
**ICANN Transcription
GNSO Council**

Thursday, 19 December 2019 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. The audio is also available at:

https://icann.zoom.us/recording/play/6ZCKkLS4u6cUr1I2tpkQS7US84KEPEnrCjRmrNd_qsjLFlu_vmIB7QaeQbcTtApq

Zoom Recording: <https://icann.zoom.us/recording/share/ALgYc3OhDYfpMgyeJAuKrhaCpaHD-5aT7CylJtt0h5CwlumekTziMw?startTime=1576789276000>

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

List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Erika Mann

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Greg Dibiase (Incoming RrSG councilor following Darcy Southwell's resignation)

gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa (joined late), John McElwaine, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade, Tatiana Tropina, Rafik Dammak, Sam Lanfranco (NCSG Temporary Alternate following Farzaneh Badii's resignation), Farell Folly

Nominating Committee Appointee (NCA): Carlton Samuels (joined late)

GNSO Council Liaisons/Observers :

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.

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

ICANN Staff

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

Marika Konings – Senior Advisor, Special Projects

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Support Specialist

Caitlin Tubergen – Policy Senior Manager

Nathalie Peregrine – Manager, Operations

Terri Agnew - Operations Support - GNSO Lead Administrator

NATHALIE PEREGRINE: Good morning, good afternoon, and good evening everybody. Welcome to the GNSO Council Meeting on the 19th of December 2019. Would you please acknowledge your name when I call it?
Pam Little?

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba?

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Sebastien Ducos? I'm not seeing Sebastien in the room either. We'll follow up with him afterwards. Keith Drazek?

KEITH DRAZEK: Here.

NATHALIE PEREGRINE: Gregory Dibiase?

GREGORY DIBIASE: Here.

NATHALIE PEREGRINE: Sorry. I forgot to introduce Gregory. He's the incoming Registrar Councilor, following Darcy Southwell's resignation. So, a warm welcome to the Council. Michele Neylon?

MICHELE NEYLON: Here.

NATHALIE PEREGRINE: Tom Dale?

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo?

MARIE PATTULLO: Here.

NATHALIE PEREGRINE: I'll note for the record also that Sebastien Ducos has joined the call. Scott McCormick? Also go back to Scott after the roll call. John McElwaine?

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Rafik Dammak?

RAFIK DAMMAK: Here.

NATHALIE PEREGRINE: Elsa Saade?

ELSA SAADE: Present. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you, Elsa. Farrell Folly?

FARRELL FOLLY: I'm here.

NATHALIE PEREGRINE: Flip Petillion?

FLIP PETILLION: Here.

NATHALIE PEREGRINE: Philippe Fouquart?

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Osvaldo Novoa? Okay, I don't see him in the Zoom room either.
Tatiana Tropina?

TATIANA TROPINA: Here, thank you.

NATHALIE PEREGRINE: Thank you. Martin Silva Valente?

MARTIN SILVA VALENTE: Here.

NATHALIE PEREGRINE: Thank you. We have Sam Lanfranco as temporary alternate following Farzaneh Badii's resignation. Sam Lanfranco?

SAM LANFRANCO: Here.

NATHALIE PEREGRINE: Thank you, Sam. Carlton Samuels? I don't see Carlton yet in the Zoom room. Cheryl Langdon-Orr?

CHERYL LANGDON-ORR: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you, Cheryl. Erica Mann?

ERIKA MANN: Yep, I'm here, Nathalie. Thank you.

NATHALIE PEREGRINE: Thanks, Erica. Julf Helsinguis?

JULF HELSINGUIS: Here.

NATHALIE PEREGRINE: Maarten Simon?

MAARTEN SIMON: Here.

NATHALIE PEREGRINE: Thank you. So, we have apologies received from David Olive from staff. Otherwise, staff present on the call are Steve Chan, Marika Konings, Julie Hedlund, Caitlin Tubergen, Arial Liang, Emily Barabas, Berry Cobb, Mike [BrennaN for technical support, Terri Agnew; and myself, Nathalie Peregrine. I'd like to remind you all to please remember to state your name before speaking for recording purposes. Thank you very so much, and over to you, Keith.

KEITH DRAZEK: Thank you very much, Natalie. Hi, everybody. Welcome to the GNSO Council meeting of the 19th of December 2019. This is actually I guess momentous for two reasons. One, it is the first

whole formal meeting of the GNSO Council of 2019-2010 and also the last GNSO Council meeting of the year. So, welcome, everybody. Thanks for joining.

We'll go ahead and get started. We may adjust the agenda here just a bit in light of some of the email traffic that's been going around concerning the vote that we have before us today. We allocated originally 15 minutes but it looks like we might need some additional time on that, so I'll probably move the review of the action items and projects list to the end of the call. Hopefully, we'll get to it, but just want to make sure we have sufficient time to get through the substantive business of the day.

So, with that, let me pause and ask for updates to statements of interest. Thank you to Julf for circulating an update to the email list prior to this meeting. Would anybody else like to note any changes to their statement of interest?

Okay, I don't see any hands, so we will then move on. So, now let's go ahead and move to a review of the agenda and if anybody would like to have anything added to the agenda, please let us know. If there are item son the consent agenda that need to be discussed, then please advise so we can move those. And let's go ahead and review the agenda.

So, we will go through our administrative work and then cover ... As I said, we'll move the projects and action list to the bottom of the call, so we have time to discuss item number four.

Item number three will be our consent agenda which will include the motion to adopt the GNSO Council's response to the GAC

Communique Thanks to Julf and the small team that worked on that.

We will also have on the consent agenda a motion for the confirmation of GNSO representatives to the empowered community administration and finally a confirmation of Anne Aikaman Scalese as one of the GNSO appointees to the CCWG on Auction Proceeds.

Would anybody ask to move anything off of the consent agenda at this point for discussion? Seeing no hands.

Item number four on our agenda today is a Council vote on the approval of the supplemental recommendation related to the non-adopted EPDP Phase 1 recommendations, and specifically in this case, recommendation 12. I think as you'll recall, this has been an ongoing issue for many, many months in terms of the Council and the ICANN Board engaging on a couple of topics, a couple of recommendations, that they did not accept in full.

The recommendation 1, purpose 2 everybody has agreed was okay for them not to accept because it was the subject of further work of the phase two. But recommendation 12 was one where the GNSO Council and the ICANN Board need to come to a conclusion in terms of how to deal with this and what we have before us today is the result of several engagements between the GNSO Council, the ICANN Board, including face-to-face meetings and in writing. We'll get to that next.

Then, onto item number five is a Council discussion on the addendum to the RPM charter to incorporate recommendation

number 5 from the IGO/INGO access to curative rights PDP final report. We'll talk more in detail about this momentarily. But essentially, what we have right now is this is an update for the Council from the small team and council leadership that we're working on drafting the charter for this work under the umbrella of the RPM PDP and to take on or take into account the input that we received during our face-to-face meetings with the GAC and the IGOs in Montreal as well as the written input they provided us just before the Montreal meeting.

Essentially, where we are is Council leadership and the small team have come together and have agreed that essentially some of the comments that the GAC and IGOs provided were incorporated—some were not—and we feel like where we have this today in terms of the actual text is a pretty solid place and that we ought to be able to move this forward to a vote in January to approve this charter language. We can talk more about that in detail momentarily.

Item number 6 is a council update on the EPDP Phase 2 work. Rafik will give us an update on the EPDP Phase 2 in terms of its current status, where it stands, and the road ahead. Rafik is the council liaison to that group and its vice chair.

Item number 7 will be a council discussion in terms of the upcoming strategic planning session, our face-to-face meeting in January in Los Angeles. We'll give an update on that.

Then item number 8 is any other business which will include a few different topics here that you see on the screen before you. Then,

as I said, time permitting, we'll get to the action items list and the projects list at the end of the call.

Would anybody like to suggest any additions or edits to today's agenda? All right. Seeing no hands, back up to the top, please.

Okay, item number 3, our consent agenda. Nathalie, if I could hand it over to you for the consent agenda vote.

NATHALIE PEREGRINE: Thank you very much, Keith. If I'm not mistaken, we'll do a voice vote for this.

KEITH DRAZEK: That's right.

NATHALIE PEREGRINE: Thank you. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Hearing none. Would all those in favor of the motion please say aye?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Thank you, everyone. With no abstention, no objection, the motion passes, Keith.

KEITH DRAZEK: Thank you very much, Nathalie. And thank you, everybody, for your votes. And with that, we will now move to item number four which is the Council vote on the approval of the supplemental recommendation on the not adopted EPDP Phase 1 recommendations.

So, on this one, I think as I teed up just a few minutes ago, we have a situation where the ICANN Board did not accept consensus policy recommendations that were delivered from the EPDP Phase 1 to the GNSO Council and that the GNSO Council approved as a consensus policy recommendations. This puts us in a situation with the ICANN Board where they chose not to accept these two particular---or parts of these two particular recommendations. And the one before us today relates to recommendation number 12 and a portion of recommendation number 12 specific to the language related to deletion of data in the organization field.

What we have, I think in the conversations that we've had with the ICANN Board going back to Marrakech, in Montreal, and in the middle was basically an attempt to try to lay some of the concerns or lay the concerns that the Board expressed about the possibility that if organization field data were deleted and there was a legacy registration where perhaps registered name holder data was not in existence, that there could be some concerns about being able to identify the owner or the registrant of that particular domain name.

During the process of this engagement and our discussions, the ICANN Board noted that the way that the EPDP team had approached the updating or dealing with admin field data was possible path forward to be able to address the concerns related to the organization field data.

So, what we are doing here is essentially proposing to reaffirm the consensus policy recommendations from the EPDP team as approved by the Council but include some additional implementation guidance that would address the concerns of the ICANN Board as expressed. And in doing so, we referred back to the treatment of the EPDP team of the admin field, the admin contact field, and basically incorporated that language to also apply to the organization field issue.

In this particular case, the ICANN Board did not object or did not raise concerns about the admin field in the way that the EPDP team approached it, so we decided as the council to say we want to go ahead and incorporate that same language, associate it with the organization field and that that should address the concerns of the Board.

I should note also that we did, in Montreal, the council did actually go and approach the EPDP team to assess whether there was a desire or willingness to modify recommendation 12 to address the Board's concerns and there was not consensus within the EPDP team to do so.

So, as such, the Council's proposal here we're voting on today is essentially to reaffirm the existing recommendation but also apply

this implementation guidance so we can address the Board's concerns and basically bring this to a close.

So, I'm going to pause there and see if anybody would like to get in queue on this one. Rafik, I certainly want to refer to you as well as the maker of the motion to give you an opportunity to speak to this. You are obviously the council liaison to the EPDP Phase 1, that this is now in the implementation phase. So, Rafik, if I could ask you to speak to the issue anything that you would like to say on this one, then we can open it up.

RAFIK DAMMAK:

Okay. Thanks, Keith, for the presentation and introducing the background. So, just prior to Montreal meeting, I shared the Council request to the EPDP team to get their feedback regarding this issue and we didn't get consensus at the time. So, clear for us that we should go with what the Council discussed as proposal and [inaudible] also mentioned what we are using as implementation guidance that exists already in the final report for Phase 1.

I believe we are responding to the concern by giving enough instruction here and how can be implemented. I believe that [inaudible] the concern with that regard.

I think it's also quite important to not reopen those issues because the EPDP team itself spent a lot of time deliberating on those issues. So I do believe for the GNSO Council as the manager of the process, we should not get into the substance and here our

only using or leveraging what we have and [inaudible] to give the guidance.

So, from my perspective here, as liaison, I think what we are getting is a path forward and I don't think there was any concern from the EPDP team.

There was more disagreement when there was the request coming to the EPDP team, but afterwards I think ... That's all for me.

KEITH DRAZEK:

Thank you, Rafik. Would anybody like to get in queue on this? I will note that Marie did suggest on the email list prior to today's call suggested some additional language or an amendment. So, Marie, I see that you've also typed that into chat as well, referring to the email sent. You're suggesting that you'd like a small amendment to the end of paragraph two adding "in compliance with section 3.7.7.1 of the Registrar Accreditation Agreement". So, I guess I just want to confirm that what you're suggesting here is formally suggesting an amendment because that has implications for how we handle this vote.

To be clear, if it's a formal request for an amendment, we have to determine whether it's considered a friendly amendment by the motion maker and the seconder and then perhaps actually have to vote on that question as to whether to accept the proposed amendment before we move to a full vote.

So, there are procedural implications here. I just want to be clear, Marie, that what you're suggesting is formally requesting an

amendment. Marie is confirming in chat saying, “Yes, please.” So, we now basically have before us a suggested amendment to our motion and I’m going to then turn to Rafik and to Pam I believe as the motion maker and the seconder to essentially decide or have a discussion as to whether this is viewed as a friendly amendment or not. And if others would like to weigh in, I guess now is the time to do that. So, Rafik, I’m going to hand this one back to you.

RAFIK DAMMAK:

Okay. Thanks, Keith. [inaudible] understand that Marie just suggested [inaudible] version for the amendments to add the language regarding the compliance with the section from the Registrar Accreditation Agreement. So, I’m not that familiar with [inaudible]. And with the implication of that section, I would like to more pass to Pam. She might have a better understanding than me of the implication and the meaning of that section. So, probably she can respond first to that.

KEITH DRAZEK:

Thanks very much, Rafik. So, Pam has asked if possible could we put the proposed amendment on the screen, which would be in the email that Marie circulated to the GNSO Council list earlier a bit before the call today. Then, once we get there, I will hand it over to Pam.

PAM LITTLE:

Thank you, Keith. Pam Little speaking from the Registrar Stakeholder Group. As the seconder of the motion, I cannot

accept the proposed amendment by the BC colleagues as a friendly amendment for a number of reasons.

One is that the additional language and the reference to section 3.7.7.1 of the Registrar Accreditation Agreement actually would introduce additional obligations on the part of the registrar. That's not contemplated even by the original provision in 3.7.7.1 of the RAA. That provision really has to be read in conjunction with 3.7.7 of the RAA which stipulates a number of provisions that the registrars must include in their registration agreements with registered name holders including 3.7.7.1.

And 3.7.7.1 really isn't an obligation on the part of the [registrant] name holders to provide accurate and up to date contact information to the registrar.

So, this additional or proposed amendment actually would, in effect, shift that obligation around to registrars. So, it seems to be misconceived of what the original section 3.7.7 and 3.7.7.1 is about in the RAA. That's one reason.

The second reason I as a seconder of the motion cannot accept this as a friendly amendment is that it seems to have the potential of adding confusion to what the particular recommendation or this particular recommendation 12 is about, as currently the recommendation ...

Sorry. Section 3.7.7.1 and other provisions in the RAA actually have been amended or superseded by the temporary specification which now has expired and then by temporary policy, which is on foot, and also by EPDP Phase 1 recommendations which are

being implemented or being developed by—into policy by the implementation group.

So, I am not able to accept the proposed amendment as friendly for those reasons, and therefore would reject that proposed amendment. Thank you.

KEITH DRAZEK: Thank you, Pam. Rafik, would you like to say anything else at this stage or shall I open it up for discussion?

RAFIK DAMMAK: Thanks, Keith. Thanks to Pam for the explanation. I don't have anything to add, but I think in terms of procedure, I'm not saying it's as friendly amendment. I think that's also ... I believe I would be in the same position because I understand here that the concern, while I'm also still trying to digest more and happy to hear from Marie what are her thoughts.

KEITH DRAZEK: Thanks very much, Rafik. So, Marie, I will turn to you to see if you would like to speak to this issue further and then we can open it up to other questions and comments if anybody else would like to weigh in. I'm sure that staff will correct me if I'm stepping out over the lines of any process and procedure here but my understanding is that the next step after we conclude the discussion will be to conduct a vote on whether to incorporate the amendment and we would need a simple majority of both houses to incorporate the

amendments to the motion moving forward. Back over to you, Marie, please.

MARIE PATTULLO: Sure, Keith. Thank you very much. But I am conscious that Sebastien had his hand up before me.

KEITH DRAZEK: Okay. Actually, Marie, I'd like to turn to you. I'm sorry, I missed that hand. I didn't have the screen scrolled appropriately. I'd like to turn to you first as the proposer of the amendment to give you an opportunity to speak and then I'll come back to Sebastien. Thank you.

MARIE PATTULLO: Of course. And apologies to Sebastien. I'm not queue jumping, I promise. And apologies to all of you as well if I sound strange. I'm sneezing tonight, so it's pre-Christmas allergies for something.

Thank you for your explanations just now, in particular about the RAA [inaudible]. That was very welcome. As you know, the concern of the BC mirrors that the board cited in its letter of the [inaudible] a worry is that if the data is deleted as opposed to redacted, but completely deleted, we could be left in a scenario where all we have is "domain admin" and that of course leads us into major problems about potential domain hijacking and so forth.

So, all we wanted to be sure of was that there is a way still to be able to contact the registrant. And of course, although we've been

going through these changes with the RAA, the accuracy requirements have not changed with the EPDP Phase 1 report.

So, what I put in the chat just before I started speaking—and you also have it on the email—is that earlier we had come up with other wording which is at the same part of the sentence, that registrars must ensure that each registration contains valid registered name holder contact information so that the actual registrant can be contacted—sorry for my voice. And we thought that actually changing it to the wording of the RAA might be easier for everybody to understand. I now appreciate that was not the case. But this is our underlying concern, Keith. I hope that makes sense to you.

KEITH DRAZEK:

Thanks very much, Marie. Appreciate the explanation and putting this in context at some of the earlier discussions. I'll turn to Sebastien next but I just want to note also that I think when suggesting language at a prior suggestion talking about must ensure that each registration contains valid registered name holder context information, that term "valid" I think is a pretty loaded term in terms of the work of the GNSO and contracted parties as it relates to the validation of contact information, etc. So, I think we need to pretty cautious about approaching that at this stage in this way.

With that, Sebastien, over to you.

SEBASTIEN DUCOS: Hi. And no problem, Marie, for jumping queue. I just wanted to convey, as Rafik was conveying the PDP Phase 1—I wanted to convey the IRT thinking, that obviously they haven't or I haven't spoken to them with the wording proposed by Rafik and Pam, the final wording. But they were in general agreement with the position that we had coming out of the last ICANN meeting and they were comfortable with it

I think that indeed as Pam pointed the additional word proposed by Marie yesterday, this week, would cause problem because indeed it points to registrars on duties that are either—or additional duties, in general—and that it would cause friction, it would cause problems, as they're waiting for us to come up on this vote in order to continue to work and be able to close on that rec 12. I think that it would just cause more delays on their end because it would open another can of worms.

I'm sure a lot of you have followed these discussions anyway but it's fine embroidery. Every comment counts. Every word counts. Every sentence counts. And this I think is a big chunk to add just at this moment.

KEITH DRAZEK: Thank you, Sebastien. Would anybody else like to get in queue? Sebastien, you can put down your hand if that's an old one. John, over to you. Thank you.

JOHN MCELWAINE: I think I'm supporting what Marie was speaking about. The purpose was to put a bit more clarity around what the contact

information would be. It wasn't to shift any burden but to try to provide some clarity as typical types of contact information that would be required since that was vague. I had noticed in the back and forth there seemed to be issues with "valid" and then putting in the type of information. But I do think that we need to put some clarity as to what contact information is and really where that comes back to is what's in the RAA. So maybe there is some wordsmithing that is acceptable but I might suggest we consider some clarity around that, what type of contact information we're speaking of. Thank you.

KEITH DRAZEK:

Thank you, John. Flip, over to you.

FLIP PETILLION:

Thank you, Keith. Hello, everybody. I very much appreciate the latest input by Marie. Comment made by Pam, Sebastien, John. But I must say and I must share with you, not personally but as a process, I'm very frustrated because these are all comments coming at the very last minute. Clearly, some people have very well prepared this and bringing that up now in this discussion and we have zero—zilch—opportunity to go back to our teams and to discuss this.

So, okay, Keith, you will ask for another vote, I guess. Well, I have to wish to tell you now that we didn't have an opportunity to discuss this with our team and that is ... Personally, I can live with that but I can imagine how the team members feel when they hear

about what was brought up, how it was handled, and how we are forced to actually move on now. Thank you.

KEITH DRAZEK:

Thank you. I'll just respond. I think, yes, you're absolutely right that the proposed amendment to a motion language came at a very late hour in terms of our planning, in terms of our process. So, we are now faced with a situation that procedurally we are supposed to take a vote on this proposed amendment and then take a second vote on whether to approve the resolution itself.

I understand there are frustrations on the concern about not being able to fully consider this as a procedural matter to being able to discuss this with your respective stakeholder groups and constituencies. And I'll be corrected I'm sure very quickly by staff, but under our procedures and our operating procedures there's the opportunity for someone to request a deferral of this vote—a one-time deferral—if it's felt that this needs to be discussed further and considered further by your various stakeholder groups and constituencies.

But I have to say that I think that in this particular case, the motion language has been out there for quite some time. We've had many discussions with the ICANN Board and internally about this topic. The EPDP team did not agree to make changes to the recommendation and procedurally it's now the GNSO Council's job to close this issue out with the ICANN Board and to basically reaffirm the original recommendation, and by doing that, with some additional implementation guidance that reflects almost directly other implementation guidance that was included in

recommendation 29 related to the admin contact, we feel like we are on track to address the Board's concerns.

So, I guess my question is if what we have proposed in the original motion will address the Board's concerns, why are we seeking to do anything more and make additional changes?

I'll also note that substantively, I think on recommendation 12 and specifically related to the organization field, there is no contact information in the organization field. It's an identifier. It basically has data that could be an identifier, but there's no contact information included in that field.

So, let me pause there. Flip, is that a new hand or an old hand?

FLIP PETILLION: Hi, Keith. It's a new but I think Michele was actually before me.

KEITH DRAZEK: Okay, thanks. Michele, then Flip.

MICHELE NEYLON: Thanks. A couple of things. First of all, with respect to Keith's comments there about the organization field, yes, there is no contact details in the organization field. If there are contact details in the organizational field, that's bad data.

Secondly, to address some of the concerns, we've been through this before but I'll say it again, I suppose, just to hammer it home a bit more. If the concern is about being able to contact a registrant,

as a registrar we don't really rely on the artist formally known as WHOIS when we're trying to contact our clients because we have billing information, we have other means open to us. If that's the concern, I don't see it as being a concern.

Secondly, on the point of process and everything else, we've been working on this particular issue for what seems to be quite a long time and the motion was out there for quite a while and I personally would be opposed to any deferral.

KEITH DRAZEK: Thanks, Michele. Flip, back to you.

FLIP PETILLION: Thank you, Keith. Question for Michele. You have other information. It does not mean that you have other information that makes it possible for you to identify the people.

MICHELE NEYLON: What do you mean by identify? I think the question here is about contacting, not identifying.

FLIP PETILLION: Yes. Correct. Sorry for that. Yes, you're right. So, that means that you actually have information that would allow you to contact the people even if you don't have the other, I would call it normal information that we would think we would need to contact them.

MICHELE NEYLON: The thing is this. Ultimately, in the interactions that we may have with one of our clients, we obviously want to get paid by them. You obviously have details in order to get paid by your clients. Also, depending on the client, we could have quite a lot of other information about them, an entire history of interactions with them, contact details for various people, mobile phone numbers. It obviously depends on who it is. In some cases, we might even have social media contacts. It depends very much on who the client is.

But again, if the concern that's being raised is about being able to reach a client, the organization field isn't really something that one would use for reaching a client.

KEITH DRAZEK: Thanks, Michele. If anybody else would like to get in queue, please put up your hand here. But I just want to remind everybody that what we're talking about here is the organization field in what was formally known as WHOIS. Essentially, it was an optional field that registrants could choose to put information into or not. There was nothing required about using the organization field.

What we have as a situation here, as I outlined in my email in the original response to Marie, is that what we have is a situation where registrars have data in the organization field and there's a process under recommendation 12 for registrars to basically try to validate whether that information is accurate, to engage with their customer, the registrant, to ensure that that information in the org field is accurate, intentional, still up to date, etc.

And what we're talking about here is a situation where the registrar is unable to validate that that information is accurate. For example, when a registrant does not respond. What we're talking about here is data that could be personally identifiable, basically being held by a registrar in a situation where the registrar doesn't know if basically they have the information they need to be able to manage that information compliant with GDPR. And I'm sure I'll be corrected on any number of points here in terms of nuance but I'm confident that I'm getting this right at a high level.

So, recommendation 12 was intended to help registrars be able to clean up their databases. In this case, the organization field, in instances where they were unable to validate the data. And that's essentially what we're talking about here.

There is a process requirement of registrars that they have to go through, several steps that they have to take, before they're able to delete data out of that field. And if, moving forward, there's a desire or an expectation that the organization field or something like it will be used in the future for a positive purpose, it's really important to understand what data is accurate and what's not and be able to start from a clean point.

I'll stop there. I know Michele or Pam would be happy to clarify anything I've said there but I just want to make sure we all understand what we're talking about here. And again, the ICANN Board has indicated that what we have proposed here as a motion and that approach with this additional implementation guidance should [inaudible] their concerns. So, I'm wondering what more do we need to do as a GNSO Council from our process management perspective, other than to reaffirm what the original

recommendation was with implementation guidance that will satisfy the Board so we can bring this thing to a conclusion.

So, let me pause there and see if anybody else would like to get in queue. All right. I see a hand. Thank you.

PHILIPPE FOUQUART: Good evening, everyone. Philippe Fouquart here. I understand we're going to be taking a vote in a moment, so just to [inaudible] voting as far as the ISPCP is concerned.

I can hear the two concerns that Pam put forward. I seem to understand that the second one might clarify as [inaudible], since if we were to rely on the EPDP Phase 1, then we might have had some language but that's the language we [inaudible] at the moment.

The first one would seem of substance, and I have to say that [inaudible] quite unable to make up our mind really. We didn't have the time to consult. With this, I would be inclined to go for the consensus of the EPDP, given that as a principle I'm quite reluctant to discussing substance too much here. Thank you.

KEITH DRAZEK: Thank you, Philippe. Would anybody else like to get in queue? Philippe, I think that's an old hand. I don't see anybody else in queue here, so we're at a situation, noting Flip's comment earlier about the frustration about not being able to engage with our stakeholder groups and constituencies on a late-breaking amendment request. I'm going to ask would anybody at this time

like to request a deferral of this motion? Going once, going twice, going three times. All right.

There has not been a request for a deferral of this motion, so at this time, with no other hands up in the room, we will proceed to a vote on the proposed amendment which was not accepted as friendly by the maker of the motion and seconder. So, Nathalie, if I could hand it over to you for a vote on the proposed amendment language.

NATHALIE PEREGRINE: Thank you very much, Keith. A reminder for our incoming councilors, [inaudible] provide a yes, no, or abstain. I'll call you by name now. Pam Little?

PAM LITTLE: No.

NATHALIE PEREGRINE: Scott McCormick?

SCOTT MCCORMICK: No.

NATHALIE PEREGRINE: Osvaldo Novoa?

OSVALDO NOVOA: Abstain.

NATHALIE PEREGRINE: Will you please mention your reasons for abstaining?

OSVALDO NOVOA: Yes. Basically, because we couldn't talk about it with our constituency.

NATHALIE PEREGRINE: Thank you very much. Maxim Alzoba?

MAXIM ALZOBA: No.

NATHALIE PEREGRINE: Farrell Folly?

FARRELL FOLLY: No.

NATHALIE PEREGRINE: John McElwaine?

JOHN MCELWAINE: I'm going to abstain also for the reason we could not discuss this sufficiently with our constituency.

NATHALIE PEREGRINE: Thank you very much, John. Greg Dibiase?

GREGORY DIBIASE: No.

NATHALIE PEREGRINE: Rafik Dammak?

RAFIK DAMMAK: No.

NATHALIE PEREGRINE: Tatiana Tropina?

TATIANA TROPINA: No.

NATHALIE PEREGRINE: Michele Neylon?

MICHELE NEYLON: No.

NATHALIE PEREGRINE: Carlton Samuels?

CARLTON SAMUELS: No.

NATHALIE PEREGRINE: Philippe Fouquart?

PHILIPPE FOUQUART: Abstain, Nathalie, for the reason I gave about I didn't have time to consult the ISPCP. Thank you.

NATHALIE PEREGRINE: Thank you very much, Philippe. Sam Lanfranco?

SAM LANFRANCO: Abstain, for the same reason.

NATHALIE PEREGRINE: Thank you, Sam. Keith Drazek?

KEITH DRAZEK: No.

NATHALIE PEREGRINE: Flip Petillion?

FLIP PETILLION: Thank you, Nathalie. Abstain.

NATHALIE PEREGRINE: Would you care to repeat your reasons, please?

FLIP PETILLION: Same as John has mentioned. Not able to discuss with the group.

NATHALIE PEREGRINE: Thank you very much, Flip. Elsa Saade?

ELSA SAADE: No.

NATHALIE PEREGRINE: Sebastien Ducos?

SEBASTIEN DUCOS: No.

NATHALIE PEREGRINE: Tom Dale?

TOM DALE: No.

NATHALIE PEREGRINE: Marie Pattullo?

MARIE PATTULLO: I have to vote yes. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you, Marie. Martin Silva Valente?

MARTIN SILVA VALENTE: No.

NATHALIE PEREGRINE: Thank you very much. So, results of the vote for the contracted party house. We have no votes in favor, seven votes against, and no abstentions. The non-contracted party vote, we have one vote in favor, seven votes against, and five abstentions. The motion for the amendment therefore fails with zero percent of support in the contracted party house and 7.69% support in the non-contracted party house. Thank you, Keith. Over to you.

KEITH DRAZEK: Okay. Thank you very much, Nathalie. And with that, procedurally, our next step is to hold a vote on the motion, the original motion language without the amendment. So, Nathalie, if I could hand that back to you.

Actually, first, let me ... Rafik, would you care to read the result clauses for the motion that you proposed?

RAFIK DAMMAK:

Yes, sure. Nathalie, can you just scroll up to make it in the middle, so I can read? Oh, sorry. Scroll down, please. Thank you.

Okay, [inaudible]. The GNSO has concluded that concerning recommendation 1 purpose 2, this is [inaudible] within the scope of the EPDP team to address as a part of its phase two deliberations, as the original language was already flagged as a placeholder, pending further consideration during phase two. As such, the Council will not take further action in the context of Annex [A1] Section 6 of the ICANN bylaws [inaudible] the Board's non-adoption.

Two. In relation to recommendation 12, with respect to the option to delete data in the organization field, the GNSO Council adopts the following supplemental recommendation. [inaudible] the part of the original recommendation number 12, the implementation [inaudible] if the registrant declines or does not respond to the query, the registrar may redact the organization field or delete the field's contents, hereby providing additional implementation guidance similar to what was recommended in recommendation 29 in the context of the deletion of administrative contact prior to eliminating organizational, organization contact fields, [inaudible] registrar must ensure that each registration contains registrant name holder contact information.

Three. The GNSO Council is requested to communicate this [inaudible] recommendation to the ICANN Board. Thanks.

KEITH DRAZEK: Okay. Thank you very much, Rafik. So, with that, I will ask Nathalie to conduct a vote on the motion before us. Thank you.

NATHALIE PEREGRINE: Thank you very much, Keith. I will now call you out by name [inaudible]. Rafik Dammak?

RAFIK DAMMAK: I guess it's yes.

NATHALIE PEREGRINE: Scott McCormick?

SCOTT MCCORMICK: Sorry, I was on mute. No.

NATHALIE PEREGRINE: Maxim Alzoba?

MAXIM ALZOBA: Yes.

NATHALIE PEREGRINE: Tom Dale?

TOM DALE: Yes.

NATHALIE PEREGRINE: Tatiana Tropina?

TATIANA TROPINA: Yes.

NATHALIE PEREGRINE: Osvaldo Novoa?

OSVALDO NOVOA: Yes.

NATHALIE PEREGRINE: Sebastien Ducos?

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Farrell Folly?

FARRELL FOLLY: Yes.

NATHALIE PEREGRINE: Elsa Saade?

ELSA SAADE: Yes.

NATHALIE PEREGRINE: Carlton Samuels?

CARLTON SAMUELS: Yes.

NATHALIE PEREGRINE: Pam Little?

PAM LITTLE: Yes.

NATHALIE PEREGRINE: Flip Pettillion?

FLIP PETILLION: Sorry, I was on mute. No.

NATHALIE PEREGRINE: Philippe Fouquart?

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Sam Lanfranco?

SAM LANFRANCO: Yes.

NATHALIE PEREGRINE: Keith Drazek?

KEITH DRAZEK: Yes.

NATHALIE PEREGRINE: Marie Pattullo?

MARIE PATTULLO: With regret, no. And I also have a rationale statement for the record, Nathalie.

NATHALIE PEREGRINE: Please go ahead.

MARIE PATTULLO: Do you want to do it after the vote? It's quite long.

NATHALIE PEREGRINE: You can do it now, to include in the votes.

MARIE PATTULLO: Okay. With apologies for taking time, I could also just put it into the chat, but please bear with me while I get to the great screen while I'm sneezing.

The BC recognizes and appreciates the vast amount of work undertaken by our EPDP team experts and trusts that we will all continue to strive in good faith towards our shared goal of defining and implementing practical solutions for the processing of and access to WHOIS data but will [inaudible] comply with all relevant rules and to fairly address the concerns of all parts of the community. We also thank the Board for its [inaudible] report in October in which it raised concerns about the deletion of the data in the organization field. The BC shares these concerns.

Should the data in this field be deleted, we foresee scenarios where it will be impossible to verify the actual registrant. In particular, where the registered name field cites only domain admin. This could unwittingly create risks of domain name hijacking.

We also note that the organization field is an indicator that a registrant is illegal, not natural, person as data in this field does not fall within the scope of the GDPR.

We understand that much of the data held by the registrars in the organization field is inaccurate for historical reasons, and very much hope that paths to ensure accurate data can be found as soon as possible. However, we strongly believe that deletion of all organization field data would be an overreaction to this issue.

Instead, we would prefer to see this data redacted as appropriate and in the implementation of the new policy going forward, a requirement that a new registrant or a registrant renewing their registration verifies and/or confirms the accuracy of their data.

As stewards of the gTLD policy process, the BC family believes that we owe a duty to the entire community to safeguard this vital aspect of the DNS.

End of statement. And I'll copy it to you also, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you very much, Marie. [inaudible] the votes. Greg Dibiase?

GREG DIBIASE: Yes.

NATHALIE PEREGRINE: John McElwaine?

JOHN MCELWAINE: No.

NATHALIE PEREGRINE: Martin Silva Valente?

MARTIN SILVA VALENTE: Yes.

NATHALIE PEREGRINE: Michele Neylon?

MICHELE NEYLON: Yes.

NATHALIE PEREGRINE: Thank you very much. For the contracted party house, we have seven votes in favor, no abstention, no objection. For the non-contracted party house, we have nine votes in favor and four votes against. We have therefore the motion passing with 100% in favor for the contracted party house and 69.23% in the non-contracted party house. Thank you, Keith.

KEITH DRAZEK: Thank you very much, Nathalie, and thanks everybody for voting. Thank you, Marie, for including the explanation that you did for the record. I think that's very helpful.

So, Nathalie, can I just confirm, was that the [inaudible] for the supermajority vote?

NATHALIE PEREGRINE: Yes. thank you, Keith, for raising it. It [inaudible] supermajority vote.

KEITH DRAZEK:

All right. Thank you very much, Nathalie. Much appreciated. Okay. Let's move on to the next item on our agenda which is item number five. This is a Council discussion on the work that's been going on related to the addendum to the RPM PDP charter to incorporate recommendation five on the IGO/INGO access to curative rights PDP.

So, just to again sort of set the stage here. As I think everybody knows, we approved back in April, if I'm not mistaken, the final report from the IGO/INGO curative rights PDP. But in doing so, we approved four recommendations but not the fifth. The fifth recommendation we agreed in our resolution and during our discussion to actually refer that to further work and further consideration and decided to do so under the umbrella of the ongoing RPM PDP Working Group.

Importantly, we recognized that we did not want to interfere with or interrupt the ongoing work of the RPM PDP Phase 1, nor create obstacles or create distractions for the upcoming Phase 2 work on UDRP. But we recognize that there was some potential overlap between the recommendation 5 that's being referred and the work of the RPM group in Phase 2 on UDRP.

So, as part of our discussions in Marrakech, we actually as the Council and Council leadership had discussions with the GAC leadership and the IGOs to basically try to ensure that—and this is one of our guiding principles here for this work group—is to ensure that in this particular case, the IGOs are able to participate. Unfortunately, during the previous PDP work, the IGOs did not participate and there are reasons behind that including involvement of the ICANN Board in setting up expectations in a

small team that gave the IGOs some hope that they would be able to secure their desired outcome without participating in the GNSO policy development process. K

So, what we're hoping to do here with this work track—and that's what we're talking about chartering here—is to ensure that we have a focused group that can incorporate the contributions of the IGOs and members of the GAC to ensure that we come out with a solution, a better policy solution, related to recommendation 5.

There's also some question—and we've discussed this at quite some length here at the Council level—as to the possibility that recommendations one through four that are currently still with the board for consideration could potentially be impacted by the discussions of this particular work track, as they tackle recommendation five.

Sensitivities were expressed and understandably so about not wanting to call out explicitly that recommendations one through four could be replaced by subsequent policy work and I think the draft charter that we have before us today for consideration—not a vote, but for consideration and discussion—basically strikes the right balance here and that what we have attempted to do in the discussions and in the work is to find the right balance of protecting our GNSO operating procedures of course to incorporate the contributions of IGOs and to the discussions and to make sure that the work is focused, targeted and is able to get its work done in a timely manner. I think those are sort of the guiding principles that we've talked about over the course of many months now.

So, this is the timely update here is that during the Montreal meeting in November we actually had some further engagement with the GAC and the IGOs. On the Friday before the Montreal meeting, the GAC provided us some suggested red-line edits for the charter document that our small team had developed and we considered those. We had some further discussions with the GAC and IGOs in Montreal and they then provided us some further suggested edits based on those conversations. And over the last couple of weeks the council leadership team, myself, Pam and Rafik, got together and basically went through all of the suggested red-line edits. We worked with John and Martin from the small team focused on this particular effort and the five of us, and also working of course with Steve from staff, basically worked through each one of the suggested red lines. We explained and talked about and discussed our rationale for accepting some of their suggested changes but not others. And the end result is what we have before us here today which I think is a pretty solid document that should be—that should form the basis of the charter for this upcoming work.

So, this is basically our introduction to you of where we are today. We're not making any decisions today. I would like to focus us all towards a possible vote to approve this charter in January, and of course if there are any edits or suggestions that people have to the current document, please take your time over the coming weeks as we head into January so we can bring this ideally to a vote in January.

I will also note that we actually had a separate conversation today with Brian Beckham from WIPO. He had seen this because of

course it's distributed on our public GNSO Council list and he responded to us with some I think very favorable words and a review and basically said that—paraphrasing that it looks like we've done a lot of really good work here to try to bring this to a place that can be supported by the GAC and the IGOs as well. And of course our guiding principle here was to make sure that we were doing everything still in respecting GNSO operating procedures, incorporating some of our PDP 3.0 work and trying to set this group up to be successful and be able to deliver a work product in a timely fashion.

So, sorry for being longwinded about that but let me pause and see if anybody else would like to speak to the issue. John, if you or Martin have anything you'd like to add at this point from the small team perspective, feel free. Pam or Rafik, same with you.

We all recognize that this was just circulated very recently, so most of you probably haven't had a chance to review it. But we just wanted to tee up and give you an update as to where we are with this work. Thank you. Any hands? Okay, I see two, Tatiana and Maxim.

TATIANA TROPINA:

Hi. I unfortunately didn't have enough time to go through it fully and review it thoroughly. I have a question. It's just about the wording. Page three, the first paragraph. I feel the sentence "in order to avoid to the extent possible reopening or revisiting the policy proposal," [inaudible] the word "policy proposal" mean here, do you actually mean policy recommendations, a consensus

policy that was voted for by the GNSO? So, just a clarifying question.

But in overall, I would like to thank you and the small team for the GNSO leadership and the small team because I see that this proposal is coming to a good shape and I clearly see some points where you tried to compromise, find some consensus with GAC without actually compromising the work of the GNSO. So, thanks a lot.

KEITH DRAZEK:

Thank you very much, Tatiana, and thank you for your kind words. Of course, in our discussions along the way over the many months here, you and others made it very clear that the GNSO Council during this process needed to make sure that we were protecting our operating procedures and the way we work, so we certainly took that on board. So, thank you very much for that.

So, I think the answer to your question is, yes, it is intended to refer to the recommendations that were approved as consensus policy by the GNSO Council that are now currently before the board. They are not currently consensus policy because the board hasn't acted but that was the intention. That's essentially what that language was supposed to clarify. And if we need to adjust that a little bit or make that more clear, we certainly have the opportunity to do that. So, thank you, Tatiana.

Like I said, we're happy to make that more clear if that was confusing. Maxim, over to you. I'll just note thank you, Maxim, for your response to the list in terms of some of the questions or

comments about ensuring that the output of this particular work track can be both operationally and technically feasible.

I'll note that I believe, while some of the suggested red-line edits from previous discussions were moved around, there is actually some reference to what you discussed actually in a later section I believe under deliverables. But anyway, Maxim, over to you.

MAXIM ALZOBA:

Actually, this subject was discussed late in September where we—I mean registries—provided the input basically saying that, first, in the composition, there should be place for registries and registrars because if you read carefully the requirements to the team, how many registries do we expect to do arbitration? Because I don't think any. Or registrars. Also, the same about international law. Formal requirements, they just kick contracted party house out of this team.

The only reason to participate—I mean, because, yes, registries, registrars are not legal experts—is to ensure that whatever the small sub-team makes is doable, it's operational, and implementable. It's technical part.

So, two items. First, the composition should allow for the members, not formally saying that, yes, registries and registrars are allowed in and then later saying, "Yes, but they have to be expert in international law and arbitration," which effectively kicks them off of the board.

The second thing is about the only thing left is the word technically feasible and operational parts are needed, and it's not saying to whom it's technically feasible.

So, first, I suggest we return to the language which was agreed upon. And second, I don't think it's a good idea to use formal description of the member, I'd say, terms of participation as the method to prevent contracted party house from ensuring that this group does good thing but in the way implementable. Thank you.

KEITH DRAZEK:

Thank you, Maxim. So, a couple of responses. I know most folks haven't had a chance to review this in detail yet. So, we did make some changes along the way. And if I could point to—and it's on the screen right here—under the list of deliverables and reporting, there is a reference to ensuring that the output of the group can be technically and operationally feasible. Maybe if Steve or whoever is running the screen right now—I think it's Steve—you could highlight that point. Yeah, there we go. So, it's in bullet number four. The IGO work track shall consult with ICANN Org and contracted parties to ensure that its draft final recommendations are technically feasible.

So, we have that point where that concept and the concern that you've raised has been addressed in part there, and of course that could be sort of an end point, rather than an ongoing point.

Then, if we could scroll up to the composition and parameters—or scroll down, thank you. One of the things that we did Maxim was to change the word at the very bottom of page four where it says

all members of the IGO work track should—that used to be must. So, we changed that from “must” to “should” and then it enumerates the items or enumerates the view about possessing some working understanding of international law, international law, international arbitration, and alternate dispute resolution. So, it basically lowered the requirement from a “must” to a “should”. I’m just looking to see where else in this document.

So, let me see if anybody else has any comments. Steve, if you’d like to speak to this at all, you are more than welcome to. Maxim has said it misses operationally and mentioning for whom. So, I think there’s still some adjustment that we can do here. But I just wanted to point out, Maxim, that the earlier comments were not lost and were not ignored. They were just incorporated in some different ways. And if we need to do some fine-tuning around that, I think we certainly can. But we’ll take a look at that. We don’t have to do that on today’s call in real-time. We’ve got some time to be able to do that.

I should note that in order to be able to vote on this during our meeting at the end of January, we’re looking at a document deadline of—and Nathalie will correct me if I’m wrong—I think of perhaps the 13th of January. So, this is something that we need to focus on and try to wrap up. But I think we’re very, very close if that’s at all helpful.

Would anybody else like to speak to this? Any questions for Council leadership or the small team?

Okay. I don’t see any hands. So, what we’ll do is we’ll take this discussion to the list. If anybody has any comments or questions

about how we got to where we are with this proposed charter document, please ask the question and I or the team will certainly respond. But I'd really like to make sure that we can have a vote on this charter at our meeting in January.

All right. Thank you very much. Let's move on. The next item on our agenda, item number 6, is a Council update. This is an update on the EPDP Phase 2. And with that, I will hand it over to our Council liaison and the team vice chair, Rafik Dammak. Rafik, over to you.

RAFIK DAMMAK:

Thanks, Keith. Thanks, everyone. I would like to go through one of the documents I shared on the list a few days ago to give an update about the adjustment in the timeline and also the project change request. For that, we are following what we are getting now as tools or mechanism from PDP 3.0 in terms of project management.

So, here you have the summary timeline. That's the previous one. I think, as you can see, as main milestone we had the target to publish an initial report by December. So it means that by April we should have the final report for GNSO Council consideration.

However, when we were in Montreal, we started at the EPDP team level discussion about the possible scenario taking into account the progress we are making in our deliberation with regards to the building blocks that we are going to use to form our initial report.

At one of the meetings in December, we reached the conclusion that it's ... I mean, from most of the EPDP members, that it's better to postpone the initial report, [inaudible] publication, so the public comments to give more priority to quality than speed. So, to add more time to continue the deliberation and work on the initial report. So, to show that, the change in [inaudible], you can go to the next slide.

So, what you can see in red, that's the additional time or changes in the different steps on our timeline. Now, the new target date that we are suggesting or we are proposing is to publish the initial report in early February and that means [ending] or finalizing it end of January. That's also included we will have reviews or leverage face-to-face meetings for that purpose. So, we don't expect more than, for now, unless there are other unknown or unexpected elements that happen, that we would take more than two months and half. So what that will do, that means, for example, the final report should be ready for council consideration in June. It's important because that's just before the new fiscal year, so this is one element that we have in mind when we're talking about [inaudible] if we go over June, it means that we have to think about the budget and getting a request more [funding]. So, can we go to next slide?

This is about the progress and status. You can see the condition and status in yellow. This is how we [inaudible]. We were at risk within the previous timeline. So, this also I think was shared in project list. Let's go give more details to using the project change request. I think that's the next page or slide. I'm not sure who is handling that.

So, this is the [inaudible] coming from PDP 3.0. Again, we are using the EPDP as [inaudible] and trying, so the way to formalize any change like regarding the timeline. You can see here the description of the change and that's again, it's in more details what I tried to explain before about process that led us to make the request.

You can see how in the change reason. For example, know from the beginning that we had an ambitious timeline or a time schedule to push everyone to work hard. Also, [inaudible] have to work on several—to get preliminary agreement on several issues on priority one policy. That means the SSID. Still we are working on that and we have possible dependency from the EPDP. In that time, since the Strawberry Team sent the letter on the question to the EPDP, we thought that it might impact us and we had that in mind.

Also, we have issues that requires further legal consultation. Also, we were asking about the cost prediction for the centralized SSID and so on. Also, we still have to work later on in priority two items which means what we have in the annex of temporary spec and also all the left or what was remaining from phase one.

So, here, in terms of impact of change, as you can see here, there is no impact on the scope. We are still working on the same items. No direct impact to the budget. Again, just two months and half [inaudible] baseline for the delivery date.

So, this is basically what we have and I just wanted to give this update on the timeline since we started that discussion in

Montreal. Now we have this official request coming from the EPDP leadership.

Also, further updates. Just now the team is continuing the calls working on the different building blocks and we will continue after holidays toward face-to-face meeting in LA and then we will work prior to that on the agenda and deadline. [inaudible] several other documents but I'm not going to present them. For those who are interested, you can check them. One of them is giving more details about what we discussed as scenario one. Probably gives you more information about what led us to think about the different options and how we [inaudible] select this timeline.

Okay. So, that was from me but I would like to ask [inaudible] doing a lot of work in terms of project [inaudible], if he can give maybe some more information that I might have missed.

BERRY COBB:

Thank you, Rafik. I think that was a comprehensive update overall. I don't have anything to add in regards to the actual change that occurred to the project. I would like to point out, though, that this is kind of a small glimpse into what the council may experience in terms of meeting in January for the strategic planning session. This is, as Rafik noted, the first time that one of our projects have tried to use the status and condition code changes for our projects down the road and we certainly want to expand the council's education about how that procedure will work, especially for future projects that get spun up.

I think in terms of this particular change request, the general premise is to try to get this issue in front of the council either via email or a separate type presentation or offline as [inaudible], so that there can be some more involvement in the council in this process. But again it's the first time around and we certainly want to expand on understanding how this will work in the future. So, thank you.

RAFIK DAMMAK: Thanks, Berry. Pam?

PAM LITTLE: Thank you, Rafik. I just have a couple of comments or questions about this change request form that we are using for the first time. And thank you, Berry, for all these new tools. You have worked diligently and tirelessly with the PDP 3.0 small team and developed all these products over the last few months.

So, this is the first time I believe we're using this change request form, so I just have a couple of questions. And we can tweak this form. I note the date was—the form was submitted was 9th of December 2019, whereas the change really was about the delivery of the initial report, which was originally targeted for the 4th of December. So, we are submitting a change request after that deadline. So, that's something I feel maybe we need to look into and improve. The change request would ideally come to the council or submitted to the council before the original target date rather than after. That's point one.

The other one, I feel the change request form in that description field or column is really not very clear to me what exactly the request is about. It has a description but it would be probably more easier for readers to understand if we just say explicitly what it is because currently you have to go down all the way to the bottom to see there's some mention about timeline and about two and a half months. But I would ideally like to see the revised or the proposed new timeline in that change request at the very beginning of that change request form. What is really the gist of the team, the EPDP team, requesting, so it's very clear from a reader's perspective what we are dealing with. Then later on we can deal with the impact.

That's my observation about this change request form, and in particular to this EPDP request. Thank you.

RAFIK DAMMAK:

Okay. Thanks, Pam. First, maybe respond about the form and the format. We can only [inaudible] work by experimenting and using it, so that's what's happening for now. Probably we can add the information about the change to the timeline to the change description probably to highlight that. That's the main important part. But also I hope that people read the whole document anyway. It's not [inaudible]. It's just basically one-pager.

With regard about the timing, the answer here is our target date was within December and the decision about when we had the meeting in Montreal I think or the call after, when we discussed about the scenario we said that we will have to decide really in December if we will go to publish the initial report or not. So the

decision was just really within one of the target dates we had for the public comments. It's not perfect. It's not maybe a good way but really there was still that hope that we can reach our target if we have agreement from all the EPDP team members to get public comments in December. But the feeling and the reaction and comments from most of them was that we should postpone and that's why the decision was made in short time.

But I think in usual cases, probably in other PDPs with normal pace, such decision can happen weeks ago just by monitoring the progress and the status.

I don't see anyone in the queue. Keith, over to you.

KEITH DRAZEK:

Thank you, Rafik. I did have just one quick follow-up question about the latest developments with regards to the Strawberry Team's letter to the European Data Protection Board and then I believe the response that was just recently received from the Belgian Data Protection Authority. Can you just spend maybe two minutes sort of giving the group a sense as to how that's impacting the work of the group, what the next steps are as it relates to taking on board that new information? If you can speak to that, I think that would be helpful because it does I think present an opportunity for the group to focus its work over the next couple of months, next two and a half months. But I'm curious if you could just help share how the EPDP team is thinking about this at this point and how the leadership is thinking about it. Thank you.

RAFIK DAMMAK:

Thanks, Keith. So, yes, we received the letter I think just one or two days before the call. The EPDP team chair decided that it's better that we can schedule for more [detailed] discussion after the holidays. But, yes, anyway, people shared some thoughts during the call which was just a few hours ago.

We didn't have a proper discussion, so I cannot say what the position or the feeling from the EPDP team and how we can see the impact on our role, but for some it was clear that the EPDP letter is just saying that, for example, it's really up to us to propose the model and the policy so they cannot really respond to that and we should continue the work. So, for many, [inaudible] at the end it's the policy coming from the EPDP team which will have the last word I think on what model we should follow.

I think the other one—and that's about the joint controller. I think the reading is that the contracted party cannot move all the ability to the controller. So, that's what I can recall, but again it was not really a full agenda item. Janis insisted that we should really cover that more in depth after holidays. And that's an additional [inaudible] to the response we received from Goran and ICANN Org regarding the costing. So these will be the top things for next year. I hope that responds to your question.

KEITH DRAZEK:

Yeah. Thank you very much, Rafik. That does. That's exactly what I was hoping for. So, thanks for covering that. Okay, any final questions or comments on EPDP before we move on? All right. Let's move on to the next item on the agenda then. We are starting to run a bit short on time. We have I think 30 minutes left

and a few things to get to. Importantly, we need to make sure that we spend some time focusing on preparing for the strategic planning session which is in fact the next item on the agenda.

So, we will give here an update and I will ask for staff colleagues to help us in terms of positioning this. But just to remind everybody that from the 22nd to the 24th of January, the GNSO Council will be together in Los Angeles for our third strategic planning session and basically an opportunity for us to get together and to compare notes and plan ahead. I think what we have here is a very, very busy year ahead of us in 2020 and we all need to come to the strategic planning session with an eye towards understanding the workload, trying to help prioritize the workload, and making sure that we as a council are positioning ourselves and also engaging with our stakeholder groups and constituencies throughout the year to make sure they understand when we will need to be making decisions.

We will have ... There are a number of ongoing PDPs that should be either concluding or concluding portions of their work in 2020 and that introduces quite a bit of responsibility for us as the GNSO Council to manage that and to be able to conduct our voting on the recommendations that we received from the PDPs, from the working groups.

So, that's sort of an introduction to the topic. Let me just ask if we have ... Marika, Steve, I guess the question, were we planning to project or present the draft agenda at this point? I don't recall whether we decided to put up the draft agenda that we've been working on. I need to get my participant box back up.

Let me just pause and see if Pam or Rafik would like to add anything to my introduction on the strategic planning session. I don't see any hands. Pam or Rafik, anything to add on the SPS? Thank you. Pam and then Rafik.

PAM LITTLE:

Hi, Keith. I just want to add we are planning to send out an email to the Council list later today maybe with a very high level draft agenda or program for the strategic planning session for Council members and also planning a webinar for early January, especially for the new Council members as part of the preparations for hopefully interactive and productive strategic planning session in late January.

So, please look out for the email that will come later on. Maybe I'll leave Rafik to also cover some of the focus of the ... The meeting will be on the PDP 3.0 and our planning for our work for the year ahead and further details. You'll see all that in the email that will come out later on. Thank you.

RAFIK DAMMAK:

Thanks, Keith. Thanks, Pam. Yes. Maybe to add, first, I think it's important that all councilors prepare for the SPS. So, as Pam said, you will receive communication and information about the reading material and so on. I think also maybe for those who could not attend the webinar on PDP 3.0, it will be good to listen to the recording because you can have more information about the PDP 3.0 improvement.

So, [inaudible] I think on the agenda what we can say, we are tweaking it compared to the previous addition and we will focus more on the planning and also how we can use the PDP 3.0 improvement and mechanism. So I believe for those who attended prior SPS, it should feel slightly different and hope that meeting will help us for our work for the coming year. Thanks.

KEITH DRAZEK:

Thanks, Rafik, and thanks, Pam. So, just to reinforce a couple of things that were said. As we plan for the strategic planning session, part of making it a success is that we actually plan ahead and plan for it and that is making sure that you've read the homework, basically that you've read up on all of the documentation that will help make sure that the meeting in face-to-face is a success and that we get the most value out of it.

The webinar that Pam and Rafik mentioned is something we have scheduled for early January. This is something we haven't done before leading into the SPS, so I think the more introductory or basic things, important nonetheless, but some of the things that we've talked about before during the face-to-face we're going to front load into a webinar which will give us more opportunity during the face-to-face to get into some of the more substantive discussions and really do some deeper dives into the responsibilities of the Council, the workload ahead, the prioritization, understanding the impact and implication of our PDP 3.0 implementation and how that all ties together and how what we're trying to do is to make sure that as a Council we're more effective and efficient in managing the policy development processes under our purview and that we understand how and

where the GNSO and the Council need to engage in the empowered community and there's just a lot to discuss.

So, we're going to have that webinar ahead of time and there will be some reading material assigned ahead of time and I'm going to ask everybody to make sure that you do in fact focus on that and come prepared.

So, with that, would anybody else like to speak to or ask questions about the SPS? I'm also certainly turning to Steve or Nathalie or Marika to add anything that you'd like at this point. I see a hand from Maxim. Maxim, go ahead.

MAXIM ALZOBA: I just wanted to mention that the best way to understand PDP 3.0 is to join the small group. Thanks.

KEITH DRAZEK: And thank you, Maxim. That's very welcome, and absolutely, there's still work to be done there. Rafik has been doing a great job leading that effort and certainly if any new councilors or old councilors or whatever would like to get further involved, there's plenty to do. Thank you, Maxim. Steve, would you like to add anything?

STEVE CHAN: Thanks, Keith. I don't really have anything particular. The one thing I did want to emphasize is what you just raised is that shifting the webinar ahead of schedule to cover some of that

background material is one of the things we want to stress just because I think it was, as Keith said, make it much easier and allow extra time for that real deep dive into the details and practical application of I think the PDP 3.0 materials in general, or actually in particular.

Many of those materials have been shared with the Council, and I think at this point, they might seem sort of abstract, but a big part of the takeaway that we want from the SPS is that those PDP 3.0 materials become a reality and everyone has a better understanding how to integrate them into the various mechanisms within the GNSO. So, nothing in particular beyond what you just said, but just to stress why it's so important to front load that webinar and to allow extra time during the SPS for substantive work. Thanks.

KEITH DRAZEK: Thanks very much, Steve. Much appreciated. Berry, did you want to speak to the SPS? Anything you'd like to add at this point?

BERRY COBB: No. I think I'm actually good. Look forward to attending my first time other than that. Thank you.

KEITH DRAZEK: Thanks, Berry. Nathalie, anything from your perspective related to the SPS before we move on?

NATHALIE PEREGRINE: Thank you very much, Keith. No, not for the meantime. Staff will be sending out a guide, a more practical guide, regarding venue, travel, etc. close to the time. So, please look forward to that.

KEITH DRAZEK: Thanks very much, Nathalie. And for everybody's benefit, our Council development session this year will not be a cooking class. We're actually going to be doing something different. But I'm going to leave you hanging as to what it is until Nathalie is ready to announce it. I know, it's pretty exciting, huh? Okay, very good. So, let's move on, then. Thank you, everybody, for the discussion on SPS.

Let's move to any other business. With that, I'm going to turn to Berry. The topic 8.1 is about our additional budget requests. There's a deadline of the end of January for the GNSO Council to finalize our additional budget requests for 2010, for FY20. So, Berry, if I could just hand that over to you just to give us an overview and what the next steps are on that and how we as a Council should be considering the ABRs, that would be great.

BERRY COBB: Great. Thank you, Keith. Steve can correct me on any of this if I'm wrong but as you mentioned, the window or submission period did open up on the 11th and will conclude on the 31st of January. Submissions are to be sent to planning@icann.org. Shortly thereafter, the early part of February I believe, the review of those requests will begin and there will be some consultations in regards to some of those submissions during Constituency Day for ICANN

67 in Cancun. Final assessments then will occur through the beginning of April which the Board Finance Committee will review and eventually approve those in middle of the April timeframe.

Outside of that, I don't follow those too closely, so I will go ahead and refer to Steve to talk about them a little bit. Thanks.

KEITH DRAZEK: Thanks, Berry. Steve?

STEVE CHAN: Thanks, Berry. Thanks, Keith. Berry touched on the process and the timeline elements. So, what you have in front of you in the Zoom room is I guess a reminder of the ABRs—sorry, additional budget requests, or ABRs—that were submitted on behalf of the Council.

So, to Michele's question, this is just ABRs on behalf of the Council, not in respect of any of that. An SG or C might want to submit on their own behalf.

So, by way of reminder, the ones that the Council has submitted in the past is one relative to what we've just discussed and that's the strategic planning session. Another one is for the PDP leadership travel pilot to allow PDP leaders that would not otherwise have travel funding to attend the meeting and where their presence is critical to the progress of the PDP at a meeting is the second one.

The third one, which is just more than likely just a one-time ABR was in respect to a consensus-building playbook that stemmed from some of the PDP 3.0 recommendations.

So, we put these here for a couple of reasons. One is I guess to have the Council consider whether or not at least the first two make sense to submit again for the next cycle. Then, also, as Rafik mentioned just now in the chat is whether or not there are any others that make sense to submit on behalf of the Council as a whole, to also Michele's point that these ABRs to be submitted would be on behalf of the Council. So, is there anything else that the Council feels like they need additional funding in order to address some of their priorities? Hopefully, hat helps. Thanks.

KEITH DRAZEK:

Yeah. Thanks very much, Steve. And just to reinforce that point and Rafik's comment in chat is that—and this is to all Councilors. If you have ideas or thoughts about things that we might want to do differently, something that would help us as the Council do better, be better at our jobs, then consider suggesting an additional budget request, something that might take some additional resources that would help us in FY20 to do things better and different. So, think about it. Discuss it amongst yourselves. This is for Council, not for stakeholder groups and constituencies and let us know.

So, thanks, Berry. Thanks, Steve, for that. If anybody else has any comments or questions on this one, feel free. Otherwise, we will move on. Any comments, any questions? I don't see any hands.

15 minutes left on the call. We are at item eight, any other business.

8.2 now. This is just a note that we received a letter from Goran, and if we could pull this up on the screen, that would be helpful. EPDP Phase 1 recommendation 28. This relates to the timing for implementation of the EPDP Phase 1 recommendations. I'll just summarize here.

Essentially, this letter is acknowledging that the ongoing work of the IRT and ICANN Org in implementing the EPDP Phase 1 recommendations is going to miss the target date of February 29, 2020. That date was included in the recommendations from the EPDP, recommendation 28, and also included in the ICANN Board's resolution approving EPDP Phase 1.

So, this letter is essentially a formality in my view telling us, the GNSO Council, that the date is going to be missed and essentially asking us for acknowledgement or concurrence that that's the case and figuring out next steps in terms of the timing for the implementation work. That's a very high-level summary. And if anybody else would like to chime in on this one—Rafik, you as well—please do. But we have an action item here to respond to ICANN, to Goran, to basically go back and close the loop with regard to the recommendations and specifically on the date of the implementation target.

So, we could take this up and have further discussion about it, but I did just want to flag this one for everybody's benefit because essentially, because the ICANN Board incorporated it into its resolution, we have an obligation now to take a step from a

Council perspective and a policy management perspective to address the mistake. Would anybody like to add anything to that? Any comments or questions? I don't see any hands. I encourage everybody to read this one when you have a few minutes and then we'll take on an action to respond.

All right. Very good. Back to the agenda page, please. We are going to go very briefly back to the projects list and I am going to use the chair's prerogative to give everybody an early holiday present and say we're not going to go through it in excruciating detail. But I do want to point out for everybody that this projects list is important and it's going to become more and more important as we move forward as a council and as we get into our PDP 3.0 implementation. It's going to be the topic of quite some detailed discussion in our face-to-face during the strategic planning session.

I want to point out that a lot of these—and Berry alluded to them earlier, and Berry you're more than welcome to jump in here for a couple of minutes if you like. But these tracking mechanisms are intended to help us do better. And if you scroll down on this projects list, if we could do that please, there are individual pages and individual blocks of information here—tables—that reference each one of those line items on the first page. And I really want to encourage everyone and every councilor to spend some time and familiarize yourself with this particular document, the projects list. It's not just the first page. There's a lot of information here that will help you as a councilor do better and be more up to speed and engaged in the process and policy management that we have to do.

I really just want to underscore that this is something that's important to our work and a lot of time and effort goes into it, so I think we need to make sure that we're availing ourselves of it and making sure that we are up to speed.

So, I'm going to stop here and I'm just going to say this is part of your required reading and your homework for the SPS, this entire document, to make sure that we're all on the same page and we understand the value of this as a resource.

So, with that, back to the agenda. I will ask for any further comments, questions, any other business. Berry has his hand. Okay, sorry. I moved my participants box. Sorry. Berry, go ahead.

BERRY COBB:

Thank you, Keith. If you can just go back to the summary page, just to pick up a little bit on what Keith mentioned, and as he noted that this will be part of our SPS in January.

In terms of the homework here, I'd really like or encourage the Council to pay attention to the status and condition codes. In a perfect world, everything would be green in both columns and obviously there are always challenges that keep things from being green. But in general, the premise here is that if everything were green and if things worked perfectly, the Council would be aware of something that's about to turn yellow, or when it turns yellow, that signals some sort of change or extra attention that needs to be paid to that particular project to get it back into the green status.

What you see here, several of these projects aren't green, so we need to have a pretty good discussion about what is the Council going to do when these projects start to get into trouble? I think ultimately we're talking about a cultural change here but some of the things to consider, especially with some of the projects that have moved on to the stage that are at the Board vote phase or maybe in the implementation phase, those get a little bit more challenging for the Council because, while the GNSO has an interest in the ultimate outcome or ultimate implementation of those particular groups, the ownership is less removed in that it's no longer a working group that is governed under the GNSO, or specifically the Council.

So, one of the things that we'll want to maybe consider is are some of these codes even correct? As an example, the IGO/INGO one on the protection of international organization names, that's as red as we can get in terms of status.

Ultimately, because there's a dependency on the outcome of the new group that's about to be spun up under the RPMs, there's a dependency to the outcome of that group, so we need to probably start to question are these the right codes that we should be listing here?

Then the other aspect of your homework—and I know that this won't be easy for all of the Council members, but in terms of a taking stock approach, thinking about some of these groups that are either currently in almost trouble or that have been in trouble and start to think about after your review of the PDP 3.0 procedures and improvements that we've implemented, would

those have made the outcome ... What would be different, so to speak?

So, it really does require some time to think about what some of these codes—the status and condition codes—mean for where we're at today. But then, again, just to take a casual look in the past as to what would have happened if we had had these procedures on some of these projects that have gotten into trouble in the early on days. So, just a little bit of a preview again to January. Thank you.

KEITH DRAZEK:

Thank you, Berry. And thanks, everybody. Again, this is really good work. Really important to our efficient operation moving forward. So, please, spend some time in your homework in planning for SPS.

With that, I am going to wrap up our call. We're going to cut loose seven minutes early here. Happy holidays to everybody and look forward to seeing you in the new year. With that, we will conclude the call.

NATHALIE PEREGRINE:

Thank you, everyone, for joining. This concludes today's council meeting. You may now disconnect your lines. Have an excellent rest of your day.

[END OF TRANSCRIPTION]