like it's a decision for the group then.

JOHN MCELWAINE: That's correct. So the way the framing paper had mentioned, and as you'll recall, this isn't policy development, this is a group outside of policy to try to come to a conclusion as to a possible outcome or range of outcomes that would allow for close generics to avoid the Board having just to decide that issue. So it was essentially up to the group but again, a great suggestion from the Council to recommend that to occur.

SEBASTIEN DUCOS: Thank you. And I see a few comments in the chat about the fact that this is not probably a long topic of discussion, but that's great, because we're on top of the hour. We're actually one minute past. And so I will close this meeting. Thank you, everybody, for the participation. And I'll hand it off to—I'm not quite sure who's closing this. But anyway, thank you very much for your participation. Have an excellent end of your day or evening or night, depending on where you are. And talk to you on Tuesday.

NATHALIE PEREGRINE: Thank you very much for joining. This was a GNSO Council meeting. Have an excellent rest of your days, evenings, nights. Take care everyone. Goodbye.

[END OF TRANSCRIPTION]