EN

ICANN Transcription

GNSO Council

Thursday, 20 January 2022 at 21:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

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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** – Olga Cavalli

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg Dibiase, Kristian Ørmen

gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evan

Non-Contracted Parties House

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

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

Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Stephanie Perrin, 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

Maarten Simon: ccNSO observer

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 Community Operations, Planning and Engagement

Julie Hedlund - Policy Development Support Director

Steve Chan - Senior Director

Berry Cobb - Policy Consultant

Emily Barabas - Policy Senior Manager

Ariel Liang - Policy Senior Specialist

Caitlin Tubergen - Policy Director (apologies)

Nathalie Peregrine - Manager, Operations Support

Terri Agnew - Policy Operations Specialist (GNSO)

NATHALIE PEREGRINE: Good morning, good afternoon, good evening, everybody. Welcome to the GNSO Council meeting on the 20th of January 2022. Would you please acknowledge your name when I call it? Thank you ever so much. Antonia Chu.

ANTONIA CHU: I'm here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Here.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: I'm here.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DIBIASE: Here.

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: Here.

NATHALIE PEREGRINE: Desiree Miloshevic.

DESIREE MILOSHEVIC: Here.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you, Marie. Mark Datysgeld. I see Mark in the Zoom room.

MARK DATYSGELD: Mark.

NATHALIE PEREGRINE: Excellent. Thank you very much, Mark. John McElwaine.

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Thank you. Flip Petillion.

FLIP PETILLION: Here.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Thomas Rickert.

THOMAS RICKERT: Present.

NATHALIE PEREGRINE: Paul McGrady.

PAUL MCGRADY: I am here.

NATHALIE PEREGRINE: Excellent. Thank you, Paul. Wisdom Donkor.

WISDOM DONKOR: Present.

NATHALIE PEREGRINE: Stephanie Perrin. I see Stephanie in the Zoom room. Farell Folly.

STEPHANIE PERRIN: Sorry, I'm here.

NATHALIE PEREGRINE: Thank you, Stephanie. I don't see Farrell in the Zoom room yet. Manju Chen.

MANJU CHEN: Here.

NATHALIE PEREGRINE: Juan Manuel Rojas. I don't see him in the Zoom room yet. We'll follow up. Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: I'm here.

NATHALIE PEREGRINE: Olga Cavalli. We'll follow up with Olga. Jeffrey Neuman.

JEFFREY NEUMAN: I'm here. Thanks.

NATHALIE PEREGRINE: Thank you. Justine Chew.

JUSTINE CHEW: Present. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you, Justine. Maarten Simon.

MAARTEN SIMON: Here.

NATHALIE PEREGRINE: Thank you. From staff, we have Steve Chan, Marika Konings, Julie Hedlund, Berry Cobb, Mary Wong, Emily Barabas, Ariel Liang, Terri Agnew and myself, Nathalie Peregrine.

I'd like to remind you all to please remember to state your names before speaking as this call is being recorded. We are in a Zoom webinar room. Councilors are panelists, can therefore activate their microphones and participate in the chat once they have set their chats to "everyone" and not the default "hosts and panelists." That way, all can read the exchanges and they'll be captured by the recordings.

A warm welcome to attendees on the call who are silent observers, meaning that they do not have access to their microphones nor to typing in the chat. As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior.

Thanks ever so much, Philippe, and it's over to you.

PHILIPPE FOUQUART: Thank you, Nathalie. Good morning, good afternoon, good evening, everyone. I hope you're all well. Welcome to the January call of Council. So let's move on with our agenda. Any updates to Statements of Interest? Kristian.

KRISTIAN ØRMEN: Thank you, Philippe. just to be completely transparent, I updated my statement of interest just after new year to say that I will be changing to a new position from May 1. This will belong to the ccNSO, so I will also at some point before that resign from Council, and RrSG is currently looking into starting the process to find a replacement. Thank you.

PHILIPPE FOUQUART: Thank you, Kristian. All the best for your endeavors. You'll be just around the corner then. Jeffrey.

JEFFREY NEUMAN: Thanks. I updated my statement of interest. I'm pretty sure I updated it after the last Council meeting. But I listed one of the clients that I represent, because it's got a matter pending before ICANN, so I'm legal counsel for one of the proposed assignees of a TLD. So that's in my statement of interest. Thanks.

PHILIPPE FOUQUART: Thanks, Jeff. Any other updates? Okay, thank you. Moving on with the agenda, any change to the agenda that you'd like to make? Sebastien.

SEBASTIEN DUCOS: Yeah, hi, Philippe. I just wanted to note that we added a last AoB around an hour ago pertaining to our response to ICANN—sorry, it's late here—on modifying consensus policy. This was shared, I believe, two days ago with the group and just wanted to have a minute to talk about it. Thank you.

PHILIPPE FOUQUART: Thank you, Sebastien. And yeah, don't tell me, it's a bit late here as well. I think it'd be good to have, in addition to the review of that thought paper, to have an update on the IDN response. It'd be good if we could just say a word about that. And we'll ask Ariel to

do just that. Any other change that people would like to see with the agenda?

Okay, seeing no hand, let's move on and as usual, note the minutes of the November and December meetings, and swiftly move to our item two of our agenda, a review of the project and action list that you can find in Berry's email of the 12th of January. I'd just like to remind Councilors that these are obviously updates that are not meant to replace—or precisely meant to update you with the current progress of the PDPs, and that the working groups are not expected to do those updates verbally at Council, unless there's a specific ask from them.

So if you'd like to keep track of the work, it's the right place to look at. And if you have questions, it's the right time to do that. And if you would like to see some change in the format, that's also the time to do this.

I would also like to point out that there's, on that list, a particular action points that we'd like to wrap up, it's the one on the way we work with GAC. And maybe we could spend some time on this. So with this introduction, I'll hand over to Berry. Hi.

BERRY COBB: Hi Philippe. Thank you. Just to expand on what Philippe was talking about, essentially at the beginning of each month for our active PDPs or our bigger projects, we're now in a routine where we're producing monthly project packages. And this is really a more i-ndepth view on the status and health of each one of those projects. And to what Philippe was saying, is when we send those

out—and there was discussion on the leadership about how there could be discussion at the Council level on any one of these.

The idea here is that the Council should be reviewing these project packages in detail. And if for any reason Councilors feel that more discussion is warranted at the Council level, I believe, as Steve has noted in the past, all the Councilors have access to a preliminary draft agenda tool that we use to shape the agenda. And it might be useful there that if a Councilor feels that a deeper status around a particular project is warranted for discussion on the Council call, that you're free to go and make that notation there to signal to leadership that discussion is warranted at the Council level. And of course, if not, if everything's okay, then still please review through these packages in detail to understand where they might fall.

The second thing I want to mention, the email that Philippe had mentioned that I sent out on the 11th, the idea of these as they shortly follow the distribution of the upcoming agenda. And what I tried to highlight here this time around, there were a couple of key changes to this. Recognizing that some of the tools in the program suite are challenging to consume, what I did highlight, though, or attempt to highlight, is for you to focus on the action decision radar. In particular, you're really wanting to be looking at the orange and yellow bands to kind of see what's coming your way. And these are specifically actions or decisions that is on the Council's plate or right in front of you. So that's a pretty good indicator if it's not happening at this month for the Council meeting, it's likely going to be happening in the next month, or maybe two months. But the whole idea, again, using the

terminology of a radar, as something approaches you, it gets closer and closer and the items move up to the top of this list.

And of course, our oldest tool, which is the projects list, that should also be reviewed in detail. It's somewhat repetitive, when you dig into any particular project, because we are extracting their specific page that belong in the project packages. For example, the transfers, this page is part of page two of the package. But not all of the projects that are listed on the project list have these monthly project packages. So it's also important to review the other projects that are listed within this particular document.

The first page, again, tries to convey an overall status and health. If things start turning yellow and red, that's a first indicator that something is amiss. And then, of course, as you drill down into the following pages, they provide more details as to what the group is working on, what they plan to work on and what they've recently completed in the prior period.

The final thing I'll say here is I think changes that you're going to see for the next period with respect to the project list, as you saw, Philippe passed to the Council list that the RPMs phase one recommendations were adopted by the Board. So looking at the summary list that you see on the screen now, that particular project will shift down into the number seven implementation phase. And there are more details about how that will start to spin up in the resolution itself. But of course, it's tracking our policy development process diagram as they transition from one phase to the next.

The last thing I'll say, just in terms of that monthly email, distributing the program tool suite, also including links to the respective packages that are distributed, just to make them a little bit more convenient. And just to note that, unlike about six months ago, I used to attach these files to this particular email for ease of access. The problem is they're starting to grow in size. And secondarily, we're depositing these onto the Wiki so that we can also track access metrics just to see how useful. And of course, welcome any feedback if you have any ideas or suggestions to enhance or improve these. That's all I have. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Berry. Any questions, comments on that project list and the approach, generally speaking? Okay, seeing no hands, we'll then move on. And again, we'll come to the SPS later. But there's also the goal that we discussed of trying to associate a more thorough review of the project list through a smaller team of Councilors, possibly through the SCBO, if you recall our discussion during the SPS. So that's an action item that we'll need to take.

So moving on with the agenda, which leads us to Item four in practice. Consent agenda is empty. And it's our discussion on the updates on the SubPro ODP, you would remember that it started off formally in December, and Jeff already provided us with a number of updates before the actual start of the ODP with a couple of questions and requests that you should have in your mailbox.

There has been no comments on this, I'll just note that so Jeff will then on those points, go back to the ODP team accordingly. Also note that leadership circulated a framework of process, a straightforward process that we may use that we would use to review the feedback from the liaison. If there's a pointer in the agenda, I don't think we need to review this again. We did that last time. But basically, what it says is that it's a nonobjection by email, and that we would normally have that update before a Council call and make sure that the deadline is after that. And we'll allocate due time during the Council call to review those items as necessary.

But if you have some comments on that framework, please, again, review [inaudible] formal document and we can revise that as much as we want, as much as is agreeable. And we'll put that as a reference in our regular review. So that's it for the general framework. That being said, I think I'll just hand over to Jeff to help us with the specifics of the ODP SubPro and what the next steps are. Jeff, hoping that you managed to reconnect to your computer.

JEFFREY NEUMAN: Yep, I'm here. Hello, everyone. So I think you started with the first part. In November, ICANN had sent us the first set of questions. I should say, the GDS ODP team sent us a list of questions, that first set of questions. So you've all had a few months now to kind of look it over. Although there have been a few months for this first set, as Philippe had mentioned, going forward, we're going to work on a nonobjection process, so long as there's been a few weeks for the Council to review it.

And just to kind of highlight the summary, essentially, when they send a list of questions, I'll draft the first proposed response on a Google Doc. And obviously, the Council will have access to it and we'll be able to make edits. And if there are any items that I believe should be raised during a Council meeting or should be actually subject of discussion within the Council meeting, I'll point it out. Of course, if any Councilors want any issue that's in the answers to be discussed during the Council meeting, the Councilors can do that as well. I'm just going to try to point those out, but I'll miss some, I'm sure. And we'll all have a different idea maybe than what others would like to discuss.

The goal is to provide timely feedback. So although this first one took a couple months, in the future, hopefully, it'll be a few weeks now that ICANN has officially kicked off the ODP. And you probably will have seen, it might have been two nights ago now, that ICANN, the GDS team that is led by Karen has posted their first ODP related blog post, if you will. And that describes the work being divided into nine work tracks, and really showing that it involves the entirety of the organization, everyone from the technologists in the company to HR and finance, and touches pretty much every group within ICANN.

So within the 10 months, hopefully, they will have an operational design assessment that they can provide to the community, and then the Board would vote on that within three months. So we're talking about essentially, by January of next year, so a year from now, is when the Board would be faced with voting to initiate the implementation.

The real meat of this discussion today, though, was a couple months back I brought up the subject of whether we you as the Council wanted more insight into the ODP than what you were getting through the SSAD ODP liaison, and whether you wanted any additional measures of transparency, whether there were any issues you wanted me to follow up on in terms of wanting to know more than just what they put out there in the blogs are the questions that they have. So I'm going to kind of throw it back to you, Philippe, to lead that discussion. Everyone's happy, then great. If you want more, I'm here for you guys. So y'all let me know what you want me to do.

PHILIPPE FOUQUART: Thank you, Jeff. And just an observation on what you said. It's certainly, as a rule, the responses from Council on those questions should be timely. However, I'm talking theoretically, should there be items that would require for whatever reason, more time, then it's also perfectly okay to say that given the nature of one particular question that might require more time than the 10 days or whatever, two weeks that would be normally allotted to a question. And, again, I'm just talking theoretically. In principle, that's also fine, I think.

This being said, Mark, you have your hand up.

MARK DATYSGELD: Thank you very much. I think that I'm sort of following up on what Tom said on the chat. And I think Jeff just followed up on that as well. So I will put it in voice here. I do hear a lot of anxiety over the

shifting dates and the uncertainty of the process. So what can we do both as community leadership and how can we engage the community? What could be useful for us as a community to do to expedite this process? where are the bottlenecks? Is there anything that we can do? Where should we apply pressure, who should we talk to if we want to see this done in a correct and very purposeful way, if we don't want to see dragging and creating anxiety in the community? Thank you very much.

PHILIPPE FOUQUART: Thank you, Mark. My initial thinking would be that—and before opening for comments on this, is that obviously, on the policy side of things, expediting things would mean doing our job in terms of reviewing the questions and answering them as quickly as possible. I'm just stating the obvious. For the other things that would not relate to policy, that's a good question. I don't have an answer. Maybe, Jeff, you do. But I guess there's going to be room for such discussion at the next ICANN virtual meeting. But that's a good point. I don't know how much leeway we have with this. And I appreciate that there's a number of comments along those lines. But, Jeff.

JEFFREY NEUMAN: Thanks. I can provide a semi answer, not to how we make it go faster, but perhaps one thing the Council could ask for is a high level project plan of the ODP, to understand early on whether it is meeting its expected timelines, because right now we're sort of in the dark. We don't know what the milestones are, what the deliverables are for this ODP. All we know is that it should take 10

months. But that's not going to give us any insight into whether they're running ahead of schedule, behind schedule or on schedule, kind of like the Berry Cobb documents we get. With those, we can look at and we can say, "Oh, you know what, these deliverables, some dates at the beginning have slipped, and therefore we know it's likely that the end dates are going to slip."

We just don't have that kind of insight into the ODP. I'm not sure if ICANN will give that to us. But like I said, that is something that Council could, in theory, ask for so that if we get into March or April and it looks like we haven't met the deliverables or the milestones that were set for March and April, perhaps the earlier the better, I guess, to know this.

PHILIPPE FOUQUART: Thanks, Jeff. I think it goes back somewhat to your earlier question, Jeff, on how much visibility Council would like to have on the work tracks and issues that would not relate to policy questions. So that's an open question for Council. And I suppose that if there's some willingness to ask for such information, then we can put that forward.

I think that, Maxim, to your question, that's exactly Mark's suggestion, and also Jeff's point. Anything else on this particular point or the ODP in general? Any comments on this, the need for project plan progress metrics of the ODP to be provided? I see some support in the chat and some caveat as well, the fact that it shouldn't be an extra overhead for the project.

JEFFREY NEUMAN: I agree with that. I don't think we should or could expect anything that is to be created as far as like a real detailed one, just something so that we know if there are expected high level milestones that are supposed to be hit, that they are being hit when they're supposed to be. So nothing like the true, every single deliverable or anything like that. Just a general one. And like John says on the chat, I'm sure they have something that would not require extra work to give us.

PHILIPPE FOUQUART: Thanks. Jeff. Yeah, I'm sure they have something of that kind internally. My question would be—just to follow up, I would assume that this sort of information would be of interest, not only to Council, and possibly not only to the GNSO. Certainly fine for us to ask that that could be included. Just thinking aloud really. That could be included in the webinar or something of that kind. But it just strikes me that it may not be specific to policy issues. Jeff.

JEFFREY NEUMAN: I agree with the fact that this is going to be of interest to the whole community. But I think it's right for the GNSO to ask for it. Because it's an operational design—planning for the implementation of GNSO policy. So I think it's appropriate for the GNSO to ask for it. And I think it's also appropriate for ICANN to make it available to everyone. So I don't see anything wrong with the GNSO asking for it. It's no different than the CAC when they ask for updates on status of their advice or anything else. It could be applicable to the whole community, but it's certainly within the

jurisdiction to ask about the status of what—in the case of the GAC, status of implementation of GAC advice. And in case of GNSO, implementation of GNSO policies.

PHILIPPE FOUQUART: Thanks, Jeff. Let's put it the other way around. Any concern over asking for this sort of information through our liaison, expressing interest in this? Okay, seeing no hand and bearing in mind the caveat that was put in the chat as to this not being intended to be a burden for the project, I think, Jeff, you can take that forward and express our interest for this sort of information. That'd be good. Any other comments?

JEFFREY NEUMAN: can I just ask this? If we don't have time, that's fine. But Maxim just had a comment about the interactivity of the SSAD webinars. Not to discuss here, but if there's other ideas from Councilors on how to make webinars for the SubPro ODP more interactive, let me know and I'll pass those on. Thanks.

JEFFREY NEUMAN: Thank you. Thanks, Jeff, thanks, Maxim. To your question, we have time. We have up until 1:15. So we have time to discuss that. And it's good that we do at the beginning of this process, I think. So indeed, any suggestions to the format of the webinar would be welcome. Thanks, Maxim. And maybe to this, yes, I was about to suggest that you take the mic, Maxim, for those of you of us who didn't pick up your note in the chat. Maxim.

MAXIM ALZOBA: I meant just generic zoom call. Because these formats with Q&A section, I'd say it's not very convenient in terms of who asked what, etc. Because earlier, they used some kind of generic webinar where the properly formed questions in chat were answered and everybody saw those, etc. And also, just a slight change. It doesn't require a lot. Thanks.

PHILIPPE FOUQUART: Thanks, Maxim. I would agree, for what it's worth, there are drawbacks with the webinar format. It's a difficult one. It's always a tradeoff. But I'm sure these sorts of comments can be taken onboard and see what can be improved. You would remember we had the same sort of issues with the performance of our Council calls, but that maybe there's room for improvement on this. Jeff.

JEFFREY NEUMAN: I just want to say that I am meeting every month with the GDS team. And I will say that I've been impressed with Karen and the team. They want to be responsive to us. And so all we need to do really is ask the questions, and they seem open to providing us what we need. So I do want to say that the calls that I've had with them have been very, very good, and they're very open. And so I want to thank them. And to let you know that it's my impression that they will endeavor to get us what we're asking for. So I don't want to make it sound like they'll push back at all. It has been very good dealing with them. And I'm very confident in the expertise of the team that Karen's pulled together.

PHILIPPE FOUQUART: Thanks, Jeff, for putting this right. And all of what we're saying here is done in good spirit. It's certainly no suggestion that it's opaque. No, this is meant to be suggestions for improvement at the very beginning of the process in the hope that he will be useful for everyone. And with that goodwill, I'm sure this can be effective.

Any other comments on the [inaudible], the substance of those feedback? On the way we will review the questions? Okay. Seeing no hand. I see that there's a question in the chat. Desiree, thank you for joining. I'm sorry to put you on the spot.

DESIREE MILOSHEVIC: That's fine. Thank you. In the view of lack of transparency as to what happens to the recommendations once they're sent off to the Board, there was a comment in the chat, as you've seen, that we have no way of finding the right times and response. So I was asking a question whether there is a way to have sort of an ICANN Board or dashboard, if you like, of where the recommendation sits, or if it's something to do with ODP or ODA, if there's something more that can be shared with the Council or with the community.

So my comment in the chat was about the Board operational effectiveness team. I believe they look at the effectiveness of the Board performance. And maybe it's part of their task also to address one of these lacks of communication that we see, this missing link. So probably that was a question to the staff rather than to the Council. Thank you.

PHILIPPE FOUQUART: Thank you. And maybe more broadly, there may be some thinking to do in terms of mutualizing the feedback somehow on aspects that would not be specific to policy issues. Noting the suggestions in the chat of having possibly one channel and to mutualizing the effort with the Board for example. Thinking aloud, I don't know. But I would just note that there were some suggestion in the chat as well. So maybe we could think about that as well.

Any views on this, on how, in practice, we can put that in place? Or we can use that as suggestions that Jeff can take forward to the team. We want to turn into Brownian movement here and make things more confusing than they might be already. But I think that all of these are good suggestions. And that's the right time to make them and see whether they can be implemented. So those are good inputs for Jeff.

Anything else? Okay, seeing no hands. Thanks, everyone. And so Jeff, we will rely on you to get back to the Council on those, both the answers that Council endorsed and also on those suggestions on the process itself. Thank you.

So with this, we can move on to the next item on the agenda. That's Item five, our discussion on the SSAD ODP, and the next steps. The ODP being in its last mile, we have a meeting with the Board next week. And the operational design assessment is expected to be published before that. Not sure when exactly and not sure whether we will have the opportunity to read that in detail. But nonetheless, should be available.

A follow up on the action items that we agreed after our call with the phase two team and the SG and C leaders. I was expected to communicate to the Board our expectations. So I did that. You would have noticed the email that I forwarded to the list determining the approach to review the operational design assessment. That's our goal. I think that that's the point of the discussion that we will need to have. So that's the first goal of this discussion, as well as discuss the procedural avenues for us to address that. So these are the two topics for these discussions, the engagement with the Board on the next steps and the procedural options.

On this first point, before I open the floor—I see Maxim, you have your hand up already. I think it would be good to share the findings of the preliminary conclusions that we put together with the EPDP phase two team and the SG and C leaders with the paper that we circulated after our second call. So if people would agree, I think this paper could be shared with the Board. And know that the ask is indeed that the Board would share their initial impressions of those elements. And I think conversely, the Board would probably need to hear on our initial reactions. So that would be a good thing to do. And before we move on to discussion, any concern over sharing the paper? I suppose Maxim, that's on a different point, looking at the chat, or new hands. Okay, so I'll do that. Maxim.

MAXIM ALZOBA: I have a suggestion on timing. Because it's also important that our constituencies' members are able to properly read and send the feedback on the documents shared. So I think the typical timing is

around a couple of weeks, is what we can expect. So we have the feedback from our members, not just our Councilors' opinions. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. Just to make sure that I understand what you just said, are you suggesting that we'd be waiting for, say, another few days before we share that paper? Is that what you're saying?

MAXIM ALZOBA: I meant the timing after ICANN staff sends the detailed information about SSAD, and that we need to expect a couple of weeks for membership of our constituencies to just get into details. And so we have formal feedback not of only very active members, but of the most members. And I think it's important. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. So you were not referring to the paper that we circulated last week and that was meant to capture our initial thinking on the preliminary information that we received. So I can share that. I understand that I can share that. It's been a while. Well, pretty much it was initiated before Christmas. But yes, you're absolutely right. And that will be subject to a public comment period anyway. The ODA will be reviewed by the SGs, Cs and possibly commented on. So the elements that Councilors may want to discuss during the conversation that we will have with the Board cannot be misconstrued as being solid constituency positions. You're right, people will need some time to review that. Thank you.

Alright. Anything else on this and our discussion with the Board next week, and how we would approach that in addition to the procedural elements? Desiree, you have your hand up.

DESIREE MILOSHEVIC: Thanks, Philippe. I believe that as you know, we agreed to send out a letter. But with regards to having a discussion with the Board, as it has been said in the chat room, we may have to have more time to read the ODA before going into discussion. But I just wanted to convey a general feeling that I get from this discussion of going back to the Board and discussing it and going back to the Council. I'm just a little bit concerned that we are slowing the process ourselves, since the establishment of SSAD is going to be a long process. In my view, it's going to be the Councilors and the EPDP members who will then take the next steps. So I think we're correct in our letter with regards to approach. I think that would be the preferable approach and I think the community has here more say, GNSO Councilors and the SGs, than the Board itself. But of course, we are open to hear from the Board if they have any additional concerns. That's all. Thank you.

PHILIPPE FOUQUART: Thank you, Desiree. Any other comments on this? And on your observation, Desiree, on the prospect or the risk of slowing down the process by having that conversation, as far as I can see, the goal of this is to—I wouldn't say speed up, certainly, we're not good at that anyway, but it seems that the initial findings weren't that sort of discussion—it certainly doesn't mean that the recommendations would need to be reviewed. But I guess from

the Board's perspective, putting this as a question makes sense. If the answer's no, if the answer is then review, take those recommendations, take your vote, we'll come back onto that later on, then that's fine. But I think the question makes sense. But you're right, if our answer is we don't want to make this more complex than it already is by having that discussion, then so be it. If such is what Council would like to convey, that's just fine as well. But in principle, I think the question is worth asking.

Any other any other comments on that first part? Thanks. So on the next steps, and to Kurt's note in the chat, I think the purpose of the second part of the discussion is just that, to review the options and trying to frame the next steps in light of our incoming discussion with the Board. And for this, I think we have a few slides with us that were posted with the meeting materials. And Marika, would you mind helping us go through those to describe the various options at hand and precedence, if we can call it, in the matter?

MARIKA KONINGS: Thanks, Philippe. Hi, everyone. Before diving into the sides, just one comment I wanted to make on something you said, because I think you referred to a public comment period that might happen on the ODA. And I'm not sure if that is currently planned. So that may be a question you want to clarify with the Board, if that is indeed the plan or the expectation. So just wanted to note that. And if we can go to the next slide.

So as Philippe mentioned, these slides are really intended to give you an overview of the procedural options that exist per ICANN

bylaws as well as the PDP manual on what happens after the GNSO Council has approved PDP recommendations. So everyone has the same understanding and appreciation for what is possible. But of course, the decision on which path to take is something you may only be able to discuss once you reviewed the detailed information of the ODA and have the conversations with the Board, obviously.

So basically, there are three scenarios available, two of which would require the specific involvement of the GNSO Council and the community. The first one is the more traditional one, and that's a once the GNSO has adopted the recommendations, they get sent to the Board, and the Board normally adopts the recommendation if it doesn't find there's any concerns and it doesn't find that they're not in the best interest of the ICANN community or ICANN, at which point there's no specific role for the GNSO Council until those actually get sent for implementation.

The second scenario is one where the ICANN Board determines that the adoption of the recommendations is not in the best interest of ICANN or the ICANN community, and that's the language specifically called out in the ICANN bylaws, and it can pertain to either the whole set of recommendations or part thereof. And in that case, the recommendations get sent back to the genius of Council which is requested to either affirm or modify its recommendation in the form of a supplemental recommendation.

The third option is that the GNSO Council can decide to make amendments or modifications to the policy recommendations, and that it can do so under Section 16 of GNSO PDP manual. But that,

of course, needs to happen before the Board has approved or considered the recommendations.

If we go to the next slide, we'll go into a bit of detail for each of these. This is the specific language from the bylaws in relation to the kind of option one where the Board adopts the recommendations with the required voting threshold. I don't think we need to discuss this one probably further. Next slide, please.

So this is language in the bylaws that specifically talks about what happens when the ICANN Board decides that the recommendations are not in the best interest of ICANN the corporation or ICANN the community. The Board is required in that case to articulate the reasons for not adopting the recommendations. And it sends that back to the GNSO Council in the form of a Board statement, which is then reviewed by the GNSO Council and there's also the opportunity then to discuss with the Board its statements, after which the Council is then expected to meet and either affirm or modify its recommendations and send so-called supplemental recommendation back to the ICANN Board, who will then in its turn, reconsider that supplemental recommendation and it still has the ability there to decide that even that supplemental recommendation is not in the best interest of ICANN org or ICANN the community and decide not to adopt it may decide to adopt it with the required voting threshold. Go to the next slide.

So this procedure has actually been recently being used in the context of the Phase One recommendations. As you may recall, the purpose two recommendation and part of recommendation 12 were not adopted by the ICANN Board, while all the other

recommendations were adopted. For purpose two, the Council actually decided to accept the non-adoption by the ICANN Board as the EPDP phase two working group was already expected to deal with that question. So the Board decided not to take any further action in communicating that to the Board.

For recommendation 12 on the other hand, the topic was discussed during a number of Council meetings, there were a number of Council Board engagements, there was an exchange of letter. The Council then adopted a supplemental recommendation in which it clarified the intent of the recommendation. There was a response from the ICANN Board confirming the details and then a small team was formed—I think that you all have recently seen its work—that also informally liaised with the Board and developed a proposed response.

The point here is that in this case, there is no prescribed process for how the Council is expected to develop the supplemental recommendation. There is flexibility there on, again, the topic at hand and what works best to come to the supplemental recommendation and engagement on that which the Board is expected and has happened in this specific instance as well.

If we go to the next slide, which is the scenario three where the Council decides to make changes, and as said, this is a specific procedure that's called out in the GNSO operating procedures and the PDP manual. So these are either amendments or modifications of approved policies, so approved policies by the GNSO Council. They can only be modified or amended before the final approval by the ICANN Board.

This procedure does specifically prescribe how that is expected to happen, basically states that either the PDP team is reconvened, or if it is disbanded, it's reformed and should be consulted with regard to the proposed amendments or modifications. So this basically assumes or presumes that the Council will provide a specific direction on what the proposed amendments or modifications are expected to be and request the PDP team to consult on that and provides its advice on those proposed amendments on modifications.

There's a requirement to have those proposed amendments or modifications posted for a public comment period of no less than 30 days. And they also need to be approved by a supermajority vote. And to clarify, this is only applicable for policy recommendations that have not been adopted by the ICANN Board yet. If they have been approved by the ICANN Board, the only way to change PDP recommendations is through initiation of a new PDP. If we go to the next slide.

So this procedure actually has also been used before and that was in the context of the Red Cross names in 2018. It was actually an initiative that was I think led by Thomas who's on the call today, so I'm sure he will chime in if I forget or leave anything out here. I think this was an instance where the PDP team had actually already been disbanded and didn't exist in the same format and a reconvened, I think smaller group was formed as a result consisting of some of the same members, of course, that participated in the original working group.

This is actually a case where I think it started off with Council and GAC consultations on the topic that were facilitated by the ICANN

Board, where a specific issue was identified that was not addressed or was not addressed properly in the recommendations. And I think that went through quite a number of conversations before the Council decided to invoke this procedure and consult with the reconvened PDP working group on those proposed amendments, where the group confirmed the amendments and they provided some additional, I think, recommendations for Council's consideration. And following that, the amendments were adopted by the Council as well as the Board and then were subsequently implemented.

And as said, even though there are specific minimum requirements associated with this procedure, as you can see, in this one, there was as well, a lot of consultation and conversations that happens there both with the GAC as well as the ICANN Board before recommendations were finalized to ensure common understanding and appreciation of the issues that had been identified.

And so if we go to the next slide, of course, these are the scenarios that are basically prescribed in the bylaws as well as the PDP manual. But in the specific circumstances that we're in, maybe there are other paths that could be pursued or considered. And one that we mentioned here is that I think in one of the comments to the previous conversation, there was a suggestion that maybe there are areas that can be implemented in a simplified manner, such as accreditation, which has been identified as one of the areas that may add substantial cost and complexity to the SSAD. I think it was specifically suggested that maybe there are other scenarios that could be considered. And

again, I don't think we expected that you'll be able to have a final decision on that today here, because some of that, of course, may depend on what you find in the ODA and in subsequent conversations.

Someone I think raised in the chat as well, maybe there is already a preference for certain scenario. Again, I don't think it's the intent here to decide on a scenario because again, it may be dependent on your conversations with the Board, as well as the review of the ODA. You may still want to have a conversation around that. And of course, if there any questions on at least procedural aspects, I'm happy to try and answer those as well.

And I think the next slide goes basically to the next topic, which I think Maxim already started on to a certain degree. After our conversation on the 12th of January, I think that the agreement was that there are basically two topics that you would like to discuss today. One is of which is more of a procedural aspect and making sure that everyone has a clear understanding of what the options are for the Council as well as the Board when it comes to the next steps in this process, but also a conversation around, on the one hand, there's a procedural aspect, but now there's also the substantive aspect. And what is the best way of dealing with that? Many of you have already stated the importance of analyzing and reviewing the ODA once published and maxim already noted that sufficient time needs to be made available for that.

But one question, of course, is, what is the best way of doing this? Because the assumption is—or there's maybe an expectation that the GNSO Council will come to some kind of common position or

view on the path forward as well, based on its analysis of the ODA and its conversations with the ICANN Board.

So here are some options that I think we've tried and tested in the past, but of course, there may be others. There could be a small team consisting of a number of Council members, and maybe a number of EPDP phase two team members that would take it on them to kind of go through the ODA consulting as well, of course, with their respective groups and come forward with their findings or conclusions based on that analysis. Should it just be the EPDP phase two team that dives into that? And should it be each stakeholder group and constituency that undertakes its own analysis and then reports it back to the Council via certain dates, or is there another approach that would be best suited in your view to undertake and that analysis?

I think a related question to that is, whoever you assign to undertake this analysis, would there also be an expectation to provide recommendations to the Council with regards to possible next steps? And what kind of scenario it would be preferred? Are there specific changes that could or should be considered? And then the last question is, what would be a timeframe for undertaking this analysis? As Desiree already pointed out, even though there shouldn't be any kind of rush in doing this, and sufficient time should be taken to undertake the analysis, but at the same time, we probably don't want to create a process that adds more time to the work that has already been done and try to do this in an efficient and effective manner.

So I think those were the questions we wanted to kind of put on the table and some of the procedural aspects. And as said, happy to answer any questions anyone may have.

PHILIPPE FOUQUART: Thank you, Marika, this is Philippe here. Well, let's take those things in order. Any questions, bearing in mind that it's—I wouldn't say it's academic at this point. But as you said, well, at least scenario one depends on what the Board will decide. But I'm sorry, number tw. Number three being taking a decision before the Board's vote. That is certainly something that that is in our hands. Any questions on the procedural aspects first before we go to the ODA and the two options at hand? I see lots of activity in the chat, mostly related to point number two. Marika.

MARIKA KONINGS: Thanks, Philippe. I was just quickly scrolling through the questions. I think to Kurt's point, although in the scenario two where the Board actually votes, they are required to provide the Board statement on their reasons, but of course, that doesn't mean that in the scenario three, they couldn't share that same kind of information. I think, as it happened in the case of Red Cross, I think the Board also kind of indicated what their concerns were, and I think encouraged that conversation between the GAC and Council because I think they had two conflicting pieces of advice and recommendations there.

So it's not precluded in that scenario to have the Board state more specifically their concerns or provide input or even engage with

the Council on the conversations. The procedure itself outlines basically the minimum requirements. But as is typical, I think with the GNSO operating procedures, beyond that, there's a lot of flexibility on the kind of consultations or input or conversations you want to have. So that would really be for the Council to define and to engage with the Board on if that is an important aspect of undertaking that kind of work.

PHILIPPE FOUQUART: Thanks, Marika. Any other questions on the first one? Noting that there's a question from Jeff. Marika.

MARIKA KONINGS: Thanks, Philippe. Answering to Jeff's question, there's no issue, at least not from a staff perspective. I think the only difference is that and if the Council decides to take back the recommendations, you have the flexibility to change whatever it is that you want to change. If the Board adopts the recommendations, and for example, they say we adopt 10 of the 20 recommendations., the only recommendations that get passed back to the Council are those that are not adopted.

So I think from that perspective, the difference will be more on the flexibility or the scope of review that you have, but it's of course fully up to the Council if you prefer for the Board to make that determination before it comes back or part of it comes back to the Council. And Jeff, to just to confirm, I'm not saying that's a bad thing. I'm just outlining what the difference could be.

EN

PHILIPPE FOUQUART: Thanks, Marika. And I think it also goes back to Desiree's comment. I think that if anything, the purpose of this is maybe— and if for once, there would be benefit in anticipating—I don't want to say a vote, but certainly if by that vote, that would lead to the recommendations being changed, then we may want to take that in advance and review those recommendations accordingly and buy some time, as it were. Thomas, you have your hand up. Hi.

THOMAS RICKER: Thanks very much, Philippe. Hi, everybody. I think before really going into the procedural aspects, I think it would be so important for us to understand fully what the concerns are. And I know that I've been saying this during our last conversation on this, but I think that this should be the number one priority to tease out when we talk to the Board.

You know, let's just look at this from the outset, the EPDP policy development took a couple of years. And then the European Commission obviously thought that it was faster for them to achieve their goals by putting some requirements into the NIS2 directive, although they were cognizant of the fact that this would take a few years as well.

Now, I'm afraid that we're talking so much about process and costs and concerns and all that that we lose all credibility at the global level and lose out on delivering. So I think we need to have a frank discussion with the Board on what the concerns are, not only financially but all the concerns that the Board envisages prior to adopting the recommendations. And then we need to try to find a way forward that allows for ICANN to be seen as an

organization that functions not only during the policy development phase, which is over, but also during the implementation phase, which I'm afraid will take too long if we don't get hands on and discuss what the real issues are and how they can potentially be overcome.

PHILIPPE FOUQUART: Thank you, Thomas. Any other comments on our discussion with the Board—going back to point one, want to make sure that we we've covered all of that, and what the essence of that discussion might be. Desiree.

DESIREE MILOSHEVIC: Thank you, Philippe. Just wanted to make absolutely clear here that there's no way to be surprised that the Board may take the route, option two and just adopt the recommendations themselves, since they have received recommendations without discussing the ODA. Just throwing it out as a possibility. I believe there is no such possibility of that taking place. Am I right?

PHILIPPE FOUQUART: Thank you, Desiree. Speaking personally, I don't know if it's that extreme. But certainly, given the initial findings, and given the figures that were floated around, I think that there are question marks as to whether that fits within the sort of understanding what the cost model might have been during the work of the EPDP, hence an opportunity for Council or the relevance of the question from the Board to Council on the use of option three. So I don't know if it's as extreme as you put it, Desiree, but there's certainly

a willingness to offer that choice to us and have that discussion, including on substance, as Thomas said. Any other comment or follow up? Desiree?

DESIREE MILOSHEVIC: I agree with your explanation. We have an opportunity.

PHILIPPE FOUQUART: Any other comments on both the discussion that we'll have with the Board and the procedural part? Kurt, hi.

KURT PRITZ: I raised my hand at the last second, because I was really reticent to, but either now or a little bit later, I'd like to flesh out Thomas's idea for having that sort of discussion that would lead to some sort of competent execution of the next steps. And I agree with him completely, but I don't know what form that would take. And maybe it starts with Desiree's questions about, given no other input, is the Board considering passing all these recommendations? Is there even an avenue for the Board adopting some of the recommendations? That's not how the recommendations were presented to the Council, and I think the Council presented to the Board. But that would cause the Board to make cost benefit analyses on each one of the recommendations.

And then maybe Thomas has some ideas, I'm not sure. But we have this thing where we were the EPDP team, realizing it was a compromise, thought the expense might be too much for the benefit. And then now we have this additional input. So how do we

have a good substantive conversation with the Board just talking about that sort of thing? Do the SSAD benefits outweigh the costs? And if not, what's a different way of getting something done other than marching through repetitive processes? I don't know. But anyway, yes. Pretend we're all sitting around a table, and we're all businesspeople and we're trying to make a call on this investment. And if we don't choose to invest the money this way, how would we invest it?

PHILIPPE FOUQUART: Thanks, Kurt. At least personally, that's the way I read the initial meeting. We had a conversation with Göran on the figures that were floated around. So there's that opportunity of having that discussion on the substance. And I'm not even sure that only arises from the ODP. But it may also be a sort of a follow up on those of the EPDP itself and the controversy over all of those. So maybe if Council would agree, that's also something that can be discussed with the Board on a more substantial part of it. Thomas?

THOMAS RICKERT: Yeah, thanks very much, Philippe. Since Kurt mentioned my name, I thought I should get back into the queue. What can this look like? We had a discussion on this already. I think that we need to understand that at the moment, we're primarily talking about financial considerations. And we don't know whether the Board has other concerns that might prevent the Board from adopting one or multiple of the recommendations, what recommendations and what the concerns might be.

And I think the worst scenario that could happen is that we revisit the recommendations, send them to the Board again, just to find out that there are additional concerns that the Board has that we didn't yet know. So I think if we are compelled to revisit what we've done—and I'm not yet sure whether we have to—then we should know all the concerns the Board might have and have the confidence that if we address those concerns, that the recommendation will be adopted.

If it's purely a matter of operationalization, or implementing the concerns, I think we have precedent on how that can be done based on what we saw with the Work Stream 2 recommendations of the CCWG accountability, where the Board also said, "Well, this is a huge endeavor, we can't do everything at the time." And they just talked about prioritization and how to go about with the implementation that was planned to take a couple of years, and which actually does take a couple of years.

So I think we need to know before we can discuss this further. But what I can say is that it sort of feels wrong, after the community has gone through this process of coming up with all the recommendations that were sent to the Board, that we try to revisit them without actually knowing what to revisit and what the endgame is going to be. And I know that I've mentioned this in another discussion as well. But if it's purely financial, and if we can actually tease out what the benefits are, I know that there's a lot of uncertainty as to whether the system is going to be used, but I'm quite confident that once we operationalize it, that it will be used, and that it will become more powerful in a very short period of time, because folks gain confidence in the system will be working,

and then we can add functionality and make it evolve. That was the entire idea, that will make this quite a powerful tool.

But we've done our work, we've shifted over, we think that this is the best that we could do, and then [pedaling back and eroding it] before actually knowing what all the concerns are doesn't feel right. And I'm not saying that we should get hung up on process and that this should be a lengthy endeavor. But I think we need to have a frank discussion about what the endgame is going to be and then try to find a way to move forward in consultation with the Board. I think this can be sort of a joint effort.

PHILIPPE FOUQUART: Thanks, Thomas. And just to echo on the procedural part, what you just said, I think there were a lot of comments along those lines in our meetings with the phase two team on the fact that as you said, for what it's worth, those recommendations were approved. But also, there was a need to understand the concerns, if any, from the Board not to make a moving target and get into a process where the revision of what we've got wouldn't be fit for purpose either and over complicated things. At least if we've got one stable elements in the equation, maybe there's room for success there. That would echo what was said during at least the last meeting.

So it's already 25. So this is good conversation, I think, in anticipation of our meeting with the Board. There's another element that we need to discuss, something which will happen anyway, is the way in which we will have to decide, is the way we would process the ODA once published and the questions that we

have on the screen. I think it'd be good to have some feedback from you on how Council, how the GNSO would get organized to review that ODA. And you have a few options on the slide here.

Are there any views on how we could do that? That being the review of the ODA. I can give you my personal impression for what it's worth. And I think the first option of having a small team and the phase two team members is a flexible option and that would seem to be lightweight enough to do that and go back to Council with their findings, obviously. Any views on this? Sebastien.

SEBASTIEN DUCOS: Yeah. Hi. I agree with you. I think that we've seen in the last few conversations that that works well, the mix of the Council and the people that were involved in the discussion. They have the background, the history and the relevant questions. So I would very much welcome their help. I think that anyway, if we send it back to the SGs, exactly the same people, they're going to have the interaction at SG level. At least part of them.

I wanted to suggest also maybe some way to have an initial— somebody taking the responsibility of having a quick initial browse through the document. I understand the document is going to be 150, 200 pages long. Just checking for obvious missing items, like for example, because we talked a lot about the financials around it, if it turns out the document is mainly wording explanation, and just about as much in-depth financial information as what we've seen on the slides, there's an obvious problem and we would want to be able to get back to the team immediately and ask for that

complementary information instead of waiting two weeks for everybody to review it and realize that we're missing a big chunks.

PHILIPPE FOUQUART: Thanks, Sbeastien. Just add to what you said, in the approach of having a small team that would be a mixture of having people who might be familiar with the process and those who will be familiar with the substance, that would be a good thing. On the second question, any volunteer who would be willing to do that would be welcome, to have that initial skim through the paper and identify some of the potentially missing elements. That would be welcome. Marie.

MARIE PATTULLO: Thanks, Philippe. For clarity, this is not me saying I'm that volunteer. I put my hand up before you asked about that. I really liked what Sebastien just suggested, but also, I completely agree with Maxim put in chat. I don't think that we can give you a reasonable timeframe for undertaking the analysis until we've seen it. And that's not me being obstructive. It's just being realistic.

Also, I very much agree what Sebastien said, I think it's essential that we have the EPDP team involved. They do have the knowledge, they do have the background. And no matter what we as Council decide to do, I can pretty much guarantee that each SG and C will be undertaking its own analysis. So I would expect that to happen. It's far too important for it not to. So I don't necessarily have an answer, but just throwing in the way that I can see this happening. Thanks.

PHILIPPE FOUQUART: Thank you. To the questioning about putting the cart before the horse and whether we need to have the ODA, maybe we could start with and be ready to start with the first option and maybe have a couple of more people, if necessary, on the way. The point is just to anticipate the review of that document. But point taken. Obviously, we need to have that ODA first. But we shall see. We'll just stand ready. Maxim, I get your point about getting the document first. It may have an impact. But Kurt, you're next.

KURT PRITZ: Thanks, Philippe. So what is the output of the small team? Is it the ODA digest or summary? Or is it a set of recommendations based on what the ODA says? Is it tasked with drawing conclusions about amending recommendations based on the ODA? I think those are two questions. And actually, regardless of what the output is, I'd like to see a full Council discussion on the results of the ODA in any case. I see the small team as facilitating the Council discussion rather than delivering some sort of final product and having us approve it, for a variety of reasons. Those that don't participate in the small team might still have a voice. Anyway. I guess my first question was what do we envisage the product of the small team to be.

PHILIPPE FOUQUART: Thanks, Kurt. I'm sorry, I'll start with the second question. Certainly, Council will have oversight on the output and the purpose of all of this is to try and digest the ODA. And certainly, if

we convene a small team with EPDP phase two members, they need to be chartered with a task, and that will need to be also reviewed by Council.

My assumption is that they would be tasked with going through the ODA, identifying the elements that would have an impact on the policy aspects and the recommendations as such, and possibly, that would be at odds with the understanding—I'll put my words on it, but of the phase two team when the recommendations were developed, and take it back to Council to [flag] them. I suspect that—I don't know if a large part of the ODA, but not all elements in the ODA will be relative to the recommendations themselves.

But to your point, obviously, that small team will need to be chartered with a specific task. And there's probably a mixture between digesting the ODA and flagging the elements that would have policy implications and take them back to Council. Any views on this would be welcome. Any comments along those lines?

And coming back to Sebastien's suggestion, anyone interested in doing the fast-track review of this? Sebastien.

SEBASTIEN DUCOS: Obviously, as I suggested it, I'm putting my neck on the line. I'm grossly incompetent in the subject matter. So my review of it will be only limited to that. So I'm happy to do it. I would hope that somebody that is more competent—maybe somebody from the phase two team will accompany me in this to be able to pick up things that I wouldn't see. That's all. Everything that has to do with

the financials, whatever makes sense immediately. But yeah, picking up the details of policy and where we may have had gaps, I wouldn't be able to do. That's my only caveat. But otherwise, happy to do it.

PHILIPPE FOUQUART: Thanks, Sebastien. We'll try and find some willing hands in the phase two team. As to the charter of the small team, whatever the way it's built, then maybe leadership with the help of staff can work on this and we'll get back to you later on.

Any anything else on this? Okay, thanks. Thanks, everyone. As Marika said earlier on the procedural part, there's no need to—that was not meant to be a decision-making discussion. But that's useful in light of our incoming meeting with the Board. And we'll take that forward.

With this, I think we can go back to our agenda. The next item is AOB, and we've got quite a few. The first item is on ICANN planning, I think.

NATHALIE PEREGRINE: Philippe, if I may, we have item six before AOB.

PHILIPPE FOUQUART: Please do. Oh, I'm sorry. Six, not seven. So very quickly, mindful of time, you would remember that we had a number of action items that we identified during the SPS. you have the pointer in the agenda. The purpose of this was to make sure that we had a

follow up. We had somewhat of a fading enthusiasm after the SPS, which is perfectly understandable, given the context.

We had a quite a few action items ranging from recurrent actions at Council and the way we conduct meetings, as well as clear cut action points, if you see what I mean. So I don't know if we have time now to go through all the action items. What we may do is if we could have the list on the screen. Thank you. And just to maybe let you know that there's a couple of things that we progressed.

So on the action item that was devoted to approaching the CEO to consider an informed get together and an update on the SPS at an intersession meeting, we discussed that with Göran and he's certainly willing to take part. I think it's in June that we will have an update on the progress.

On the action item on our engagement with the former newcomers, now full Councilors, I think Nathalie will help us put this together. And on the follow-up with the Board members relative to the SPS itself, I think we have a call scheduled with you and Becky on this. So these are two obvious action items that we had.

Just to pick up one of them—and I don't want to put people on the spot. But there's a couple of them that may require more substantial work, I would say, and I'm thinking about the first one for instance, the consideration for Council commitments. I'm wondering whether we could progress that one between now and—certainly room to progress that between now and the June meeting. Yes, Marika—

SEBASTIEN DUCOS: Philippe, if I may, because my name's on it and Paul's name is on it too.

PHILIPPE FOUQUART: Please do.

SEBASTIEN DUCOS: Paul and I had discussions about it. And it's been a few weeks now. We agreed that I would pen a first draft of what I had in mind what we had discussed. I'm still sharpening my pen, so not a huge amount of progress, but it's definitely something if I put a timeline on myself, then I get done. But I'd be happy to share more on it before the next meeting, before the February meeting. Not June, February.

PHILIPPE FOUQUART: February. Brilliant. Thank you. Thanks, Sebastien. Any other comment on some of these action items? So mindful of time—

SEBASTIEN DUCOS: If I can—

PHILIPPE FOUQUART: I have difficulty seeing your hand. You have a background that sort of ... Over to you, Sebastien. Sorry.

SEBASTIEN DUCOS: So the other item that has my name and has some progress too is the one related to the SCBO, the PMT tool and everything. And there we agreed that we would work on it within the SCBO and with Berry and everything. But right now, the SCBO is focused on a February 7th deadline for comments. So we're working on that first. And we'll tackle the second part as soon as that's done.

PHILIPPE FOUQUART: Thanks, Sebastien. And we'll come on to that in a minute, by the way, we have an AOB on the SCBO. Thank you. So we'll get back to this in February then, if only for the first item, but certainly for the other ones. And we'll move on, given the time, to the AOB items, and we have quite a few. So this one is Item seven. And the first is on ICANN planning that's on the way. And as usual, we'll need to think about the bilaterals and the associated agendas. Maybe Tomslin, since you've been participating in the planning sessions, you could say a word about how that's going.

TOMSLIN SAMME-NLAR: Certainly, Philippe. So to be quick, I just wanted to give a quick update on the planning calls that took place in December between the SO and AC leaders and staff, and especially planning the plenary topics. There were four topics that were submitted, and two were voted in December. And those will be put on the agenda for the ICANN 73.

So the four topics that were submitted were the moving forward with the global public interest framework by At-Large, reflections from the pandemic so far, impacts of COVID-19 on the work of

ICANN by GAC, evolving the DNS abuse conversation, maliciously registered versus compromised domains by the Registries Stakeholder Group, and the ten-year anniversary of the new gTLD program, again by the Registries Stakeholder Group.

After the voting, the two which were selected were moving forward with the global public interest framework and the evolving the DNS abuse conversation. So those will be the two plenary sessions at ICANN 73. And I think the proposed time and block so far are 9th March for moving forward with the global public interest and—sorry, no, my bad. That's not the block. Thanks for bringing that up. I think that the image up now has where the blocks are.

Next steps for these is I believe if staff hasn't sent this yet, information will be sent to the community on how the community can participate in the planning sessions for each of these plenary sessions. I think that's all, Philippe, as to updates on the meeting so far.

PHILIPPE FOUQUART: Thank you, Tomslin. Thanks for the update. I'll just quickly turn to Nathalie. Anything you'd like to add on the planning, since you're closely monitoring this as well? And what you're expected to do on this, anything you'd like to add?

NATHALIE PEREGRINE: thank you very much. Nothing, Tomslin covered it all, apart from just agreeing with you, Philippe, that there will be preparation for the bilateral sessions with GAC, ICANN Board, and ALAC for the first time in a while. So that will be key to get the discussion

moving fairly fast. The ICANN 73 schedule will be publish on the 14th of February, so please keep an eye on your inboxes around that time. We'll be sending out emails reminding you as to how to register, and especially—and I know it's not always a straightforward procedure, how to download the schedule to your calendars. So please keep an eye out for that. And we're always available to help you if you run into any difficulties. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Nathalie, thanks, Tomslin. Moving on with our agenda and getting to 7.2. That's an update on the SCBO, on the expected comments and the associated timeline. John, would you like to take us through that?

JOHN MCELWAINE: Yep. So with respect to the SCBO, do we have the timeline pulled up here?

PHILIPPE FOUQUART: It's on the agenda.

JOHN MCELWAINE: Maybe I can pull it up. I don't have the timeline pulled up, I didn't know I was going to have to go over it. You want me to pull up the—I know off my memory that we're trying to get a draft comment finished up by July 31st and off to Council shortly thereafter. And then I forget.

PHILIPPE FOUQUART: I'm sorry to cut in, John. I see Berry has his hand up. Maybe you've got the dates off the top of your head, Berry, if that would help us.

BERRY COBB: Hi Philippe. Yes. So the SCBO has met. We've completed four meetings, the fourth being yesterday. We're probably about 30 40% complete on a draft of comments. As John mentioned, the group is aspiring to have a solid draft of the comment by the 31st of this month. And the comment is due 7 February at 23:59 UTC. So far, in terms of substance of the comment, I don't think there's anything too exciting that's being formulated at this point in time. And just to note that on the 26th of January next Wednesday, the SCBO is meeting with the ccNSO's SOPC. Basically that agenda, the first part of it will be to refamiliarize ourselves or introductions in terms of the leadership changes that occurred over in the SOPC. And then there are a few topics, a short list that's being formulated. But the high-level topics will be something around resources related to policy development for both SOs, likely discuss the special fund for implementation that was recently allocated in FY 21 and the reserve and contingency funds are likely on the shortlist of topics to discuss with them. Thank you.

JOHN MCELWAINE: And let me add that in terms of content, just because there's always a short fuse for the Council to review, I think last year, we had identified more issues as we've learned more about how the

process works, sort of finance and planning process works. I think some of the issues have been resolved, and they've taken some of our comments into account and changed the way we're getting reports from the financial plans and in the budget. But I think this year, we're going to try to add a little bit more value by identifying workstreams that will be coming in the future, so from 2023 to 2027 to help ICANN Org do planning. Thanks.

PHILIPPE FOUQUART: Thank you, John. Thanks, Berry, for the update. I don't think we have time for questions. But the draft will be circulated to Council. Anyway, thank you both. Moving on with the agenda, next item is just an acknowledgement, basically, that there was no additional budget requests circulated to Council thus far. So given the deadline, the odds are that there will be no such request. We'll just note this for the record and move on to point 7.4 on the appointment of a GNSO contact for the UASG.

As you would remember, there was a question from Ajay Data with his presentation last year, and Christian Dawson from the ISPCP volunteered for being that contact. And there was some support on those. Thank you, Mark, for that. So I just want to make sure that there's no objection from the group for that appointment. It's not a liaison, it's just a contact. But in the event that there's some exchange necessary, I'm sure Christian can handle that. Any concern there?

Okay, seeing no hand, we'll just capture that in the minutes and thank Christian for stepping up. We have just about five minutes

left, but there's a couple of items that would be good to cover just to catch up with the ongoing work on the list.

The first item is the draft letter from the small team on the thought paper on modifying consensus policies. It was circulated a couple of days ago on the list. But Sebastien, if you would be kind enough to give us an update on that draft letter.

SEBASTIEN DUCOS: Sure. I'll just make it very brief. So we had several meetings about it. After meeting the team during a Council meeting in December, we spoke to them again and essentially drafted a relatively short letter for those who would have read it inviting to continue the conversation, but we're not going to go through a back and forth of writing and sharing documents because it just won't go anywhere fast enough. So we're just suggesting to find some time, sit around a table or a Zoom meeting, whatever it is, and start brainstorming these ideas. Again, nothing wrong with them. Just the process of writing back and forth is not going to be efficient for this. So that's the heart of the letter.

PHILIPPE FOUQUART: Thank you., Sebastien. So please have a look at that draft. I forget the deadline, but we'll want to make sure that we'll send it as quickly as possible. As I said at the very beginning, it'd be good to have also an update on the IDN letter. There were a couple of emails on the topic, a draft letter was circulated. And Kurt suggested some updates. I'm sure there's no issue with this. But just for those who wouldn't have paid attention as they should

have—and count me in—maybe Ariel, if you're on the call, if you'd be kind enough, since you provided that draft, to say a few words about where we are, and make sure that we can send those letters out to the call. Ariel.

ARIEL LIANG: Thanks, Philippe. In the draft letter, the proposed responses to answer the Board request in terms of review and organize the 19 guidelines in the IDN implantation guidelines into two subsets, one subset that overlaps with the work of the IDNs EPDP, and the other subset is the guidelines that are already incorporated in the version 3.0 of the IDN implementation guidelines and additional guidelines that do not overlap with the IDNs EPDP.

So the proposed Council response is to identify item 6, 8, 11, 12, 13 and 18 in the IDN implementation guidelines as overlapping items with the current work of IDNs EPDP. And this conclusion is based on Kurt's presentation in the previous Council meeting. And those items will continue being deferred, as [inaudible] suggest, and the remaining items in the guidelines can move forward for Board consideration, for adoption, as those guidelines are either already in the 3.0 version or nonmandatory items that do not overlap with IDNs EPDP.

So this proposed response is to provide a direct answer to the question. And again, thanks very much to Kurt for providing the additional input and context in terms of the previous analysis about potential security issues for IDN registration at the second level and the deferral of the guidelines effect on that. So what Kurt suggested is going to be incorporated in the Council response to

the Board letter. [Any] additional inputs is expected—the Council input is expected to be received no later than close of business today. So if any Councilors have any last comments or questions or concerns, please be sure to share them on the list no later than close of business today. And if we do not hear further objections or comments or concerns, this letter will be sent sometime tomorrow or no later than early next week. That's all from my end, of update for this letter.

PHILIPPE FOUQUART: Thank you, Ariel. Thanks for the update. That was useful. I would add to what you said on a totally separate topic that the draft letter on Rec 12 has also been circulated on the list and the same would apply. We will send it as quickly as possible. And we've been working on those two for a while, so I think that's good. So with this update and looking at the chat and the floor whether there are any questions, any additional thing you'd like to discuss, seeing no hand and we're now one minute over. I just want to thank you. Thanks, everyone, for their participation, and hope you're well. Speak to you soon. And apologies for stumbling with the words. It's getting late here. All the best. Cheers all. Bye.

NATHALIE PEREGRINE: Thank you, everyone, for joining the GNSO Council meeting. This concludes the call. Have an excellent rest of your days and nights. Take care, everybody. Goodbye.

[END OF TRANSCRIPTION]