

**ICANN**  
**Transcription ICANN Johannesburg**  
**GNSO Outreach – GNSO Policy Briefing**  
**Tuesday, 27 June 2017 at 08:00 SAST**

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Steve Chan: Thank you. And my name is (Steve Chan) I'm part of the GNSO Policy Support Team. And welcome to the GNSO Policy Outreach Session. Before I get started I was just curious if any of you guys made it to the session yesterday or if this is your first one of these outreach sessions? (Colis), I know it's your first but, (unintelligible) also your first? Okay. Just trying to figure out how much of the detail on these slides I'm going to go through.

Woman: Up against the community forums. Yesterday we actually had a few more people.

Steve Chan: So we'll keep it brief. We want to make this as much of a dialogue as possible for the folks in the room and if you're also virtual. So we'll do some basic introductions as a team and then we'll talk about the schedule of GNSO activities for the day. And then wrap it up.

So (Enrica) had prepared a fancy slide yesterday with all her pictures. It didn't work. We switched it to a text based slide so this is a list of all the team members. So if after this meeting or at any point you have questions about the GNSO's activities, reach out to any of the people on this list and we'll either have answers or know who to ask.

Some very basic structure about the GNSO Council. At the very top it's the GNSO Council and that that is comprised of two houses. On the left you

have the contracted parties' house and on the right you have the non-contracted parties' house.

Within the contracted parties' house or the CPH you have the Registry Stakeholder Group and then also the Registrar Stakeholder Group. In the non-contracted parties' house you have the commercial constituencies with the business constituency, the intellectual property constituency and then the internet service providers and connectivity providers' constituency.

And then on the non-commercial side you have the non-commercial users' constituency, and then the non-for-profit and operating concerns, I believe. All right. Close enough. Thanks. So for today's agenda we have a pretty busy schedule for the GNSO related activities.

Immediately following this session we actually have a face-to-face on new (GNSO) subsequent procedures. So if you're interested, please do definitely stick around. It runs from 8:30 to 12:00. But if you do stick around for that you will miss the IGO, INGO (curative) rights protection PDP workgroup, face-to-face which is meeting from 10:30 to 12:00.

We also wanted to note a few implementation review teams which are actually not on the schedule. They're sort of ad hoc pop-up sessions but to the extent that you're interested, we just wanted to make sure that you're aware that they are going to take place.

We have the IGO, INGO identifiers protection (IRT) at 12:00 and then I'll just touch on the other (IRT) real quick. That's at 14:15 and that's for privacy proxy services, accreditation. Sorry. (IRT). And then sorry to go backwards in time here, then we have the new detailed (unintelligible) proceeds, cross community working group face to face. That's at 13:30.

And then in the afternoon we have a pair of (new GTLD) sessions on some, a couple of high interest topics. The first is on the general data protection

regulation and its potential impact led by the CCNSO and affecting many of the community. And then after that we have another (new GTLD) session on geographic names.

So the high level of those activities. We'll just go real quick through what these sessions are about extremely briefly. As I said, we want to try to make this a dialog. So for the session upcoming on new GTLDs. This is, this follows the 2012 how it's looking at changes to the process which might be needed which could result in changes or amendments to existing recommendations or entirely new policy recommendations.

The PDP working group is split up into, it's a plenary full working group and it has four work tracks. So the session today, as I said is immediately following this session, will be focusing on those different tracks. So the overarching issues that were discussed at the plenary level as well as the topics that are assigned to each of the working tracks. If you're interested, please do stay in this same room.

The IGO, INGO (curative) rights' protections working group, that group is responsible at looking at specific circumstances and needs of IGOs and INGOs. The intention is to determine whether or not the UDRP or URS needs amendments to support their needs or even a specifically narrowly tailored separate dispute resolution process might be necessary for them.

So the group in their session will be considering what recommendations they might want to amend. They actually published their initial report already. They collected public comment and then in consideration of that public comment they are considering and determining which of those recommendations may or may not need to be amended. (Enrica), your turn.

Marika Konings: That's me. Hi everyone. My name is Marika Konings. I'm the Vice President for Policy Developments for Generic Names Supporting Organization or

GNSO. And also supporting the cross community working group on the use of the new GTLD auction proceeds.

And as (Steve) already said earlier, this is intended to be a very informal and interactive session so if you have any questions feel free to raise your hands about any of the topics we're already discussed so far or any questions you may have about the GNSO activities today or any part this week.

Some of you may already be familiar with this but auctions may be used as a mechanism or last resort to resolve contention in the new GTLD program. Actually most contentions have been resolved in other ways. I think over 90% have been resolved through other means.

But there still is a small percentage of contentions that have been resolved through auction. And as a result there has been significant funding accrued which currently stands at over US\$230 million. The community actually already started discussion of what to do at these funds back at ICANN 57.

And there was kind of general agreement that there should be a cross community discussion and conversation about how these funds should be used. As a result of that work was undertaken with representatives from all the supporting organizations and advisory committees to develop a charter for a cross-committee working group.

And the charter was submitted to all ICANN SOs and ACs prior to ICANN 57 and everyone then adopted that.

Man: Can you raise the audio?

Marika Konings: Okay. Is this better? Can people in the AC chat confirm if you can hear me now? Okay, they hear me. Sorry. No, no signing at all. So you can hear the audio now. So I thank you for confirming that.

So as I mentioned, all the ICANN supporting organizations and advisory committees signed up for this cross community working group sequentially started its deliberations in January of this year. So this cross community working group does not have to decide who or what are to get money.

Their task is to develop a proposal on what kind of mechanism should be developed in order to allocate new GTLD auction proceeds. So what can you expect here? Basically the meeting that is scheduled for his afternoon is a continuation of the working group's deliberations.

And the working group has been meeting every two weeks since January. And the working group has broken its work down in six different phases to deal with the charter questions that have been assigned. So the first phase which was just completed was an initial run through of all the charter questions to make sure everyone had a common understanding of the questions that need to be addressed to identify whether any external expertise may be expected as there are of course a number of legal and fiduciary requirements that will need to be considered that may require external expertise.

And similar of course there are many groups outside external to ICANN that may have knowledge or insights that may be helpful to inform the working deliberations. Then the group will action here at this meeting comments on phase two of its work which consists of addressing any of the charter questions that need addressing prior to the next phase.

There are a number of questions that have been identified as so called gating questions. A response to that question will very likely determine the direction that will be taken. One of such questions for example, should ICANN be responsible for receiving applications, reviewing applications and disbursing funds?

Of significant impact on what the mechanism would look like and similarly if the answer is no that would also be a determining factor of what kind of mechanism would be suitable. So once the group has gone through and I think it currently consists of three questions that there's a kind of sense that those need some kind of response or draft consensus before moving into the next phase which consists of compiling a list of possible mechanisms.

There's a sense as well there's a limited number of options that can be explored even though people have spoken about foundations, grand mechanisms, donations.

So again, I think it would be to compile that list of possible mechanisms, identify pros and cons and then the next stage would be to determine based on previous conversations and as well agreement or the draft consensus under stage two, which mechanisms demonstrate the most potential. And explore those further by going through the different charter questions and answering each of those.

There is an expectation that this may be an iterative process because there may be realizations in ones they've covered, one mechanism or another that, you know, maybe it's not as suitable as it was originally. So there is the possibility that that will go back to an earlier discussion.

And then the hope is that eventually there will be consensus on the mechanism to be recommended as well as responses to the charter questions which, as I mentioned before, we'll need to meet a legal fiduciary and audit constraints and requirements. An initial report would be published for public comment.

And currently the working group has set itself the goal to do that by the end of this year. So again, this afternoon we'll start conversations on work phase two. Part of the meeting will also be dedicated to a recap on a briefing we

received during the previous meeting on audit requirements by (unintelligible).

And then we'll hope to look ahead as well by identifying potential questions for experts that we hope to involve at a later stage of the working group's work. And that's all I have.

Emily Baribas: Thanks. Hi everyone. My name is Emily Baribas. I'm another member of the policy team here. And I'm going to talk a little bit about the general data protection regulation session earlier today.

The session is actually coordinated by the CCNSO but in the spirit of cross community collaboration we're going to talk a little bit about it this morning and any specific questions, we can also direct to our CCNSO colleagues who have done quite a bit of work to put the session together.

So interactivity. How many of you know about the GDPR? Who's never heard of the GDPR? Okay. So it's probably a bit of a review but the GDPR is a framework, a broad legal framework in the European Union to harmonize data protection and laws, provide greater protection for European citizens and the flipside of that is for a lot of businesses that are handling the data of people from the EU.

New obligations, new restrictions. It's going to have quite an impact on a number of businesses and will be going into effect in May of 2018. So it's been a pretty hot topic within ICANN. You've probably heard discussions in different parts of the organization about this coming up.

And the intention of the session is to look more deeply at what the GDPR really says so it's been a pretty hot topic within ICANN. You've probably heard discussions in different parts of the organization about this coming up. And the intention of the session is to really look more deeply at what the GDPR really says, what its impact is going to be on businesses probably

more specifically what the impact is going to be on the registries and the registrars and registrants.

So the sort of first pieces of the session is going to be focused on providing information for those who are interested and don't have that sort of background. And the intention is that it's going to become a more collaborative discussion about the impacts on ICANN, the ICANN community and so forth.

So for people who are interested in privacy and data protection and for those who are not interested but maybe the impact of this could be a really lively, interesting discussion. So the moderators are going to be (Peter Rahot from the CCNSO. (Oliver Sumo) from the GNSO and (Cheryl Langdon) will be the session Chair from the ALAC.

And the presenters will include (Catherine Balibok) from the European Commission, (Becky Burr) from the ICANN Board and (Theresa Swinhart) from ICANN Org. So a really nice diversity of panelists and lots of opportunity for interaction, questions and input. Any questions or are we going to hold that until the end? Any questions? Yes, (Didi).

Didi: Can you, excuse me. Can you talk about who makes up the non-contracted party members of the GNSO?

Emily Baribas: Sure.

Steve Chan: Thanks for the question. This is (Steve Chan). Staff again. If you're looking just organizationally, I can run through the organizations real quickly. But if your question's quite different, definitely let me know.

But organizationally, the groups that are within the two houses are groups within the NCPHR, the business constituency. So going along the left hand

side, there is an intellectual property constituency and then the ISP and connectivity providers.

And then on the right hand side we have the non-commercial user constituency and then the non, not-for-profit and operational concerns.

Didi: Okay, thank you. But who are those people? I mean if they're not, are they service providers? Are they lawyers? Are they, what is their connection to the internet community?

Steve Chan: I'll take a cut-in and Amr can jump in because he's certainly more familiar with it than I am. But to your question, for instance, you could actually have lawyers and not necessarily in the intellectual property constituency. But in general you'll probably have quite a few attorneys in the IPC for instance.

But it certainly doesn't restrict it to that group and you have, you will probably have lawyers in the business constituency. The ISP's are probably a natural fit for that one. You have civil society in some of the, on the other side of the lane here in the non-commercial users. Hope that helps but (Almer), please feel free to step in.

Amr: Thanks. Good morning. I'm Amr from staff. So there are lawyers as Steve mentioned in the IPC as well as the business constituency on the commercial side of the non-contracted parties' house. But there are actually also lawyers within the non-commercial stakeholder group that is made up of the non-commercial users' constituency and the not-for-profit concerns constituency.

So basically the intellectual property constituency is folks who have an interest in intellectual property trademarks. I don't believe that they have to be lawyers. They don't have to be. They just have to have a, they have to be able to demonstrate an interest in trademarks.

The business constituency are basically commercial registrants, businesses that have an interest in registering domain names and the ISP and connectivity providers, they're internet service providers on the non-commercial side.

And you'll notice from the chart in front of you and it's a distinction between the two stakeholder groups in the non-contracted parties' houses that their presentation on council on the non-commercial side is at the stakeholder group level while on the commercial side it's at the constituency level.

The non-commercial stakeholder group is made up of these two constituencies but they also have an option of being members of the stakeholder group without being members of either constituency. So you could be a member of the NCSG without being a member of either constituency.

Or you could in their charter also allows for membership and up to three of its own constituencies. So there are only two constituencies now but technically you could be a member of up to three constituencies in the non-commercial stakeholder group.

The non-commercial stakeholder group on the NCUC side is mainly civil societies, members from the academic institutions. There are individual people who registered domain names for non-commercial purposes and generally anyone with an interest in the internet or in domain name policy.

So they do accept individual members and not-for-profit operational concerns (unintelligible) organizational members so basically NGOs that have an interest in operational issues concerning domain names.

Marika Konings: And this is Marika. If I can just add to that as well. So each group has their own Website and their own charter which will detail the criteria and

requirements and an application process for those that are interested in joining those groups.

James Bladel: Thank you. James Bladel from South Sudan. To echo on what the previous speaker has said, the new mechanisms for (unintelligible) to resolve the contents of the new CCGLD, how can GNSO determine if the proposed CCGLD (unintelligible) a name for South Sudan because (unintelligible) if the SE is assigned to South Sudan it's going to raise a lot of questions because (unintelligible) and what. That's why up to now the new (campaign) does not have CCGLD?

Marika Konings: Yes so this is Marika. So I think the question is specific about CCGTLD and a new name for a new country. And that falls (unintelligible) of the GTLD program which strings longer than two characters. So I think that's probably a question to raise with our CCNSO colleagues that definitely wouldn't be resolved through any kind of auction.

There are I think other procedures in place that go through I think governments and official authorities and as such communication with IANA who is responsible for delegation of country code names.

Steve Chan: Thanks. If there are any other questions please go ahead but if not, I'll run through another slide and then we can again check for questions. So the last slide is on a cross community session on geographic names. There it is.

So this session is in recognition of the divergent view within the community on geographic names. It's also taken in account parallel activities that are looking at geographic names perhaps in different perspectives and different levels of scope.

So the intention of the session is to try to coordinate and collaborate and make sure we end up with a solution that is consistent and accepted by most in the community.

So in terms of what to expect it's a moderate session. The co-chairs are the PDP working group on new GTLD subsequent procedures. They put together a straw person that attempts to put together many of the different positions and proposals that are within the community.

They'd like to emphasize that, sorry, the PDP working group Chairs would like to emphasize that it's not their proposal. It's merely an example of how you could try to take these different positions into account and develop a (unintelligible) solution.

So that is intended to fall on the basis of the session. As I said it's moderated and it's intended to be a dialogue. Sorry, I forgot the word there. So please do come. Participate. Make sure your view are heard. And I think in terms of slides that's all we had.

So actually, sorry, there's one more. (Enrica) developed these slides and I forgot they're there. Important note, to prepare for these meetings it's great to take a look at the GNSO policy briefings. There's generally one on every topic, even ones that are not even part of meetings, at the ICANN meeting.

So the links there, definitely do check those before the ICANN meetings. For any of the folks that are new, you should definitely not hesitate to ask us questions. Members of the policy team, leaders within the community, there's a lot of acronyms and new terms that we talk about in the working groups so be patient with yourself.

Don't panic and if you just go out and ask people within the room, they'll more than likely be willing to help you and explain things. And last thing we have more of these tomorrow and we welcome and encourage you to come back tomorrow. But, sure.

Woman: (Unintelligible).

Steve Chan: Oh, oops. Yes, sorry. I recycled slides and it should say come back for day three. But, so again, if there's any questions, please raise your hand or in the AC room. If not, I think we can wrap up. Thanks.

END