
ICANN Transcription

GNSO Council Meeting

Thursday, 15 December 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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https://icann.zoom.us/rec/play/CLbIBjl1ul4nhbUTa9jptVUKFn9hjkYZdG0mdpRTValTCJ_eWJ40talPkiCXfloTapZ70I8q8h4Y8I.uXpHInFNGs-fyyd

Zoom Recording: <https://icann.zoom.us/rec/play/XUpeCMzBQx3WmMG-McovPkSC8VpLvodIV1te8T-T45TyY0bQcH13PljCGbvKIXDILInqDo0WpkRqj7aB.pckz5ARPfTep89ne>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gns0.icann.org/en/group-activities/calendar>

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts (apology – proxy to Greg DiBiase)

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

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evan

Non-Contracted Parties House

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

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): Stephanie Perrin, Bruna Martins dos Santos, Manju Chen, Wisdom Donkor, Tomslin Samme-Nlar (apology- proxy to Stephanie Perrin), 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 (absent)

Guests:

Becky Burr and Avri Doria, GNSO Appointed ICANN Board members

Karen Lentz and Chris Bare - ICANN Org

ICANN Staff

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

Marika Konings - Vice President, Policy Development Support

Mary Wong - Vice President, Strategic Policy Management

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

Julie Hedlund - Policy Development Support Director

Berry Cobb - Senior Program Manager, Policy Development Support

Emily Barabas - Policy Development Support Senior Manager (GNSO)

Ariel Liang - Policy Development Support Senior Specialist (GNSO)

Caitlin Tubergen - Policy Development Support Director (GNSO)

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

Terri Agnew - Policy Operations Specialist (GNSO)

NATHALIE PEREGRINE: Good morning, good afternoon, good evening, everybody. Welcome to the GNSO Council meeting on the 15th of December 2022. Would you please acknowledge your name when I call it? Thank you. Antonia Chu.

ANTONIA CHU: I'm here.

NATHALIE PEREGRINE: Nacho Amadoz.

NACHO AMADOZ: I'm here.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: I'm here.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: I'm here.

NATHALIE PEREGRINE: Theo Geurts is an apology and has given his proxy to Greg DiBiase. Greg DiBiase.

GREG DIBIASE: Here.

NATHALIE PEREGRINE: Desiree Miloshevic.

DESIREE MILOSHEVIC: Present.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here.

NATHALIE PEREGRINE: Mark Datysgeld.

MARK DATYSGELD: Present.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Susan Payne.

SUSAN PAYNE: Here.

NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

NATHALIE PEREGRINE: Thomas Rickert.

THOMAS RICKERT: Present.

NATHALIE PEREGRINE: Paul McGrady.

PAUL MCGRADY: Here.

NATHALIE PEREGRINE: Wisdom Donkor.

WISDOM DONKOR: Present.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: Present. Thank you.

NATHALIE PEREGRINE: Thank you. Manju Chen.

MANJU CHEN: Here.

NATHALIE PEREGRINE: Farrell Folly.

FARRELL FOLLY: Present.

NATHALIE PEREGRINE: Bruna Martins Dos Santos.

BRUNA SANTOS: Here.

NATHALIE PEREGRINE: Tomslin Samme-Nlar is an apology and has given his proxy to Stephanie Perrin. Anne Aikman-Scalsese.

ANNE AIKMAN-SCALESE: Present.

NATHALIE PEREGRINE: Jeffrey Neuman.

JEFFREY NEUMAN: Present.

NATHALIE PEREGRINE: Justine Chew.

JUSTINE CHEW: Present. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you, Justine. Maarten Simon. I don't see Maarten in the Zoom room yet. As guests today, we have Becky Burr, and I believe Matthew Shears may be joining us later, our GNSO-appointed ICANN Board members. And joining us remotely will be Karen Lentz and Chris Bare from ICANN Org. We have GNSO support staff also in the room.

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

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

SEBASTIEN DUCOS: Thank you, Nathalie. It just occurred to me that this is actually the first meeting that I'm chairing live, it almost feels like being there for a radio recording or something like that, that you've done remotely all along. So 1.1, we've done. 1.2, are there any updates to the statements of interest? Seeing none. The councilors will have reviewed the agenda. So 1.3, are there any reviews, amendments, suggestion to the agenda? Seeing none, we adopt the agenda as is. And 1.4, we published the minutes of our

previous meeting. I hope you had looked at them and verified that they are accurate. And seeing no hands up, I assume that they're good. Thank you very much.

Item 2.1, as has been the custom for last few months, unless anybody raises any concern, objections about the project list and the action item list, we won't spend a huge amount of time on them.

Just for reference, we'll have an exercise tomorrow, going through how these work as part of our work. I don't want to get too much into this. But I do want to remind once more everybody that we all have to look at those and invite anybody to raise any concern as part of the agenda should you want to discuss any item in those tools.

And again, seeing no hand, I guess we can move to item three, which is the consent agenda. So we have four items on the Consent Agenda this month. The approval of the Standing Selection Committee, SSC leadership for 2022 and 2023, the conformation of the Council Committee for Overseeing and Implementing Continuous Improvement the CCOICI, we're confirming the chair and the GNSO Council representative to the WS2 community coordination group. We will also have the acknowledgement of the GNSO Council liaison to the GNSO guidance process, GGP, for applicant support and the acknowledgement of the work plan for the GNSO guidance process, the GGP, for applicant support. Nathalie, do you want to take us through the vote?

NATHALIE PEREGRINE: Thank you, Sebastien. Would anyone like to abstain from this motion? Please say aye. Hearing and seeing no one, would anyone like to vote against this motion? Please say aye. Would all those in favor of the motion please say aye?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Would councilors holding proxies—that's Greg DiBiase for Theo Geurts, Stephanie Perrin for Tomslin Samme-Nlar—please say aye?

GREG DIBIASE: Aye.

NATHALIE PEREGRINE: Thank you very much. Sebastien, no objection, no abstention. The motion passes.

SEBASTIEN DUCOS: Thank you, Nathalie. Thank you, everybody. So item four on our agenda is a Council vote for adopting the Council Committee for Overseeing and Implementing Continuous Improvement, the CCOICI Work Stream 2 recommendation report.

So we have put in the agenda that the Council will receive a brief update. But the reality is that we did give a brief update already a

month ago. So unless there are specific questions or anything that was missed a month ago, I'd like to proceed directly to the vote. And as we have just a minute ago confirmed Manju Chen as the chair of the said CCOICI, I'll invite her to read the motion.

MANJU CHEN:

Thank you, Seb. So I'm just going to read the motion now. Resolved, the GNSO Council adopts the CCOICI WS2 recommendations report. The GNSO Council directs GNSO staff support to communicate the WS2 status designation as outlined in the recommendations report to the relevant ICANN Org colleagues to document the Council's assessments of these recommendations.

The GNSO Council directs GNSO staff support to move forward with the implementation recommendations related to 2.1.2, petition for removal of directors. In relation to three, framework of interpretation for human rights, the GNSO Council directs GNSO staff support to work on the proposed implementation of the recommendations, consulting relevant community experts as needed. This proposed implementation has to be reviewed by the GNSO Council before implementation. The GNSO Council thanks the CCOICI for its work and expresses its appreciation to Olga Cavalli who served until recently as the chair of the CCOICI.

SEBASTIEN DUCOS:

Thank you, Manju. Nathalie, can I ask you to take us through the vote?

NATHALIE PEREGRINE: Thank you. Would anyone like to abstain from this motion? Please say aye.

SEBASTIEN DUCOS: Sorry, Susan. I see your hand.

SUSAN PAYNE: Sorry, I don't want to abstain, but I thought there was an opportunity for discussion before we actually vote. So I just had a point I wanted to—

SEBASTIEN DUCOS: Sure, go ahead.

SUSAN PAYNE: And it's just a minor point, I think, but in resolved four, it seems to me that this proposed implementation has to be reviewed by the GNSO Council before implementation. I'm not sure if it's just me who thinks that's a bit vague. What does that mean in terms of how do we approve—And perhaps this is normal and how Council normally operates. But I guess I'd like to see that we actually, as a Council, would actually kind of vote or formally approve, not just review. And so could I suggest a minor amendment that just says to be reviewed and approved by Council before implementation?

SEBASTIEN DUCOS: So I'm just quickly reading, I see your hand up, Marika. Go ahead.

MARIKA KONINGS: Yeah, thanks, Sebastien. Just to note that basically, what is recommended as the proposed implementation is updates to a number of templates. So the template for the charter, and usually, those are documents—any change to that are normally not approved by a formal vote. But I think definitely the idea is that those come back to Council. And with full agreement from Council, those updates are made. But again, those are templates. It's not something that binds the Council when it develops a charter, it can make updates to those. Similarly, working group can also make updates to how it wants to organize its report. It's kind of a way to provide some guidance that is included. But as said, at least from a staff perspective, the idea is definitely that all that would go back to Council and Council gives green light or nonobjection to that before we would actually upload those new templates.

I presume as well, if the Council would want to have a formal vote on that, that's your choice. But we regularly make updates to those documents based on that experience that we gain in developing final reports, for example, or information that needs to be provided. So just as some background to what is being proposed or what documents will actually be updated as part of this work.

SEBASTIEN DUCOS: I'll let you answer, Susan, and then I've seen your hand, Anne.

SUSAN PAYNE. Okay, so I hear that. But I guess I still feel that it would be clearer to say that it's reviewed and approved by the GNSO Council before implementation. So can I propose that as a friendly amendment?

SEBASTIEN DUCOS: I guess, procedurally as you proposed, [and I second it,] is for us to say if you take it as a friendly amendment.

MANJU CHEN: Yeah. I don't mind to add the approved part. I wasn't sure just because I don't know if it's like on the fly, we can just add that. And if we can, then it's easy.

SEBASTIEN DUCOS: A friendly amendment. Okay. Anne, I saw your hand. You want to add something?

ANNE AIKMAN-SCALESE: Thanks. I won't waste time because I just—Susan and I had not discussed it that I would support and I'm happy Manju acknowledges that friendly amendment. Appreciate it.

SEBASTIEN DUCOS: Thank you. So if we all agree, we will change that in the document appropriate. But in the meantime, Nathalie, I ask you to take us back through the vote.

NATHALIE PEREGRINE: 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. Would all those in favor of the motion please say aye?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Would councilors holding proxies—Greg DiBiase for Theo Geurts and Stephanie Perrin for Tomslin Samme-Nlar—please say aye?

GREG DIBIASE: Aye.

STEPHANIE PERRIN: Aye.

NATHALIE PEREGRINE: Thank you. With no objection, no abstention, the motion passes. Thank you so much again.

SEBASTIEN DUCOS: Thank you, Nathalie. And thank you, Susan, for keeping us honest. So that leads us to item five, which is a Council discussion on the theme of the expired domain deletion policy and the

expired registration recovery policy, and the next steps that we will envisage for it. For that discussion, I'd like to ask Greg DiBiase to lead us.

GREG DIBIASE:

Sure things. So as you recall, we've talked about this in the last couple meetings, weighing whether to request a policy status report on the EDDP and the ERRP. And these are the ICANN policies that govern procedures around domain renewals. So registrars have to send a renewal reminder X days before expiration and things of that nature.

Given concerns about capacity and amongst constituencies thus far, no one had raised serious concerns, these policies seem to be working as intended. There was reservations about conducting this PSR.

As a follow-up, we requested feedback from Compliance because they'd be in a position to know whether they're seeing issues related to domain expiration. Compliance came back with a really detailed report outlining not necessarily issues about the policies themselves, but possible ways they could be improved.

They noted some where confusion lies in the types of complaints they get from registrants. His report was sent around to Council. There wasn't any feedback based on this report. However, given the detail in this report, we thought it made sense to take a closer look and do a briefing that could come back to Council on what the report identified, and maybe why or why not a policy status report might be worthwhile.

And then another suggestion could be there's something in-between doing nothing in a policy status report, maybe we can highlight things. Okay, we can add this to ICANN's page, right? So as an example, if we found that registrants are confused about this part of expiration, maybe there's something that we can add to ICANN's site to alleviate this concern or rectify this concern.

So something we need to kind of tossed around on Council was to have a Councilor review the report. I've volunteered along with [Caitlin on the staff] to review the report and bring some analysis back to Council.

I'd invite anyone that would like to to join me. I don't know if this needs to be a full-on small team. But in the spirit of being inclusive and making sure we're giving this report proper deference, I'm just throwing that out there. If anyone would like to join me, please do join me and Caitlin from staff, I should say. So I'll just, I guess, open it up to the Council, whether A, this makes sense, this strategy of going through the report and B, if anyone would like to join in this analysis.

[NACHO AMADOZ:]

Thank you, Greg. I think that I've been taking the lack of reaction so to say as an implicit agreement. That's pretty much what I've been getting. I don't see—within our constituency, nothing particular has been raised as a concern. And I personally do not see anything of concern either. But I will ask you right back. Do you think there are points that stick out that maybe we should have a look? Or are we mostly on known ground? Thank you.

GREG DIBIASE: So my initial impression is that there's not sufficient issues to rise to a PSR. But I think some of the detail in the compliance report warrants taking a closer look and see if there are some recommendations, maybe we can work with Compliance to streamline documentation or things like that. That's just my initial impression. I want to go back and actually do the analysis with staff and then report back to Council but if that makes sense to everyone, then we can proceed like that. I see Susan is volunteered to help me. Thank you so much, Susan. So it's a very small team now.

NACHO AMADOZ: I would like to help too.

GREG DIBIASE: Seb.

SEBASTIEN DUCOS: Yeah, I'd like to make a point, which I've made already with leadership and let's be clear, I'm not volunteering to join the team at this stage. But I don't want to preempt the finding of the team—now a small team—I think that three people qualifies as a small team. I just want to make sure that everybody understands that if there's nothing there, there's nothing there. And we accept it as that and pass it on and close the chapter.

We have this discussion about the topics. But this is a good example. I want to make sure that this Council doesn't throw the ball down the line, there's enough tools and measures and means to reopen a topic when somebody feels like a topic needs to be opened. But I'd like to make sure that we're not creating work for people down the line by just tossing it. We look at it. If there's something to be done, we plan for the work. If there's nothing to be done, we close it. But again, I'm not preempting anything and good luck with the work and we'll be looking forward to [inaudible].

GREG DIBIASE:

Right. And I think we're just erring on the side of caution here. It seems like we don't need to request a PSR. But I think this now small team will just review to make sure these assumptions of the [relative constituencies] are accurate. And if there is something short of a PSR that we can do that helps registrants, great. Okay, I think that's all on this topic. Oh, sorry, Kurt.

KURT PRITZ:

Not to volunteer for the small team. I was going to say before the small team was formed that I think the compliance report was pretty clear. And to me, it suggested there were some areas of confusion and maybe some vagueness that could be straightened out.

So I wonder if anybody in this room disagrees with that and it'd be okay for the Registrar Stakeholder Group to go back and make a suggestion for how to fix that, channeling the Paul McGrady, doing it the simplest way possible thing.

But if Nacho and Susan and you want to go and do that jointly, that's fine with me too. But polling the room, does anybody think more than that is required from everything we've learned? Thanks.

GREG DIBIASE:

Great. And yeah, I mean, that's a step I was planning to take at least. The registrars have a compliance subgroup too, so it might be just easy to make sure we touch base with them, make sure all the bases are covered. Okay, back over to you, Seb.

SEBASTIEN DUCOS:

Thank you, Greg. So this takes us to item six of our agenda which is a discussion, debrief on the Council specific SubPro operational design assessment, the ODA. And so for this, we have I believe Karen Lentz has joined us, and I'm getting a thumbs up from Nathalie.

We had a webinar organized for Council last week, I understand but didn't participate. There was two additional webinars this week. But because of travel, I wasn't there. So I want to make this quick point on the webinar last week.

We did organize a webinar for Council. These things are not mandatory participation. It happened during the workday in the US and I understand that a lot of people have other activities during their workday. I'm hopeful that most of you caught either that recording or the subsequent webinars that happened this week.

I do want to note that—just a quick headcount on the webinar, there was a small handful of Councilors. There was clearly more

staff than Councilors and clearly more staff than Councilors and guests. When we organize these things, I would expect us to show up en masse. Again, I don't want to quote numbers, but there was a large number of staff coming. I understand again that it was recorded and people may have gone in for the recording afterwards. I thank the Councilors that were there and there were excellent questions asked and etc. It was a good discussion. But I must admit that I was a bit disappointed by the low show. There. I've said it.

On this—and I'll give you the mic, Karen, in a minute maybe to go through everything. I just also want to note that we had this webinar last week, the document was published this week. Again, for reasons of travel, I very honestly haven't gone yet beyond the table of contents. And I understand that this Council may not have positions. Nobody has had time to go back to the SGs and Cs about it. So with this, Karen, I'll let you go through it and invite the Council to ask questions if we have any. Thank you very much, Karen.

KAREN LENTZ:

Thank you, Sebastien, and hello, everyone. The webinar we had last week, as you mentioned, I thought was good in terms of the discussion. And noting that this item is a debriefing and allows for Q&A. I think we're prepared to engage or respond if there are questions. I think we expect that we published this document on Monday and the Council has all been in this planning session that you're doing this week. And so we've had the couple of webinars, so there's really a lot to absorb. And I expect that the Council will want to figure out what, in terms of next steps, would you like to

spend some deeper time on one particular topic or one angle, have a discussion with the Board, just wait for some more time for people to read and review, or all of the above. So we're really here to support whatever the questions are at this point or any discussion that you'd like to have on it. Thanks.

SEBASTIEN DUCOS: So I'll run the queue for you. But I see Jeff's hand up.

JEFFREY NEUMAN: Yeah, thanks. This is Jeff Newman, the liaison to SubPro. I think we don't really have enough time here to ask any questions, meaningful. But just to remind the Council, I think I brought this up yesterday of creating a small team. We had a small team that was there to respond to some of the question sets. I would recommend that we use that small team or anyone else that wants to join to work on a set of comments and questions to deliver to the Council with the ultimate goal of having discussion with the Board on the ODA so that we can flesh out these issues, of which [there's been] a number of discussions here in the hallways, and I think we definitely do have a lot of questions. The only one question I have, Karen, was, were all of the assessments done by internal or did you have consultants that helped you provide costings and other things?

KAREN LENTZ: Hi, Jeff, yes, we did engage consultants for some of the activities. Not in terms of coming up with costs or recommendations, but in

looking into some of the options in a particular area. But the ODA is the output of the Org. So the statements are on behalf of staff.

JEFFREY NEUMAN: Okay, thanks, Karen. The last thing is more for Council. We have a question set six that I think is final. It's been out for review. It's one question. I just want to ask the Council if we deem it now to be complete. And I can formally send it back to Karen and her team.

SEBASTIEN DUCOS: Thanks, you, Jeff, for prompting me for that. I was going to introduce that. So indeed. The questions set six was completed, answered, reviewed. And as Jeff said, are we all in agreement that it can go back via Jeff to the group? And seeing no objection, no hands. All right, unless any of the three hands that I see, but I think it's on the other topic. But yeah, no, I think you're good to go. Thank you very much. So with this, I see Kurt's hand up. Go ahead.

KURT PRITZ: Thanks, Seb. Thanks very much, Karen, especially for all the work putting together the webinars to explain this. I'm wondering—and this is a question to Karen and also a question to the Council. It's a complex, well thought out and detailed document that one couldn't easily respond to in a webinar. I'm still wading through it.

So I wonder what the best way to provide some comment or set of questions that if not questioning the results, at least providing

guidance, how the detail might be fleshed out better so that people understand what the details are. And ICANN runs very formal comment periods with starting and end dates and requirements to respond. I wonder if there's a more informal way for ICANN to run a comment period on this so they can collect input or how to tailor a public comment period so it's not a kitchen sink sort of thing. And I wonder if we have a small team working on input, maybe there's others that want to form different small teams.

So I'm wondering what's the best way to provide comment and ask clarifying questions so that we can understand that. I don't know exactly how but again, channeling Paul McGrady, what's a simple way to do this that would be most constructive for us and for the ICANN staff that put this together?

SEBASTIEN DUCOS: I don't have any immediate answer. Let's think about it. But I'll give the hand to Anne, and we'll come back to you.

ANNE AIKMAN-SCALESE: Thank you. And I just wanted to express support for the approach that Jeff has suggested with respect to small team considering the report and the issues. And I haven't had time to read all the way through it yet. But certainly starting at page 358 in relation to the various alternatives, I do think there are a number of clarifying questions, as Kurt points out, that would need to be asked.

So it strikes me that this small team would be in a good position to arrive at a list of clarifying questions to return back to the board.

And I think I had previously as an active member at SubPro advised Nathalie and others I'd like to be included in that small team for that analysis. And I certainly support Kurt's idea for clarifying questions.

SEBASTIEN DUCOS: Thank you. Susan, I see your hand up.

SUSAN PAYNE: Thanks very much. Yeah, like others, really appreciate all the work that's been done on this. And it's a large document. I think, like many others, I'm still sort of wading through it. And I'm sure the Board are as well. My understanding is this obviously has been delivered to the Board.

So my question is, sort of what are the next steps? Obviously, we're talking here about having potentially some feedback and follow up questions. I know you've done webinars where undoubtedly members of the community may have had questions for you, or identified areas that might need further clarification. But I'm more thinking about what are the next steps that you envisage in terms of what are you expecting the Board to do with this, particularly in terms of the two options that you propose? Is it anticipated that it's a kind of either or, and the Board will vote up or down on option one or option two? And what do you think the timing is for that?

SEBASTIEN DUCOS: Thank you, Susan. So Karen, if you don't mind, I see Becky asking for the mic. I'll give her a quick answer, and then I'll pass you on.

BECKY BURR: So the Board has had an initial information call on the ODA as well and the Board is also wading through the 400 and something pages of documentation. We have had the opportunity to spend a considerable amount of time on the option one versus option two pros and cons and the differences in that.

We have a SubPro working group caucus that Avri and I cochair. And we have been working through all of the issues on SubPro, open issues and in a very systematic way throughout the course of the last year.

We will be having a number of additional calls in the weeks to come to go over deeper dives into various aspects. We'll be looking at issues like financial aspects of it, technical aspects of it, risk aspects of it, and various board committees with the expertise and responsibility for those areas will be doing deep dives.

We have a board Workshop at the end of January, and we expect to spend as much as a full day on the ODA. And we will continue to discuss that. Our hope is that we will be in a position to have a good sense of next steps and be in a position to take some action in Cancun. What that action is, of course, remains to be seen a little bit because we continue to work through all of the issues. But our goal is to work both as expeditiously but as thoroughly as we can through the issues and be ready to get community input as

well and take those things into account. So it's a deliberate, but hopefully expeditious response.

SEBASTIEN DUCOS: Thank you, Becky. Karen, I see your hand up.

KAREN LENTZ: Yes, thank you. This is I guess some general comments on the last few questions. Just so people are aware relating to clarifying questions. So my team and I will make ourselves available if it's helpful to join any sort of meetings on clarifying questions or in one or more areas.

We also have had throughout the ODP an email address, subproodp@icann.org that is available for people to send questions or feedback. So that's also a resource for clarifying questions.

And then as far as working through a small team, that seems to be a helpful mechanism to channel questions. So they're not coming from so many different places, but also to gather on sort of any feedback to use that as a mechanism. So a couple of thoughts on the next stages. Thanks.

SEBASTIEN DUCOS: Thank you, Karen. I see two hands and a plus one, but Mark, you're next.

MARK DATYSGELD: Thank you very much. Since the document of the ODA is 400 pages long, excuse my ignorance, but the thing that I'm trying to grasp, the main point that I'm trying to grasp is the amount of effort that is being predicted in the general direction, as in the estimations of staff, estimations of cost, what makes this particular round so different from the previous one that it requires what I would call a very significant amount of extra resources, both in terms of people and in terms of investment considering that it builds on top of experience from previous effort. It's not as if it's a new thing. I wonder if anybody would be able to add any clarity to that or if this is something for us to find out. Thank you.

SEBASTIEN DUCOS: Thank you, Mark. I see Karen's hand wanting to answer that, but I'll quickly pass on to Greg and then Jeff and then Karen. Greg, go ahead.

GREG DIBIASE: Maybe this conversation should come later. I'm a little confused about what our small team would do. Are we asking questions back to Karen? Are we asking questions to the Board? I don't think we'd ask questions to the Board. We'd be asking questions to the to Karen's team, and then forming an opinion that we give the Board that they could consider. Is that what we're ...?

SEBASTIEN DUCOS: I'll let you answer, Jeff, go ahead.

JEFFREY NEUMAN: Yeah, thanks. And that's why I raised my hand actually. You asked a good question. So the clarifying questions would only go to the ODA team. They're the only ones that clarify to extent we don't understand anything.

And I didn't hear Karen say this, but I believe this is true, Karen. So correct me if I'm wrong. Karen's team, they're not going to revise—the plan is not for them to revise the ODA. That is what it is, it's been delivered to the Board. So our output would be just Council or community comments to the ODA that would go to the Board. So I just want to make sure everyone understood that the ODA is not changing. It is what it is. Unless I'm mistaken, Karen, but that was the main point. So again, ask questions to Karen's team, hopefully get some answers, and then deliver our small team or ultimately, the Council's view to the Board and hopefully engage in a dialogue with the Board, January, whatever, February timeframe.

SEBASTIEN DUCOS: Thank you, Jeff. So I see that Karen answered “correct” in the chat. But since she has her hand up, I'll let you also say it I guess.

KAREN LENTZ: Sure, I was going to respond to Mark's question. But yes, the way that Jeff described it is correct. So the ODA is not something that we'd be looking to revise. The focus is operational, and it's providing that information to the Board. And I think, not to speak for the Board, but I think the Board would likely be very interested

if the Council has feedback on one or more aspects of that document.

The question on the amount of effort and the costs and resources, there were a few things that drive that. One is just the requirements of the recommendations themselves. Some of the things in there will take time to build that are kind of on top of the basic process that we already had, taking—there were a lot of questions yesterday in webinars around the registry service provider pre-evaluation process, which ultimately would save people time and cost, we think, in line with the recommendation, but it would take time and cost to start it, to build it up.

So there's some of the costs arising from that. There's also a lot of it from the system perspective. The previous round was 10 years ago, as far as the system for supporting the intake and the processing of applications. So we don't have something that's readymade that is already operating in the organization for processing gTLD applications. And then we also discussed in the cost section the inflation factor and that panel costs will be higher, things are just generally more expensive.

Another observation that I will make is as we were going through the ODP process and talking to the different functions within the organization about their estimates for what resources they would need to support their part of the program, a lot of people's estimates were with the view to increase or improve or address something that they felt didn't go as well as it could have, taking communication as an example.

So there was a lot in the reviews and in the final report about the communication period could be much longer, could be organized better, especially around applicant support. There was a lot on that. So many of the conversations that we had within the org were focused on we would like to do X, Y and Z things better and to be able to do that we would need X more people or resources. So I hope that goes some way to answering the question that Mark asked about the costs. Thanks.

SEBASTIEN DUCOS: So as you're not in the room, I see a head bobbing between the yes and yes and no. But, Mark, did you want to answer that?

MARK DATYSGELD: Thank you for the opportunity, chair. Thank you, Karen. I understand where this is coming from. But—well, it's not a but. Although from the GNSO Council perspective, it would be interesting if, as this develops, we get to see in a more concrete way how this work is going to be carried out, because if it happens in a totally internal fashion, if it happens between the Board and the Org level, it will be very difficult for us to actually make meaningful policy around that understanding the constraints, understanding the weights of the people power involved, the money involved. As it has happened in the past, we have been blindsided by costs and things like that. And in the interest of avoiding this in the future, it would be very good that we are kept up to date on what are those implications and that we work together on this moving forward. So it's more of an ask that

moving forward, we get to understand this better that we can do the proper policy work together. Thank you.

SEBASTIEN DUCOS: Thank you, Mark. Kurt.

KURT PRITZ: I have two questions that are really separate, but maybe I'll blurt them both. Becky, at the end of your—I don't mean to put you on the spot on that. At the end of your statement, you said that the Board will solicit community input and I'm wondering what form that might take. Would it be like prior to the Board taking a decision or after The board takes a preliminary decision for community review? Would it be to the general community? Would it be to certain stakeholder groups? Would the solicitation for input be prior to Cancun? So just an editorial comment, my personal view was go ahead and make a decision. But have you thought through how you would solicit community input?

BECKY BURR: So I'm not sure I said solicit, but we're certainly getting community input through the webinars, through conversations like this, through the input from the Council, which we expect to receive. There's not a formal comment period prior to that. But as much dialogue as we can, have as much input. We will, of course, be very receptive to that.

KURT PRITZ: My second question, and this is [inaudible]. Does option two, which is attractive on some levels, does that require a change to the policy? Because [inaudible] adopt all of the policy recommendations. So is there some required—I know there's ways for the Council to adjust policy. Do we have to think about that or not?

SEBASTIEN DUCOS: So I'm the last person to know, because I didn't go through the document. But from what I understood from the webinar—maybe Becky, you want to add.

BECKY BURR: Yeah, I don't think that there are any changes to the policy that are contemplated. There are some aspects of implementation guidance that might be affected by whether it's option one or option two. But I don't think—and Karen can correct me because I might be wrong. But I do not believe that we're talking about policy changes.

SEBASTIEN DUCOS: Excellent timing, because Karen has her hand up. Go ahead.

KAREN LENTZ: Thank you. Yeah, so we say in the appendix where we talk about option two that we've done a preliminary review of all of the policy recommendations that touched on topics of timing or rounds or prioritization, and we didn't identify anything that was not

consistent with the policy recommendations that would be considered going against what was recommended. But having said that, we have not gone through the entire final report, again, with option two in mind. So it could be that one or more details would be changed or would end up being different than what was recommended in the policy. But at this point, it doesn't seem like the option two model really breaks anything that was in the policy in the final report.

SEBASTIEN DUCOS: Thank you, Karen. Turning to Kurt, did that answer your question? Yes. Good. I have Anne in the queue. And then Jeff.

ANNE AIKMAN-SCALESE: Yes. Thank you. I think to that specific question regarding policy, in previous discussions, we've talked in SubPro about recommendations being mandatory without characterizing them either way as policy or not, the recommendations be mandatory. And I would suggest that the small team take a look at that issue and to just make sure that we're on the same page on whether any modifications are needed or not.

And I agree that I think there are tools available to Council if modifications might be needed, but that might not be addressed until after we receive answers to the clarifying questions.

SEBASTIEN DUCOS: Thank you, Anne. Jeff. I see your hand.

JEFFREY NEUMAN: Thanks. Very similar to that comment. So in SubPro, we didn't want to waste time discussing whether something was policy or implementation. It's a no win debate, one person's policy is another person's implementation. So we structured it as Anne said, recommendations that are mandatory, implementation guidance that are not mandatory but that the staff will be required to carry out the intent of what was behind the implementation guidance, even if it's not the exact way. And then, of course, affirmations, those could be either recommendations or implementation guidance, just affirming what happened in the past.

So the question Council needs to consider and the small team will come back as Anne said, is if there are recommendations that SubPro made that will not be in option two, the Council will need some way to handle that. I think it would be a waste of time for us to debate whether that's policy or implementation. Because no one's right. No one's wrong on that. So basically what Anne said.

SEBASTIEN DUCOS: Thank you for that. And all this will be outlined in the response from the small team [inaudible]. Thank you. Seeing no further hands online or in the room, I just wanted to make a short comment not on the substance of this ODA but on the fact that it's the second ODA that we're going through. We still have work to do on it and nothing is closed. But I understand that staff is preparing a questionnaire that's going to go to the different participants and

liaisons on the ODA in order to kickstart the analysis of the process and establish the relevance of the process for future, etc.

So again, when it was proposed, two years ago, now, year and a half, sorry, I lost track, the idea was that we would run two ODPs that were already in sight, so we knew that we would have two ODPs and then afterwards, we would assess and see the efficiency or the efficiency gained from the process. So this is in process, and you should be seeing this coming in the next few weeks, months. Marika, go ahead.

MARIKA KONINGS:

Yeah. Thanks, Sebastien. Just to confirm that the questionnaire would first come to Council to make sure that the questions that are being asked are what you will need eventually for your input to that review. And I think it was also a question on whether there should be a questionnaire or should be used for the discussion. But yeah, that's a work in progress and will hopefully come soon.

SEBASTIEN DUCOS:

Thank you. Because without preempting any of the results, any of that, we were talking about initially a process that would take six months and analysis that would come out. We've now seen that the ODP process doesn't take six months, particularly when another ODA result and resulting small team comes in and changes the schedule on it, but then we're going again into now a second process, which is a small team go behind it, the previous took 10 months to conclude. So yeah, we're creating a long

process here, which I see a lot of benefit from but we will want to do this analysis. Jeff, I see your hand up.

JEFFREY NEUMAN: Yeah, thanks. And as the liaison I'm happy to participate in any kind of review or questions you want. Please don't expect it in writing though, it's a lot of work. So if you want to present that to me, I'm happy to engage in an interview or discussion, but I'd rather not have another 20-30 hours of written questions. That's number one.

Number two is it's interesting—and this was pointed out to me, I can't remember by who, someone in this room, that if you look at the policy development process now—I think it might have been Mark—you will see in that [inaudible] chart, the ODP is in there as almost like a foregone conclusion.

I think we need to remove that immediately. Because this is not an approved policy development process. This is, at best, an experiment. And I thought one of the things we were all afraid of is that once the ODP was proposed that it was automatically going to become part of every PDP. And so that kind of freaked me out when Mark brought it to my attention. Thanks.

SEBASTIEN DUCOS: Thank you, Jeff. I don't know that I was freaked. But indeed, I noticed the same. Manju.

MANJU CHEN: Thank you. What I have is totally irrelevant question of [inaudible] whether we should [inaudible]. I was just wondering, I think we kind of decided that we're going to form a small group to review this ODA. And if I remember correctly, the formal small group, we want to review the SSAD ODA, we actually have invited someone who's [not] in the Council to join the effort. Are we doing the same? Because I hope we do, because we hope to bring someone with more knowledge from our [inaudible] group with the SubPro to join this group compared to some of our councilor might not have [inaudible] knowledge or expertise on the topic. So that's my question. Thank you.

SEBASTIEN DUCOS: Thank you, and thank you for raising it. Indeed, I was thinking about that early on. I forgot. That's a good question. We did in the previous small team invite people outside of Council, particularly because there was expertise needed. And I think it might be the case this time.

What we did do also is to have a representation model, and to try to keep the small team small. I can't remember how many people participated in the PDP. Jeff, you would know that by heart, but we're certainly not going to have a small team with 500 people on it.

So yes, I think in principle, we should, between Councilors that consider themselves knowledgeable enough, and then SG's and C's being able to invite whoever they tend to feel like. I think it's reasonable. Jeff.

JEFFREY NEUMAN: Thanks. I'm totally happy with that. Can we just as a Council commit to appointing people really quickly? Because in order for it to be useful to the Board before their workshop in January, we should have drafted our comments, have it reviewed by the Council and get it to the Board so they can review it at their workshop. But yeah, absolutely. I mean, it's up to you guys.

SEBASTIEN DUCOS: I'm seeing heads nodding. So we agree to open beyond Council and do it quickly. We will do as fast as possible, knowing that the next two weeks are going to be pretty quiet. But we'll do it as fast as possible. Thank you. I still see some hands. Karen.

KAREN LENTZ: Yes, thank you. I'll just make a quick comment on the breaking out over the [inaudible] diagram. I don't think there's a need to freak out. I don't think we think of it as a foregone conclusion that the ODP as it exists is just now always going to be a thing.

The reason we created a version of that graphic is we were giving presentations and talking to people trying to explain how this fell in the overall process with the community work and the Board consideration and we didn't have anything existing that showed where it sat in the process. So we created that for a specific purpose and audience.

But the way that we view it was, as described initially, we would do two ODPs and then we would look at what we learned from

those experiences and consider whether that was something that we wanted to keep or change. So that's what we're focused on. Thanks.

SEBASTIEN DUCOS: Thank you. Okay. Anyway, I presume that you kept the previous version and the actual legal [inaudible] graph still exists. Greg.

GREG DIBIASE: I'm going to ask an annoying question. Is the small team feedback on the ODA, which is not strictly necessary, we don't have to do if we don't want to, is that going to delay the Board's decision? Do we have a sense of that? I feel like that's something we should establish and make sure that it's not or judge the utility of responding before we go further.

SEBASTIEN DUCOS: Just before I give you a hand, Jeff, yes, indeed, for formalities reason. Last time for the SSAD ODA, the ODA was presented to us and there was [formal] questions. I can't remember if it was by Göran as the CEO of Org or by Göran as a Board member. There were formal questions asked to us, which is not the case today. There's options presented, but nothing formal has been asked to us. So to Greg's point, but I'll let you answer maybe as our liaison.

JEFFREY NEUMAN: Yeah. Thanks. That was kind of what I was ... there's no questions. But there were options. And I believe the Board—I

won't speak for them. But I believe they would like our input on which of the options—what comments we would have, let's put it that way. But if we can get our comments back by the Board workshop, that was planned anyway. And I'm sure it would be viewed as helpful. Becky, do you ...?

BECKY BURR: So the Board is going to keep working on this as it goes through. We definitely are going to spend a big chunk of time in January at the workshop. But we're going to continue working on that up until and probably through Cancun. So there's no cut off from when the input comes in. But anything that you get us before the Board workshop will be part of our thinking in the Board workshop.

SEBASTIEN DUCOS: Thank you. I'll go back to the queue. And I see Anne.

ANNE AIKMAN-SCALESE: Thank you. With respect to the role that Manju has described in relation to this effort, I would like to throw my hat in the ring for that, having been through however many years in SubPro and would like to be considered for that role and that work.

SEBASTIEN DUCOS: I think it was understood from your previous comments. John, you had your hand up, disappeared. So Greg, go ahead.

GREG DIBIASE: Thanks, Jeff. I just felt like that was worth flagging, because we've been commenting on the pace of Board doing work. I want to make sure that we're not saying do stuff faster, and then doing some process that delays it. But it sounds like IT'S a reasonable statement that it won't incur delay, if we can do it as planned.

SEBASTIEN DUCOS: Well, thank you. So seeing no other hands, thank you for the great discussion. Thank you, Karen, for joining us. And so we've got some work cut out for us to gather the small team and prepare the questions. Thank you.

We'll move on to item seven. And it's the last item before AOB. we had a short agenda today, which gave us plenty of time to have this discussion, which was great.

And item seven is an item brought by a suggestion of Anne to discuss the SFICR. I have to admit my very shallow knowledge on the problem, so I will pass on the mic to you to describe it in a second.

I just wanted to encourage all the councilors, we don't always have that much time on the agenda. Also, because of the SPS now, we did this different ways. We were able to shuffle things around. But the agenda is not for leadership and staff to establish and you guys to bear. It's very much your agenda too. So I just want to encourage as Anne did, a suggestion to add and help us develop that agenda according to your needs and priorities. Thank you. Anne, I'll give you the mic.

ANNE AIKMAN-SCALESE: Thank you, Sebastien. I certainly appreciate the time to raise this question. And I know that there are many on Council who participated in the prioritization framework. I did not and so I'm not knowledgeable, really on it. But it was published. And it was published that the Board resolution was funding these priorities at the rate of \$5.8 million.

And the question that I had, just by way of example, would be Council involvement in any way in any of these issues, because Council's done so much work in relation to the DNS abuse small team. And some of that work, I think, probably also factored in the CCTRT recommendations with respect to the potential for a community definition of DNS abuse, but on the prioritization list, item number nine of highest priority is the SSR2 recommendation number 10.1, which directs I guess that ICANN Org should post a webpage with its working definition of DNS abuse.

And then at the same time, we have all the efforts that are going on behalf of the contracted parties to engage in negotiations that address this subject. And I think Becky's done some briefing in relation to that. I don't know if she's specifically briefed Council on it.

So I guess I'm trying to figure out how all these efforts converge. Are they siloed efforts? How do we bring them together in a coordinated fashion? Or are we saying, no, it's not going to be coordinated at all but the results will be whatever they are and we'll deal with those results when we get to them?

SEBASTIEN DUCOS: Okay, thank you. Do we have any question, answer, comments? Maybe we'll give it a second to read the question properly.

ANNE AIKMAN-SCALESE: I'll just come back in and say maybe someone from the DNS abuse small team might have thought about this in relation to the prioritization framework that ICANN has published and funded.

SEBASTIEN DUCOS: So as being part of the team, and I'm turning to Mark and Paul there, but I see no reaction. Frankly, I don't remember if it was part of the conversation, it was certainly not part of the report. I see Becky maybe wanting to respond.

BECKY BURR: So the resolution is essentially to take money out of this fund, the SFICR as we call it, for that process. The process that will be used—I mean—what are we calling it? The WHOIS request system, I believe is its current name. That is going to be—the resolution was just to take this money out of this fund to fund that work.

It's not really a policy. It's this weird thing Council asked, said it was interested in pursuing it and the Board did the design paper and all of that. So I can't say that I'm actually absolutely certain how the continued work in building the SSAD Light, which I'm not supposed to call SSAD Light, but that's sort of independent from the resolution to take the money out of the SFICR for the project.

That doesn't answer your question, because I think your question is, okay, it's going to be built, and we've identified the funds for building it. Now, what happens? And I think, I don't know if Eleeza is on the line, if there's anybody from Org who can answer that particular question.

SEBASTIEN DUCOS: Thank you, Becky. Whilst we look that up, I see Susan's hand and then Stephanie.

SUSAN PAYNE: Yeah, thanks. I was a member of this particular prioritization group. And I think just to maybe give some context to this, these set of recommendations that were prioritized that are being referred to here are the ones that were dealt with in the pilot effort that happened in about April, May time. So quite some time ago. And in that sense, there's probably a bit of a disconnect maybe between what was being approved back then and put into the prioritization queue, and maybe what the small team work was doing.

But just to go back to what that prioritization group did, literally all we did was we were given a list of things which had been Board approved. So there were recommendations that had already been made. And the Board had said yes to them.

So we didn't really look at them in detail apart from trying to work out where we thought they sat on a sort of urgency-importance scale. We didn't kind of go to it and go, "Oh this is about ICANN Org publishing a definition of abuse but elsewhere in the

community, everyone's saying that trying to define abuses is a challenging if not impossible task so we should just ditch that recommendation," because that wasn't really our role. The Board had already approved it.

I don't know if that's even answering anything to do with your concern, but I'm not sure that there is a role for Council here. I mean, there's definitely a role for GNSO members who each group has a certain number of seats at the table in that prioritization exercise, but I'm not sure that there's necessarily a Council role. But I'm open to thinking about it further.

SEBASTIEN DUCOS: Thank you, Susan, for raising this. Do you want to give a direct answer? Because I had Stephanie in the queue before.

BECKY BURR: Just want to correct one thing. So whatever the processes are for implementation of these things, if it's a policy development, then there's a process for the implementation review team and that kind of stuff. That would be followed. If it's community review recommendations, that process will be followed.

Having it be funded through the SFICR and prioritized by the group doesn't affect the implementation. It just affects the funding. So I think that's what I was kind of confused about. But depending on what the project is, whatever the standard role for the community and the Council, that would continue.

SEBASTIEN DUCOS: Thank you. Stephanie.

STEPHANIE PERRIN: And thank you for that clarification, Becky. My question was, did I fall asleep at the wheel? I served on this review, and it's kind of antique now. So I'm surprised to see something being prioritized from it. Sadly, I can't recall what that might be. It'd be great to see the list of things that were prioritized. And I do think it ought to be of concern to Council when items are cherry picked out over a whole slew of reviews and then prioritized because we need to review. The RDS WHOIS review is five or six years old, minimum.

Anyway, could we get more information about this?

SUSAN PAYNE: Sorry, I think someone has put a link in the chat to what the recommendations were. But again, to be clear, like the Board approved them, so it's not like, as a community prioritization group, we could unapprove them.

STEPHANIE PERRIN: Right, I'm not suggesting an insurrection here. Just keeping an eye on it.

SEBASTIEN DUCOS: Okay, thank you. I've got Greg in the queue. And Becky, I see your hand up.

GREG DIBIASE: I think trying to answer Anne's question directly, these are separate things, at least at the moment. One is a review that the Board has approved and they're implementing. The other is an ongoing working group, looking at DNS abuse.

I think that DNS abuse group, the scope of their mission was to look at DNS abuse holistically asking different groups, where do you see the problems? What can be solved? I think, as that work continues, if ICANN implements a recommendation that has a significant impact in that area, that is something that group can consider. But I think at the moment, they are separate things. But it is something that this DNS abuse small team, in continuing its work, can observe or report back how this fits into abuse mitigation generally. And I could be totally wrong [inaudible].

SEBASTIEN DUCOS: Thank you, Greg, and I'll give it back to Anne and maybe if we can wrap this up. Go ahead.

ANNE AIKMAN-SCALESE: Yeah, I'm gonna say thanks. And Greg, I think that sort of clarifies things a bit. Now, of course, Becky, I completely understood that if it's an SSR2 recommendation that the Board has approved and that the prioritization framework, they have prioritized this and it's been funded, absolutely, it will be happening.

I suppose the question—what Greg was saying is that when ICANN Org does this, that will feed into the DNS abuse small team work. But I'm kind of wondering if it's a two-way street. In other words, does the DNS abuse small team work also feed into

what ICANN Org may be doing in terms of posting a definition? Or is it all completely independent? Or rather than—the left hand and the right hand, if you will, will they be talking to each other?

GREG DIBIASE:

I think at the moment it is a one-way street. Yeah, good question. I would say that I think you did identify, absolutely, that there is a left hand and right hand both being involved in the same area. And we should keep an eye out for that and the DNS abuse team now knows that they might be able to tap into that.

I'd also mention that these types of issues would often come up with like the SCBO, or in our comments, for instance, from the IPC with respect to the budget to make sure that what we expected to be implemented by a review team is being done, it's being funded and things like that as well.

SEBASTIEN DUCOS:

Okay, thank you all. I hope that answers your question. So if everybody's agreed, I'd like to get to our item eight of AOB and in particular, item 8.1, which is, again, for now the fourth time—third time in Council meetings, but the four time in our discussions—the provision of a replacement for Greg as the TPR liaison.

We've discussed it. We've agreed to publish a job spec, which we published and shared, and we still don't have anybody. So at some point, I'm going to have to go and take the roster, figure out who's doing what, and who has a bit more time on their hand, and appoint somebody.

So I'm sorry to do this. This is the last warning. I'd be very happy to discuss with everybody in the next day or two. But if nobody shows up as a Christmas present to Greg, we will appoint somebody. I hope that is fair enough. And that's it. Okay.

So item 8.2, which is the proposal that we shared and John presented on the changes to the SCBO. Again, we shared that with Council, we shared that with the SG and C chairs on Tuesday when we were talking to them, reminded them to it.

And so far, the only answer that we've received was a positive answer from Mason Cole for the BC. Here [inaudible] we haven't heard any particular objection. So unless somebody is fiercely against it today, we'd like to move forward with it. And as I see no hands, I guess, John, you're good to go. Thank you very much.

8.3, there was a call for suggestion for additional budget requests, the ABRs. And as we heard nothing, I will turn to Marika. There was some proposal made by staff. Now, it's our request to have. Again, the Council was invited to propose something. I have heard the proposal from staff and I think it's very interesting. So I'd be very happy to second it. But yeah, so this is not staff doing it for staff, it's staff suggesting and at least has one champion in myself here to vouch for it. But anyway, go ahead.

MARIKA KONINGS:

Yeah, thanks, Sebastien. As you noted, staff put some thought in as well on what might be of value or interest for Council to consider in this context. And as you know, the consensus playbook is something that actually came out of a previous ABR

request. And it has already been coming up in a number of conversations during the last few days as well. And I think everyone recognizes the value of it. But we've been thinking about it, are there ways in which it can be translated into a tool that might even be more useful, especially in the context of a working group?

So we've been chatting a bit with Melissa as well, because I think from staff's side, Melissa is kind of the owner of the consensus playbook and is also thinking about how to apply that proactively in conversations that she manages. And I think John already mentioned as well in the closed generics working group, some of those tools or plays that are being described are being actively used.

So one idea or suggestion that we had, would it be of use translating the main aspects of the playbook into a kind of training video that would be kind of required viewing for working group participants at the outset when they start an initiative that would then be used as well—so you have to watch the video, and then you have kind of a managed conversation about it so that everyone is kind of on board with what is described there, the concepts that are being outlined, and then as well get agreement from the group on how the group wants to apply that as part of its deliberations.

So it's basically something that then can be repeated as well, although, of course, the discussion that would follow might be different depending on the group. But that's something that we thought might be helpful and useful and a way that Council could

also follow up on, of course, the original request of the consensus playbook and continue using that and applying that.

So, again, something we want to put on the table. Of course, if there's no interest or support from Council, we'll happily take the suggestion back but if there would be interest, we can of course share kind of draft of the ABR, what it would look like. And then it's of course for you to decide whether or not you want to submit that.

I believe that deadline is in January. I don't know exactly how that aligns with the Council meeting. But again, if there's interest, that could be something either to approve or agree to via email, or if it aligns with the Council meeting in January, something for you to sign off on.

SEBASTIEN DUCOS: Any questions on this? We can discuss it in the next two days. Again, if you want more details. For the record, having gone through it—I see Kurt's hand before I say what I was about to say.

KURT PRITZ: Thanks. First, I'm a big fan of the consensus playbook. I think it's a great document. And it should be more proactively incorporated into our process. I'm not convinced that a video is the right way to go, depending on how it's done, because you can either read the thing or watch the video.

So to me, it could be a distinction without a difference. But I do think I am a strong supporter of allocating some budget for figuring out the best way to take what's there and build something so it's

incorporated into our training and processes for each PDP that gets launched or something like that.

So for me, I'm for that, if we can vague it up in some way so it's not just for a video, then maybe some of us could figure out the best way to do it.

SEBASTIEN DUCOS: Thank you for the position. Interesting. Yes. This is, in general, part also indeed an effort in promoting the consensus playbook. Another effort—and maybe you were sharing over lunch having new groups being formed with sort of bullet points, tick boxes to go through and on agreement before we're even engaging, it's all part of making sure that we arrive at the discussion table—and I didn't purposely use the negotiation, but the discussion table—with at least a set of agreed terms.

So again, we'll discuss that in the next 24 hours. And we will verify exactly what sort of deadline we have to present that, if it fits with our next meeting or not. Thank you.

So the next item is 8.4, is an update on the RPMs IRT timeline. And I guess, John, this is for you.

JOHN MCELWAINE: Yeah, so the update is I don't have a definite answer. So having attended the first meeting, there was definitely a slide that had a number of weeks that were projected to look at the different issues, but I think that there was built into that then some weeks of work as well. And I think there is also somewhere in the ICANN

archives, whatever, website, some projection as well. But for right now, it was added up to 18 weeks, but I have a feeling it's much longer than that. So let me provide a better update after talking with people that really know more.

SEBASTIEN DUCOS: Thank you. Any questions for John on this? See no hands. So that leads us to 8.5 and the DNS abuse draft letter. Can I ask Paul or Mark to take us home with it? Yep. Mark, go ahead.

MARK DATYSGELD: Thank you. So in relation to the letters, there was some drafting going on. To be perfectly transparent, it was between the leadership of the team and staff. So it was between respectively Steve, Marika, me and Paul, and then subsequently sent to the list for further revision.

If I may be so bold, I think it pretty much reflects what we all agreed upon. It contains currently two individual letters. And I draw your attention to the first one, which is about the subject of bulk registrations.

This is something that we have—I wouldn't say decided. We have observed clearly that we don't have enough data about this to understand whether we need to act, or if we were to act, what we would act upon.

So here we are honestly seeking an answer from the Contracted Parties House as to what are the current practices. Are there any breaks currently, any flags? What is the general industry practice?

Because if we understand that there are, for example, current best practices that are not followed by all actors, then we can start pointing towards those best practices and see how they will be enacted.

Or in case there's nothing in place and it's a free for all, then we potentially have a problem because bulk registration did come up as an issue, a realistic one, in our discussions. We have all agreed that we have seen trends relative to that.

So this is something that preempts any action on that. And hopefully, we'll get some answers and be able to react accordingly, be able to understand, do we have a role there? What would be that role?

And the second letter, there's one concerning recommendations three and four. As you might remember, we have been asking the CPH and ICANN Org to reconsider some very specific aspects of the contracts that we believe enable malicious actors to take advantage of the lack of power, let's say, that we have to effectively [curtail their] actions.

So this addresses that directly. And interesting enough, the CPH went a little bit ahead of us. To anyone who hasn't had the opportunity to read their own letter on this, it aligns very clearly with what we're saying—it seems to, it will in some ways [precede our letter] in that sense, but still important that we send our own. And it therefore has both sides, it has their intention, and it has the Council's intention of this criteria being met.

So in that sense, we are pretty much aligned with them. I don't think, at least from my reading, that we are in any way removed from whatever they are proposing. But I do suggest to those who haven't read their letter to have a look. I don't know if anybody can post that one in chat just in case anybody missed it so that we are all aligned.

And if there are no further considerations on this, we would like to send them out ASAP before the holidays and potentially by next year, we can already be looking into these issues and trying to work out together exactly where do we go from here and what to expect.

So very open to questions. I don't know if Paul would like to add anything on top of that. No. So without anything further, I open for questions, and Greg has a hand up.

GREG DIBIASE: Is there a timeline you're requesting for review? I'm just cognizant of holidays and everyone's out of the office.

MARK DATYSGELD: I'm being optimistic in saying this will be given top priority, but I'm not having like unrealistic expectation. So I would like to think that by late January, we would have position, maybe February. That would be ideal, but at the same time, very cognizant that between now and late January, Internet governance kind of stops. So hopefully as soon as possible, and looking forward to whatever we get back.

GREG DIBIASE: Okay.

MARK DATYSGELD: Kurt.

KURT PRITZ: Thanks, Mark. The Registries Stakeholder Group discussed the first letter briefly. I don't want to overcomplicate this, but there was a question about what does bulk registrations mean? Just like we talked about DNS abuse, and everybody has a different definition, I think we need to be precise about what bulk registrations are.

The transfer policy group talks about bulk transfers. Are they bulk registrations at initial registration? Or there are certain registrars that are set up to accommodate specifically bulk registrations while others register many names but have to do it singly.

I think rather than you or the small team writing this definition, we might just create a preliminary question, a first question before the other questions to the point that when we talk about bulk registrations, how do the Registries Stakeholder Group and Registrar Stakeholder Group define them?

Some sort of preliminary question. I haven't come up with any wording yet, but maybe I could in the next couple of days or something like that, or work with you to do that. But I collaborate with some of my colleagues to get the right first question there so when we talk about bulk registrations, we're all talking about the

same thing and we're targeting those bulk registrations that are the source of problems.³

MARK DATYSGELD:

Thank you so much, Kurt. I think that during the course of our work, we came up with very rough estimates, like over 100 domains, something that's completely unrealistic even for a large business to be doing casually. So we're talking about really large registrations, which from data analysis in terms of cybersecurity, we see that clearly it happens in a large scale that those things will take place. It's not like this is a non-scenario. Actors will register hundreds of domains at a time and then make use of them for usually bad things. Not 100% of the time, but maybe 95% of the time.

So the idea is to understand how that takes place. But if you would be able to help us laying out that concept more clearly, then it'll be perfectly within reason. I see Susan.

SUSAN PAYNE:

Thanks. A couple of quick questions. I'm sorry, I may have missed it. But what is your deadline for us to give you feedback on these letters so that you can get them out? Do you need something by the end of this week or by Tuesday? Because I haven't seen a deadline and I just want to make sure I do take the time and review them. I'm sure it won't take that long to do so.

And then a second question, which came up from a member of my constituency, was just questioning who they're being sent to, or at least questioning whether—obviously, they're directed in particular

to the Registries Stakeholder Group and Registrar Stakeholder Group, both of these letters, but is there an intent to—well certainly, I think the first one, it looks like it's also going to Org but the second one, is there an intent to CC Org or to CC the other SGs and Cs from the GNSO just as a sort of matter of courtesy?

Also just interested to be sure that they get captured somewhere where people will see. I'm not sure that all GNSO Council correspondence or GNSO correspondence necessarily also gets posted on the Org correspondence page. But I'm hoping staff can just clarify if that is the case, really just to be sure that they're visible so people know that this has been sent.

MARK DATYSGELD:

Thank you, Susan. So to answer your first question, I think our hope was they will be reviewed by this meeting. But if you feel that there is need for further revision, please do flag that. But it would be good that you would flag it on the Council mailing list if you would like a few more days to look into it, because I think our expectation was that by now, we would have received input. But that's fine. It's not like it's super pressing. It is the holidays coming up anyway.

As for your second question, the idea has always been the desert open letters. Fundamentally, they're not meant to be exactly from actor A to actor B. This is our intention as a GNSO Council towards the community to go in a certain way, especially because of the second letter. We cannot mandate the CPH or Org to do any form of negotiation. What we can do is politely ask that they consider this very strongly.

So in that sense, these have been drafted from the start as open letters that hopefully will be sent officially. Yes. But the thing is, they are not meant to be, “Hey, here—”because we want it to look less like as less of a demand as possible and as more of a communication as possible so that we don't somehow exceed our mandate.

As for how those are handled in terms of archiving, I have no idea. Marika probably does. So she would be the right person. Would you like to follow up, Marika?

MARIKA KONINGS:

No, just to note I posted in the chat that all letters that are sent by Council are always posted on the Council correspondence page. I put the link in the chat as well. As soon as these would get sent, we would also post the links there.

MARK DATYSGELD:

Thank you very much. Justine, our small team member who represented ALAC and conveyed [their vision] to us, please go ahead.

JUSTINE CHEW:

Thank you. Two points that I wanted to make. First one was in relation to the first letter. And following up on what Kurt said about bulk registrations, I wonder if a possible edit would be to ask the recipients of the letter what their definition of bulk registration means, because I'm assuming that different registry stakeholder parties, different registries and different registrars may have a

different concept of what they consider as bulk registration. So one party could be 100, one party could be 1000. So it might be interesting to actually try and understand what thresholds they are looking for in terms of considering something as bulk registration.

The second point that I wanted to make was I fully support what Mark has said about keeping this process transparent. And on behalf of ALAC, we would appreciate that greatly.

I also noted that Marika said that all these correspondence are open in the sense that they are recorded in a particular archive. I would just go further to ask if it's possible that once these letters are sent out, that a note be sent to the Council list that they are sent out so that we don't have to go to the correspondence page to figure out whether it's been sent or not but just to get notification that it has been sent. Thank you.

MARK DATYSGELD: Thank you, Justine. Based on yours and Kurt's input, I would steer us towards adding that first question. So I would like to make a motion for that, literally right now. Can we add that first question? Would anybody be opposed to us asking what is your definition/threshold of bulk registrations?

[PAUL MCGRADY:] I think we need to slow down on that. Why don't you and I take that back with the staff team and think about that? Because if we ask something like that, and it's not properly defined, we could end up just getting questions back. This is meant to be a clear headed one way communication out. So I think in a desire to push this

through, which I applaud, let's not get tripped up and not think it through. So if that's okay with you, Mark.

MARK DATYSGELD: THANK you, voice of reason. Or might I say [Oprah?] Greg, please.

GREG DIBIASE: So just real quick on [you're describing an] open letter. So that means that the community can see them. But to be clear, only the contracted parties are responding. We're not asking for a response from other constituencies about bulk registration. That happened earlier in the DNS small team abuse process. Just want to make sure we're all on the same page there that we're not opening this up to the community at large, we're asking the people that would be in a position to know the answers.

MARK DATYSGELD: Yes, exactly. We are asking a direct question but making sure that this letter is not seen as some form of direct communication per se. It is a direct question, but it is for everyone to see. It's not meant to be somehow hidden away in a mailing list. It's meant for everyone to be able to see, including Board members, including everyone, and for our communications to be very transparent back and forth so that when this is remembered in terms of process in the future, it is very clear what was taking place. Nobody will be able to say, "Oh, this was done in a somehow untoward manner." It is as transparent as we can possibly muster within the ICANN

system. And that's the idea so that we will never have to retread these steps. Thank you.

SEBASTIEN DUCOS: Thank you, Mark. And thank you for all those comments. This leads us to the last point of our agenda, which means that unless there is any other comment or anything else anybody wants to raise, we're able to conclude this Council meeting 15 minutes early.

Again, as I said on top of the—well, not the hour, but the double hour, this is the first time I'm doing this in person. And it was lovely to have faces to look at whilst I'm doing all this. For the past few months, it's been in the blind. So very good to see you all. Thank you very much. And thank you very much to all the remote participants. And Nathalie, if I could ask you to close this.

NATHALIE PEREGRINE: Thank you. This concludes today's GNSO Council meeting. We will now stop the recording. Have an excellent rest of your days and evenings. Take care.

[END OF TRANSCRIPTION]