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ICANN Transcription

GNSO Council Meeting

Thursday, 25 August 2022 at 13:00 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.

The audio is also available at:
https://icann.zoom.us/rec/play/xulMy8oARa8Z5xHehnCfwoHqb5n52DkcerqgQT2e90SRxY2SXUVHhsh2gy-7jYz5-YCin8NIvkw4VSVu.xiP0F5zxne3759PB

Zoom Recording: https://icann.zoom.us/rec/share/kNPTxq_xKpVDxzLwsYeBkyDNK6lMfJWGIZwk4jRn-aO6Ow1JAL7CCYzq66-r5cts.8MY0QN3pwARB2ddj?startTime=1661432488000

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 (apology)

Contracted Parties House

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

gTLD Registries Stakeholder Group: Maxim Alzoba (apology, proxy to Kurt Pritz), 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 (apology, proxy to Flip Petillion), Flip Petillion

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

Guests: Lars Hoffmann - Sr. Director Policy Research & Stakeholder Programs ICANN Org

ICANN Staff

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

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 - Senior Program Manager, Policy Development Support

Emily Barabas - Policy Senior Manager

Ariel Liang - Policy Senior Specialist

Caitlin Tubergen - Policy Director (apology)

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 25th of August 2022. Would you please acknowledge your name when I call it? Thank you.

ANTONIA CHU: I'm here.

NATHALIE PEREGRINE: Thank you. Maxim Alzoba has sent his apologies and assigned proxy to Kurt Pritz. Kurt Pritz.

KURT PRITZ: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Sebastien Ducos.

SEBASTIEN DUCOS: I'm here. Thank you.

NATHALIE PEREGRINE: Thank you. Theo Geurts.

THEO GEURTS: I'm awake.

NATHALIE PEREGRINE: Thank you. Greg DiBiase.

GREG DIBIASE: Here.

NATHALIE PEREGRINE: Desiree Miloshevic.

DESIREE MILOSHEVIC: Here.

NATHALIE PEREGRINE: Marie Pattullo. Marie? I see Marie in the Zoom room. Mark Datysgeld. I don't see Mark in the Zoom room yet. John McElwaine has sent his apologies and assigned a proxy to Flip Petillion. Flip Petillion.

FLIP PETILLION: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thanks, Flip. Philippe Fouquart.

PHILIPPE FOUQUART: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Thomas Rickert. I believe Thomas is in the Zoom room. Yes. Paul McGrady.

PAUL MCGRADY: Here.

NATHALIE PEREGRINE: Wisdom Donkor.

WISDOM DONKOR: Present.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: I'm here.

NATHALIE PEREGRINE: Wonderful. Manju Chen.

MANJU CHEN: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you, Manju. Farrell Folly.

FARELL FOLLY: I'm here.

NATHALIE PEREGRINE: Perfect. Juan Manuel Rojas.

JUAN MANUEL ROJAS: I'm here. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you, Juan. Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Present.

NATHALIE PEREGRINE: Thank you. We've received apologies from Olga Cavalli. And we have Jeffrey Neuman.

JEFFREY NEUMAN: I'm present.

NATHALIE PEREGRINE: Thank you. Justine Chew.

JUSTINE CHEW: Present. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you, Justine. And Maarten Simon, who I don't see in the Zoom room yet. We also have guest speakers, Lars Hoffmann from ICANN Org GDS who'll be speaking to item eight.

From GNSO support staff, we've received apologies from David Olive, but on the call, we have Steve Chan, Marika Konings, Mary Wong, Julie Hedlund, Emily Barabas, Ariel Liang, Berry Cobb, Terri Agnew, and myself, Nathalie Peregrine.

May I please remind everyone to please state your name before speaking as the call is being recorded. We're in a Zoom webinar room. Councilors are panelists and can activate their mics and participate in 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 but they have access to view the chat.

Please note that private chats are only possible among panelists in the Zoom webinar format. Any message sent by a panelist or standard attendee to another standard attendee will also be seen by the session's host, cohosts and other panelists.

As a reminder, all who take part in the ICANN multi stakeholder process are to comply with the expected standard of behavior. Thank you, Philippe. Over to you.

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PHILIPPE FOUQUART: Thank you, Nathalie. Good morning, good afternoon, good evening, everyone. Hope you're all well. So we've got a number of topics on the agenda for today. I'll just go through them very quickly to give a preview to both councilors and observers.

We'll ramp up on the GGP and applicant support. We'll talk about the Council commitments and how we can endorse this and share this with our SGs and Cs at some point. We'll prepare for the bilaterals at ICANN 75. We'll review the improvement tracker and talk about the survey that's associated with it. And we will have a presentation from staff on the policy status report, the final report in preparation for phase two of RPMs.

With this, I think we can start with our agenda. Updates to statements of interest, anyone? No hands. Any change to the agenda that people would like to see? Okay. Thank you. We'll just note the minutes of the June and July meetings as usual, and move on with the agenda then.

The next item is the usual review of the project list and the management [tool suite.] I will just refer to Berry's e-mail that was shared with the list on 17th of August according to my notes, and hand over to Berry.

BERRY COBB: Thank you, Philippe. Just one kind of announcement that was included in the e-mail. There's a repeating section in there that tries to highlight structural changes to the work products that make up the portfolio management tool, the project list being one of those.

Just wanted to highlight a change that has occurred in the implementation section of the project list. What you're seeing now on the screen is essentially what we're informally labeling a thin version of a particular project.

You'll notice that it kind of departs from the standard template that we have from our other projects, but the idea here is that this is just really going to act as a pointer to the implementation page that's managed by our GDS colleauges.

The point here is that IRTs or the implementation of consensus policies created by the GNSO have remained on the project list because there's an interest in the outcome or eventual implementation of those consensus policies.

But you'll know or understand that once consensus recommendations have left the council and traversed through the ICANN Board, in effect, the sponsorship of that project switches to ICANN Org to implement.

So there's always been that marker that's remained on the project list, essentially up until the legal notice has been supplied to contracted parties so that they can implement the draft policy language up until the policy effective date.

So the primary reasons for this change is really to mitigate duplication of effort of GDS staff having to update two different work products, and more importantly is to minimize inconsistent or conflicting messaging around the implementation.

So all of those thin versions of implementation that are on our project list all point to the implementation page, and as you scroll

down, in the middle section, there is—it's kind of divided into three areas: implementation that is in progress, implementation that's on hold, and then of course, below there, you'll see some of the items that they're tracking as these items move from the Board over to Org and when they initiate an IRT to begin the implementation of these consensus policy.

So if you'll click into the EPDP phase one, when you navigate to these particular pages, I think one of the things you'll notice is it is a different form of what we try to do in policy, which we call our monthly project packages. So for our in-flight primary projects such as the transfer policy, the registration data accuracy group, the EPDP on IDNs.

Over the last couple of years, we've been publishing a monthly project package that contains a more in-depth, detailed view of the status, the current work and the planned work of those particular projects.

And what you're seeing on the screen here is kind of a replication of that. while it looks different, it contains a lot of the same information that our project packages have in terms of a percent complete and overall status of what the project is doing, as well as some of the key milestones and other information about participation.

So finally, I just encourage the Council to take some time to review through the implementation page, the project packages that exist on that page. And if I understand correctly, for ICANN 75, on the weekend session, the GDS team will be presenting on a few items.

So after your review, if you have questions about that implementation page or some of the structure, they'd be happy to answer those. That's all I have for now. Thank you. Philippe, back to you.

PHILIPPE FOUQUART: Thanks, Berry. Any questions for Berry? Yes, I think we can repost it, Berry, if you would just repost the email. I think it's in the email you shared on 17th of August. Thanks.

So please have a look before ICANN 75 and be prepared for our weekend sessions. Thank you. Tomslin.

TOMSLIN SAMME-NLAR: Thanks, Philippe. I just had a question. I probably missed this. But I wasn't clear what drove the GDS team to come up with these tools and packages the way they are now. Was it some alignment or something? I just wonder if there is some information about what drove that. Thanks.

PHILIPPE FOUQUART: Thanks, Tomslin. I understand—and correct me if I'm wrong, Berry, that it always existed. But it's essentially to avoid duplication at best and inconsistencies at worst. Berry.

BERRY COBB: Thank you, Philippe. So yes, that's correct. The implementation pages existed for a while. And as you noted, primarily, we're just trying to reduce duplication. But what is being published for each

of the individual implementation projects, I think the primary motivation or rationale for doing so is to further reinforce the CPIF, the consensus policy implementation framework, and in the larger context of the organization moving towards a more project management-focused approach to all of our projects, whether it be policy or implementation. And so this is just a next iterative step in maturing that aspect. And as I noted, I'm not speaking for the GDS team. But I think that that's a very valid question to ask that team in ICANN 75. Thank you.

PHILIPPE FOUQUART: Thank you. And I would assume that that link would then be made even beyond the GNSO, I suspect, given what you just said on the trend of moving towards a project-oriented management.

Anything else? Any other questions? Thank you. So I think we can move on with our next item. That's the consent agenda and our approval of the CSC slate that we jointly approved with the ccNSO. They did just that a couple of weeks ago, I think. I don't think I need to read the motion. Do I? Nathalie, would you help me with this? Do I need to read the full motion, including the names?

NATHALIE PEREGRINE: No, just the resolve clauses.

PHILIPPE FOUQUART: Okay. Thank you. So I'll do that. Resolved one, the GNSO Council approves the 2022 CSC slate of members and liaisons. Resolved two, GNSO Council requests that the GNSO Secretariat notify

ICANN Org staff supporting the CSC no later than the 1st of September 2022 that the GNSO has approved 2022 CSC slate of members and liaisons.

So with this, Nathalie, I think we can go to our vote.

NATHALIE PEREGRINE: Thank you, Philippe. 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: For the proxies, Flip Petillion for John McElwaine and Kurtz Pritz for Maxim Alzoba, please say aye.

FLIP PETILLION: Aye.

KURT PRITZ: Aye.

NATHALIE PEREGRINE: Thank you very much. With no abstention, no objection, the motion passes, Philippe.

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PHILIPPE FOUQUART: Thank you, Nathalie. So with this, we can move on to our next item, item four on the agenda, and our vote on GNSO guidance process on applicant support. We've been working on this for some time now. This was initiated even before ICANN 74 when the need for GGP emerged in the context of the discussions we were having with the ODP. So we started from a broader range of topics where additional substantive work was necessary during implementation as identified in the SubPro final report.

So we initially adopted a sort of steering group plus subteams structure that we moved away from since ICANN 74. So the final proposal was shared with the list 16th of August according to my notes. So that new version is focused on applicant support only with the possibility of Council adding more topics as you would see fit.

The structure is now not a steering group but a working group model using a representative plus observers. And in terms of working methods, he will use the GNSO working procedures.

I will not go through the substance of this. We did that at ICANN 74. As I said, that's essentially focused on applicant support. The working group would have the flexibility of relying on subject matter experts. And in terms of timeline, the working group will define their own work plan with expectation that the GGP would conclude prior to SubPro IRT.

So that's, in a nutshell, the final version. Thanks to those who contributed to this, including Kurt, who provided some elements during ICANN 74, and thanks for working on this since then.

So the motion was deferred from the previous Council call, so we'll vote at this meeting. For this introduction, I would only add that there were two amendments suggested and accepted as being friendly. The first was from Justine, I think, with the editorial changes and restructuring of the various paragraphs. Another suggested by Flip yesterday, removing a sentence that didn't seem to make sense, given the structure of the group, with one member per group that will make sense to have that sentence.

So with this introduction, I would just like to open the floor for discussion, comments or questions to the motion and GGP in general. Anyone? Sebastien.

SEBASTIEN DUCOS: I just wanted to note for those who are concerned by timelines—and we should all be—that we did try to put some wording in there to make sure that we're not delaying any other process further. Obviously, the result of GGP is going to have to come online in time for the IRT to reflect that work. But it's clear in our minds and in the text that we don't want to delay any other activity, the GGP would run in parallel with other things. And only insofar as applicant support is concerned should the IRT wait for the results. For the rest, the IRT can continue. And it is well within our intention to make sure that it does that way before that. Thank you.

PHILIPPE FOUQUART: Thank you, Sebastien. Indeed, and I probably missed that, including the Board's vote, obviously, on SubPro. Thank you. Anything else? Okay. Well, lack of questions doesn't mean lack of interest. Given the time that we've spent working on this, I think it's all wrapped up now. So I think we can go to our vote.

NATHALIE PEREGRINE: Would you be able to read the resolved clauses?

PHILIPPE FOUQUART: Certainly. So the resolved clause reads as follows. One, The GNSO Council approves the GNSO Guidance Process Initiation Request and initiates the GGP. Resolved two, the GNSO Council directs staff to, A, communicate the results of this motion to the GNSO SGs and Cs as well as ICANN SO/ACs an invite them to identify members for the working group following the working group composition descried in the initiation request. B, communicate the results of this motion to the ICANN Org GDS team and invite them to identify at least one staff liaison for the working group. And C, launch a call for expressions of interest seeking interested candidates to chair the working group.

Only the typo there. I take it, Nathalie, that we can put this on record in the minutes to make sure that the terminology is correct.

NATHALIE PEREGRINE: Noted, Philippe.

PHILIPPE FOUQUART: Thank you. Thanks, Nathalie. So with this, we can go to our vote.

NATHALIE PEREGRINE: Thank you. A reminder, this will be a roll call vote as the voting threshold needed is an affirmative vote of more than one third of each house or more than two thirds of one house.   Mark Datysgeld.

MARK DATYSGELD: Yes.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Antonia Chu.

ANTONIA CHU: Yes.

NATHALIE PEREGRINE: Kurt Pritz for Maxim ALzoba.

KURT PRITZ: Yes.

NATHALIE PEREGRINE: Kurt Pritz for yourself.

KURT PRITZ: Yes.

NATHALIE PEREGRINE: Farell Folly.

FARELL FOLLY: Yes.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

NATHALIE PEREGRINE: Flip Petillion for John McElwaine.

FLIP PETILLION: Yes.

NATHALIE PEREGRINE: Flip Petillion for yourself.

FLIP PETILLION: Yes.

NATHALIE PEREGRINE: Desiree Miloshevic.

DESIREE MILOSHEVIC: I vote yes.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DIBIASE: Yes.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Yes.

NATHALIE PEREGRINE: Wisdom Donkor.

WISDOM DONKOR: Yes.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: I vote yes.

NATHALIE PEREGRINE: Theo Geurts.

THEO GEURTS: Yes.

NATHALIE PEREGRINE: Paul McGrady.

PAUL MCGRADY: Yes.

NATHALIE PEREGRINE: Manju Chen.

MANJU CHEN: Yes.

NATHALIE PEREGRINE: Thomas Rickert.

THOMAS RICKERT: Yes.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: Yes.

NATHALIE PEREGRINE: Thank you very much. For the Contracted Parties House, we have seven votes in favor and no votes against. For the Noncontracted Parties House, we have 13 votes in favor and none against. The motion passes with 100% in both houses. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Nathalie.. Thanks, everyone. And I think we're looking forward to starting this GGP. So moving forward with our agenda.

Item five is our discussion on the Council commitments document. So that's work that we started after the 2021 SPS, and there was a draft [inaudible] shared in June.

So the goal of the discussion in to see how we can promote this and possibly have it endorsed by future councilors. So with that, I'll hand over to Sebastien for discussion.

SEBASTIEN DUCOS: Thank you, Philippe. So I don't want to belabor the document too much, we've spoken about it already in two consecutive meetings. We actually had it originally within the consent agenda and then decided that maybe we wanted to open a short discussion on what to do with the document.

In particular, how we should disseminate it in the community, how we want to involve the SGs and Cs, making sure that it's communicated to new councilors, making sure it could also potentially be part of the information package that is given to councilors even before they're elected so that they know what they're getting themselves into.

I note also there were very few comments on this, but there was one pertinent comment from Maxim, who's not here today, noting that, should there be anything in there that is contrary to the SGs and Cs' own bylaws, it should be raised. The SGs and Cs' bylaws are prime over this. And yeah, that it should be raised by the appropriate body or by the councilors themselves.

So again, there's not a huge amount to discuss, but I'm wanting to make sure and hear from you if you are comfortable with this

being disseminated to the different communities and if we, in your view, should obtain approval for this—or not approval but at least their comments, or if you have already done this by other form, and how we should endorse this. This will obviously be important on our next call when we do actually vote it in, to make sure that it's reflected properly in the in the clauses I will present.

Again, the main question is what are we doing with this document. The idea wasn't just to create it to shelve it. Are you comfortable with that being disseminated to your different SGs and Cs, chasing comments if need be on it for the next session? And your thoughts are—Stephanie to the rescue. Thank you, Stephanie.

STEPHANIE PERRIN.   Thanks. You're probably going to think I've been sleeping through this this whole topic discussion, but can you remind me of why we think we need this? Because it does seem to me that it's a tad redundant. We already have various pledges that we all sign on to when we join a meeting. What specific problem are we addressing with this? I'm not a huge fan of words that don't have a direct target and impact. In other words, the fuzzy stuff. And I think this comes in that category. Thank you.

SEBASTIEN DUCOS: Thank you, Stephanie. Thank you for the candor. So this came out of the SPS session. And one of the topics at that point that we were trying to resolve by this document is the problem that we were perceiving—I don't know that it showed up again much this

year, but did very much last year—of relitigations of topics that had been consensually agreed to.

And so this was there to sort of reiterate—and I agree with you, it should be a given. But it turns out not to be in practice—reiterate the effort that we should all put in. And not only obtaining consensus, but then once obtained, regardless of the outcome, and our views on the outcome, but respecting it

This is very important, one, to respect the work that was done by people that—may have been including us, but may have been others. We're all volunteers here and all the hours that we put in are precious. it's also very important vis-a-vis the outside to make sure that we don't look like a community that isn't able to sort ourselves out, and that we're not continuously coming back to old topics and etc.

So that was the double aim. That implies a number of things. Like for example, as the first topic in the document, it assumes that we know what we're talking about. And I'm sure that we all know what we're talking about on [inaudible] subjects, but not everybody can be a jack of all trades. So that we get informed on what we are familiar with, on the stuff that we're not familiar with, that we get points of views, and etc.

And you're right, Stephanie, all this should be, again, a given. But it turned out in practice, at least in my view, to need some memory refreshment. I hope that answers your question.

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STEPHANIE PERRIN: I certainly agree that the problem of real litigation is aggravating and is costing us all time, frustration and a lot of head banging. But I don't think this document helps us much. I think it's not crisp enough. I think that it is dangerous. And we have to accept— possibly explicitly—that there are some issues where a group is not going to change its mind.

Now, when I say relitigating, I mean attempting to resolve a problem that we had set policy on. There is a subtle difference between changing your mind and your aspirations and accepting non-facts. Let me give you an example.

The NCUC has fought for 20 years to get recognition of data protection law and how it applies to ICANN. And we got nowhere in any of the PDPs that we participated on from 2003 when we invited the data commissioners on.

The fact was that data protection law applied. The decision was that ICANN was going to continue to ignore it. We are not going to change our view on something that is a core value for our group. I believe that—and I can't speak for the contracted parties or the business community, but they also have dearly held beliefs that abuse is a problem that ICANN should be attacking. They may even have a problem that ICANN should be expanding its mandate to include content interference.

You can't disabuse a group of something that they are fighting for. So I don't see how this is crisp enough to walk that line between accepting a decision and changing your view. I hope I'm making myself clear here.

SEBASTIEN DUCOS: I think it's clear to me. We're not going to spend an hour redrafting this together. Can I invite you and anybody else that wants to work on this, to go back to the document, put comments—and we can organize a call of this—and fine tune what is not working for you?

STEPHANIE PERRIN: Yes, I guess I've walked myself into that. Haven't I?

SEBASTIEN DUCOS: Okay. Very good. Thank you. Philippe.

PHILIPPE FOUQUART: Thanks, Sebastien. In my individual capacity. And I was going to say that if indeed the document as it stands is not good enough, I think there's always room for improvement and we should try to do that.

On your question, I don't know if there's a need for a vote for this. It's a continuous improvement on this, almost a collegial spirit, that this document tries to promote. And I think it's something that we should try and try over and over again. So we should be given, I think, sufficient airwaves, both in reaching out to SGs and Cs if appropriate, under consent, but that will be up to you to decide.

But the point is really to keep trying, I guess, given the rote on Council, given the fact that as Stephanie said, there are sometimes SG and C positions that still stand. I think it's something that can be promoted.

And there is an overlap between these and other documents, but I think it has its own virtue for that collegial spirit that I was referring to, which would be good to promote again, just personally. Thank you.

SEBASTIEN DUCOS: Thank you for that. Any other comments? And I see a comment from Paul McGrady, which I will read unless you want to. The more speech and views we get into the development of the document, the better. I think Stephanie's point is about the difference, one one hand, of changing minds and agenda, and on the other hand, undermining the PDP outcome after the fact, is an important one.

So I think that we'll leave it at that. I will reach out to Stephanie, if she doesn't reach out to me first. We will work on that document. Again, it's a very open invitation to anybody that wants to have another eye on this. And comments are always welcome. And will be working forward with this.

And I see that Paul is also raising his hand to join the team. So please do. We'll share the document link. I don't know if it's linked in its Google doc version. But yeah, that is exactly what we have on screen.

So thank you very much for this discussion. Looking forward to comments. And thank you, Marie, also for helping. And I will move forward. Philippe, I'll give you the mic back.

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PHILIPPE FOUQUART: Thank you, Sebastien. Moving on with our agenda, now to item six, that's our discussion in preparation for ICANN 75. So we have three bilateral meetings planned for ICANN 75, meetings with the Board, the GAC at large. And I earlier—a couple of weeks ago, I think I circulated some topics that have been suggested for the agenda for the GAC, and At-Large at least, and thanks, Justine, for the amendments that you introduced a few days ago.

So for ICANN 74, if you remember, we developed a background talking point document, prior to those meetings between—that was prepared between leadership topic leads and staff, which I think led to more efficient sessions.

So the goal of the discussion is, well, first draw attention on topics that have been put forward and determine whether there are others that might be included. Would rely on the liaisons for that. Jeff, Justine, feel free to add anything you'd like to what we have on the screen now as the topics that were suggested and determine whether that approach of having topic leads and staff and leadership develop talking points, as we call them, for those meetings, whether that was something that we could use on a regular basis.

Jeff, you have your hand up.

JEFF NEUMAN: Yeah. Thanks, Philippe. So just a little bit about process. So these items on here, at least with respect to the GAC, the Council leadership and the GAC leadership, have a call scheduled, usually before every ICANN meeting, and so there'll be one in a week or

two, I think, that will work on putting some more detail around these subjects. So these are kind of—SSAD Light is on there because it was expected that there'd be hopefully some document that was posted by ICANN prior to ICANN 74. And subsequent rounds also would include things like the close generics issue. And of course now our newly launched GGP.

So this list here right now is subject to change following the Council leadership and GAC leadership meeting in a week or two. So just wanted to point that out. And if there are any questions or things that aren't on here, please let us know so we can put it on that leadership call agenda as well. Thanks.

PHILIPPE FOUQUART: Thanks. Thanks, Jeff. Any other—and by the way, given the list that we have, I think we have our usual suspects for each of those items. You know who you are. Liaisons, rapporteurs and chairs of the corresponding small teams and/or PDP will be welcome to contribute to the elements that we want to share with the GAC on those [inaudible] points, but as Jeff said, those that will be agreed with our GAC colleagues during the prep call. Any other comment?

Sorry to put you on the spot, Justine, but since you requested or asked for the removal of point B, for those of the councilors who wouldn't have—as they should—pay attention to the list, would you please repeat what you said in your email?

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JUSTINE CHEW:	Certainly. Thank you. Actually, I have something else to add. Yesterday, I received the instruction, I suppose, from the ALAC leadership that they wanted to withdraw the second topic that had been proposed through an email earlier for me regarding the holistic review, so they want to withdraw that particular topic. And then just a few hours ago, I received another go ahead to suggest a substitute second topic, which will involve an open discussion on Council's observation on the SubPro ODP process to date and whether Council has any expectations of the ODA that's due out in November, December.

The first topic stands on DNS abuse. And I think that's quite clear who the participants are going to be. I think ALAC basically wants to have an understanding of the work that's being done by the small team, the Council small team on DNS abuse. Even though I have attempted to relay some of the progress of the work of this small team back to At-Large, I think ALAC wants to have a direct conversation with Council and in particular, the members of the small team, about the work that's coming out from that group.

So I can put a note in the chat about the second substitute topic that I raised, so that there's a record of it somewhere. And basically, if Council or councilors do not have any comments or any other topics you wish ALAC to consider, then what I can do is proceed to perhaps craft an agenda for the joint meeting and wait for leadership to see if there's any comments or any adjustments that we want to make. Thank you.

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PHILIPPE FOUQUART: Thank you, Justine. If I understand the second point correctly, what we might do with Jeff's help would be to draw ALAC members' attention to the exchanges we've had through the liaison with the ODP team and the questions that were reviewed. I'm not sure if ALAC members are fully aware of the sort of discussions we had with the ODP team. Maybe that would be one angle to address the question, maybe not the only one. But just off the top of my head, the sort of elements that we might want to share during the meeting. Well think about that. Thanks for the heads up.

Any other comments on this, or questions? So I'd take it that the topic leads would be fine with being associated—topic leads and liaisons in the case of the PDPS—with preparing [inaudible] for these bilaterals. Any other questions or comments? Kurt

KURT PRITZ: Thanks very much. And thanks, Justine. I'm wondering how that conversation about ODP status is going to go, because I think we're all kind of in the dark a little bit. And so we don't have a lot to report on and there might be reporting, there might be a session at the meeting in Malaysia that provides an update, but then we're both kind of both—meaning ALAC and the Council—will be listening to the update, and not discussing it.

So if we're going to devote that half-our meeting to that, then I wonder if there's—maybe I'm wrong. So that's why I wanted to check with everybody else. But if there's a sense that there's enough there, if there's enough substance that we can discuss

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substantive or procedural issues that we could address and agree on to make the meeting constructive. Thanks.

PHILIPPE FOUQUART: Thanks, Kurt. Yes, I think that's why I referred to the angle trying to not review but at least refer to be the information that we had directly and where we were sort of legitimate in providing feedback to the EPDP team, rather than the all-embracing ODP. Before we get to Jeff, I suppose, Justine, that's a response to Kurt's question. Would you like to take the floor?

JUSTINE CHEW: Sure. Thank you, Philippe. Thanks for the comment and I suppose the question, Kurt. Let me just clarify. We're not expecting, I guess, ALAC is not expecting Council to be able to address the nitty gritty of the ODP, because the whole community gets an update from the ICANN Org ODP team through other blog posts and other webinars and other updates.

I think what this particular topic, the second topic tries to get at is because the ODP team actually deals with GNSO Council and no one else or GNSO through the ODP liaison. You have kind of like an advantage and sort of insight as to how the ODP works. And that's something that the At-Large, or the ALAC don't have, and I think that's what they're trying to understand. That's why the topic is framed as observations by Council of the ODP process to date, not so much the substance of the ODP per se. But of course, feel free to touch on the subject matter in however much detail you want to.

The other thing is also we kind of have an expectation that the ODP concept itself might go through review. So that is the other purpose of trying to find out what Council's insight is into the ODP process, since we've had two ODPs already taking place or taking place.

And I believe that the first topic of DNS abuse is going to take up the major portion of the hourlong meeting anyway, so we can frame it in such a way that the second topic is more minor topic compared to the first one. Thank you.

PHILIPPE FOUQUART: Thank you, Justine. Thanks for the clarification on the second point. I don't know whether there's going to be a lot to share at this point, at least on having some feedback on the ODP process in general. But maybe we could have that discussion. For the first item, I think as Kurt said, we'd need to sort of set the expectations right in terms of what we can talk about and elements that are just available to us as to others within the community. Jeff, you have your hand up.

JEFF NEUMAN: As a sub-pro liaison, I'm happy to work with you, Justine, if that's what the Council wants, but just for the information of the ALAC, when there is a call, all the information gets put into an update. And the update is sent both to the Council and there is a public mailing list for the SubPro. So everything's put on there. So there's nothing that I or the Council get that's outside of what you see on

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that list. But I'm happy to engage in the topic if that's what Philippe and the Council want to do.

PHILIPPE FOUQUART: Thanks, Jeff. I think as long as we stay within the remit of what you and we were tasked with, in terms of providing feedback to the ODP on policy related issues, that may be fine from my perspective, but I'd like to hear from others. Kurt, you're next.

KURT PRITZ: Thanks. So I think what Justine suggested near the end would be a great refinement of the topic. We're one and a quarter ODPs in. What do we think about that? Does it speed things up? Does it slow things down? Does it improve the information or the implementation? Those sorts of questions and discuss how it could be improved, changed, eliminated, whatever, when should it be invoked, when should it not be invoked? If we collected some information prior to the meeting and then had a discussion about ODPs, how's it gone or something like that. I think that'd be a great discussion. I'm not so much for Jeff providing an update to ALAC that can be provided somewhere else while we sit around.

But what Justine mentioned about the bigger picture of ODPs, I think that'd be a great discussion between ALAC and Council. Thanks.

PHILIPPE FOUQUART: Thanks, Kurt. So the idea would be to somewhat broaden the scope of what I initially said, and essentially address the second

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part of your question, Justine, if that's okay. And certainly timely given where we are with the SubPro ODP. Stephanie, you're next.

STEPHANIE PERRIN: Thanks. And I hope you don't think this is being cheeky or disrespectful to Jeff, but I'm a bit confused when Jeff is volunteering to help Justine. Is he acting as GAC liaison or SubPro person? I'm going to just call it a person there. I really, really appreciate all the work that Jeff does for us. But he's in an awkward spot here as we've discussed earlier with the discussion on the GAC liaison position. So clarity seems to me important. Thanks.

PHILIPPE FOUQUART: Thanks, Stephanie. It is indeed—from my perspective, that would fit within the remit of the liaison to the SubPro ODP, and that's why I referred to the exchanges that we've had through Jeff with the SubPro ODP team. That was my understanding of what Jeff's help could be used for. Stephanie, is that a new hand?

STEPHANIE PERRIN: I think these things kind of merge together after a while. I mean, if we've got a GAC discussion going on where we're going to be talking about SubPro, you can't help but get into a discussion on the ODP. So that's what I'm seeing. I mean, if I were Jeff, I'd be finding this a little difficult. You have to clearly outline which hat you've got on at each time. Lawyers are used to this, identifying which client they're acting for. But it is mushy. Thanks.

PHILIPPE FOUQUART: Thank you. Thanks, Stephanie. And we appreciate—and I was about to say what Jeff posted in the chat as well, that we appreciate that role of being the interface between Council and the ODP team and not with anyone else. So as long as—but I think on the other hand, as long as that material is reviewed by Council, it might be okay to use it as background to the bilateral.

But as Kurt noted, maybe we want to broaden the scope of the discussion if we don't want to go into the detail of the SubPro ODP but take a step back and consider potential improvement, things that we saw could be—didn't quite work well.

But maybe for this ODP, and others, maybe the SSAD one, I think your question, Justine, is also applicable to what happened before SubPro ODP. Justine.

JUSTINE CHEW: Yes, thanks, Philippe. I seem to think that some people don't quite—maybe they're confusing me, really. But I can't speak for what Council wants to do with GAC, but in terms of the GNSO and ALAC meeting, again, I say in terms of the SubPro ODP we're not looking specifically at content. So what is being discussed within the ODP itself for SubPro. We are looking more at the process, the concept of the ODP, as it was conducted using SubPro as the medium so to speak. So we're looking at the concept rather than the content. Observations of the concept. Thank you.

PHILIPPE FOUQUART: Thank you. Sure. Hence potentially the idea to put the previous ODP into that landscape as well. So we'll take that forward at this point. It's only a question. We don't have to provide the answer. But certainly, we'll take that to the list and see how we can come up with elements to be shared with our ALAC friends during ICANN 75, be it on SubPro but more generally on the process as Justine said.

Any other comments on this? Thanks for the discussion. Okay, seeing no hands, I think we can move on. So just to wrap this up, we'll, again, stabilize the topics, especially for the GAC and come back to the list with the topic leads. You know who you are. And we'll start from there and come up with the talking points. Steve.

STEVE CHAN: Thanks, Philippe. Just returning quickly to item six. We haven't quite touched it yet. But just wanted to point out that in regards to the topics—[sealed] topic for the Board right now. There is a suggested item from the Board. But there's an expectation that the Council would also suggest topics to spend half the time on the Board suggested topic and then half of the time on the Council suggested topic.

PHILIPPE FOUQUART: Thank you, Steve. I should have started with this. But indeed, we have one topic for the Board. My own suggestion, and that will lead us to the next item on the list, would be to have at least some discussion on the PDP improvement tracker, and more generally, the various initiatives that we've put in place to try and streamline

the process after Council's approval. So that would be something that we could discuss with the Board. Thanks for the reminder, Steve. So feel free to suggest any items that you'd like to talk about with the Board on the list.

So that leads us to item seven, that's the PDP improvements tracker. Our review of the format. Since ICANN 73, as I said, we have engaged in exchanges with various parties, the Board, ICANN Org, Compliance and the policy team, the ODP etc. We put this together in a discussion paper that was developed to identify potential improvements associated with the degree of complexity, let's put it this way.

And sort of a companion tracker was also developed to help monitor these changes, as well as a survey that we'll discuss in a moment. So with this, I'll hand over to Tomslin with the discussion.

TOMSLIN SAMME-NLAR: Thanks, Philippe. And like Philippe mentioned, we've had this discussion on the tracker before in previous meetings. But today, we'd actually like to look at the classification and not the tool that is being proposed here. And as Marika shared on the mailing list, the survey has been developed to sort of gather initial input on the improvements that are on the tracker, and proposed next steps of those improvements.

And hopefully, councilors have had a chance to review the tool. But the proposal is to circulate that survey and collect inputs from Council members and SG/C leadership. And the responses to the survey are intended to help identify where the maybe general

agreement to move forward as suggested in the in the tracker or whether there is any further discussion required on some of these items.

And in addition, the responses we received will help plan for a review on and discussion on items that have been identified during a meeting to be planned.

So, basically, today, we would like to know, one, what councilors think about using the survey to solicit this initial input on those improvement items that are documented on the tracker, and for those who have had the chance to review the survey tool, if you have any comments and/or suggestions regarding the survey.

So we'd like to have another discussion today and see if anyone has any comments. Like I've mentioned. If folks haven't [sent it to our list,] maybe comments on whether using the survey is a good way to get this initial input.

The plan is to possibly review the first set of responses during the GNSO working session at ICANN 75. Let's see if there is any comment or suggestion or whatever on this. Doesn't look like anyone else has any comment. Philippe, please go ahead.

PHILIPPE FOUQUART: Thanks, Tomslin. Well, just a thought given now we're just a few weeks away from ICANN 75. I think at least from my perspective, the survey is good enough to be shared at this point with the SGs and Cs. I don't think there's anything contentious, at least with the questions. I don't know about the answers, but we should see. But we should probably use the opportunity as usual of our face-to-

face meeting at ICANN 75 to, if we can, if it's time or it's possible to review those answers during our meeting in Kuala Lumpur. So I think it'd be good to share this.

To Kurt's question, I see Marika answered in the chat. I don't know whether—going through the survey will take a few minutes. Having just one page of questions will be easier. But I'm not sure that you can do it with Google Forms. I'm not familiar enough with that. But maybe we could—I don't know whether we'd share a Word version of it, just copy pasting the questions, if that's easier for people to have a look at.

On next steps, I think it'd be good to share those with [inaudible]. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Philippe. And yeah, I agree that seeing that there are no concerns, I think next steps, it sounds logical to share it with SGs and Cs and all the relevant parties so that we can start collecting those reviews.

Thanks. And I guess that that's it on that item. I'll hand it back to you.

PHILIPPE FOUQUART: Thank you, Tomslin. And before we close this item, just to note that one of the [inaudible] improvements was to reach out to the Board to offer a presentation whenever a final report is approved by Council, and we did that already as people will note on the list.

So with this, I think we can move on to item eight. And that's our discussion on the revised Uniform Domain dispute Resolution Policy, UDRP, as well as the [inaudible] status report. Or more precisely, the PSR that's relative to phase two of RPMs, which we approved in January 2021. You will remember that for phase two, we had some discussion on the appropriate timing of doing that, reached out to Org to have a policy status report on—and phase two is focused on UDRP, essentially, to do that. And it was published in March, according to my notes, and the revised report eventually published last month.

So the goal of this discussion is to have a briefing on the final report of the PSR and help us just determine, eventually, the next steps to phase two. And we have Lars with us, and Mary, I think, for this presentation, so over to you.

LARS HOFFMANN: Thank you, Philippe. Thank you everyone. Thank you for having me. Usually, my colleague, Antonietta Mangiacott takes care of this. She's the oracle of UDRP as far as our team is concerned, but she's on a very deserved break. So I hope you'll forgive me for my amateur's approach, but I'll do my best to give the presentation.

And I'll be as quick as ICANN. Emily, the next slide, please. There's a little bit of background, we may have. You may recall, we presented the report itself before to the Council. So we kept that section very short. Just a brief reminder, background, the scope of the report and then a quick overview. And then the meat of the presentation is really [inaudible] relaying some of the public

comments. And the next steps, those are probably with you, the Council. Next slide, please.

Thank you. So Philippe already noted this, the councilors requested last year, I believe, for a policy report to be drafted by Org. The charter of the RPM PDP also foresees to launch phase two of the PDP to review the UDRP. And so this report is essentially a data gathering exercise to inform potential rechartering of the PDP to potentially review the UDRP.

And as we've noted here, 10th of March, we delivered the initial report. It was put out for public comment. And then we included or updated the report based on the public comment and submitted it to the Council last month. Next slide, please.

Just for those of you who are not familiar with these kinds of reports, this is I think the second or third that we're producing. Obviously, the first on the UDRP. And this is based essentially on the consensus policy implementation framework, CPIF, another acronym, which essentially states, once an appropriate amount of time has passed, an appropriate amount of data is available, staff should provide metrics and data to the community for the community be able to assess the impact and the goals and, I guess, the success, however defined, of the policy.

And so therefore, the report is really to provide an overview of the policy and the attached data with it to support said community assessment of the policy. It is not there to kind of cast that judgment. That's not what the report does.

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Quick overview here, I won't read all of that, what's in the report, these are the different areas and sections of it. If need be, I'm sure we can post a link to the report as well into the chat. I'll do this after our presentation. Next slide, please.

Yeah, overview, really just to give you a general idea of what this is about. The report, as I said before, I think provides an overview of available data that we got mostly from the providers and other sources that were referenced in the report. And yeah, provides hopefully relevant data points that may assist an assessment or an evaluation of the policy in terms of efficiency.

For example, does the UDRP provide trademark holders with quick and cost effective mechanisms to resolve the domain name disputes within its scope?

And just to say that we don't answer that question in the report, it's just something that maybe that is a question in our mind that the Council may want to ask when it assesses efficiency, and so we try to find data that might be helpful to make that assessment.

The same goes here for fairness and for abuse. Again, we're providing data points in the report that hopefully will help the assessment of those factors. The next slide, please.

The public comments. Posted earlier this year. Thank you, Mary. I just saw that. That's really kind of you for posting that. Mary just posted the report into the chat. The summary report of public comments was published on 3rd of May. And we received overall 44 comments—more than we probably expected. 31 submissions from organizations and 13 from individuals.

And then we give a quick overview of comments, kind of a couple of general observational ones where we attached some authors to that. All these are obviously public. And then some summaries about some of the areas or overarching goals of the UDRP, where we kind of just taken, kind of summarized, if you want, comments that several commentators have made, and they're not attributed, but they're all in the report, obviously. The next slide, please.

So yes, some general comments. Again, I don't think you want me to read through all of these. This essentially split into two really, some that say it's a useful, reasonable tool, it's working. And if I may paraphrase, why fix it if it works. Others are saying this policy has been around for a long time, the DNS has changed, so the policy should change with it. The next slide, please.

On the efficiency, so a couple of things that were raised here, a commentator indicated, essentially, that sometimes there's delays in receiving notices of decisions. There's also a suggestion that petitioners or those parties that file for UDRP, if that dispute is settled before the panel comes together, there should be a full refund being issued. And also arguments to make it easier or suggest that efficiency could be gained by a greater emphasis on consolidating cases that are very similar, [inaudible] the same panel and ruling and therefore reduce potential costs for users. The next slide please.

On fairness, there was some suggestion that UDP is unfair in terms of cost of brand owners for monitoring and forcing against the infringement of domain names. There was a suggestion that there should be a contractual arrangement in place with UDP providers to ensure that these providers act in a more consistent

and fair manner. And ICANN Org should be able to exercise additional oversight powers or oversight over the providers. And then some notes on the reverse domain name hijacking as well, suggesting there should be a mechanism to discourage that within the UDRP as well. The next slide, thank you.

Few on the abuse issue, comment as well, suggesting that ICANN org should develop a more comprehensive guide, presumably as part of the UDRP on how registrants can defend themselves. And some comments suggested that the possibility of a more expedited proceeding within the UDRP to address fraud and phishing may be beneficial or called for or necessary.

I think there's a couple of more slides. Maybe next step. Yeah. So the last slide here, I rushed through them a bit. I apologize about that. But in the interest of time. The next steps, essentially, with the Council, obviously, under the current charter of the RPM PDP, phase two will focus on the review of the UDRP. The charter does not give the timing for the launch of phase two. And the Council has previously indicated they may want to revise or clarify the scope for the Phase Two for the review of the UDRP before it is launched. And so we hope that when we leave that status report, the policy says report is a helpful tool for the Council to do just that.

And with that, I think before I pass it back to you, Phillippe, I think my colleague, Mary, would like to say a couple of points, if that is okay with you. Thank you. Mary.

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MARY WONG:	Thank you, Lars. And thank you, Philippe, and the GNSO council. So as Lars has said, the purpose of the policy status report is really to give the Council information as updated as we have it as supplemented by the most recent public input as you consider the timing and scoping of Phase Two of the RPMs PDP.

So all I wanted to add was to let you know as the Council that in working through this policy status report, and looking at the public comments received, and also in particular, for some of us working with the community and the GNSO on Phase One of the RPMs PDP and all the work that was done there, internally in Org, we have been starting to think about whether there are additional things that we can do as Org to assist the Council in your scoping, and more broadly, to assist the GNSO the community in reviewing the UDRP over and above what we've already done with the policy status report.

So for example, to the extent that we've seen feedback, that there may be some questions or concerns about how the providers comply with some of the requirements and also challenges that the providers themselves may have that may not have been fully surfaced.

For example, in the Phase One RPMs PDP, you'll recall that there was a fairly comprehensive survey of the URS providers, there was a lot of engagement and discussion with them that yielded what was hopefully useful information to that PDP working group. There could be things that the Org can do proactively to obtain more information from the providers on their experiences and their challenges. That could be one way that we can proactively assist.

Another thing that came out of Phase One of the RPM EPDP was really the sense that, A, we need more data, and B, we need more data reported in a more uniform, usable format. So in Org, we've also been thinking about whether within our remit, there's ways that we can work that to help you get the data that you will need, whether that's through your scoping or whether eventually as part of the Phase Two work.

So that really was the comment, Philippe, that I wanted to make on the Org side to let you and the Council know that internally, we've been thinking about it. Obviously, it's up to you, the community, to let us know if any of that's going to be helpful, if you'd like us to do anything further, but we are happy to do more if there is an appropriate need to do so.

PHILIPPE FOUQUART: Thank you, Mary. Thanks, Lars, for the presentation. Any questions to the presentation, to Lars and Mary? Manju.

MANJU CHEN: Thank you, Philippe. And thank you, Lars, for the introduction and briefing. I'm just wondering, because I've been reading—to be honest, I haven't read through all the revised version of the report, but because I just kind of checked if they incorporated NCSG's comment, and I'm seeing like some parts, the comments were not really incorporated in a way, they were just listed as notes, like, at the bottom of the chapter or section to kind of reflect there are public comments about this.

So I'm not sure, can you please explain how you decide to whether incorporate comments, or just list it as references? What's the rationale behind these kind of—how do you decide which to put into that or which you just listed as references? And yeah, just those kind of [ethical] decisions, probably. Thank you.

PHILIPPE FOUQUART: Thank you, Manju. Lars, would you like to just explain how you went through the comments, given the number of comments that you received and how you figured out those that might be worth including and others that would be essentially referenced? I would assume that it really depends on how much convergence there would be between comments to a certain suggestion.

LARS HOFFMANN: Yeah, thanks, Philippe. And if it's okay, I'm going to caveat my answer straight away by saying that, I'll also get Antonietta to send a note to Council when she comes back next week, because she was the one who did the work on this. Our general approach is that we look at all the comments, we try to address every one of them as best as we can.

As I said, there was a number of comments who were essentially editorial to say, you saw this in the overview, right? We think this is a good policy, we think this is a bad policy—I'm paraphrasing. And so those comments were included, to make sure that readers understand what the general sentiment was. But obviously, we didn't update the substance of the report because of that, because

that's just a viewpoint of somebody that's interesting, but a the relevant data point.

And then you're quite right, what we essentially did is we looked at whether there's convergence of comments, but also in some cases, we were pointed out that we had overlooked some data or that we didn't look at A, B or C. And so we went back to verify that and then address those accordingly. And I believe—I hope this might make it easier as well—that the Antonietta provided the redline version. So a version that kind of shows what updates were made after the public comments. And I think that has been circulated on the Council list, but I'm happy to resend that as well. And this gives you probably the best idea and understanding of what ICANN Org and how it incorporated from the public comments. Thanks.

PHILIPPE FOUQUART: Thank you, Lars. Yes, that would be useful, to share that with the list. One question I would have, I was wondering, I haven't gone through the [inaudible] myself, the details of them at least. One question that Council will be addressing in the near future is what we have on the screen, is the potential timing of phase two and how urgent that review is. I was just wondering whether there were comments along those lines as to how urgent that review would be. I know that when you put that on the screen as to comments along the lines that UDRP was working well, but others are also referring to specific cases where there will be room for improvement.

Again, on the timing, leaving substances aside on the timing on this, and before we go to Flip, Lars, were there any columns that would help Council?

LARS HOFFMANN: Sorry, Philippe, vis-à-vis whether this should be launched now or held?

PHILIPPE FOUQUART: Yes, how urgent that review would be.

LARS HOFFMANN: So if I may make an editorial question, it depends a little bit, I think. If there was a clear division, I think from whoever, like there's a different viewpoint among different constituencies or stakeholder groups—and I think the divide there was relatively clear, some were keen on earlier review and others believe that if it's not broken, don't fix it, and we have other work to do at the moment, so let's do that. I don't think there was a clear view on that. Thanks.

PHILIPPE FOUQUART: That makes sense. Thank you. Flip.

FLIP PETILLION: Thank you, Philippe. I want to just refer to the comment that I made in a chat, and I'm happy to repeat it, because we have time, apparently. So I would really like to stress that it's important that

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we don't really move to the phase two as long as we have other very important pending work that needs to be done.

You know, we may be short on people working on these projects, on this work. And I think it would be really good if we could finish these first before we go on with phase two.

It has been said a couple of times today, I've said it in the past myself, colleagues of our constituency and other constituencies have repeated it also. If it ain't broken, don't fix it. So we have time. To answer your concrete question, I think we really have time and phase two can frankly wait, if I had to decide. So I really want to point that out to you.

Second, whenever we move to that phase, it's important in the preparatory phase of it and in the implementation phase of it that we really call upon the assistance of people who know what you're talking about, who have that experience and to refer to Mary's question, who have the data, and who have the objective data, and who have the tools to analyze this. And because you have data and you have the story behind or in front of them. And so it's important that you can analyze and pass on the information that is related to the data. Thank you very much.

PHILIPPE FOUQUART: Thank you. And yes, that was exactly the question. And in that respect, I'm sure that Org's help with both the productivity and what Org can do on their side as well as the data that they can provide will help Council figure out the right timing for a review. Any other questions?

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With this, I think we can thank Lars and Mary for the presentation and the answers. Certainly looking forward to next steps on this. Thank you. So with this, I think we can move on to our AOB. Any other business. So we have three updates, essentially.

The first one is policy—action items relative to the PSR for the expired domain deletion policy and the expired registration recovery policy. We discussed that on our last call and as agreed, leadership sent a request to Compliance to have data on complaints related to [inaudible] policies since August 2013 and sought their views on potential gaps, if any.

You would have noticed the response that I shared with the list. So we'll have a response after ICANN 75, given the workload probably the week of the 10th of October. I hate to put you on the spot, Sebastien, but you also shared this with the CPH to seek their views. I can't remember whether you had some feedback.

SEBASTIEN DUCOS: No, I [did] have some feedback. And the CPH basically made it clear that they had no comment, no need for this to be reviewed. It was as good as they wanted it to be. Given that the answer was given to me by—I wasn't part of the discussion. I just heard back from Theo, if he wanted to comment. But otherwise, that was the answer. Basically, nothing needed here.

PHILIPPE FOUQUART: Thank you. So that's the update for the first item. The second one, unless there are questions or concerns, we'll go to the updates on the liaison to the GAC. Two things here. On the 5th of August,

leadership shared a proposal to the list to follow the term limit of that role, what we have for Councilors. I have a limit of five years with a review every year prior to the AGM. So there was no objection to this. So we'll move on with that proposal.

The second thing is on the liaison to the GAC position. So after the email I sent on August 8th, there was no more support for an expression of interest now. So Jeff is expected to stay for another year in the role. So that's the second thing on this, 9.2.

So with this, unless there are any comments—we still have time, so looking for hands. Manju.

MANJU CHEN: Thank you. I didn't reply to the email. And I'm sorry. But I generally agree with the four-year terms and term limits. And I think [it will be better if we—] for example, for councilors, is four-year hard stop, too, but we have like two years, two years. So every two years, you have to get reelected. And I think it'd be easier if we just aligned the liaison role to the councilors' kind of requirement and that we just open the call for interest every two years. And if they get reelected or reselectged, and if no one expressed their interest, they just get the job again, and a four year hard stop. So that would be my suggestion to the new kind of liaison term limits if that's okay with everyone. Thanks.

PHILIPPE FOUQUART: Thank you, Manju. If you would put that question—I can't answer now. As I said, it's almost three weeks old now. I don't know whether we want to have that discussion now. We would have

time. But there was some support to have that four-year term limit. But again, no problem in reopening this.

Now, this being said, if we want to be in time for the EOI, I think it's before the AGM, it may be late, but putting that aside. That could be something that we can review with the list.

Now, it's been a while. I have to say [inaudible]. Jeff, your hand is up.

JEFF NEUMAN: Thanks. If I could just ask a question about the proposal, because right now, it's every year they have to get reappointed. Are you saying move it to every two years, but do also, when it comes every two years, do that open expression as opposed to just informally dealing with it like we do now? Is that the proposal?

MANJU CHEN: Yes, that's actually my proposal. And also, I just wanted to clarify that I'm not saying we should open it up. I'm just saying like from now on, after this, we should add this to the kind of approach. So I'm not pushing for opening it now. But I'm saying in the future, it'll be nice to have this as our approach of having a GAC liaison. Thanks.

PHILIPPE FOUQUART: Thank you, Manju, for the clarification. That would sort out the point that I raised on the timing issue. Thanks. Stephanie. You're next.

STEPHANIE PERRIN: I just wanted to support Manju on this. I hope everybody understands that NCSG has had quite a process discussing this. And when we started doing the GAC liaison, it was a very tentative kind of a thing. And it's clear that this has proven to be a very essential role. So it's really time to formalize it with proper procedure, because we realize it is important. And the longer we have it and the longer we have people like Jeff, who are clearly working very hard to make it a success, the more important it's going to be. So we don't have informal methods to select important roles. And we also have strict term limits. So that's how this came about. Thanks.

PHILIPPE FOUQUART: Thank you, Stephanie. From here, my suggestion would be to follow up from the email sent on the 8ᵗʰ of August, Manju, Stephanie, and describe what we just said, move to the four-year limit to two plus two, starting from now. And we'll take the discussion forward on that basis. If that's okay. I don't think we can decide now. I'd like to hear from others on that approach. There was some support for the four-year limit. Is that okay, Manju, Stephanie? Thank you.

So, with this, I think we can move to the next AOB item. That's 9.3. Mark, I noticed that you requested an AOB item. I think we'll have time to take it. No problem. On the closed generics dialog, just want to summarize where we are. So, leadership shared a proposal on the 3ʳᵈ of August to extend the structure of our participation to that dialogue to six members. So that would be

one member for each GNSO SG. Deadline was 17th of August. So I assume that was okay with everyone. So we'll move on with this.

So the call will be made to the stakeholder groups with the criteria that the small team developed, as well as the expectations for members to take onboard with their selection. And we can then start our discussions with the GAC and ALAC on that basis.

So with this, thank you for putting this on the screen. There is this caveat on for stakeholder groups who would like to hand over a seat to another one just to provide some flexibility and make sure that it's within one house, then there would be more people interested within one particular SG, then we would have that flexibility.

So I'll just refer to the last sentence on the list, but that's essentially what I just said. Paul, your hand is up.

PAUL MCGRADY: Thanks. Not to stir the pot. But I did find some irony in this that we talked about how the members of this team would not be representing particular groups, but would be acting individually. But we're asking the groups to appoint people. I don't know of any other way around it. But I just found it ironic and wanted to note it for the record. Thanks.

PHILIPPE FOUQUART: Thank you, Paul. There is some irony in this. I think the caveat is that—and that's why I was referring to the work of a small team, that the appointing groups would not expect their representatives

to channel their views but rather work and cooperate with other members of the team to a commonly agreeable result. I appreciate that's a nuance. Appreciate the apparent—I wouldn't say inconsistency. But yeah, irony, I guess, is the right word. But I'm sure we can come up with a workable result given the mandate.

And the other thing is that other than the sort of rules of participation, the important thing was also to make sure that the appointing groups would be familiar with the remit of that dialogue to make sure that if there are elements to be put forward to that group, they fit within that remit. Sure, that's that point well made, Paul. Thank you.

So with this, as I said, [we'll start that discussion as early as we can.] With this, we're at the end of our agenda, noting that Mark, you requested an AOB. We have time, so you can go through that one.

MARK DATYSGELD: Thank you very much. Thank you, everyone, for the meeting today. Just a very small notice. The small team on DNS abuse is approaching a draft report. And we intend to have this done around KL. We would at the very least have a nearly finished document, hopefully finished one. But just a heads up to all councilors interested in this work, we will have something complete or close to complete during that meeting, and we will be available to discuss it with everyone, as usual. So please look forward to that and hope to meet with you all soon. Thank you very much.

PHILIPPE FOUQUART: Thank you, Mark. And thanks for the heads up. I think that would be timely, especially for—count me in, including those Councilors who would be leaving Council. I'm sure they wouldn't be impatient to see the findings, the conclusion of that group before we leave. So that'd be good. Thank you. Any other items?

Okay, so, eight minutes ahead of time, for once. So thanks, everyone, for your participation. Hope you're all well. And see you next time, hopefully in Kuala Lumpur during ICANN 75 for the Council meeting. Thank you. Stay safe.

NATHALIE PEREGRINE: Thank you all for joining today's Council meeting. This meeting is now adjourned. Have an excellent rest of your days and evenings. Take care, everybody. Goodbye.

[END OF TRANSCRIPTION]