
**ICANN Transcription
GNSO Council**

Thursday, 24 October 2019 at 12:00 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:

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<https://icann.zoom.us/recording/play/m5p4aUay0K9MWoyDZM0ZU8w4OvxCOALC8SgXtqI9ZV2IM5NK0eQuAs3n3DyNqTMe>

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List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Erika Mann (absent, apology sent)

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick(absent), Philippe Fouquart, Osvaldo Novoa, Paul McGrady (absent, apology sent, proxy to Flip Petillion), Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade (absent), Tatiana Tropina, Rafik Dammak, Ayden Férdeline (absent), Arsène Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah(apology sent, proxy to Rafik Dammak)

GNSO Council Liaisons/Observers :

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

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.

Maarten Simon – ccNSO observer

Guest speakers:

Heather Forrest - Drafting Team Chair

Edmon Chung - Small Team lead

ICANN Staff

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

Marika Konings – Vice President, Policy Development Support – GNSO

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, good evening, everybody. Welcome to the GNSO council meeting on the 24th of October 2019. Would you please acknowledge your name when I call it? Thank you ever so much. Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Rubens Kuhl.

RUBENS KUHL: Here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Keith Drazek.

KEITH DRAZEK: Here.

NATHALIE PEREGRINE: Darcy Southwell.

DARCY SOUTHWELL: Here.

NATHALIE PEREGRINE: Michele Neylon.

MICHELE NEYLON: Here.

NATHALIE PEREGRINE: Carlos Gutierrez.

CARLOS GUTIERREZ: Here, thank you.

NATHALIE PEREGRINE: Thank you. Marie Pattullo.

MARIE PATTULLO: Thanks, Nathalie.

NATHALIE PEREGRINE: Scott McCormick. I don't see Scott in the Zoom room. we'll try to contact him. Paul McGrady has sent his apologies and given his proxy to Flip Petillion. Flip Petillion?

FLIP PETILLION: Here.

NATHALIE PEREGRINE: Philippe Fouquart?

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Rafik Dammak?

RAFIK DAMMAK: Here.

NATHALIE PEREGRINE: Elsa Saade? I see a note from Martin in the chat that Martin has Elsa's proxy, however, we don't seem to have received the form, so we'll try to sort this out offline. Arsene Tungali? Arsene, I see you connected in the room.

Arsene Tungali: Hi, Nathalie. Can you hear me?

NATHALIE PEREGRINE: Thank you very much, Arsene. Osvaldo Novoa?

OSVALDO NOVOA: Here, thank you.

NATHALIE PEREGRINE: Thank you. Tatiana Tropina?

TATIANA TROPINA: Present. Thank you.

NATHALIE PEREGRINE: Thank you. Martin Silva Valent. I believe I saw Martin connected in the Zoom room. Ayden Férdeline? I do not see Ayden in the Zoom room. We'll try to get a hold of him. Syed Ismail Shah has sent his apologies and has given his proxy to Rafik Dammak. Cheryl Langdon-Orr?

CHERYL LANGDON-ORR: Here, thank you.

NATHALIE PEREGRINE: Thank you. Erika Mann has equally sent her apology for today's call. Julf Helsingius.

JULF HELSINGIUS: Here, thanks.

NATHALIE PEREGRINE: Thank you. Maarten Simon?

MAARTEN SIMON: Yes, walking on a train station, but here.

NATHALIE PEREGRINE: Thank you very much, Maarten. Maarten has also indicated he'll only be attending the first half of this meeting. Guest speakers today, we'll be receiving Heather Forrest and Edmon Chung. From staff, we have apologies from David Olive, and Mary Wong will be a few minutes late to the call.

On the call now we have Marika Konings, Steve Chan, Julie Hedlund, Caitlin Tubergen, Ariel Liang, Emily Barabas, Berry Cob, Terri Agnew, 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 much, Keith, and over to you.

KEITH DRAZEK: Thank you very much, Nathalie. Welcome, everyone, to our GNSO council call of 24th of October 2019. I'll get to administrative matters and a few little updates here in a moment, but I'd first like to ask if there are any updates to statements of interest. Any updates to SOIs that anybody would like to register?

Okay, I don't see any hands. With that, we'll just move to a few administrative items as far as updates. Just want to note that we are less than two weeks away now if my tally is correct from our council meeting in Montréal at ICANN 66. We have a few things that we've accomplished recently that I'll just note, but also quite a lot of work ahead of us to prepare for Montréal and to ensure that we're able as a GNSO council to move some additional things forward.

I'll note that just recently, we have delivered on our response to ICANN Org and Göran's letter on data accuracy and the WHOIS ARS. We have also delivered our GNSO council response on the global public interest framework that the board had put out and that we had at least as a council agreed on the draft update to the RPM charter addendum related to IGO protections and that that has been delivered and shared with the GAC leadership and the IGOs, and we're looking forward to receiving feedback or input from the GAC leadership and the IGOs related to that charter addendum or amendment to form the small group focused on the IGO protections issue. So I think those are at least three significant things that we were able to accomplish within the last month since our last meeting.

I'll also note that we have a limited time here today on this call. We have just two hours, now less than two hours because the EPDP is going to be meeting at 14:00 UTC and they have the need for the same bridge, so we are limited, we will have to wrap up the call on time, and I just want to note that Nathalie has also developed a Wiki page that includes links to all of the relevant documents that the GNSO council is considering.

So I want to make sure that everybody understands that if you go to the e-mail that Nathalie sent out a couple of days ago with basically preparing us for this meeting, that there are some good links there that provide a landing page with links to all of the relevant document. I think this is going to be incredibly helpful for us and for me certainly to remain organized and to be able to access the documents that are relevant to us as we continue to engage in our work.

So with that, let's go ahead and review the agenda, and I'll try to do this quickly so we can get down to the substance. We have quite a bit on our agenda today.

First, we have the consent agenda item which is an approval of the addition to the GNSO operating procedures of a proposed process for selection of board seat 14, this is the noncontracted party house board seat, and we will get to that momentarily, then we will have council discussion which is an update from the drafting team on new templates and guidelines for the GNSO as a decisional participant in the empowered community. We'll be joined by Heather Forrest who has been leading that effort, and this is a really important topic, look forward to Heather's update on this.

Then we will move to discussion on the empowered community approval action on the fundamental bylaw amendment. This is, as everybody will remember, the ccNSO-proposed bylaw amendment related to the IANA functions review team composition, and this is important for us now because once we get to Montréal, ICANN 66, we as the GNSO will have a role in the empowered community approval action item relate to approving this fundamental bylaw.

We'll then move to a council discussion on the council's response to the ICANN board related to the EPDP phase one recommendations one purpose two, and recommendation 12. This is important because the board in its latest response to us as the council has essentially noted that it remains concerned about a segment of recommendation 12, but it also provides, I think, a path for us moving forward to deal with the fact that the board has

not fully accepted that recommendation coming from the EPDP phase one team.

Then we'll move to a council update from the IDN scoping small team, this is the small team that's been pulled together to help the council map out the path forward related to the IDN issue. That's the IDN variant issue, our engagement with the ccNSO, and also to properly tackle the IDN guidelines. So we'll look forward to an update from Edmun and the IDN scoping small team on that.

We'll then move to a council discussion, an update from the PDP 3.0 small group update, and then a council discussion on the ICANN transfer policy, and this is the issue related to the gaining registrar FOA form of authorization, and Pam will walk us through that one.

And then on to Any Other Business where we have several items, including an update on ICANN 66 update on the 2020 strategic planning session. We'll have a Q&A with Julf, our GNSO council liaison to the GAC as required by our operating procedures, and then a review of the IANA function review team, the co-chair situation.

So that is the current agenda. Is there anything anyone would like to add or discuss related to the agenda before we get started? Okay, I don't see any hands, so let's go ahead and get started with our formal agenda, which I believe will – I'm sorry, I should note that the minutes for the previous council meetings have been posted per the GNSO operating procedures. The meeting minutes of the 22nd of August were posted on the 6th of September, and

the meeting minutes of the 19th of September were posted on the 10th of October. So thank you for that.

With that, because we have so much on our agenda and a hard stop, I'm going to defer, again, the projects and action list to the end of the call. Hopefully, we'll get to it this time, but with that, I'd like to move directly to the consent agenda. Nathalie, if I could hand that back over to you, please.

NATHALIE PEREGRINE: Thank you, Keith. Would you like the voice vote to start right now?

KEITH DRAZEK: Yes, please.

NATHALIE PEREGRINE: Just before we start the vote, I'd like to note however that checking through e-mails, we still haven't received the proxy form for Elisa's apology and proxy to Martin. With that, would anyone like to abstain from this motion? Please say aye.

KEITH DRAZEK: Nathalie, I'm sorry, and I know that you alerted me to this. Do we have a second for this consent agenda motion?

NATHALIE PEREGRINE: At the time, we do not, so thank you very much for interrupting.

MICHELE NEYLON: Keith, I'll second.

KEITH DRAZEK: Thank you, Michele, for your second. Nathalie, back to you. Actually, for everybody's benefit, Nathalie, would you be able to describe what this consent agenda item is for those who are not following closely? Or if anybody from the NCSG or Rafik, NCSG vice chair, if anybody would like to tee this up to know what we're talking about here.

It's essentially, as I understand it, the agreement between the CSG and the NCSG for the Non-Contracted Parties House board seat 14. Rafik, thank you.

RAFIK DAMMAK: Thanks, Keith. Yes, basically, at the Non-Contracted Parties House, we had several times the election for the board seat number 14, and after several trials and experimenting process, we reached agreement between the CSG and NCSG on the process, and we needed to add it to the GNSO operating procedure as an annex, so it went through a public comment where there was only support and there was no comment asking for any changes to the process. So that's why we are putting it for the vote to be added to the GNSO operating procedure in similar fashion like for the seat number 13 from the Contracted Party House.

KEITH DRAZEK: Great. Thank you very much, Rafik. I appreciate that. I guess we move to the consent agenda now. If anybody would like to request

that this be moved off the consent agenda, now is your time, otherwise we will move forward with the vote. Nathalie, over to you.

NATHALIE PEREGRINE: Thank you very much, Keith, and I'm noting that we still have not received the proxy form for Elsa. 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?

UNIDENTIFIED MALE: Aye.

UNIDENTIFIED FEMALE: Aye.

NATHALIE PEREGRINE: Could proxy holders Flip Petillion and Rafik Dammak please say aye?

FLIP PETILLION: Aye.

RAFIK DAMMAK: Aye.

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

KEITH DRAZEK: Excellent. Thank you very much, Nathalie. Thanks, everyone. Okay, so we shall now move on to our first substantive topic of discussion, and that is an update from the drafting team related to the templates and guidelines [to] the GNSO is a decisional participant to the empowered community, and I would like to welcome Heather Forrest back among us. Thank you very much, Heather.

I need to note, this has been an incredible amount of work on a very important topic as it relates to establishing and helping the GNSO coordinate our future work and our future efforts as a decisional participant in the empowered community. It's a really significant responsibility that we have as a group, as a part of the community, as part of the ICANN accountability mechanisms that we established coming out of the IANA transition, and so as I said, this has been a tremendous effort. There's been a good team engaged with Heather supporting this, and this is an important update.

We will have an opportunity to again engage with Heather and the drafting team in Montréal at ICANN 66, and important to note that there will be some formal decisions required of the GNSO council in Montréal as it relates to our engagement and the requirements for us as the GNSO to engage with the ccNSO in a particular component of these guidelines.

So this is something that we all need to pay attention to, and if there are any questions, now is the time. We'll have further opportunity in Montréal, but I just want to make sure that everybody is paying attention and understanding the significance of the effort that Heather has been leading.

So with that, Heather, I'd like to invite you to the floor and hand it over to you.

HEATHER FORREST: Thanks, Keith, very much for that very kind introduction and for setting the scene, particularly as regards to the importance of the work. I completely understand and commiserate with all of you that everything seems to be vying for your attention and everything is more important than everything else.

What I would like to do is speak on behalf of the drafting team. There's a representative from each of the stakeholder groups and constituencies, in some cases multiple from an SG or C on our drafting team, so really just my job to convey your kind words, Keith, to them. And if I could ask Nathalie to turn us to the next slide, please, that would be very helpful.

Thank you. So what you see here is a [dot point] list of six documents. If I can provide just a very quick summary of where we've gotten to, you may recall that in 2018, it was in mid-2018, the council was presented with a series of amendments to the GNSO operating procedures as these were impacted by the introduction of the new bylaws post-IANA transition. That bylaws drafting team had made several recommendations in relation to

future work, next steps, primarily going to the need to review the bylaws for places where council might benefit from some guidance. So the decision taken by that drafting team was that the council would act to carry out the major administrative responsibilities of the GNSO [in acting as a] member of the empowered community. And when the bylaws signaled that there was some sort of action that was meant to happen, it would be helpful that the council wasn't simply left scrambling to do that and finding its own way.

And I can say now having lived this exercise since I believe we started in January of 2019, it's really a very smart thing that that bylaws drafting team made the recommendation that it did, because it has truly taken us a nine-month birth to get to the six documents that you see on the screen, plus one on the next slide that I'll talk about in a second.

So for me to introduce you to these six things, what they are and how they'll impact the council going forward and how they will impact the council's immediate decision making.

What you see here are six places in the bylaws – giving you the specific bylaws references – for where the council will be expected to do something in carrying out the GNSO's responsibilities as a member of the empowered community.

The first one there is that approval action community forum and the decision whether to approve an approval action, that, for those who maybe that doesn't ring a bell in the bylaws, that sits in Annex D, which is a particularly complex aspect of the bylaws, and it deals with changes, approvals to certain actions, those actions

being fundamental bylaw amendments, article amendments and asset sales, and it is in fact the case that your next agenda item – it's brilliant that this item's ahead of your next agenda item tonight – that in fact will be something that you all will need to be working on in Montréal as the ccNSO has put forward an amendment to a fundamental bylaw.

What this guideline does is it helps council to understand what it needs to do when and in what order, let' say steps, timing and so on in approving an approval action and participating in something called the approval action community forum.

So if I use this one as an example of what this document contains, we're calling them guidelines. They're not mandatory for council, they are just instructive guides as to how the GNSO through the council might go about meeting its responsibilities. It'll set out a high-level summary of what this action is all about, this is what the council needs to do, this is where this comes from in the bylaws, and then sets out some pretty helpful tools like timelines. So by this day, the council will have needed to done X, by this day the council will have needed to done Y, and so on.

So that's the first of those six. The second of those six has to do with what happens after there's the delivery of a board notice for a rejection action, so rejection, if you like, the opposite of an approval action. There is a petition process for those specific actions that we just talked about in relation to the previous item, and likewise, a community forum that happens through that.

So again, guideline, here's what this is all about, here's all the various steps in the process, the order in which the steps need to

sit, and so on. I think the remaining four are largely self-explanatory based on their titles. The process for how to remove a director who has been appointed by the Nominating Committee, so that's those specific NomCom director seats.

The SO/AC director removal process of course in our instance means the two GNSO directors. Indeed your consent agenda item just dealt with one of those seats. And then the board recall process, and finally, the IRP and community IRP.

So again, what these documents do, what the drafting team has done, is look very carefully at the bylaws. All of our guidelines are currently under review by ICANN Legal. To the extent that the drafting team has made some sort of material misinterpretation of the bylaws – and I will tell you that there are countless meeting notes and records of places where we just weren't sure, had to go back and rethink, are we interpreting the bylaws in the correct way? And so on.

I'm delighted to say we've found the consensus on all of these documents, and truly, hats off to the drafting team members who have worked extraordinarily well together.

That's the six documents. If I can just make a special highlight for you, the first one is one that will be important for you to think about right away, at least those bylaws provisions given the ccNSO's action that'll be coming live in Montréal.

If we could turn to the last slide, and then I'll leave it over to questions. So, what is also envisaged in the near future is a final document. It's part of this package, it's just coming one meeting

later, if you like. We'll have it to you by Sunday, all going to plan, for the document deadline for Montréal.

And this deals with the special IFR provisions around the bylaws, bylaws article 18 and specifically Article 18.12. The reason this has been a little bit slower is that it involves the development of or has involved the development of consultation guidelines with the ccNSO. The bylaws require us to consult with them, and in fact, the two councils have to act in tandem. That has been an interesting process of working with the equivalent committee in the ccNSO, the guidelines review committee, or GRC, and it's just taken us some time to work to their timeline and ours and get this particular joint document to a point where it's able to be signed off.

So again, all going to plan, you'll have this one on your agenda for Montréal. We had a meeting earlier this week, the drafting team and the guidelines review team, and council leadership were invited to attend that meeting – and sincere thanks to Keith and Rafik for joining that. I think there's a plan that we're all working on to possibly have some sort of a joint action, symbolic signing or approval of these joint consultation guidelines in time for that meeting.

Of course, it doesn't mean a whole lot for you folks just yet because you haven't seen that document, but provided it all goes to plan, you'll have that in your inboxes for next week.

So that is where we are. As Keith predicted, I think the drafting team is on your agenda for Sunday in Montréal for the working session, so what I would suggest is you can have a look at these documents. I think it's wise that you have a look at them, because

this is pretty serious stuff in terms of the bylaws and what the GNSO needs to do to carry out its responsibilities. We all hope that we're never in a position really when we have to carry out some of these nuclear options, but good to know what they are and what our responsibilities are under those.

So the drafting team will be back on the Sunday, and I think that's a great time to field questions. Of course, if anyone has any questions in the meantime, each SG and C has a representative on the drafting team. you can channel your questions through them. Staff can help you identify who that is. Or me. You can always ping me and I'll be very happy to do that.

So Keith, there's an introduction. I'm more than happy to take any questions now, but I'm mindful that you have a full agenda.

KEITH DRAZEK:

Great. Thank you so much, Heather. And again, thanks to you and to the drafting team for all the hard work and very detailed focus on these guidelines. And again, this is important for all of us because what we're setting up here are essentially the procedures and the guidelines the GNSO and the GNSO council will need to follow moving forward as it relates to these bylaw obligations. So if there's any questions now, we'll certainly take those questions now, but I really encourage everybody to take a look at these to understand what we're talking about here and to make sure that if there are any questions, comments or concerns, that they're flagged.

I'll note that during the joint session that we had with the ccNSO group, including Katrina the ccNSO chair, it appears that there's substantive agreements on the proposed guidelines related to the joint GNSO and ccNSO guidelines. So I think we're on the same page with the ccNSO. The hope and expectation is that both GNSO council and ccNSO council will be able to approve those joint consultation guidelines in Montréal, and certainly, it will be on our agenda for an approval. So I just wanted to flag that for everybody.

With that, let me pause and see if anybody has any comments, questions or anything for heather while we have her here. And again, noting that we'll be able to engage further during the Sunday working session in Montréal. Any comments or questions?

Okay, I don't see any hands. So Heather, any final thoughts or words before we move on from this agenda item? And again, just sincere thanks to you and to the drafting team for all the hard work that's gone into this. I know it can't be overstated that this has been quite a significant amount of detailed and complex work, particularly on a couple of the items, and your service in this regard is much appreciated.

HEATHER FORREST: Thanks, Keith. Absolutely, my pleasure to do it. I'm glad to put the knowledge of the GNSO operating procedures to good use. The documents, it's not fun, if I'm really frank. The review of them is going to be a bit tedious. they're long and challenging. But I think if you can review them with your councilor hat on – and of course,

we've got Tatiana and Maxim on the council who are on the DT. It really is helpful if you put your practical hat on and say, "Okay, if I were on the council at a time that this needed to be triggered, is there anything here that doesn't make sense?" I think that's the best perspective from which to review those docs. And as I say, ping me or your rep on the DT any questions and we'll do our best.

Let's say, what I'd like to find out from you, Keith, is how we can be best useful in that Sunday session, if it's field specific questions or if it's provide a high-level overview of each of the documents. We want to make your time as useful as possible. With that, thanks very much, Keith.

KEITH DRAZEK:

Thank you very much, Heather. I'll just call on councilors, to the extent or as you review these documents, please flag any – if you have any substantive questions or concerns, try to flag them ahead of time before the Sunday session in Montréal, so the drafting team and Heather can be prepared to engage if you haven't any questions, comments or concerns. But we'll look forward to seeing you in person, Heather, and the drafting team on Sunday in Montréal. Thank you very much for joining this call today.

And I guess I should ask if Tatiana or Maxim have any comments that they'd like to make as members of the drafting team. now is an opportunity for you to speak to the issue and speak to the work that you've done. If not, we will move on. Okay, Tatiana say

nothing, Maxim says nothing to add, so thank you very much, Heather, and to the drafting team.

With that, we will move on to our next agenda item, which is our council discussion on a related topic as Heather teed up earlier, that we have an empowered community approval action item related to a fundamental bylaw change. This is something that will be taking place in Montréal. It relates to the ccNSO's proposed change to their appointment of the IANA naming function review team composition. This is essentially [inaudible] everybody the ccNSO has identified a challenge in finding one of the review team members from a ccTLD manager that is not a member of the ccNSO.

As we've heard directly from Katrina and the ccNSO over the course of a couple meetings now, in the bylaws, there's a requirement that the ccNSO essentially appoint three members, two from the ccNSO and one ccTLD manager that is not a member of the ccNSO, and because the ccNSO has actually grown in membership over time, it's become increasingly hard for the ccNSO to identify a non-ccNSO member ccTLD manager.

So noting that this is likely to be a challenge moving forward, they've proposed an amendment to the fundamental bylaws relating to the IANA functions review team, and this is one of the first opportunities for a fundamental bylaw change to be before us.

So the GNSO as a member of the empowered community, as a decisional participant in the empowered community, will need to engage with the other members of the empowered community to essentially approve this fundamental bylaw change request. So

teeing that up, is there anything anyone would like to discuss, chat about?

I think essentially, what we're looking to do here is identify if there are any concerns among the GNSO constituencies and stakeholder groups that if there are any issues to be discussed, that we identify those now because once we get to Montréal, this is going to be a topic where the GNSO or GNSO council will need to essentially vote or take action related to these changes.

So let me pause there and see if anybody would like to speak to the issue. If there are any questions, please raise them. I see a couple of hands, so I have Michele and then Maxim.

MICHELE NEYLON:

Thanks, Keith. I think I've already said this when we discussed this previously, I'll just repeat it. This is really a nonissue, the ccNSO are, as Keith pointed out, pretty much kind of a victim of their own success. Most ccTLDs that are of any consequence are members or actively participating within the ccNSO. When they originally drafted this language, they were trying to be inclusive, but in so doing, they worded it in such a way that they basically managed to shoot themselves in the foot. So I think it makes sense for us to help them fix this. Thanks.

KEITH DRAZEK:

Thanks very much, Michele. Yeah, I think you captured that exactly right. The term, sort of a victim of their own success. There was a time where the ccNSO was a much smaller group and there was a recognition that not all ccTLDs were members and that they

needed to be inclusive, but over time, that's changed. so I think this is, as you said, a pretty straight forward request. Maxim, you're next.

MAXIM ALZOBA:

I think it's [a good time to review challenges and what these bylaws] [inaudible] establishing this review team and address them collectively rather than simply approving the bylaw change to address only the ccNSO issue.

Not only ccTLDs have issues with the members. According to the bylaws, this review team actually should have started a year ago or so, but they couldn't because [inaudible] finding members.

In addition to what [we saw,] [inaudible] also had challenges meeting the bylaw-prescribed requirements for representatives from the [inaudible] and we flagged this in the public comment process [inaudible] proposed bylaw change [inaudible] ccNSO change.

Also, yeah, basically, the thing is registries are more in North America than Europe, but if you go to Latin America, [you have to members,] or I think it was one member. It's challenge. So I think since the IANA function review team [inaudible] anymore because they finally found the members they needed. So this review [inaudible] commence that work.

But it will help to mitigate the [inaudible] challenges, because effectively, you're talking about almost the same thing but among different kinds of registries. Thanks.

KEITH DRAZEK:

Thanks, Maxim. I think to summarize, the Registries Stakeholder Group as it relates to the same requirements related to the IANA functions review team, there's some geographic diversity requirements that are presenting a bit of a challenge as well, so I think as the ccNSO has identified and they've initiated the process and gone through the board approval process for their proposed change to this fundamental bylaw, there could be at some point in the future a need for other groups to basically consider similar types of changes, and in this case, Maxim is flagging some geographic diversity requirements that are presenting a bit of a challenge to the Registries Stakeholder Group in particular.

So I think one of the things that we've identified is that the current bylaws coming out of the IANA transition and the whole ICANN accountability process are quite prescriptive, and that it might make sense at some point for a review of those as it relates to the GNSO and the GNSO requirements or GNSO-associated requirements, and that at some point, we as a GNSO community and the council should take the opportunity to develop whatever package of proposed amendments we might want to be considered as a GNSO, and to make sure that now that we have an example of the ccNSO doing so, we'll understand that there is a process, if there are things that we think need to be adjusted or amended coming from – as it relates to these bylaw requirements, that we do that and we do that as a GNSO together.

So thank you, Rafik, for that, and thanks for flagging the concern from the registries that there may be some additional adjustments that need to be made. but I do want to note that this ccNSO

proposed amendment has been approved by the ICANN board and that is why it is now with the empowered community for an approval action, so there's several steps here that need to take place, and so I guess I'm just flagging this to say if there are things that the GNSO community wants to make changes to, then we've got a process on how the ccNSO has given us a path forward, something to follow.

So with that, let me turn to Rafik. Thank you.

RAFIK DAMMAK:

Thanks, Keith, and thanks for the comment. For this issue, I think it was flagged prior to Kobe meeting, and even it was a topic for discussion for the GNSO/ccNSO council, and NCSG was one of the groups that had kind of concern about what was proposed at the time as solution. But I think here, I can acknowledge that the ccNSO committed to make the amendment to initiate that process, to make the amendment to the bylaws, to fix that and to fix this composition matter.

So I think what was important maybe as a lesson learned is to really start a kind of discussion or dialog within the community for any issues or concerns of such nature, and not just way to kind of initiate the bylaws. There is some probably kind of groundwork prior to the bylaws amendment itself, and with that, I think since we have the background about the issues and they explained about the rationale and how we do it, I think the only outcome here is just to approve the amendment. So this is what I'm seeing is really how it's not just about the process to make amendments

but really how initiating a dialog and explaining the reason and so on.

So I hear about now the request from the registry. I think that what maybe is now kind of topic for discussion just to understand the rationale and the reason that might lead to a request of similar fashion.

KEITH DRAZEK:

Thank you very much, Rafik. Apologies, I misspoke earlier in terms of identifying raising the earlier issue. But yes, thank you, Rafik, and I think your point's a good one, that the ccNSO has gone through this process. They've engaged with us and others, they've explained the issue, they've gone through the process with the board, and I think the right thing to do right now from a GNSO perspective as a decisional participant in the empowered community, unless there are real substantive concerns with the proposal itself as approved by the board, is to support the ccNSO and the motion, and to move it forward.

But as I said earlier, and as Maxim noted, there may be additional bylaw amendments needed or viewed by the GNSO and the GNSO community, and that if there are, those should be brought to the council and we should be able to discuss those and identify what they are and essentially initiate the process that the ccNSO has now been following for probably over a year at this point, noting that the IANA functions review team is delayed but hopefully able to get started really soon.

With that, any final comments or questions related to the empowered community approval action on this fundamental bylaw change? Okay, I don't see any hands, so let's go ahead and move on. Next item, number six on our agenda, is a council discussion about the ICANN board's response to our council letter regarding the consultation on the EPDP phase one recommendations that were not fully accepted by the board.

Just to summarize briefly, the board has responded to our letter. Our letter basically asked for clarification of the board's views related to the recommendation 1 purpose 2 and recommendation 12, and I think there has been general agreement and acknowledgement that recommendation 1 purpose 2 was going to be further discussed and considered by the EPDP team during its phase two work, and so I've seen and heard no concerns or nobody's flagged any issues as it relates to the board's nonacceptance of that particular recommendation because it was the subject of further work in phase two, as acknowledged directly in the EPDP phase one report.

I think where we still have a bit of a challenge and a little bit more work to do with the board is on recommendation 12, which was, as I'll remind everybody, the recommendation for registrars to be able to delete data in the organization field if that data was not validated by the registrant, and the board basically has flagged in its initial recommendations or in its initial rationale for not accepting that recommendation in full that it had some concerns about the potential impact of the deletion of that data.

We as the council in Marrakech had a conversation with some of the board members, in particular I think Avri and Becky were two

of the board members that engaged on this particular issue. As you'll recall during our session with the board in Marrakech, there was some discussion. We had some input from some other members of the EPDP and the community, James Bladel in particular spoke to this issue, reinforcing that just because data is deleted from the WHOIS field doesn't mean that the data is deleted entirely and that there are other ways that the registrars have to identify registrants.

So we followed up with the board with a letter basically wanting to clarify and to understand the board's views on this particular topic. The board has now responded to us. In their letter, they basically reiterate their concern about the potential impact of the deletion of the data. So we're in a situation here where the board is not yet prepared to accept EPDP's recommendation and the council's approved recommendation on this particular topic, but it does lay out, I think, a path forward for us to resolve this issue where if we can, as the council, I think reiterate or to reaffirm our recommendation but also provide some implementation guidance, that implementation guidance could actually resolve or address the board's concerns which would then allow them to accept the recommendation.

So again, you've heard me say this before, but we're in a situation where the EPDP made a recommendation, the GNSO council approved the recommendation, and the board has not yet accepted that recommendation. So we have to go through a process to basically make sure that our recommendations and the community recommendations are accepted by the board to the

extent possible, unless there's a clear rationale why that shouldn't take place, and that's the process that we're following.

We are setting some precedent here as it relates to this engagement, and I think this is really, I think, an important issue and topic for that reason moving forward. So I hope I set that up properly and in a clear enough fashion. I've got some hands in chat, and Marika, if there's anything you'd like to add as well, please get in the queue. Rafik, and then Maxim.

RAFIK DAMMAK:

Thanks, Keith. Can you maybe elaborate more about implementation guidance? I might have misunderstood what you were suggesting. So if you can elaborate a little bit more, just to be clear what you were proposing here.

KEITH DRAZEK:

Sure. Thanks very much, Rafik. I'll do my best. If anybody else would like to, but I think essentially, what the board has flagged is a concern that if data were to be deleted, following the recommendation from the EPDP phase one, related to this organization field, that it could somehow create a situation where the registrant of record could be negatively impacted or there could be some uncertainty introduced into the process.

So in order to address this board concern, there may be an opportunity for the EPDP team and the GNSO to provide some additional guidance as it relates to how that concern could or should be addressed while still holding true or faithful to the EPDP phase one recommendations.

So I don't know if others would like to get in. I think that's the question, is, can the GNSO in working with the EPDP team provide some additional guidance for implementation that would allow this recommendation to be accepted but to address the concern raised by the board. I hope that helps, and there may be more substance that with can discuss. I think Marika's typed into chat some additional context. Maxim, over to you.

MAXIM ALZOBA:

I think you're not clear enough that it's not the admin data, it's just the piece of admin data which is basically not [true or fake.] As I understand, it doesn't [come along well in the] requirements to keep only the valid data in the [inaudible]. For example, registries, registrars [inaudible] ask staff to prepare [inaudible] of each parts of policies and registry and registrar agreements require actually to have only valid data in all those fields. So you'll be able to more clearly describe that effectively, only the pieces which are not [true] anyway were going to be deleted.

And by demanding keeping those [pieces,] we have [inaudible] from one side, registries and registrars are required to have only true data in the system, and on the other hand, you require us to keep fake data. And it's just a collision. Thanks.

KEITH DRAZEK:

Thank you, Maxim. I take your point about having an incorrect, invalid or not validated data doesn't necessarily help anyone. I think it's important. I want to note that Marika has typed into chat that one of the board's questions was – and I think we need to

give the board credit here for actually quite a careful review of the recommendations coming from the EPDP phase one in their deliberations, and that the EPDP team recommended a particular safeguard to avoid unintended consequences for the deletion of admin data, and the board has asked the question, why the EPDP team didn't recommend the same safeguards as it relates to the deletion of the organization field data.

So I think this is a pretty reasonable question for the board to ask, and I think here what we have is an opportunity to come back to the board and to say thank you for flagging this as a possible concern or as a concern, and perhaps the implementation guidance that we provide is to say yes in fact the safeguards as applied to the deletion of admin data should also be applied to the deletion of the organization field data. So I think that's a possible path forward, and thank you, Marika, for adding that detail and that context into the chat. Flip, I see your hand. Go right ahead.

FLIP PETILLION:

Thank you, Keith. I was wondering whether the question is not if the GNSO council should communicate or recommunicate this to the EPDP team so that it can take the appropriate action and come back to council with the appropriate suggested language, then that's going to be taken to the board by council in the next phase. I'm thinking loud here, and I try to be constructive. Thank you.

KEITH DRAZEK:

Thank you, Flip, and also to Tatiana for the question in chat, I think on the same topic. I think that while Marika has noted there's no requirement for the EPDP team to do so, certainly on this, if we're going a bit further in terms of providing this guidance, that it would be appropriate for the council to consult with the EPDP team on the phase one recommendations, and as this question is considered.

So I think as we have it now, we have a consensus recommendation from the EPDP phase one team that the GNSO council approved, and we have a choice now to either reaffirm our recommendation or to accept the board's rationale for not accepting that recommendation.

So we have a choice here. we could either reaffirm and say, no, this was a consensus recommendation approved by the council, we expect the board to accept it and to implement it as is. We could basically say, "Okay, no, we accept the board's rationale for not accepting this one," or we could reaffirm and provide some additional context and these implementation guidelines or guidance that could address the board's concerns.

So we have three possible choices here, and I think the right approach, Flip, to answer your question directly, and Tatiana as well, is that the council should consult with the EPDP team to see if the EPDP team has any further views on this, but at the same time, I think we should be prepared to move forward in providing our response to the board. And if that could include some implementation guidance or guidelines that address tehri concern, that would be probably the best outcome. In other words, we would say we're reaffirming the recommendations that were

provided to the council via the EPDP team, the council approved them, or you should be accepting those community-based recommendations, but here's some additional context that should address your concerns.

I hope that helps. Would anybody else like to get in on this one? Okay, yes, Pam. Thank you.

PAM LITTLE:

Thank you, Keith. I just want to remind ourselves and the council that the council and board engagement session at ICANN 66, we were proposing to talk about this topic, about how to address board's concern on recommendation 12, i.e. what sort of safeguard, something similar to what you just alluded to in treating admin contact, would something like that be sufficient to address board's concern?

So I guess what I'm thinking is the consultation with EPDP team, if the council is to pursue that, should actually ideally happen before our meeting with the board. Does that make sense? So we can be clear about our position, how to really have that conversation with the board during the lunch meeting. Thanks.

KEITH DRAZEK:

Yeah. Thank you very much, Pam. I agree, and I see there's also some agreement in chat as well. So I think we have an action item to take this question to the EPDP team and to prepare ourselves for the engagement with the board. I think, from what I'm seeing in chat, what I'm hearing is there's general agreement that we should basically ask this question of the EPDP team that there is a need

to provide some further clarification on this as it relates to a possible safeguard. I think we have a path forward as the board has asked the question directly that the EPDP team recommended some safeguards specifically related to the deletion of admin field data, and that seems like it would be an appropriate fix or adjustment in terms of implementation guidance that would address the board's concerns on this particular one and still allow them to accept the recommendation as was developed by the EPDP team and approved by the council. But we will consult with the EPDP team on that question and then hopefully by the time we get to Montréal, be prepared to engage more substantively on this one.

Okay, any other questions or comments on this? Very good. Thanks to everybody for the input and the engagement on this one. We're going to move on at this point, but my understanding from Nathalie is that I guess the question is, do we have Edmon on the call? Edmon is here, excellent.

EDMON CHUNG: I'm here.

KEITH DRAZEK: Thank you so much, so let me tee this up and I will hand it over to you. So moving on to our next agenda item, number seven, this is an update from Edmon on behalf of our GNSO IDN small team that's been tasked with scoping the questions around the IDN variants, the IDN guidelines, and in particular, one of the questions I think we'll have for you, Edmon, is looking ahead to

the GNSO's engagement with the ccNSO related to the IDN variant issue. And this is important particularly as we head into Montréal and have our face-to-face meetings and engagement with the ccNSO council.

I know it's a much more broad and complex issue than that only, but I think that the council would certainly benefit from any advice that you have or the scoping team would have about next steps related to the GNSO and the ccNSO engaging and cooperating, collaborating on the question of IDN variants moving forward. And I'll just remind everybody that that was one of the board's motions in Kobe, was basically a call for the GNSO and the ccNSO to engage and remain informed, or inform each other about ongoing work related to IDN variants.

So Edmon, thank you very much. I will hand it over to you. I'll note that this IDN scoping team has been working now for several months, and we very much appreciate the hard work that you and the team are doing on this very complex issue broadly about IDNs, variants and guidelines. So over to you, Edmon. Thank you.

EDMON CHUNG:

Thank you, Keith. Always happy to talk about my favorite topic. So as you mentioned, the IDN scoping team, the idea is that it's really driven out – it was created out of two sets of documents. One is the IDN implementation guidelines, which focuses a little bit more on IDN implementation on the second level by registries, and then there is a set of IDN variant TLD recommendations that came out earlier this year which is a set of staff documents.

So as Keith mentioned, we started working late July and we started to have biweekly meetings since earlier in August. The main thing that this particular team is tasked to do as far as I can understand is we're not trying to produce substantive recommendations in terms of the IDN policies, but what we would like to do is to look at the issue holistically and see, act like a traffic cop, if you will, group together certain issues and direct it towards policy development or otherwise working groups to work on.

Quickly on Keith's note regarding ccNSO and GNSO, I guess coordination, I think that's definitely very important, and that's also the reason why I guess this team will try to wrap up its work as soon as possible so that we can get started, because as a note, I think the ccPDP is getting started, and I guess we're slightly behind at this point, but I'm sure we'll be able to catch up at some point. Next slide, please. Or I'm able to control it anyway. Okay, thank you.

So I think we have reasonable progress so far. In terms of the IDN implementation guidelines, I think the team has already identified a number of operational issues that probably need to be addressed more expeditiously, but focused on a number of stakeholder groups that could work directly with ICANN Org in terms of the actual implementation side, which is more operational.

Then there are a bunch of issues that I would call a bit more policy. In general, for example, the adoption, the review and the update of the IDN implementation guidelines, which portion of it is combined with ccTLDs, which portion isn't, and which portion

should be more like a consensus policy is something that will need a policy discussion.

So for the IDN implementation guidelines, we've at least identified that we will very likely need to fork the two. Next slide, please. And I'll probably come back to that. But in terms of the IDN variant TLDs, the preliminary thinking is that – actually, I should say there are two key decisions that we are talking through. In fact, earlier today, we were going through the meeting, there were two main decisions.

One is whether a new PDP including all the IDN elements should be created, or whether it should be put into for example the SubPro work right now, and how that might work.

And the second main decision is whether an extra issues report needs to be created for further work to be considered, or whether the existing set of documents, including the staff papers on IDN variant TLD and potentially we've identified a couple of other documents like the root zone label generation ruleset documents, that would form itself as a group of documents that are enough for the eventual working group to actually take on and make recommendations.

But I think we should be far down the path in terms of both considerations, and the current thinking, at least the estimated time to try to wrap this up, would probably be two or three meetings, our biweekly meetings after the Montreal meeting. We should be able to at least come close to conclusion on that. Next slide, please.

So finally, back to the key point that I think, Keith, you mentioned. I think the deliberation so far, at the beginning at least, at the outset, setting up liaisons between the ccPDP and the GNSO is sufficient to start off with. Further down the path, there maybe certain issues that more closer collaboration, joint groups or subgroups, may or may not be created at that point. But at the outset, I think it's pretty clear that both and separately the GNSO and ccNSO has to produce policies specific to the particular SOs, so they need to be separate at least in the beginning. With liaisons, that should work well.

As we go along and as the GNSO side PDP gets set up, we would be able to then further liaise and then also to consider whether certain components would be of common interest and therefore be able to work together more closely on those.

With that, I think that's all I want to update. I don't know whether those who are in the team wanted to add, or I guess I'll pass back to Keith for any questions.

KEITH DRAZEK:

Excellent. Thank you very much, Edmon, and thank you for your efforts in helping to lead this team and for those who are participating and contributing. So really important on a topic that not everybody is fully engaged with as it relates to IDNs.

I do have one question as it relates to substance, and this is, again, I'm not fully engaged or entrenched in IDN-specific issues myself, so I guess my question is, do you think or are you aware of any possible or potential or likely conflicts between the GNSO

approach to these issues and the ccNSO approach to these issues?

I completely recognize that as you've noted – and I think appropriately so – to the extent there is going to be policy development or policies required, the GNSO, we have our PDP and the ccNSO has their processes or their process, and that essentially, we need to follow our own respective processes.

So I take your point about a CCWG is probably not the right approach at this point because if we're developing policy, we've got to follow our PDP and our operating procedures. So I'll totally take that on, but I guess my question is, are you aware of or is there something that we could point out now today where there's likely to be a conflict between the ccNSO approach and the GNSO approach to the IDN TLD variant issue? Or are we trying to avoid here something that would be an accidental conflict? I'm just trying to understand, and thank you for your patience with me in not understanding these issues fully. Is there something that's clearly obvious at this point where there may be conflict? I hope that's clear enough. Thanks, Edmon.

EDMON CHUNG:

Yes. I think that's a very valid question, and I guess I'm thinking out loud here. In terms of the potential conflict, I think one of the key differences between ccTLDs and gTLDs is the ICANN contract, and all the surrounding things that come with that, including the agreement itself, the fees, those kinds of things would potentially drive different thinking.

And specifically on IDN variant TLDs, one of the crux of the concept is to treat multiple TLDs, if you will, multiple strings as a unit, as IDN variant TLDs of each other, and there is a potential that if the ccNSO, because without the boundaries of having to deal with contract and compliance and those kind of things, may take a different route in terms of considering – maybe what I should say is the atomicity of the IDN, the primary string versus the IDN variant TLDs.

So there is that particular consideration, and therefore I think more coordination is very useful, and I think it would be very unfortunate if we eventually take on the subject matter of whether the IDN – I guess the primary TLD and the variant TLDs are considered one in terms of policy.

If we go down a path where those are different, then we might end up with a rather strange situation which I think that's one of the reasons why the board is keen to make sure that the GNSO and the ccNSO work together through the process.

KEITH DRAZEK:

Excellent. Thank you so much for that, Edmon, and I like the term “atomicity.” That's a good one. But you're right, I think that is exactly one of the concerns, the question of, the IDN variants, are they considered as a unit or are they considered individually as it relates to application in the gTLD space, contracting, etc.?

So thank you very much for fleshing that out for us. I've got Rafik and then Maxim in chat. Rafik?

RAFIK DAMMAK:

Thanks, Keith, and thanks, Edmon, for the presentation also to the scoping team for the work done. So just about the last part regarding the coordination with ccNSO, if you recall, we had, I think, an approach several years ago now, 2011, when we had the joint IDN group and to do some work in terms of identifying issue and so on on IDN. But I think that was for different purpose.

So what I'm asking here is it's good to have coordination depending on regular meetings between the co-chair, leadership and so on, but my question here is how we can have maybe the two tracks aligned around the same timeline, so working on the same pace and so on.

So probably, the topic of IDN is less controversial in terms of policy hopefully, but within the gTLD environment and also there is different dynamic in the ccTLD side. So I'm just wondering how you can see that's really the [timeline] or the same pace is needed here, and if then the coordination will work. Otherwise, if one group is trying to make more progress, something like that, it may raise some issues. But maybe [inaudible] too much ahead. So just wondering about your thoughts based on the previous experience and why you think for now we can have this approach.

EDMON CHUNG:

Thank you, Rafik. I think, yes, exactly as you mentioned, a few years ago we had the joint IDN group. That actually grew out of the out of sync situation with the IDN ccTLD fast track going head of the new gTLD process which included new IDN gTLDs. From that learning, I guess this obviously valid question, however, the likely scenario is that we would agree to approach it similarly as in

the sense that neither the GNSO nor the ccNSO would stop the other from going faster, if you will, and however the coordination would continue. The point is that it's not likely that it would be appropriate for either to slow down for the other to catch up, and that's, I think, the realistic case.

So in terms of timing, we are slightly behind at this point. I think the ccPDP has formally been called, but I think as I mentioned with some of the work that has actually been done before and also in SubPro and also with the people, we can probably catch up, but the realistic thinking is that we won't be able to try to sync everything, and that syncing would have to happen with asynchronous coordination, if that makes any sense.

KEITH DRAZEK:

Thanks very much, Edmon, and thanks, Rafik, for the question. I think that's really helpful. I have Maxim in chat, and then we probably need to move on. Maxim, over to you.

MAXIM ALZOBA:

Actually, about our ability to have something I'd say [in the ccNSO,] most probably not, because not even all ccTLDs have to follow the ccNSO's policies, it's only [inaudible] for member. And also, I'll remind you some ccTLDs have for example [emojis] which is strictly a no-no for us.

Also, you need to understand that the issue is a bit complex, and I think you need to keep pace of the current PDPs and not hurry too much [maybe] not even start [with PDPs.] And if you see that this idea of IDN guidelines is severely affecting the SubPro and RPMs

and given the current burnout for volunteers, I wonder if you're in a position to have this and to endanger everything we have now, because currently we think that four years for SubPro is too much. You might face five or six.

So we really need to understand if we're eager to risk everything we have in our hands now in the favor of this new thing. You need to think about it. Thanks.

KEITH DRAZEK:

Thank you, Maxim. I think that's a really good question or a good point as it relates to the GNSO council's responsibilities in terms of when is the right time to initiate a new PDP, what are the impacts potentially on our existing PDPs, and this is the broader questions of bandwidth and the ability to have work done in a timely fashion.

So Edmon, I'll ask you this question as a follow up and then we'll move on shortly, but I guess the question is in terms of timing, in terms of urgency, in terms of potential impacts to other existing policy development work, in particular subsequent procedures, do you have a sense or maybe just a preliminary thought or recommendation for the council as we consider how and when to tackle this issue and if we're going to be moving towards a PDP on the issue broadly, where does that fit in the broader scope of the council's work and the work that's ongoing in the GNSO?

So Edmon – and if the answer is not sure, that's fine, but if you have any input for the council at this point, that would be helpful.

EDMON CHUNG:

Yeah, the answer is probably not sure, but you probably have a better idea into the volunteer capacity of the GNSO at this point. But I will say a couple of things. One is I think this is an issue that is of urgency in many sense, because the last round of new gTLDs already created a number of TLDs, especially Chinese TLDs, that require IDN variant TLD to work properly, and every day, people are kind of suffering and having problems with, because those TLDs are lacking IDN TLD variants.

So I think there is certainly urgency there. the other part of urgency that I want to bring up is as I mentioned – and I think you mentioned as well – the coordination between ccTLDs, ccNSO is important, and they're certainly not going to be waiting around for us.

And I guess lastly, in terms of volunteers, I think this is a very specific topic. Probably obviously many people should be interested in it, but I think we may be able to find fresh blood or revitalize old blood to tackle the issue.

Actually, I forgot to make one particular remark. I think Maxim in earlier deliberations at the IDN scoping team actually suggested that we call for a bit more participation from potentially intellectual property rights interest – I guess stakeholders from that angle, because many of the things that we'll talk about might touch on RPMs such as DRP, sunrise or even TMCH stuff down the road.

So I'll make this call immediately for if you want to join the IDN scoping team, to please join now as well, but obviously, the substantive issue will be talked about later. Back to your question,

I really don't know. I think there is some urgency, and I hope there are enough volunteers willing, ready to take on the item.

KEITH DRAZEK:

Thank you very much, Edmon. That's really helpful, appreciate the input. So I think from a GNSO council perspective, we have an action item to appoint a liaison to the ccPDP effort. I think we would very much appreciate or welcome any recommendation that you and the IDN scoping team might have as it relates to an appropriate individual or liaison. I guess the question is, does it need to be a councilor? Can it need to be somebody from the community, the scoping team with their requisite expertise? I guess that's a topic for discussion, but to the extent that we identify somebody who can represent the GNSO community in the engagement with the ccNSO efforts, I think we'd certainly welcome your input on who the appropriate person might be, including if you decide you want to volunteer for that role yourself.

So with that, I guess we should probably move on. Edmon has noted in chat he'd be happy to serve barring the requirements to be a council member. I guess I would ask Marika if you have a thought on whether the liaison could be somebody from outside the council or not. we can circle back on that one, but I think this is, as Edmon noted, a pretty specific issue that would require the requisite expertise to be effective in the role. So we just need to make sure that we identify that right person.

So we'll take that as an action item. Edmon, thank you so much for joining the call today and for your continued efforts with the scoping team, and please pass the council's thanks to all the

members of the scoping team for the ongoing work. And with that, we will move on to the next item on our agenda. Thanks to everybody for the input, and Edmon, thanks again.

Okay, item number eight on our agenda is a council discussion, basically an update discussion from the PDP 3.0 small group, and with that, I will hand it over to Rafik. Thank you, Rafik.

RAFIK DAMMAK:

Thanks, Keith. We have some slides to go through just to explain that status and our current progress here. Next slide, please. Okay, so here you can see some reminders about the milestone that we reached in the small team. so we could deliver three package. The last one was this week, package number three, so what is remaining now for us to share with the council is package number four, and we are working on that and we hope that we'll finalize just after Montréal meeting.

Then we also have the package number five which includes two improvement. I will elaborate more about that later, but we will continue because the work that needs to be done then, we will continue after Montréal and hopefully deliver prior to SPS so that it can be also useful for the council there. Next slide, please.

Okay, so here, a reminder about package two improvements. We had three improvement. The first one is to [inform the date line] and issue bite-sized pieces. Second, notification to council of changes in workplan, and the criteria for PDP working group update. So you can find more details about the deliverable here. We created those four documents or products which are for

helping basically on all those project management matter. And we are already using some of them, like the project list and how we're getting for example the update from the EPDP. Next slide, please.

This is also about package number two. We included there another improvement, number 14, and this related to the data gathering, so we're adding more details to existing process here and to make it more, I'll say, effective based on the prior experience. Next slide, please.

We have here the package number three, and that's the latest one that was sent to the council. We are looking for your input here. It consists of two improvements. One is the active role and clear description of the council liaison, and the review of the working group leadership.

So we created here [four] material to give more the job description about the liaison and what are the expectation, and more detail that can be useful for the liaison themselves and also for other, the working group leadership and the working group members to understand about the role of liaison and when they can leverage that person in the working group.

Another part, we have the review of the PDP working group leadership by GNSO council, and here we worked on having a survey, so to allow kind of getting input based on the criteria that we are setting to review the working group leadership is not designed to judge the working group leadership but really to use that as one of the tools to work in improving chairing skills and also to help and support the working group leadership and their work and to give them that opportunity. Adm also for the council to

understand more about any issues and see any area of improvements. So we have those [inaudible] to help us in terms of review. Next slide, please.

This is what is remaining in terms of work. I said package number four and five. For number four, we're trying to just finalize after Montréal meeting, and that will be topic for discussion in our working session there. So it consists of two improvements, one related to section 3.7, GNSO working group guidelines, and also giving guidelines for section 3.6.

So what will happen now, we're really trying to outline more clear process and the steps, and more details to make it more easier for the working group leadership, for GNSO council leadership and so on in how to use those processes.

On the other hand, for recommendation 15, that's related to [inaudible] conflict resolution. We're creating a reference guide for all the resources that are available already in ICANN and so that can be leveraged by the working group leadership and so on.

The other package, number five that we are aiming to deliver prior to SPS2020, so that will be one of our tasks post-Montréal, is to work on improvement number 17 which is related to the resource reporting for the PDP, and we are trying to understand what is expected here and to see what we can work as deliverable.

And we have improvement number four, the capture versus consensus playbook, and this is taking more time because here we hired a third party to work on this playbook and we are waiting

for them to finish the work, and so the team afterwards will review that deliverable. Next slide, please.

So this one is regarding the community consultation. We have like two sides here. First is getting from the GNSO community input. One is organizing for the GNSO public webinar on Wednesday 27 of November, and also we are thinking to hold an additional meeting for incoming councilor.

The idea here is to present the work that was done and to get input from the community. Also, we will have an invitation or communication to the GNSO stakeholder group and constituency asking them to provide input for the PDP 3.0 implementation. We'll share all the implementation document that we already delivered to the GNSO council, and we are asking here the councilors or council representative of the different SG and C to share the feedback and liaise with their respective group.

On the other hand, for the wider ICANN community, we will invite them to provide input for selected PDP 3.0 implementation that we think are really impacting them, and we need their perspective. So for example, we have the term of participation for working group members, the improvement related to consider alternative to open working group model, or the criteria for joining of new members after a PDP working group is formed and re-chartered.

And here, in terms of getting the input or feedback to the GNSO council, we count on the At-Large input via the ALAC liaison, for the ccNSO via the ccNSO liaison, and for other groups that maybe we don't have a liaison, is to ask them to provide their input through the e-mail address of the GNSO secretariat.

So we are trying here to introduce the implementation in more details and getting input with the different [inaudible] as much as possible, and then the team will work on that input and see how we can revise if needed the deliverable. Next slide, please.

Okay, so we have an engagement with Brian Cute. Already we submitted the public comment that was I think around two weeks ago that it was a small team drafting on behalf of the council, then the council approved that, where we really focused on explaining the work in the PDP 3.0 and only for when there was reference or in the report or when we wanted to add more information.

We will have an ad hoc prep call with Brian and the members from the PDP 3.0 small team today, and also there is the GNSO working session, Brian cute was invited and that will be another opportunity to engage with him. Next slide, please.

And I think that's it. Okay, thanks, all. I hope I was not confusing, but I welcome any question or comment here, and I'm happy to answer them.

KEITH DRAZEK:

Thank you very much, Rafik. If anybody would like to get in queue, ask any questions, feel free to do so. I'll just note a couple of things. I think sort of the outreach and engagement is an important thing for the GNSO council to do on this effort. We've heard certainly from a few folks and from different groups that there's interest in what is going on in the PDP 3.0 efforts. I think there's an opportunity for us to share and to explain what we're doing from a GNSO council perspective as it relates to our engagement,

our management of PDPs and to bring that to the attention of the broader community.

One of the reasons that I think this has become an area of interest for other groups outside the GNSO is that it has been referenced several times over the course of the last year or year plus in terms of some of the things that we're trying to do, and it's being considered as input to the broader community engagement that Brian Cote is leading on the evolution of the multi-stakeholder model.

So to the extent – what we're doing from a GNSO council perspective as it relates to our internal management of our PDPs, if that's going to be applied to broader community-wide reforms in some way, shape or fashion, then of course, other groups are going to be very interested in how that came about, the history and the implication.

So I think it is important for us as the GNSO and the GNSO council to ensure that we have the opportunity to engage with other parts of the community on this. I think to Rafik's point, there are also certain things that we're considering that could impact the participation of other parts of the community in our PDPs, and I think that we need to make sure that we're cognizant of that, and to the extent your improvements and our reforms related to our management of our PDPs, to the extent that that potentially impacts other parts of the community, that we take on some of that input.

And Rafik, thank you very much for your leadership in the PDP 3.0 effort and to everybody on the PDP 3.0 team. I certainly look

forward to a readout on your conversation with Brian Cute later on, actually later today.

So with that, Rafik, I see your hand. Please go right ahead, and then we need to move on. Thanks.

RAFIK DAMMAK:

Thanks, Keith. I just want to thank Pam and the members of the team for the work done here. Just maybe to comment regarding the outreach, so we will start the communication in the coming hours and we will send to the different group asking them for input. I think it's clear that we need all useful input for our work and we will do our best to use that and see how we can include it in the deliverable. That's it.

KEITH DRAZEK:

Okay. Thank you, Rafik. thanks very much. We're running a bit short on time here, so we need to move on. I'm going to move us next to the discussion on the ICANN transfer policy and the gaining registrar FOA, form of authorization. Pam, I'm going to hand it to you. and I know we allocated 15 minutes to this, but I'm going to ask you to try to accomplish it in five. Apologies.

PAM LITTLE:

No problem. Thank you, Keith. Very quickly, I hope councilors have had a chance to look at the letter from the Registrar Stakeholder Group. We have flagged this issue actually for a few months now, and the awaited letter finally arrived. Basically, the Registrar Stakeholder Group is asking the council's assistance to

write to ICANN board to let ICANN board know – and seeking ICANN board’s intervention – that the requirements for the gaining registrar to send a formal authorization to the transfer contact which could be the registered name holder or the admin contact.

Under the temporary specification or under now the interim policy as reflected in one of the recommendations from EPDP phase one is causing compliance issues for a lot of registrars, because as you may know, previously, before the temp spec, the gaining registrar was required to send this FOA to the registered name holder or the admin contact to obtain their express authorization in order for the transfer to proceed to the next step.

But now with the temp spec and GDPR, that e-mail address of the registered name holder or admin contact by and large is redacted, no longer available. So most registrars are not sending that FOA as a gaining registrar, but ICANN’s temp spec and now the EPDP recommendation in the temporary policy basically is asking registrars to differentiate different scenarios where that e-mail address is available versus not available. ICANN is expecting registrars still have to send that FOA if the e-mail is available.

But it is really technically quite difficult or challenging to develop such a system to differentiate what's available, what's not available in the database. So the request is for the council to write to the board. There are two asks in the requests. One is to ask the board to refer this matter to the impending transfer policy review which council is composing a scoping team to scope this review. The other ask is to ask ICANN board to instruct ICANN Org – i.e. ICANN Contractual Compliance – to defer any gaining FOA

compliance enforcement until this matter is settled in the transfer policy review.

So these are the two asks in a draft letter that the Registrar Stakeholder Group attached to their letter to the council which sets out more background history and details and reasoning why this implementation is problematic to registrars.

So, is there any concerns or objections for the council to send such a letter to the board? If so, I think because of time constraints, maybe I would ask you to post that to the council list and we would keep those letters or the draft letter to the board open for comment or for input for some time.

I'm hoping we could actually wrap this up if there's any input or suggested amendments to the draft letter to the board. We can wrap it up just before ICANN 66 so it will be with ICANN Org and there can be further discussion if need be. I'll pause there and I can see Michele's hand up. Michele, over to you.

MICHELE NEYLON:

Thanks, Pam. Not to disagree with Pam, but I think just to make it very clear, Pam was being more diplomatic about the technical issues with this e-mail address. I would go further and say it's technically impossible. The reality is that even if something that technically looks like an e-mail address is present, there is zero guarantee that it's in any way usable, that it will actually do anything.

And the situation the registrars are now in is quite farcical because if we try to send these e-mails, they're going to just go off into a

black hole, and this has been explained and this should not be the case. We should not be required to do something that we technically can't do.

There's no issue with respect to the registrants' rights, there's no issue with respect to security, there's no issues with respect to any other part of this. Everything else is working just fine. This is the bit that is causing headaches, and we are imploring the council to assist us in rectifying this issue. Thank you.

KEITH DRAZEK:

Thanks, Michele, and thanks, Pam. In the interest of time – and thank you for this, pam. I'll note for everybody that this is something that you've flagged for us as the council previously, this is not a new issue. You've made clear that this is a real concern and challenge for registrars.

So I think we'll take on your suggestion, we'll take this to the list. I would ask everybody to review the draft letter that's been submitted, and by sometime next week, we'll come up with a particular date and time. You identify any questions or concerns, but I think the goal should be for delivery of the proposed letter absent any objection or concerns prior to ICANN 66 so the conversations can take place as Pam noted.

So that's an action item for all of you, is to review the draft letter that's been sent o the list, and Marika posted the link into chat here, so feel free to click on that and save it to your favorites, and let's make sure that we get this letter out unless anybody has any concerns. Thank you. Michele, I think that's probably an old hand

if I'm not mistaken, and we need to move on. We've got six minutes. Oh, it's a new hand. Okay, go ahead.

MICHELE NEYLON:

Sorry. Very briefly, just for any councilors, if any of you have any questions or any doubts rather than letting this kind of fester between now and Montréal, please reach out to any one of the registrar reps. More than happy to go through this with anybody who has any issues or doubts about why this is a problem. Thanks.

KEITH DRAZEK:

Great. Thanks, Michele. Much appreciated. Okay, we have five minutes left and a hard stop at the top of the hour because the EPDP team needs to use this bridge and the Zoom room. So with that, we have Any Other Business, update on ICANN 66. I think it's pretty straight forward, the GNSO schedule has been circulated thanks to Nathalie. If you have any questions, comments or concerns, please flag them.

I'll send a note to the list on this one that we're going to make a change to our informal council working session, we're going to make that optional. If anybody would like to participate, it actually is now in conflict with the memorial gathering for Tarek Kamel that's been scheduled for the same time that evening, so we're going to make the council session informal. We'll push it 30 minutes late so everybody has an opportunity to attend the memorial gathering for Tarek and then we'll gather truly informally

and optionally for anybody that wants to be there to participate in the prep for the council meeting on Wednesday.

Next item, update on the 2020 strategic planning session. If you haven't done so already, please make your travel arrangements. I think that's pretty straight forward, and we'll follow up with more detail around the actual agenda, but you should have a copy of that as well.

With the remaining time that we have, I want to hand it over to Julf. Sorry for only having a few minutes here, Julf. We can have further conversation when we get to Montréal. But is there anything you'd like to share with the council as it relates to your role as the GNSO council liaison to the GAC, anything that we should be aware of heading into Montréal? And again, we will make some time once we're face-to-face to have a deeper discussion with you. Anything you'd like to give us at this point?

JULF HELSINGIUS:

Thanks, Keith. Not really, considering how much time we have. Let's save the discussion [inaudible]. I'm more than happy to [inaudible].

KEITH DRAZEK:

Thanks, Julf. I appreciate that. I apologize for not having the time here. So if I were to ask everybody to come to Montréal prepared with questions, and if you could share the questions ahead of time, that would be really helpful to help engage with Julf as our council liaison to the GAC. I think it would be really helpful to identify what those questions are ahead of time so Julf has the

opportunity to consider them, but we will have an engagement in the Q&A, and obviously, the GNSO and the GNSO council engagement with the GAC is an important one and to the extent that we can ask questions or help Julf in his role, then I think that will be very helpful.

With that, I'd just note that – and Rafik, I'm going to ask you, if there's any update – I saw a note that there may be an NCSG appointed rep for the IANA functions review team who may be willing to step up as the GNSO appointed co-chair. Just want to confirm if that's in process. So Rafik, I'll hand it to you. Thanks.

RAFIK DAMMAK:

Thanks, Keith. Yeah, there is someone interested to be the co-chair, and he already sent his expression of interest to the GNSO secretariat. I think he followed the process on that matter.

KEITH DRAZEK:

Excellent. Thank you, Rafik. The last item under Any Other Business is basically we have finally identified a GNSO-appointed member of the IANA functions review team to volunteer as a co-chair. So that was a bit of a struggle, but fortunately, we've got somebody to volunteer and that's very much appreciated.

So with that, and in light of the time, we're going to wrap up the call so the EPDP team can get on the Zoom. So thanks to everybody for joining. I look forward to seeing you all in Montréal in less than two weeks' time. So we'll see you soon, and thanks for joining today. Have a good day.

NATHALIE PEREGRINE: Thank you all for joining. This concludes the council meeting. You may now disconnect your lines. Have a great rest of your day.

[END OF TRANSCRIPTION]