

**ICANN  
Transcription  
Pre-ICANN62 GNSO Policy Webinar  
Monday, 18 June 2018 at 21:00 UTC**

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Operator: Recording has started.

Terri Agnew: Thank you. Hello and welcome to the Pre-ICANN 62 GNSO Policy webinar held on Monday, the 18th of June, 2018 at 2100 UTC. This webinar is being recorded and the recording as well as the transcript will be posted on the GNSO master calendar shortly.

I would like to remind all to please mute when not speaking. Questions will be taken at the end and you can – or ask questions by raising your hand in the Adobe Connect or by typing question with your question and ending with question again in the Adobe Connect chat. With this I'd now like to turn it back...

Carlos Raúl Gutiérrez: Hello. This...

((Crosstalk))

Terri Agnew: ...Heather Forrest, GNSO Chair. Please begin.

Heather Forrest: Hi, Carlos. Welcome.

Carlos Raúl Gutiérrez: I'm in a very noisy place. I'm on mute. Thank you very much.

Terri Agnew: Thank you. Please go ahead, Heather.

Heather Forrest: Thanks, Terri, very much. So welcome to everyone. Thanks very much for joining us today for this GNSO Policy webinar, which takes place in advance of ICANN 62 in Panama. I'll only say a few brief words of context here and then turn it over to our speakers.

So a bit of rationale behind the thinking of the schedule for ICANN 62, the GNSO Council leadership met and thought about some ideas to best maximize the time that we have together in the Policy Forum limited period of time, only four days on the ground.

And as you'll see today, we have the four major PDPs to share with you that will be worked on in the course of ICANN 62. So I have a feeling that I'm able to control the slides, which means if I show you the agenda slide you will see the PDPs that we're about to discuss today, the New gTLD Subsequent Procedures PDP, the Review of all Rights Protection Mechanisms in all gTLDs PDP, the Curative Rights Protections for IGO INGO PDP and although not yet formed is a PDP at the very end I'll give an update on where things stand with the Temporary Specification for gTLD Registration Data expedited PDP that is looking – that's in development.

It – what we have done to maximize the time that these groups have is we've tried very broadly to schedule each one into a single day to provide the opportunity for the community to focus on a single topic in the course of that day. I'd like to remind everyone that if you are attending the Panama sessions that in the morning we have a session about what's on in the GNSO today that you may find very, very helpful.

The purpose of today's webinar is to bring everyone up to speed on the major milestones, challenges, key activities that'll happen in Panama at ICANN 62

in relation to these four PDPs and the reason for doing this via webinar and not on the ground is we have streamlined the GNSO Council's meeting times together in Panama to provide the best possible opportunity to meet within PDPs so there are fewer GNSO Council sessions, the traditionally called GNSO weekend working session or working session has been shortened in order to maximize the time for PDPs and we thought it would be possible to communicate these updates via webinar in advance.

So thank you to everyone for joining. That gives some background as to where we are. And with that I would like to turn it over to Jeff Neuman to talk to us about the Subsequent Procedures PDP. Jeff, over to you.

Jeff Neuman: Yes, thanks Heather. Hopefully you all can hear me okay. If we could advance the slide to the timeline slide? I don't know if I have control of it but – there we go. So as Heather said, I'm one of the cochairs for the Subsequent Procedures PDP. Cheryl Langdon-Orr, who's also on this call is the other cochair – overall cochair. And so she may help answer some questions if there are ones that I cannot answer alone.

So this first slide talks about – says I'm not very clear, let me see if I can get closer? Is that any better? I'll keep talking unless someone tells me it's not clear still. So what you see in front of you is a timeline of where we are now up through when we believe the GNSO Council will be considering a final report.

So we are very close to completing our initial report and in fact our goal is to essentially finish the initial report prior to when most of us leave for Panama this week and then publish that out for public comment around July 2 or 3 timeframe. We envision a fairly lengthy public comment period, about 60 days given that it is the summer in the Northern Hemisphere.

I recognize it's winter I guess in the Southern Hemisphere, but generally the months of – especially the month of August is a very common vacation time

for many people around the world so given the summer time period in the Northern Hemisphere and the vacation times, we will likely close the public comment period around September 5 or so.

During that time, ICANN staff will do an analysis, a summary and an analysis of the public comments and we hope to complete a final report by Q1 of 2019 and given that to the Council by Q2 2019. Just a reminder, what this project is about essentially is considering the 2012 round of the New gTLD Program and determining what changes need to be made to the original 2007 GNSO policy recommendations as well as what new policy recommendations may be needed.

Incidentally there is a fifth work track, and it's something I should have pointed out at the beginning. So the timeline that you see right now are for the overall issues and for what we call Work Tracks 1-4; pretty much everything in the new gTLD process except for geographic names at the top level. We separated that out into its own separate work track, Work Track 5. They are on a slightly different timeline. We hope to publish their initial report by – in August of this year – August September timeframe, and then to provide a more accurate picture as to when we think a final report can be done. But it's our goal to try and consolidate the timeline and have everything done by Q2 2019.

Could we go to the next slide please? Thanks. So what are the current challenges and issues? As many of you know that have been following the work, we have well over 30 subjects within our charter and have organized into four work tracks and then later into a fifth work track. With respect to Work Tracks 1-4, as I said, we've completed our preliminary deliberations, we're just completing the initial report which will be published for public comment.

There is one thing that's unique about the way that we're handling this, and we wrote a preamble to the report that will be in the front of the report

explaining how we're doing this a little bit differently than other initial reports have been organized. Because of the huge number of subjects and because of the fact that we have well over 200 participants and observers in this group, it really wasn't feasible to take all of the recommendations and bring them to the full working group out of the work tracks. In addition, Cheryl and I were of the view that unlike other initial reports where a consensus call was taken prior to the publishing of the initial report, we did not go about doing that.

The reason is that we were concerned that publishing – or taking a consensus call essentially can lock people into positions prior to receiving public comment. And we wanted to make sure that we put everything out there for public comment, all the different positions out there, where there is a general leaning in one way or another by a work track or the working group, we do indicate that in the initial report, but in essence we didn't want to lock people into a position before we took – before we got public comment because at the end of the day we want the group to be open to molding the recommendations based on what the public comments are and to really be open to all of the input.

So we have not done that. It says in the GNSO procedures that you may take a – or that you should take a consensus call but we did not indicate the level of consensus.

So our biggest issues right now are that there's still a fair amount of work that we're – that need to happen between the initial report and the final report. There are a number of recommendations that need to be solidified, some options that need to be narrowed down that you'll see in the initial report. There's also a ton of parallel work going on within the community on things that are within the scope of the next round, so things like applicant support, community applications, we need some more work to be done on that but also there's interconnected efforts.

There is a policy development process on rights protection mechanisms which you'll hear from Phil just after me. There is a – what's called a CCT Review Team, the Consumer Choice, Competition and Trust Review Team, which was supposed to have their final report out earlier – actually at the end of last year then earlier this year, not really sure where that is at this point. Hopefully it'll come out in the next couple months but we are supposed to work with them on handling any recommendations that they have.

And of course there's the IGO INGO activities that are going on and some other activities, all which would affect the introduction of new gTLDs. And I just realized that I can forward the slides. So what we're asking the Council during this call and that we need help on is really to make sure that the stakeholder groups, the constituencies contribute to the initial report meaning that we really hope that they reply to the public comments, that they get involved, that they stay involved throughout the deliberations in the later part of this year leading up to the final report.

We certainly know that there's a lot of other things going on including GDPR and a whole bunch of other stuff but we are fully intent on meeting our deadlines and ensuring that we do not pose a delay – a further delay to the introduction of new gTLDs. And so the second item is related to what we just said before, which is we need some help with the Council in determining the level of dependencies with the Rights Protection Mechanisms PDP, with the CCT Review Team, IGO INGO etcetera.

And then finally we need to try to talk at some point later this summer or this – certainly in the fall about how and what implementation steps can be taken by the Council in order to have a more streamlined approach to the next round. So I think I'll stop there and – oh I'm sorry, there is one more slide I believe on the sessions that we are having at ICANN 62.

The Work Tracks 1-4 and the overall issues are having three sessions at ICANN 62. Two of the sessions are back to back on Monday June 25 and

then the third session is on June 28 and the times are up on the slide. And Work Track 5 which is a – is taking up two cross community spots is working on the geographic names at the top level, they're having a session on Monday the 25 at 3:15 to 4:45 and Thursday June 28 at the same time, 3:15 to 4:45 local time in Panama.

So with that I will take questions. Sure there has to be people with questions? Okay, there are some comments on the chat about a lot of work ahead of us and I completely agree. And we are completely dependent on all of you, all the stakeholder groups and constituencies and supporting organizations as well as the advisory committees to contribute to the initial report. Heather, I'll call on Paul, I'm not sure if I'm the one that's supposed to be moderating this but I'll call on Paul and we'll take it from there.

Paul McGrady: Thanks Jeff. Paul McGrady here. Not a question so much as an encouragement to those attending the – what we really need now from the community is robust participation in this comment so that we can fill in some gaps. This team has worked incredibly hard and very diligently and has dealt with a lot of different concepts and ideas but there are gaps in ideas that exist and we know, you know, the team knows that. And we really are counting on hearing from the community so that we can move the ball forward. So just a word of encouragement to everybody who is considering filing a response would be great to hear from you. Thanks.

Jeff Neuman: Yes, thanks Paul. And certainly just to reiterate that before while we let other people get in the queue, there you know, we really feel like we did not necessarily have the expertise in some areas like applicant support and are waiting for additional feedback like on topics like communities. We know that they are topics that a lot of members of the ICANN community are interested in. We were expecting a lot more feedback earlier on on these subjects but really now are trying to ask some pointed questions in the initial report to try to elicit that feedback.

We all know, or a lot of the people acknowledge that there were issues in the first – in the 2012 round especially with applicant support and with the community priority evaluation process and other areas. Certainly we've heard that from members of the community. Now, as Paul said, is really the time to come back with specific feedback on that which will be helpful for the group of well over 200 people to get to a final report.

So, Heather, it looks like there are no – there's nobody – oh, we do have a question from Rubens. "Do you believe Council could play a role in making the conflicts among GNSO sessions in this Policy Forum less troubling?"

Thanks, Rubens. I think the only thing I'll say about that and leave that really to Heather and the Council is that I think for future Policy meetings we should probably coordinate a little bit better with sessions so that there aren't as many conflicts as there are but we recognize this is a shorter meeting and we hope that those that are interested in Subsequent Procedures and in the next round of new gTLDs will decide to show up to our sessions.

And then a question, "What are we going to discuss during the CC session and who will be on the panel?" Farzaneh, thanks for – that's a great question. The – just to elaborate on that, the cross community sessions are both scheduled with Work Track 5 and at this point there were some things that we had wanted to do which we are scaling back a little bit because of some limitations of Adobe Connect. There – apparently the security issue is still present in some of the things that we wanted to do so we are in the final stages of really finalizing what we can do with – during the cross community sessions without necessarily going into breakout groups that we wanted to do because of the difficulty with Adobe Connect.

So essentially – at this point we're not planning on having a panel for either of those cross community sessions but really are going to have interactive sessions with Work Track 5 on very specific issues involving geographic names at the top level and would strongly encourage as much participation



during the session as possible. So at this point that's as much as I can answer. I don't know if Cheryl has anything to add to that. We were thrown a little bit of a loop with the limitations of Adobe Connect so we're still finalizing some last minute details.

Okay, with that, Heather, I don't know if you want to answer Rubens question or you want me to just turn it over to Phil Corwin because he's next with the Rights Protection Mechanisms.

Heather Forrest: Jeff, you know what I'll do, this is Heather Forrest. Thanks very much. Since the question was raised here I was going to make a plug at the end but I think there's an opportunity now to make two plugs, so thank you, Rubens. So to answer Rubens's question about is there – is there something that Council can do to help reduce the number of conflicts, so I know that the Subsequent Procedures team in particular has discussed conflicting particularly GNSO stakeholder group and constituency sessions that bump up against their own PDP working group sessions.

And what I would do, let's say, this is a two part message, the first thing is to say that, you know, this is a Policy Forum and Council leadership is reaching out to the SG and C chairs as are the leadership teams from each of the PDPs that you're hearing from today, reaching out to the SG and C chairs to say, you know, is it possible to spare PDP members so that they can prioritize the PDP work.

And going forward I think you know, this is a problem that particularly arises in the context of the Policy Forum, which is a shorter period of time, much more difficult to get everything onto the schedule. And I think what we can do going forward in terms of an improvement, and in answering Rubens's specific question about what can Council do so what happens is the draft schedule gets the GNSO PDP times put into it, there's a call for SG and C meeting times, those meetings get put into the schedule on top of the PDP schedule.

And when it goes out let's say for checking for final consultation, I think what we need to do is add SG and C or excuse me, it's sent to SG and C chairs and I think we need to add the PDP leadership teams as well. And that really is Jeff's suggestion I think is broaden that discussion and give the PDP leadership teams an opportunity to say, you know, X constituency or stakeholder group has put a meeting at that time and reach out to those folks and say, hey guys, before this gets locked in stone, can we possibly, you know, shift your session to give your members a better chance to participate in PDP.

So I think that's a forward-looking thing; it's not something we'll have to talk about again in a hardy way until 2019, I believe that's Marrakesh, but it's certainly on the agenda and it's something that will find its way into our Council leadership report to hand over to the next leadership team. So thanks very much, Rubens, for that great question.

With that, Jeff, we'll follow the intention here. I'm going to turn it back to you for you to turn it back to Phil. Thanks.

Jeff Neuman: Okay well thanks, Heather. And next we have the Review of All Rights Protection Mechanisms RPMs in all Generic Top Level Domains PDP so I'm going to turn it over to Phil Corwin.

Phil Corwin: Thank you, Jeff. And let me – I am one of the three cochairs o this PDP working group, the other cochairs are Kathy Kleiman, who's been with us since the beginning in 2016 and one of our original cochairs dropped off earlier this year and he's been replaced by Brian Beckham who many of you know he's counsel to WIPO and expert in UDRP.

So I guess I can – yes, I have control here. This is a two phase PDP and Phase 1 is reviewing all the rights protection mechanisms that were created for the new Top Level Domain Program when the program was being

developed. The trademark community was concerned at the prospect of possibly 500 new gTLDs, of course we wound up with more than twice as many when the applications came in and conflicting bids got reconciled. So but these were created for the new TLD program; they're not consensus policy, they are implementation details of the new TLD program at this point in time.

And then Phase 2, which we expect to start mid 2019 will be the first ever review of the Uniform Dispute Resolution Policy, the UDRP, the alternative to a trademark infringement case for certain types of domain related trademark disputes. That's the oldest ICANN consensus policy and so far as I know the only one that's never been reviewed.

So this Phase 1, which we're now starting to see light at the end of the tunnel, we've reviewed the Trademark Post Delegation Dispute Resolution Procedure, which is a procedure to be used against a new TLD registry if it's either directly infringing trademark or actively encouraging registrants to infringe trademark. This is a RPM that's never been used, which made it a bit challenging to evaluate it and it may never be used because that type of problem has not arisen with new TLDs at the registry level. But we may be making some modest recommendations in regard to that.

Then we've got the Trademark Clearinghouse, which is a database of trademark registrations from around the world meeting certain qualitative standards. It's up to a trademark owner to put a trademark in there. There is an annual fee involved. And the benefits of registering in the Clearinghouse is that you get access to two related RPMs, sunrise registration priority and a trademark claims service, which generates a warning to would-be registrants if they're attempting to register a domain that's an exact match to something in the TMCH and also that provides a notice to the trademark owner if the registrant goes through and registers the domain so that they can monitor what activity is going on there.

And finally, Uniform Rapid Suspension, which is a – created as a subset of the UDRP, a quicker, less expensive dispute resolution procedure meant for black and white you know it when you see it cases of trademark infringement by a domain. And there's been about 900 cases brought under URS since new TLD launches so we've had plenty of data to look over there.

So on the timeline, looking towards next month, we're going to complete our data analysis of the URS. We've gotten a survey back from practitioners, from attorneys who have participated in URS cases either for complainants or respondents. We have most of the data back from a survey that went to the URS providers, the three accredited providers who are deciding URS cases. One of them has decided about 90% so they've got the most data. And so we'll have all the provider data back in the next week or two.

And after Panama we'll be spending July reviewing that data as a full working group and deciding what if any policy recommendations the data might suggest for the URS. Then in August we hope to get back a survey funded by ICANN to surveying a wide variety of the parties on TMCH, sunrise and trademark claims service and then in the fall we'll be developing preliminary recommendations unlike Jeff's working group, we expect to put out recommendations in an initial report on which we have consensus or substantial amount of agreement, and then take public comment and then come back with a – we expect to get that initial report out late this year or early in the first quarter of 2019 and to complete Phase 1 with a final report and recommendations to Council by the second quarter of 2019.

And I should say on URS, we did have a – some proposals within the working group to defer URS policy questions to Phase 2 and instead we reviewed our charter and we have enough flexibility under the charter to decide that certain URS issues we can make recommendations on them in Phase 1 and others that we believe are kind of intertwined with UDRP we can defer them to Phase 2 so we'll see how that works out when – later this summer when we get to discussing URS policy potential changes.

So what are the current challenges and issues? We've completed our initial review of the structure of the Trademark Clearinghouse and the scope but we have some remaining issues. We've launched an extensive data collection exercise to evaluate sunrise and trademark claims service, that's being conducted by the Analysis Group under contract to ICANN and we thank ICANN for funding that so we can do data-based policy recommendations. And we're going to be launching that survey right after ICANN 62 and get the results back late summer, early fall. Tight timeline but we've been working at breakneck speed.

URS we've got those answers – those surveys back pretty much and we're not going to be completing our initial URS review, I don't know when this slide was prepared, but we're going to be getting it into in July and I expect we're going to have it done one way or the other making some decisions and deferring other issues by the time we get that Analysis Group's survey back on the TMCH and related RPMs.

And yes, everything takes more time because these are complicated issues. There was no data collection built into the new TLD program so we have to create the data ourselves. And they're complicated issues but my personal view is that on all of these issues given that the RPMs were – the result of long debate and compromise, my personal belief is that any recommendations we make on any of them will be incremental recommendations for around the edges changes, I think anyone who's either proposing to eliminate an RPM or put it on steroids will have a tough time getting consensus on that. But we'll see.

And one part of our job is to recommend which, if any, of these new RPMs should be consensus policy, which means available at legacy TLDs, where the bulk of domain registrations are, really the only ones that would make sense is the Trademark Post Delegation Dispute Resolution Procedure, and the URS; the other two are tied to the launch of the TLD so it would make

sense to consider making them consensus policy because the existing legacy TLDs launched a long time ago.

So continuing, this looks like the same slide. Okay here we are. Current challenges and issues, I have to say personally I looked over this slide before the – a little while ago, I think it's a bit too pessimistic. Yes, we do have a huge volume of data being collected that we have to analyze and figure out what it means but we have a lot of people. And we've been breaking into sub teams which has proved to be a much more efficient way of proceeding where we can do several things at once and have dedicated small groups that analyze the data and come back to the big working group with a synopsis and with initial ideas about where we might go.

Tight timeframe and short turnaround times, we are committed at the leadership level to stick to our timeline now. And every time the cochairs get on a call we work backwards from the timeline and decide what has to be done to make it within the timeline. Next one is kind of repetitive, there's time to aggregate process and analyze the data. I wouldn't say survey fatigue; it is difficult to get people to fill out these surveys and we have to try to get a balance between getting the data we need and not making a survey so burdensome to fill out that no one's going to complete it.

And one thing we're going to do we've learned from other efforts is that we're – we're not going to require anyone to answer every question in a survey to make the answers they do provide count because others who have insisted on full completion have found that they get very little back in the way of data. And friction between members, we've been working pretty well recently without a great deal of friction, particularly on policy issues. I think we will have some policy disagreements when we get to deciding on recommendations, but we're dedicating one of our sessions in Panama to talk about how we can work as constructively and effectively as possible and minimize friction particularly the kind of friction that devolves into personal charges and things that aren't helpful at all to the process.

And another fatigue, I don't feel that fatigue but there are people involved with these working groups have day jobs and we try to keep the workload reasonable so that people can keep up with it and not fall away with it's just too much. So how can you assist? It's not too late to join the working group. We are – you've missed a lot of the preliminary work but we are getting into the – we haven't yet reviewed the surveys and decided what policy changes I might suggest so we're – it'd be a prime time to join right now.

We're going to be promoting the TMCH, sunrise and claims surveys to get as much feedback as possible. We are coordinating with SubPro that Jeff just reported on but I would say that anyone concerned about the fact that we project a six-month gap between when they wrap up and when we wrap up, there's very little in – before us in our working group that would affect the timing of a new round of TLDs, so it's not going to have any kind of negative effect on that, that six-month gap. And we'll look at the CCT-RT report when the final one comes out.

And if you're not in the working group, we want your public comments, particularly on the initial report because we need that feedback to work it into a final report. Now, in Panama next week we've got three meetings, we drew the short straw so we're at the end of the session on Wednesday, 27th of June from 10:30 to noon; we're going to be discussing the results from the attorneys who have participated in URS cases so that – if you're interested in URS that's a good one to come by.

On Thursday, 9:00 to 10:15 we're going to – and I think this is outdated actually – on Thursday I believe we're going to get into – we're going to use the shorter session, 9:00 to 10:15 to discuss the procedural issues and then we're going to get a little bit – we're going to have a short full working group session and then get into the Data Sub Team and the last meeting on Thursday in particular knowing that some people either be leaving for the airport or to see the Canal or whatever late Thursday morning. So this

schedule is a little bit outdated so check the official Panama schedule when you get there.

But if you have any interest in RPMs and new TLDs, this is a good one to drop in on. We don't have terrible competition, I think we are up against the Board meeting with the GAC on our first meeting, which draws – probably draws some people. And here's where you can find more information about the RPM Working Group.

So I see Heather's hand up. I don't see any questions in the chat but let's stop and take any questions.

Heather Forrest: Phil, I'm very sorry. It's an old hand. But you do have a number of questions that have popped up in the chat along the way. We have to page up in the chat to find them.

Phil Corwin: All right. Let me try to find them.

Heather Forrest: There was a question from Paul McGrady, I think that might have been the first one. Question, "Phil, can you provide some details about how attendees attending Panama City may be able to interact with this RPM Working Group while we're all together?" So I think that's a sense of what's actually going to happen on the ground in Panama.

Phil Corwin: Yes, and I hope I – Paul, I hope I covered that in the presentation with the times of our meetings and the subjects. There is that switch on the Thursday session, so if you're interested in this, even if you're not a working group member, you're welcome to attend any or all of our sessions, and if you're not able to attend but you want to know what's going on just grab in the hall or Kathy Kleiman or Brian Beckham and talk to us.

Were there any other questions?



Heather Forrest: Phil, it's Heather.

Phil Corwin: Yes.

Heather Forrest: There's one more question that's come in from Poncelet. "Will the Phase 2 on UDRP start prior to publishing the last report of Phase 1?"

Phil Corwin: Okay, you know, we haven't reached the point of deciding that yet but we are aware that it's going to be a substantial public comment period when we file the initial report and we'll have nothing to do for at least 40 days, about six weeks, six, seven weeks, while that's out for comment. So I don't know if we'll get into the meat of the UDRP during that period but that might be a good time for the working group to start planning is approach on the UDRP so we don't have to wait until midyear for that organizational work.

I'm getting an echo, someone has their speakers on, they need to mute.  
Okay, any other questions? Well I guess not. Well in that case I'm going to turn it over to Petter Rindforth who's cochairing – he's chairing a working group of which I used to be cochair; I had to leave recently because of the demands of the RPM Working Group and other things, but I know he's nearing completion and he's probably looking forward to wrapping up, so take it away, Petter.

Petter Rindforth: Thanks, Phil. And thanks also for your work together with me during these years in this working group. And well, as you can see we have been working on this topic for a rather long time now. We had our first meeting at August 11, 2014 so I'm just waiting for us to be noted in the Guinness World Records. And just to remember you about the basic of our topic as to determine whether the existing curative rights protection mechanisms are sufficient use for intergovernmental organizations and international nongovernmental organizations.

And for that we have discussed within the working group, we have a public comments and we also reached out to Professor Swaine that made a memo on the topic and the problems when specifically IGOs cases in national court and to see if there was a clear national law worldwide that could accept the immunity claims or not. And the conclusion was that there is a huge gray zone so we could not make any specific conclusion on that and had to work further with our topics that in some cases the national court will accept immunity and some cases they will not to find proper resolutions for – actually for both parties, both for the IGOs and for the domain holders in a case of a dispute.

So the current status and the challenges in our working group, well, we had at an early stage we had concluded on a rather – although it was informal but it was a rather full consensus on all recommendations except for those related to the IGO jurisdictional immunity, but recently it started actually this – before last year what – there was recent debate about the consensus level for the final report. And if I go into the basic recommendations, we – on a very early stage recognized that there were no need to make any changes or update the recommendations to UDRP URS when it comes to INGOs.

And we got full consensus on that and we have kept that full consensus also based on the fact that we had at this stage also active representatives of INGOs that could confirm that this was not a problem for them. So we continued our work to be focused on the IGO, and Recommendation 2 was to make some kind of identification of – about how IGOs can demonstrate their rights that may not be a typical traditional registered trademark or service mark. And we found that Article 6ter may be one option for IGOs to demonstrate a standing. We have at least a consensus on that.

Also, a guidance on procedure filing options for IGOs meaning that they could use to do their disputes on behalf of an agent or licenses or assignee and we have a consensus on that. And also had discussions on feasibility of providing UDRP URS at no or nominal cost to IGOs, as I said that we are not

the group to decide upon that or to make any recommendations. We found that is more of a topic to be decided or further discussed between the Board and GAC IGOs.

The reason why it said “strong support but significant opposition” is that some working group members have at the latest weeks started to state that if we should make any statement at all there we should also consider the domain holders in such disputes, that – and considering that they may have less amount of money to spend on a dispute than registered IGOs.

And then we’re coming to the main question where we have some problems yet to consider about the assumption that if the IGO files a UDRP or URS and they succeed and the registrant files lawsuit in a court of mutual jurisdiction and the IGO claim immunity and successfully asserts that, what are the options and possibilities. And we started when we had our public comment period we have actually only three options to – or two options initially and then they become three options. And lately this fall again – this last fall again new options added so we end up with six possible options on this recommendation.

And Option 1 is this option that currently seems to have the – some kind of majority or consensus meaning that where a losing registrant challenge the initial UDRP or URS decision by filing a suit in national court and the IGO succeeded in the complaint, also succeeds in asserting jurisdictional immunity and that court decision rendered against the registrant in the predecessor dispute shall be set aside, meaning invalidated. And so that’s what seems right now has the most – not full consensus of course but at least some – I would say consensus rather than strong support and significant opposition.

And going directly to Option 4 here is that there is beside Option 1 another option that also have very strong consensus, not full consensus and that is basically that in spite of the fact that we have been working so long for – on

this topic there is another working group namely the RPM PDP that also deals generally with dispute resolution procedures and it's better to push over this question to that working group. But it's likely rather to be in our final report rather a recommendation to the RPM Working Group to consider our report and information when working generally with the URS and the UDRP.

And I have communicated both officially online and personally with some of the working group members that raised their support for Option 4 and they have more clarified after that that there was only if – there was no consensus of Option 1. So it seems again, that Option 1 is the – one of the two that – of those that will have the most consensus.

Option 2 is more of a mix of Option 1 and 3 and I would say that rather at this stage no consensus, not active anymore. Option 3 where we tried to find a possible way to have an arbitration forum as if the parties could have the possibility to decide upon, to agree about arbitration before going to a national court or if the national court decides not to take the action but the parties could have the dispute resolved by arbitration. That is actually a possible way to make sure that both the IGOs and the domain holders will actually have a full way to deal with the case after the UDRP or the URS decision. But as it seems right now, this Option 3 will only have a minority view.

And then we have some other Option 5 there is no consensus. We – it's based on a possible way to rather have a (unintelligible) in an in rem action in a court of mutual jurisdiction and that the registrar should treat that court action in the same manner if there was an in personam action that had been brought directly against the IGO. Again, this option is obviously something that was suggested by working group member if there was not enough consensus for Option 1.

And then Option 6, to arrange for the UDRP providers at no cost to the parties to arrange for mediation. Again, something that is to be seen as

maybe an additional to Option 1 or even Option 3 but I'm not sure yet; we will have our next meeting on Thursday, that Option 6 will still be on one of the options to be in our final report.

And the we also have again procedure appeals. We had one in December last year where Phil was still cochair and I was working group member that challenge mechanism proposed by our – by us to determine consensus. We had suggested to have a consensus vote by email that was not the working group members didn't have to show their names just to give an anonymous input for Phil and us – Phil and me to make some kind of initial idea of the consensus level. But that was challenged and then we suggested to have an open consensus call but due to that appeal we stopped working in our working group for several months. So that's why we recently had our consensus email.

And now we have another – from the same member to assert me and the Council liaison and the policy staff that they're not performing – we're not performing our role and are working to sabotage the final report, etcetera, etcetera by imposing short deadlines and not following proper procedures for consensus call. I have actually before this meeting earlier today emailed personal with the person that have again made this appeal and we had actually a rather good communication when it comes to the timelines and how to proceed in our work so we'll see if that will also still be when we have our call between us on the appeal 3.7, that will probably be at the beginning of next week.

So we hope to deliver our final report to Council for the July meeting. And as stated here in red, councilors should be prepared to consider the final report. As I said, we have our next meeting this Thursday and we have some – still some points to discuss and decide upon, but apart from two working group members that have complained about the conclusions and the work, so far I've – I try to be positive actually and it seems from other working group

members that we can make some conclusions on this week's Thursday meeting.

And as you can see, we have no meetings scheduled on ICANN 62. And here you also see some of the links to our products – resources, project resources. The current challenges and issues, I'm not sure if this slide is finalized but I think I indicated some of them, it is of course the current appeal if that will make a further delay in some decisions but on the other hand I've got positive inputs from working group members and I also feel from the meeting we had last week that we can make some progress and some informal decisions that was very fruitful and took us some big steps forward, something that has not happened for a while in this working group.

That's – I think also good to have specific time limit from the Council that we have to consider and work with. And we started with – I don't remember how many active working group members we had initially but we are now and have been for a long time, a very small active group. Some more working group members have participated in the online discussions but still in our meetings we are a very small group that discussing the topic and specifically from working group members that does not support any specific new regulations or changes or recommendations when it comes to IGOs or INGOs.

So I'll see if there is any questions. I see Heather's hand up but that may be something from before?

Heather Forrest: Petter, thanks very much. Actually it is a new hand and just in response to Rubens's comment that was in the chat there about August meeting, so we do have a motion on the agenda for this month that was made if you like, in conjunction with the most recent 3.7 appeal. Some of that appeal goes to, you know, ensuring that the group has a bit more time to work through some of its last remaining differences in relation to how the final report is

articulated. And, Rubens, the way that that motion is worded is to state that the Council expects to consider this in July.

And let's say, you know, we rely on Petter and Susan as the liaison to tell us if that's not feasible, but that is currently the way that that motion is worded. So your point is very well taken about the deadline, the motion deadline being denied. That will have to be taken into account by the group. And also, you know, by way of explanation, Petter pointed out on that slide, that the group is not meeting at ICANN 62 and the logic there is not that that group necessarily was denied time for no reason, it was anticipated some months ago when we started the scheduling that this PDP would be wound up at this point and the group determined, you know, on discussing with PDP leadership that what work remains could be done remotely so that also gives an explanation on that. So thank you very much, Petter.

And I think we're probably – I don't know if we have other hands but we're probably close to time here so I'll turn it back to you ironically who's going to turn it back to me.

Petter Rindforth: That's perfectly – okay I see from the agenda that the next speaker is you, Heather, so go ahead. Thanks.

Heather Forrest: Thanks very much, Petter. So before we get into this session, can I make that general push for just mindful, look at the schedule, you'll find on close inspection that there are conflicts between PDP working group sessions and other sessions and on behalf of all of the leadership teams, of all the PDPs, may I, you know, put in a call let's say to consider prioritizing PDP work if that's at all possible so that these guys can progress the various milestones that they presented today.

So with that I'll turn us to the last PDP in our agenda which is one that has not been formally commenced. And this is one that involves the Council as a whole at this stage and something Council has been working on for quite

some time. The history of this effort is here in the slide headed Current Status, and as you can see, this really if you like, predates the Board's adoption of the temporary policy specification on the 17th of May and can be traced back a fair bit further actually in terms of Council preparing for what its next steps might be.

You may have seen a number of discussions along the way if you're not on Council, headed Council next steps, and that's what this has been discussing. So the background is this, this was the first time that Council is contemplating what's called an expedited PDP. Under the Bylaws we have the opportunity to do what is essentially a streamlined PDP, the steps in a normal policy development process that get removed are largely the ones up front that involve staff doing an issues report and there's comments on that issues report. That leads them to a chartering exercise.

In this expedited policy development process essentially this commences with the chartering exercise which is why Council has taken a great deal of effort to hold a number of webinars and discussions at the Board and consultations with SG and C chairs to inform that charter development exercise in the absence of an issues report.

So the environment that we live in now of course hard to miss, is one that's largely dominated by discussions around the general data protection regulation from the EU and in response to that the Board adopted this temporary specification on the 17th of May. And that temporary specification is effectively a change, a unilateral change to contracted parties' agreements with ICANN in relation to the contracted parties' obligations in terms of registration data.

That became effective on the day that GDPR came into force, which is the 25th of May. What that does under the Bylaws is, you know, the Bylaws ascribe to the GNSO and the GNSO Council in particular the responsibility for policy development in relation to gTLDs. And this temporary specification



that's been adopted by the Board of course has not been developed by the community. So the Bylaws offer an opportunity for that temporary specification to be renewed a number of times, the total all up with renewals is 365 days.

So the entering into force of that temporary specification started a 365-day clock. And what happens at the end of that 365-day clock depends on the GNSO and our ability to work together to develop consensus policy. So what happens now is, you know, a decision, is this the path that we're going down? Are we pursuing an expedited policy development process, an EPDP, and if so, what will that look like?

So at Council's most recent discussion, which was an extraordinary GNSO Council meeting held just a week ago, it was determined that the group was sufficiently comfortable to begin scoping a charter and the formal document that commences this thing is an initiation request to begin the process of drafting those documents. And it was determined that in view of the time and to make things flow smoothly at this stage, that drafting team would be comprised of GNSO councilors with an opportunity during ICANN 62 for the community to feed – in the community at large, not just the GNSO – to feed into that process.

And we've only just met as Council leadership to have a good hard look at the GNSO schedule for ICANN 62 to figure out where that time for public input can be and we've identified several and we'll be sending around a notice by email to everyone, to SO AC chairs and to SG and C chairs to let you know when those opportunities for input will be. There will be multiple we hope, we're just working with scheduling to see if we can in fact work some additional opportunities in.

So what we will be seeking feedback on is the drafting exercise that's just now about to take place. The Council will come together not at the GNSO Council in a formal Council meeting but rather as a drafting team in I think it

would be about 13, 14 hours, we'll come together as a drafting team to start to work on these two documents the charter and the initiation request. And Paul's very excited about that in the chat.

And you'll see here on the slide, current status, you know, under the third point there, questions in relation to the scope of the PDP, timing considerations, impact of potential future changes to the temporary specification, relevant procedural requirements and so on, these things have been discussed over the past few weeks and will continue to be discussed when the council comes together in a few hours.

You will also see here on the slide that another point that Council needs to return to, we've mentioned it a few times but haven't specifically addressed it yet, thinking that it might be better to do so after that charter drafting and initiation request drafting has occurred is what to do with the Next Generation Registration Directory Services PDP, or RDS PDP. That PDP – the leadership team met some time ago, not long after ICANN 61 and determined that it wouldn't be – wouldn't be prudent or effective to meet face to face at ICANN 62.

Hence the spots that we had effectively reserved for RDS PDP, the time that we had reserved for RDS PDP, we have transitioned to being time for the EPDP. We will – you'll notice a number of placeholders in the GNSO schedule up to now and the very simple reason for that is this is very much a work in progress and I think we'll be able to fill in agendas and schedules for those sessions in a bit more detail after the call that we have in 14 hours or so so you can look forward to that by way of an update.

Let's turn to focus, so here in detail you see on the slide headed, "What is the Council currently focusing on?" The substantive issues that will need to be resolved and find their way into those two documents, the charter and the initiation request. We've been working closely with the Board asking a number of very specific questions of the Board in relation to scope and for us

really to decide about leadership and team composition and EPDP working methods. So councilors will be very familiar with these questions on the screen because we've seen them a number of times, but this helps those who are not councilors to understand what it is that we're looking at.

In terms of quick note here you'll see the reference to PDP 3.0, that's a separate initiative that is ongoing in Council that arose in January in our strategic planning session about making improvements to the policy development process. This is essentially what we're working with today is the sort of second generation of the PDP, the policy development process and we've gone out to the community and had discussions within the Council as to what sort of improvements could be made to increase efficiency and effectiveness. So those discussions very neatly dovetail into discussions that we're having here in relation to the expedited policy development process.

Again, I'll emphasize that this is the first time that the Council has undertaken an EPDP so this is a rather new experience but again, an EPDP is fundamentally a PDP at its heart, a policy development process, it just has a more restricted timeframe.

And Stephanie asked a question, "How are we going to find someone who knows enough about the subject matter to chair who also has no strong opinion?" Stephanie, that's a very good question. And I'm going to hope that we can have some robust discussion around that in – when Council meets in 14 hours or so. And Michele has pointed out that that person is a unicorn. So perhaps we can find a unicorn.

Let's have a quick look at the draft timeline. So you'll see here because of the tightened timeframe of an expedited policy development process and the very inherent nature of a temporary specification and the fact that that has a 365-day renewal window, we have developed a timeline here that is limited to that 365-day period thus ending in time for the one-year mark from the implementation of GDPR.

And this is really an indicative timeline, it's a draft timeline. I have feeling the word "draft" will stay here for quite a while. Where we are now in the process is still preparatory work. We haven't yet moved on to forming the EPDP team, we need to do a bit more work in developing the charter for the team to form. So this is the indicative schedule that we're working to. I think it's important that we bear this in mind at every stage just to remind ourselves of the overall work effort.

You'll notice that the bulk of the work effort in terms of policy development is foreseen to happen between ICANN 62 and ICANN 63. And the reason for that is there's a rather long tail, as you can see in terms of public comments taking those comments on board and then turning that around to a final report, which again goes out to public comment and then it goes to the Board. So it is I suppose on the face of it an even more condensed time period than what you might think in terms of 12 months so that has significant challenges for us.

I'm conscious that folks might have comments or questions on a particular slide so I'm happy to come back. I haven't seen any questions yet in the chat or hands up but I'm happy when we get to questions we can page back to any slides anyone would like to do that.

In terms of what to expect at ICANN 62, we have time carved out, as I said, that the time used to be intended for the RDS PDP. We're repurposing that to enable the initiation request and charter drafting team to meet. That is on Tuesday. We may well also have time, we have a placeholder in the schedule on Wednesday. I'm sorry, I realize that placeholders may cause frustration at this late stage but frankly I don't think any of us is in a position to really nail that down until we've had our next call so a certain degree of patience we very much appreciate in terms of finalizing your schedules.

There is also a high interest topic session at the very end of ICANN 62. You'll see it in the schedule there, Thursday from 5:00-6:30 local time. That will be an opportunity for the community to give some input if it hasn't already had a chance to do that for us to summarize any input that we've received from then and again, in terms of understanding the agenda for that session I think it's probably too early, we'll be in a better position after the drafting team has met for the first time and even once we've gotten onto the ground, so at is what we expect at ICANN 62.

And with that, I'll turn it over to questions. I'm mindful we have 15 minutes left in the webinar and to be most effective I think it would be helpful if, you know, you feel free to ask questions in relation to the EPDP but also if you have any lingering questions in relation to any of the other PDPs we can facilitate that to the responsible PDP leadership. So opening the floor for questions. Thank you very much.

I don't see any hands up. There's plenty of comments in the chat and appreciate all the encouraging comments in the chat, that's very helpful. Let's see, Stephanie, you have a question, "What are the feelings about continuing the RDS group at this point?" I do think that's something, you know, it's obviously a question on our list of to-dos.

Stephanie, I think that, you know, one question is when we take up that question to this point, we sort of kicked it until after the charter drafting exercise so that we know what the scope of that effort is and how that might overlap with the RDS charter and so on. But that, yes, you know, gathering input on that question now is not a bad thing.

So I'll just check in – there's plenty of chat in the chat room there. Just check in with the vice chairs of the GNSO Council, Donna Austin and Rafik Dammak, and make sure there's nothing that's been missed in relation to the EPDP in particular but also give them a specific opportunity to add any points they'd like to make.

Donna Austin: Thanks, Heather. It's Donna. I've got nothing in particular to add. Thanks.

Heather Forrest: Thanks, Donna, very much. I'll give Rafik an opportunity to weigh in if he'd like to do that.

Rafik Dammak: Heather, really nothing. I mean, I think we – hello?

Heather Forrest: Hi there, Rafik. We can hear you.

Rafik Dammak: Okay, so I would just say that really I have nothing to add here. The idea is that we cover it in several details in particular for the EPDP so, yes. Looking forward to Panama meeting and hopefully we can have discussion in the scheduled session so.

Heather Forrest: Thanks, Rafik, very much. And, Anne, thanks very much for your question in the chat, "Could the EPDP have cochairs?" that's certainly – is a possibility. It really is the case that one of the decisions the Council wants to make is will we follow the normal PDP Working Group Guidelines or are there places where it's appropriate to deviate from the PDP Working Group Guidelines? The PDP Working Group Guidelines certainly envision cochairs, a number of our PDPs have them, that is on the table for the Council to decide. So there is a great deal of flexibility here in terms of what we do and hence if I return to the slide about decisions to be made by the Council and what the Council is discussing, you'll notice under EPDP leadership, the dot point Council has the option to appoint chairs.

And the other thing that that dot point specifically is signaling is as with our standard PDP, there is a question of whether Council should appoint the chairs at the time that the motion is put through Council? You notice maybe that those – when we commence a PDP there is a occasionally a clause actually in the motion appointing a chair; the other option is to allow the group to determine its own chair. So all of these options are on the table and to be

discussed in the call that's about to happen later today. So there's some personal responses to you, Anne, in the chat as well.

Any other questions on any of the PDPs, not just the EPDP, an opportunity to sweep things up. No? Excellent. Our PDP leadership teams, pardon me, Jeff, Petter, Phil, any final words from you guys? Any final statements you'd like to make to encourage folks to get out to your sessions?

Phil Corwin: This is Phil. I'd just add – looking forward to seeing many of you in Panama in safe travels. I get in Sunday. That's all.

Jeff Neuman: This is Jeff. I look forward to seeing you, Cheryl, and I look forward to seeing you at the Subsequent Procedures PDP Working Group session. We're going to try some new things so come all along and have some fun.

Petter Rindforth: And Petter here. I will miss you but when we meet next time in Spain my working group will finally have come to conclusions and then we can focus on the other stuff. Thanks.

Heather Forrest: So thanks very much, Phil, Jeff and Petter for those final words. And on behalf of Council and Council leadership I will, you know, make that final plug, these guys are working incredibly hard as you can see, certainly enough to fill a 90-minute webinar and more. It's difficult – they've had a difficult task to present their key milestones and so on in only 10 or 15 minutes so brilliant job by them. Thank you very much to everyone. I know it's very difficult to do these sorts of webinars around so many different time zones so thanks very much to everyone for attending. There webinar has been recorded and we will make the recording and the materials available soon after this call so for anyone for whom the time zone was crummy or wants to go back and have another listen, that will be possible very shortly.

So with that, final call, any final comments? We've got seven minutes but more than happy to give everyone seven minutes back to their pre-Panama

last minute dash to the airport. No, looks like there's nothing. Excellent. So safe travels, everyone, to Panama. Travel well. Be healthy. Be happy. And we'll see you on the ground next week. Thanks very much, everyone, and thanks very much to staff for all your hard work in organizing this webinar. So with that, Terri and Nathalie, we can stop the recording. Thank you.

Terri Agnew: Thank you very much. Operator, (Pen), if you could please stop all recordings? To everyone else, please remember to disconnect all remaining lines and have a wonderful rest of your day.

END