
**ICANN Transcription
GNSO Council**

Thursday, 20 August 2020 at 21:00 UTC

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List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Greg Dibiasse

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, John McElwaine, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Elsa Saade (apology, proxy to James Gannon), Tatiana Tropina, Rafik Dammak, James Gannon, Farell Folly

Nominating Committee Appointee (NCA): Carlton Samuels (apologies sent)

GNSO Council Liaisons/Observers :

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

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

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.

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 20th of August 2020. Would you please acknowledge your name when I call it out? Thank you ever so much. Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Sebastien Ducos. I don't see Sebastien yet in the Zoom room. Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Keith Drazek.

KEITH DRAZEK: Here.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DIBIASE: Here.

NATHALIE PEREGRINE: Michele Neylon.

MICHELE NEYLON: Here.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thanks, Marie. Scott McCormick.

SCOTT MCCORMICK: Here.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. Philippe Fouquart. I don't see Philippe yet. Osvaldo Nova. I don't see Osvaldo in the Zoom room either. Elsa Saade has sent her apologies and she's given her proxy to James Gannon. James Gannon.

JAMES GANNON: [On the ship.]

NATHALIE PEREGRINE: Thank you. Rafik Dammak.

RAFIK DAMMAK: Here.

NATHALIE PEREGRINE: Tatiana Tropina.

TATIANA TROPINA: Present. Thank you.

NATHALIE PEREGRINE: Farell Folly.

FARELL FOLLY: Here.

NATHALIE PEREGRINE: Thank you. Juan Manuel Rojas.

JUAN MANUEL ROJAS: Here.

NATHALIE PEREGRINE: Carlton Samuels. I don't see Carlton in the Zoom room.
Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you, Cheryl. Erika Mann. I don't see Erika in the Zoom
room. Julf Helsingius.

JULF HELSINGIUS: Here, Nathalie.

NATHALIE PEREGRINE: Thank you. Maarten Simon.

MAARTEN SIMON: Here.

NATHALIE PEREGRINE: Perfect. Thank you. And just for the record, I'll note that Philippe Fouquart, Osvaldo Novoa and Sebastien Ducos have also just joined the Zoom room.

From staff, we have apologies from David Olive who'll be joining the council meeting late. On the call now we have Steve Chan, Mary Wong, Julie Hedlund, Marika Konings, Caitlin Tubergen, Ariel Liang, Emily Barabas, Berry Cobb, 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, and a reminder to councilors that we're now using a Zoom webinar room. You've all been promoted to panelists. you can activate your microphones and participate in the chat as per usual. Just remember to please set your chat to all panelists and attendees in order to allow all to be able to read the exchanges.

A warm welcome also to the observers on the call who can now follow the council meeting directly. Observers however don't have access to their microphones, nor to the chat option.

Another reminder. All those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. Thanks ever so much, Keith, and it's now over to you.

KEITH DRAZEK:

Thank you very much, Nathalie, and welcome all to the GNSO council meeting of August 20th 2020. What we'll do is, as usual, I'll ask for updates to statements of interest and then review the agenda before we get into the substantive portion of our meeting. I'd like to take a moment to welcome the observers and attendees, and we look forward to getting the meeting underway.

With that, if I could ask if anybody, any councilors have updates to statements of interest to report. Okay. I'm seeing no hands and hearing no voices, so we'll move on then to—

SEBASTIEN DUCOS:

Sorry, Keith, I'm having trouble with the Internet and couldn't find the hands up. Yes, I have a change of statements of interest. I have made my change online this week. As I had announced in April, Neustar Registry was purchased by GoDaddy and is now, as of the 3rd of October, GoDaddy Registry, which I'm a part of. All that is in my statements of interest. Thank you.

KEITH DRAZEK:

Excellent. Thank you very much, Sebastien. With that, let's move to a review of the agenda. We'll get through the administrative matters in a moment, and then we'll move to item two, which is a review of our project list and action list, and we'll have some documentation to present on the screen for that.

Item three is our consent agenda where we have three items. One is the confirmation. This comes from the action decision radar. 3.1 is confirmation that the council supports initiation of the IDN operational track one as recommended by our IDN scoping team that'll focus on IDN implementation guidelines 4.0. That essentially acknowledges that ICANN Org and the contracted parties should go ahead and engage on the issues around the operational guidelines while the council looks forward to initiating the policy work that we've identified and that there will be observers permitted for that conversation.

3.2 is also in action decision radar, which is to agree on next steps for terminology updates as described in the EPDP phase one recommendation 27. The key here is that there's a subset of items under recommendation 27 that are simply terminology updates to existing policy language but are not substantive or not impactful, not requiring a full-blown policy process to deal with. So it's basically indicating that the group should begin work in that manner. In the course of making updates, the impact of consensus policies, the EPDP phase one IRT is instructed to promptly advise the GNSO council if possible policy changes are required. And then finally, under the consent agenda to approve a request for an extension of the timeline for the issues report on the transfer policy.

Item four will be a council discussion on the EPDP phase two final report and specifically here we will hear from Rafik in terms of the GNSO council leadership's proposed approach for addressing the phase two final report from the EPDP. The plan is essentially to talk about process at this point while we're awaiting the delivery of the minority statements from a couple of participants in the EPDP phase two and that we would look forward to scheduling a vote on the recommendations in our September meeting on the 24th.

Item five will be a council discussion on next steps on the phase one and phase two priority two issues, and Rafik will kick that one off as well.

Item six will be a discussion about the IRP standing panel selection committee, and I'll tee that one up.

Item seven is Any Other Business where we will discuss ICANN 69 planning, the upcoming GNSO chair election process and timing, and then I believe we'll receive an update from Sebastien on the EPDP phase one IRT recommendation 7, so called impasse. And just to remind everybody, Sebastien is the GNSO council liaison to that IRT.

So with that, any comments, questions? Any concerns or additions that anybody would like to make? Okay, not seeing any hands, so then just to wrap up the administrative matters, I'll note that the status of the minutes for the previous council meeting per GNSO operating procedures were posted, the meeting of the 24th of June was posted on the 10th of July, and the meeting of the 23rd of July were posted on 12th August.

With that, let's move to the review of the projects and action items list. Steve or Berry, would you like to help us with this section, please?

BERRY COBB:

Hi Keith. Really not too much to update here. I sent out the project list earlier this week. Really, the only primary change from our projects is just the migration of the EPDP phase two down into the council deliberations section, and there are just a couple of comments about the overall structure and how it's evolving, especially with respect to planning and how we're trying to evolve that for better inclusion with the action decision radar and our program management tool. So really nothing major to update right now. Thanks.

KEITH DRAZEK:

Great. Thanks very much, Berry. Much appreciated. Does anybody have any questions or comments about this current document of the screen, the projects list? I'd like to open it up for any councilors who would like to ask any questions or make any comments at this point.

Okay, I see Michele and Sebastien. Michele. Thank you.

MICHELE NEYLON:

Good evening, Mr. Chair. I might be drinking way too much coffee. So, the only thing I suppose is that the WHOIS procedure implementation advisory group, we have been working on a document, we're discussing a few different options which staff

kindly drafted, and I think we'll probably have a call next week. So there's a bit of movement on that, which makes a nice change since it had been parked for so long. Thanks.

KEITH DRAZEK:

Great. Thanks very much, Michele. That's great news. And obviously, as you said, that's one that's been sort of pending for quite a while, so it'll be great to have some movement on that. Thanks for this update. Much appreciated. Sebastien, over to you.

SEBASTIEN DUCOS:

Hi. I had a comment not so much on this but on the related work of prioritization that we've been conducting for the past eight months, and wanted to come with a suggestion for the council and staff to see if we can't come out of this impasse of being, again, after eight months still in a position of not having been able to prioritize that future work, and yet as per the next item in our agenda, agreeing to start some of that work, the IDN work that we're suggesting to launch was priority F as I checked it, and as our documentation back in February had listed it.

I'll try to make this as short as possible, but from my point of view, I think that we are, as a council, tasked with ordering work that has a lot of moving pieces, a lot of dependencies, a lot of complexity, and frankly, from myself and a few other councilors I've shared this with, I feel that it's going vastly above my head, that I may know a few of those items intimately enough to judge but not the full scope of it, and I'm finding it very difficult to have an

opinion as to where these things or how these things should be listed. And I think I'm not the only one here.

And my suggestion would be, if possible, without removing from council both the responsibility to prioritize that work, and certainly not the responsibility to oversee the development work, but ask staff to maybe propose one or two, three maybe, solutions to this prioritization work that they see both as feasible in terms of resources, financial and staff, in terms of urgency of the work, in terms of dependencies, so work that depends on another needs to be deprioritized and so on and so forth, and give us a much simplified version of this conundrum that we've been fighting with over the last eight months, and then for us to then in return agree to have a simple vote on solution A, B or C, whatever the amount of possible solutions should be. Obviously, the solution should take into account whatever input we were able to give in January, February and March after [seeing what] our constituency, after having a first stab of it during our seminar. Obviously, it should include the [IDN] work that we're about to prioritize de facto right now, and then sort of hammer this down and get it closed.

I feel not only responsible and bad for the fact that we haven't been able to complete that prioritization early in this, I feel that also it may reflect badly on the council. An organization that doesn't seem to know what it's doing for the year by August doesn't look fantastic. Thank you.

KEITH DRAZEK:

Okay. Thanks, Sebastien. I think any suggestion that will help us streamline our consideration of future work is welcome. So I would

maybe in a moment—I'll go to Philippe next, but maybe I'll turn to Steve, our staff colleague, to maybe give a little bit of a reaction if he's got one. But thank you for that. Philippe, you're up.

PHILIPPE FOUQUARTT: Thank you. Just to follow up on what Sebastien just said, and to which I subscribe to a large extent, my understanding was that the exercise that we did during and after our seminar in January was actually fed into the radar and that was the result. But it was probably not as complete as we would have expected, and there's certainly a need to—and I think I've read that in Berry's e-mail recently, that the idea was to sort of merge those two tables and possibly help prioritize the work. But just to agree with Sebastien that if we could have some help from staff on this or several options as to what that prioritization can look like, it would certainly be helpful. Thank you.

KEITH DRAZEK: Thanks, Philippe. Rafik, over to you.

RAFIK DAMMAK: Thanks, Keith, and also Sebastien for the comments. I want maybe to ask him if he can give more details or being more specific of what is expected in terms of information, because I think what was attempted or done in several iteration is to give what's possible to be given as information, like about the dependency and so on. But even if we're trying to do a planning, there is some uncertainty and thing that we cannot find out at that time.

Coming from my professional background, I'm always cautious about this idea that we can plan everything in detail beforehand. There's always that part of uncertainty that we have to manage and to be ready for. So that's why usually we should think about in terms of buffers and etc.

So I would ask if maybe Sebastien has some specific [points] he wants to get as information, because I think in terms of prioritization, we know that of course, in the coming month, maybe we'll get more details based on the progress of other ongoing work, and so we can—as was discussed previously, we'll update the document we have and the workplan and add that information. Just I want really to get more specifics. I think I understand the concerns of the request, but to be effective, maybe just to pinpoint what this may be missing so that it will be helpful maybe for staff to respond accordingly.

KEITH DRAZEK:

Thanks, Rafik. Sebastien, I'll get to you in a second, but I just wanted to sort of reinforce, I think, the view that when we had our meeting in January at the strategic planning session, there was a recognition that we were limited in our ability to initiate any new work because of the amount of work that was already underway.

Then we had a couple of project change requests submitted that extended deadlines for a couple of PDPs, and that had further impact and knock-on effect in terms of delaying our ability to initiate new work.

Now that the EPDP team has wrapped up its phase two work, I think we're starting to see any opportunity to initiate new work, but there's a tremendous amount of work that needs to be done around the EPDP phase one recommendation 21 items that I think are going to take priority. So I just want to note that we were limited in our ability as a council to initiate new work. That doesn't mean that we couldn't be further along in terms of our discussions and deliberations around prioritization, but I do think the work that staff have done over the last several months has moved us greatly forward in our ability to understand the dependencies that you mentioned and to actually be able to start making some decisions. And I hope that that's what we'll be able to do here in short order.

So Sebastien, I'll go to you, and then I'll turn to Steve and Berry if they'd like to say anything. Thanks.

SEBASTIEN DUCOS:

Yeah. Hi. Please don't misunderstand me. This is not a criticism of either our capacity to load ourselves with more work, etc. I think we're being realistic. The concern is almost one of optics. Again, we set ourselves with a mission to set priorities. And I understand that the COVID being only one of the factors, but many factors happened, having to move our calendar and our agendas. So no, Rafik, I'm not asking for things detailed to the minute.

I just want to be able to say we closed this chapter, we've prioritized it, we've done it. And one of the ways I believe would help is then to have staff—and I'm looking particularly at you, Berry and Steve, because I believe that you're the ones that are

the closest to this whole work. And thank you very much for your input and your work all these months for us. [It does clarify.]

And then maybe the line is as simple as, as Keith was saying, we will not be able to do anything else this year than add the IDNs and the work on recommendation 27, and that's fact. But at least, we would then be able to say we have completed that work of priority, and again, don't look optically like a group of people that seem to be chasing [their goal.] I know we're not, I know that we're doing work, I know that we're implicitly prioritizing, but yet I think we haven't closed that chapter. That's all I'm trying to achieve. Thank you.

KEITH DRAZEK:

Thank you, Sebastien. And I welcome a suggestion or proposed options for consideration by the council. I think that's a good suggestion. I'm going to turn to Steve and/or Berry. Steve, I'm going to hand it to you first, and then Maxim, I'll come back to you.

STEVE CHAN:

Thanks, Keith. And sure, I'll kick it off, and if Berry wants to add anything, that would be great. So, you're right, I don't think we're finished. I think we view the tools that have been developed so far as a start, and I expect we'll see them evolve as we get better at understanding the work that's underway and the work that's planned out. So to that extent, if we want to call this done for now, we could do that, to try to put a bow on top. But in our minds from the staff side, we see it as an evolution in getting better at identifying the work that is coming up in the pipeline, essentially.

So that's the work that Berry primarily spearheaded, is cataloging all the work that the council has in front of it and try to make sure we understand the discrete parts of it. And it might actually be more appropriate to think of it, as opposed to prioritizing, more about a logical sequencing of the work.

So as part of that, you might actually have carved out discrete parts of the work which may be involving the GDD team where they're doing analysis on a policy, or for the IDNs as a good example where the operational track gets carved out now and then the policy work starts later.

So the idea, the [inaudible] of the work is, one, to make sure that we have a full understanding of all the work that the council has ahead of it, but then also to try to understand the proximate size of these efforts so that we can have a roadmap for the foreseeable future. I'll just click over real fast to the action decision radar.

This is intended to be that radar, I think, that Sebastien is talking about. It is not going to be perfect. I think what we expect is that these will be snapshots, and as the priorities of the council change, as capacity of the council and the community change, this will be adjusted to be current with the times. So for August, this is what it looks like, and the intention is that this radar provides the council and the greater community with a sense of what is coming up in the next few months.

And what this has done is made the actual council meeting planning quite a bit easier because for us and for the community and the council, you now have a much better sense of what's

coming in zero to one month, one to three months, and then also further out.

So hopefully, that helped. These are tools that are in process and we hope to keep making them better and better. To I think James's comment earlier in the chat, we hope to try to build better the capacity understandings as well, because that's not fully captured at this point. Thanks.

KEITH DRAZEK: Thank you very much, Steve. Much appreciated. Berry, do you want to add anything before I turn to Maxim? And then we probably need to move on.

BERRY COBB: I'm all good. Thank you.

KEITH DRAZEK: Okay. Thanks, Berry. Maxim, you have the last word on this one before we move on.

MAXIM ALZOBA: I think here we see the, I'd say, tasks sorted by urgency. Yes, but to speak about prioritization from the project management point of view, if you have five tasks with the same priority, most probably, you haven't prioritized well. I'm not sure we're able to say that this task is priority one, this task is priority two, etc. And I agree with the approach that things which might kill us if not taken care of should have the highest priority of all.

But it would be nice to have a few [inaudible] tasks which will kill us in a year if not taken care of or maybe—so we can understand in the end, if we reached our capacity limit, what to postpone or what to defer. Thanks.

KEITH DRAZEK:

Thank you, Maxim. And I think Berry has typed in the chat that the last column is the first cut at sort of the sizing, and I think you're right about trying to allocate or identify sort of priority buckets or urgency buckets in terms of risk. So, thanks for this input.

Okay, I think we need to move on. I guess we're going next to action items list. So let's run through this fairly quickly. The CCWG accountability Work Stream 2 next steps. We have a council action for a small team to gather to deliberate on the Work Stream 2 implementation assessment report. Just curious if anybody has an update for us on this particular effort around Work Stream 2 implementation.

Would any of the participants in the small team, Juan Manuel, James, Tatiana, Tom have any updates on this? I know I'm listed there as well, but I'm just wondering if any other conversations have taken place. Okay. I'm not seeing any hands, so I think the action then is to schedule a conversation of our small team before the next council meeting to have further discussion on this particular point. So I guess we've got an action there under "staff to schedule the meeting," so let's make sure that we get that done before the next council meeting.

Okay, next item is the RDS program management, and on this one, we have council small team, including council leadership, support staff and interested council members—we've got the list there—to develop a consolidated approach to address the remaining EPDP priority 2 topics. That's on our agenda for this week, for today's meeting, so we'll talk about that separately in a little bit. And let's scroll down.

Okay, and Michele mentioned the WHOIS procedure implementation advisory group I think earlier today, if I'm not mistaken. So we've got some action taking place on that one as well. And next was the independent review process, the IRP standing panel. We're talking about that a little bit later during our meeting as well.

Next item, we've got the managing IDN variant TLD. This is the work that we're going to initiate looking ahead for the IDN policy work. And then evolution of the multi-stakeholder model of governance, we have an action item for the GNSO council to organize a community sharing session about PDP 3.0 implementation. This is the webinar that we discussed that we now have scheduled. And if I could ask Nathalie to remind me about the date for our proposed webinar. I know that we discussed it and I think settled on a date, but if you could just remind me, either in chat or speak up, that would be great.

Ariel has just typed in the chat 15th September, and information will be sent out shortly. Thank you, Ariel. Thanks, Nathalie. Okay, and then under IGO, we have the GNSO council to issue a call for volunteers and expressions of interest for the chair for the RPM IGO curative rights track at the September 2020 meeting, so that'll

be on the agenda to initiate that work. And then at some point, we're going to have a discussion about next steps on the topic of DNS abuse that has been obviously talked about in the ICANN community now for probably 18 months or two years to try to figure out if there's a necessary action or something that the GNSO needs to consider. And of course, we would reach out to the ccNSO at any appropriate time to consider the policy impacts of the broader community.

Okay, and I think that gets us pretty much wrapped up. Any other topics? All right. Steve, let's move back to the full agenda and we will move to our substantive discussions now. We're going to do the consent agenda first.

So item number three under our consent agenda, if I could ask Nathalie to take us through this.

NATHALIE PEREGRINE: Keith, would you like to read the items of the consent agenda before starting the vote?

KEITH DRAZEK: I will, and I did cover them in brief but I will actually read them verbatim before we actually have the vote. So, consent agenda number 3.1 is an action decision radar decision, confirm that council supports initiation of the IDN Operational Track 1, as recommended by the IDN Scoping Team, that shall focus on the IDN Implementation Guidelines 4.0, which the Council anticipates will be worked on primarily between ICANN org and Contracted Parties, but should allow observers.

Consent agenda item 3.2 is Action Decision Radar decision-to agree on next steps, with an example, i.e., for the EPDP-Phase 1 IRT to prepare draft revisions to the affected policies and publish for public comment for terminology updates as described in the EPDP Phase 1 Recommendation 27: Registration Data Policy Impacts report and possible actions as described in the possible next steps EPDP P1 Wave 1 Rec 27. In the course of making updates to impacted consensus policies, the EPDP-Phase 1 IRT is instructed to promptly advise the GNSO Council if possible policy changes are required.

And then 3.3 is to approve the request for an extension of timeline for the issue report on the transfer policy effort. And I see John has his hand up. John, go ahead.

JOHN MCELWAINE: Thank you, Keith. I'm sorry to be dense here. I still don't understand what the consent agenda item 3.2 is.

KEITH DRAZEK: Thanks, John. I can take a crack at it, and if anybody else would like to jump in, feel free. Essentially, in the wave 1 report, data policy impacts report, there was a subset of items from that Recommendation 27 that were essentially just updating terminology so there would be consistency across consensus policies in terms of the use of the terminology. So these are a subset—you might consider it the low hanging fruit of items that we can start to address that don't have substantive policy impacts. It's simply a matter of making sure the terminology in existing

consensus policies is updated to reflect the new terminology that came out of the EPDP phase one. And I hope that was fully accurate, and if Steve or anybody else would like to jump in, clarify anything I've said or further explain that, that would be welcome.

I'm not seeing any hands. Not sure, Steve, if you have yours up or not. Caitlin, go ahead. Thank you very much.

CAITLIN TUBERGEN: Thanks, Keith. What you said is correct. I just wanted to note that in short, the proposed process here would be that ICANN Org staff in conjunction with the EPDP phase one IRT would be redlining the identified policies in the recommendation 27 report where such changes would only be identified as minor changes such as what Keith mentioned in the terminology updates.

The redline policies would then be shared by IRT for their comments and would also be made available for public comment. And also, just to note that in the course of redlining, if staff identified policy conflicts or any changes that are not considered minor, then these items would be sent to the council for further discussion and would not be applied as updates to the policy. So in other words, anything that is not identified as a minor change would not be included in this process. Thank you.

KEITH DRAZEK: Thanks very much, Caitlin. So John, does that adequately respond to your question? Okay, John has said in chat it now makes sense, yes. So thanks very much, and thanks for the

clarifying question. It's important that we all understand what we're voting for, clearly. So, thanks very much for that.

So, I think now that the consent agenda items have been read into the record, I will hand it back over to you, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you very much, Keith. We'll be doing a voice vote for the consent agenda items. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Please say aye. Hearing none, would all those in favor of the motion please say aye?

UNIDENTIFIED MALE: Aye.

UNIDENTIFIED MALE: Aye.

UNIDENTIFIED FEMALE: Aye.

UNIDENTIFIED MALE: Aye.

NATHALIE PEREGRINE: Thank you very much. James Gannon, proxy for Elsa Saade, please say aye.

JAMES GANNON: Aye.

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

KEITH DRAZEK: Thank you very much, Nathalie, and thanks all for that. We will now move to item four on our council agenda for today, which is a council discussion on the EPDP phase two final report next steps. And again, just to remind everybody, as I said at the top of the call, we're not here to discuss the substance of the final report because we are still awaiting the delivery of a couple of the minority statements from participating groups in the EPDP, so it would be inappropriate, I think, at this point for us to talk in much detail about the report itself. Rather, what we're talking about here today is the plan looking ahead for how council will and should consider the report once we actually get into our deliberations and move to a vote in September. With that, I'm going to hand this over to Rafik as the council liaison to the EPDP phase two work as well as, I guess, the last chair. So Rafik, over to you. Thank you so much.

RAFIK DAMMAK: Thanks, Keith. I hope to be the last one. Next slide, please. Okay, so the outline for the presentation today, a quick status update and then just quickly going through the final report just to give

highlights, then going through the timeline [and] next steps, and also the [council consideration of the] report. Next slide, please.

Here, just sharing some reminder, nothing really new here, is that the EPDP submitted its final report by the deadline that was set, which is the 31st of July. It was not easy, that I can say. But we did it, and we made it by the deadline as we asked for the extension in June.

However, the situation is that even when we set the deadline for the EPDP team, for all the groups to submit their minority statement and we offered that opportunity to all the groups to submit their statement so they can express any concern or they can elaborate their position regarding some recommendation, so we got a request from several groups to submit after the publication of the final report, and that request was granted.

So the deadline for submission is the 24th of this month, so we are just a few days away from the deadline. So we are expecting to receive a minority statement from the GAC and SSAC and we will have an updated version of the final report. That just concerns Annex E which is for the minority statements. Next slide, please.

This is just to give an idea about the outline or the structure of the report so you can see which are kind of the substantive parts, or you can find more details. So we have the executive summary, just to go quickly through the report content. There is also the section regarding the EPDP team approach to give an overview of the working methods for priority 2 and priority 1, also to explain how the legal committee functions and so on. I think this is important just to explain how the EPDP team proceeded and tried

to cover the different topics and to explain in particular how we did to try to compress our timeline and to deliver quickly. So I advise everyone to review that just to get an idea of how things were done.

I think the most important part is the EPDP team recommendations. Those recommendations also include implementation guidance for the system for standardized access and disclosure of nonpublic registration data. That's the SSAD. And also addressing some of the priority two items that EPDP team could agree on policy recommendation.

The last part is the annex. You can find all information about the membership, attendance, the consensus designation, minority statement, the community input, and so on. Next slide, please.

This is just the list of the policy recommendation. So we have from 1 to 18, those are the recommendations concerning the SSAD, and those from 19 to 22 are the priority 2 items that we have recommendation on. So I'm not going here into details. We have another opportunity to really go above the substance and more explanation about the policy recommendation and to what it was proposed by the EPDP team. Next slide, please.

Okay, so I think you received a communication from Keith this week including a link to a working document where the council leadership with the staff tried to go through the different options in how to vote on the final report in the policy recommendation based on what we have in terms of procedure from the GNSO operating procedure. So there was option going from just voting for the whole package or trying maybe to itemize based in

recommendation for SSAD or the priority two, but as you can see in the document and the list of pros and cons, it's clear that because of interdependency and that what was stated by the EPDP team itself, because that interdependency, it will be really hard or not feasible to itemize for the recommendation for the SSAD.

So what the council leadership recommend here for the council's consideration is that we consider SSAD recommendation as one package and those are recommendation 1 to 18, and consider priority 2 recommendation as a separate package. And rationale here is that first, it aligns with EPDP [team] recommendation to consider the SSAD recommendation are interdependent, so it's one package, and also to allow for potential fast tracking by the ICANN board of priority 2 since several of them are related to implementation phase one recommendations.

Just as a reminder, some of them were remainder of phase one, so this is important to kind of speed up for those priority 2 items so we can pass to phase one IRT as soon as possible. Also, all priority 2 recommendations have a consensus or full consensus designation, while in SSAD we have some of the recommendation going from full consensus, consensus to strong support and even divergence, so that's why the consideration should be different. Next slide, please.

This is the proposed timeline for the council consideration. First, as you can see, we received the report on the 31st of July. Today is just the first opportunity for the council to have initial exchange to discuss the approach [inaudible]

KEITH DRAZEK: Excuse me. I'm sorry to interrupt, Rafik. I lost your audio.

RAFIK DAMMAK: [inaudible] final report to include all the minority statement extension—hello, can you hear me now?

KEITH DRAZEK: Yeah, that's better. Thank you. Just probably start over with the timeline. Thank you.

RAFIK DAMMAK: Okay. Sorry. So for this slide, you mean. Let me go quickly through that. First, we have again the delivery of the report was the 31st. Today's call is the first opportunity for the council to discuss the approach and the timing for the consideration of the final report, so this is our first opportunity to discuss the final report. As a reminder, the 24th, we should receive an updated or revised version of the final report to include the late submitted minority statement. And to go into substance of the final report and the recommendation, we are scheduling a council webinar to do the deep diving, and we're scheduling that for the 4th of September.

So after that, since we discussed the process also to having enough time to review the report and the minority statement in particular, our [inaudible] meeting in September to consider the adoption of the final report, and if necessary, maybe it can be

postponed to the 21st of October, which will be the AGM. But our target is for the council meeting in September to have that consideration regarding the adoption or the vote of approval of the final report.

During all this time, we are expecting all SGs and Cs to have their internal discussion to review the report. I understood that they have already their representative to the EPDP team, so we want that by the time of our meeting in September, so we should be ready for the consideration. Next slide, please.

Okay, so this is just something I think you are familiar with, the timeline for the EPDP phase two. What we can see here is the next steps after the final report. So what we have is the GNSO council consideration, so then after the adoption is to send to the board for consideration. Also, there should be then, if we approve the recommendation [inaudible] we have a public comment for board consideration. So this is just to explain what are the next steps, usually after the adoption of the final report for PDP. Okay, Next slide, please.

And I think, if I'm not mistaken, that's it in terms of presentation. So maybe just before going to the Q&A, I saw there are some comments. Maybe I can try to respond to them quickly. I think in terms of minority statement, all the groups submitted or are going to submit, except I think ISPCP, I think they chose to not submit any minority statement.

[inaudible]. I guess we can go to the queue.

KEITH DRAZEK:

Thank you, Rafik. I'm happy to manage the queue. I don't see any hands up right now. If anybody would like to get in queue to discuss the proposed plan, ask any questions, provide any feedback, now is the time to do it in terms of next steps and process. Michele, I'll get to you next. I just wanted to speak up and reinforce a couple of things that Rafik said.

One is, if we can go back up o the options slide, please, and then we'll come back down to the timeline slide in a minute. So the proposal that the council leadership has put forward, as Rafik noted, is to consider essentially the recommendations in two packages. One is 1 through 18 related to the SSAD, and the other are the priority 2 recommendations, recommendations 19 through 22.

The rationale for this, there's a couple of reasons. One is that clearly, there are two separate categories, and without presupposing the outcome of the recommendation first package on SSAD, 1 through 18, there's implementation impact for the phase one work on these priority 2 issues recommendations 19 through 22. And I know Rafik went through this, but I just wanted to reinforce it, that the phase one IRT is underway, it's doing its work, and these additional recommendations that came out of phase two because they were deferred in large part from phase one are still very important to the implementation of phase one.

So I think the idea here is that we want to make sure that we can advance those priority 2 recommendations even in the event the SSAD recommendations did not receive support. And it would also allow the ICANN board in its consideration to take action separately and more quickly to better inform the work of the phase

one IRT. So I just wanted to reinforce that that's part of the rationale, and I see Rafik has his hand up, maybe to respond to what I've said, but I wanted to make sure that that was clear.

And then down to the timeline, if we can recognize that we the council received this report in its basically final form, minus a couple of minority statements or statements from parts of the community, at the end of July and we're looking to have a vote on the 24th of September. So that is quite some time for our stakeholder groups and constituencies to review the report, to understand the report, the recommendations and to come to a decision. I'm hoping that we don't have to defer the vote from September to October. I think as we all know, annual global meetings are very busy. It'll be even more complicated due to the remote and virtual nature of our meetings. So I'm just putting it out there that I really hope that we can conduct our work as a council and through our stakeholder groups and constituencies in a timely manner and we will have the webinar scheduled for early September that will do the deep dive on any substantive discussions. And just a final reminder that as council, our job is to manage the process, and as we consider the final report delivered from phase two, we really should be basically voting to certify that the process was followed and to not relitigate the substance of the discussions that took place in the EPDP working group itself.

And with that, I will turn to Michele. And Rafik, if you wanted to get in, I'm happy to hand it back to you as well. But Michele, go ahead. Thank you.

MICHELE NEYLON: Thanks, Keith. I think Rafik might want to respond to you, so I'll let him go first.

RAFIK DAMMAK: Thanks, Michele. I was not really going to respond to Keith's comment, it was just one of the comments in the Zoom chat. But I can do that later. So please go ahead. Sorry.

MICHELE NEYLON: There I was, trying to be helpful, Rafik. Thanks. Okay, so a couple of things. First off, for the umpteenth time, I think we should be conscious and appreciative of the insane volume of work that the people involved with the EPDP effort have put in over the last century—or sorry, 18 months, but feels like a century. So I think that's something that needs to be repeated. And that also includes, obviously, all of the ICANN staff who also spend as much time as other participants, if not significantly longer, involved in this.

To Keith's points about the underlying proposal there, I think this is key here, that we as council are not makers of policy, we're managers of a policy process. We entered into this process about 18 months ago in good faith and we have followed that through. So, that's what we need to be voting on now.

Having said that—and this is just speaking in my own personal capacity—I am very disappointed, frustrated, and in some respects, quite angry by some of the minority statements from some parties. I just find it absolutely ridiculous that they would try to completely undermine the entire process because they did not

get certain things. The entire point behind the multi-stakeholder model is that it is a series of compromises, and not getting everything that you want is a feature, not a bug.

And if certain parties are going to try to blow up this thing at this juncture, then I don't understand what incentive those of us as contracted parties that never asked for certain things that other people did ask for, what incentive we have to actually support that and to support the ridiculous amount of money that will be involved in implementing them. But that's just my own personal opinion. Thank you.

KEITH DRAZEK:

Thank you, Michele. Pam, you're next.

PAM LITTLE.

Thank you, Keith. Michele said what I wanted to say, and I completely agree and support what he just said. But I just want to add to the amount of work, the complexity of the topics, and just to say how grateful I personally am, and the Registrar Stakeholder Group as well.

I just want to give a big shoutout to Rafik who actually has been the council's liaison as well as the vice chair of this working group for the last two years. That is really a heavy lift, even just as liaison. I believe Rafik attended most of the EPDP meetings, and those meetings usually took place quite late where he was, Tokyo time, and then he also stepped in as interim chair from time to time, including the last month of the EPDP phase two when Janis was no longer available.

So, thank you, Rafik. We really appreciate all the effort, the time that you've put in helping us to get this far. Thank you very much. And I'm sure other councilors will agree with me that it is really a tremendous amount of work on the part of Rafik. And Rafik also posted a blog post on ICANN website on EPDP phase two final report, and I'll post in the chat so you can have a read. And of course, thanks to staff for the tremendous amount of work, and Janis. Thank you all. Thanks.

KEITH DRAZEK:

Thank you, Pam. Yeah, absolutely agree, 100%. That was perfectly said. And I'll also just add that in addition to the work in the EPDP team that Pam just described, Rafik has, all year,—and multiple years—been a really important part of the GNSO council leadership team and there's a lot of time and effort that goes into that in the background. So sort of double duty there for Rafik, and very much appreciated.

Rafik, with that, I think you wanted to respond to a question from earlier that was in chat, so I'll hand it over to you.

RAFIK DAMMAK:

Thanks, Keith, and thanks to Pam for those kind words. I wanted to respond, because I saw some discussion about the minority statement, and I think a lot of points were made about that. Indeed, what the working group guidelines and operating procedures are saying about minority statement is quite specific and particular, it's for when we have some recommendation or like there is divergence.

But I do believe, kind of in the last years in terms of practice, and also in particular for the EPDP, we wanted to give the opportunity to all the groups to express or to share their position or where they can elaborate about different recommendation or about the final report, because in one way, it's to avoid that we have disagreement in the report content itself. Sometimes not related to the recommendation, but explanation how we did the deliberation and so on.

So it's really to just—we kind of leverage what we have as existing provision in the working group guidelines to let the different groups—in particular, now we have this representation model to express their view and kind of attach that to the report.

But as also Marika mentioned, it's something maybe we need to discuss in future for the council in terms of whatever process we want to do for the continuous improvement for PDP, but maybe to think here to add more clarification to the working group guidelines or even separate guidelines on how or what and why and when a minority statement can or should be submitted and so on, to give maybe that framework or clear guidelines or guidance about minority statement. But for the time being, I think it's fine, it just also helped the GNSO council to understand the different position, and for some groups, it seemed really quite important to submit. So that's why we tried to accommodate and respond to that. I hope that's clear.

KEITH DRAZEK:

Thank you very much, Rafik. That's very helpful. So I think with that, unless there are any other questions or comments, we can

move on. I don't see any other hands raised. Let's move then to the next item on our agenda, which is a council discussion on next steps for some of the phase two priority 2 issues.

And I just want to note here that—and this is sort of a pivot from one to the next, but we all know that during the EPDP phase two work on the SSAD, there were these additional priority 2 issues that were deemed not essential or not on the critical path for the development of the SSAD recommendations but that were still important to parts of the community. So the discussion on next steps for how we as the GNSO council will address some of these additional issues and additional questions is the subject of this. So they are a bit related. So Rafik, I'm going to hand this back over to you to introduce, and then we can have some further discussion. But this is a proposal that I believe came from our small group and has now a proposal to share. So Rafik. Thank you.

RAFIK DAMMAK:

Thanks, Keith. With regards to the proposed next steps for priority 2 items, as you recall, there was before a proposal for framework that was shared with the GNSO council in June meeting, and as a follow-up, we had an action item to set up a small team of councilors to work on that proposal and to make suggestion or recommendation to the council in how we should proceed as next steps for the priority 2 items that were not covered or had recommendation from the EPDP team, because they were considered not as in the critical path for the SSAD report, but also for the accuracy as there was the GNSO council guidance to the EPDP team that we should [—which we'll]consider how to deal with that topic.

In terms of proposal, what the small team worked on is to try to address the expected remaining priority 2 issues. We have first the legal versus natural person, then the feasibility of unique contacts to have uniform anonymized e-mail address, and the last is the accuracy and WHOIS accuracy reporting system.

So to address that, first we agreed on some of the objectives to guide our proposal in the small team. First is to ensure the efficient use of people's time and resources, ensuring that due consideration is given to topics that many groups consider important while at the same time creating acceptance that maybe it's not always possible to achieve consensus and to have the deliberation going for too long.

Also, it was made clear that we have to ensure or to be aligned with the GNSO PDP manual and the bylaw requirements, so there was emphasis in terms of process and procedure. And last is that we expect oversight from the GNSO council and it's quite essential here to ensure that we get what we are asking for.

So in terms of the proposed approach here, we separated in two track, so we have one track for the legal versus natural, the feasibility of unique contacts, and since those two topics are in the charter of the EPDP team, our recommendation here, since the EPDP team has not completed consideration of all topics, is to reconvene the EPDP team, but first, we need to reconfirm the membership, so [let's communicate] with different groups to ask them to do so. And when we reconvene the EPDP team, we are asking them quite specific requests here, is first to review the studies that were provided by ICANN Org but they came quite late in the process, and also to use the legal guidance provided by

Bird & Bird and all what we received as input during the public comment for the addendum.

That's for the legal versus natural. For the feasibility of unique contacts, also the EPDP team is expected to review the legal guidance and consider a specific proposal. So what we are asking here is we are not setting a specific outcome for the EPDP team or directing them on what they should deliver, but we are setting a clear expectation in terms of timeline. So we will have a strict timeframe by when the EPDP team should come back or report back to the GNSO council with regards to the status of the deliberation, and then the GNSO council can consider next steps. In the case of the EPDP team come back with policy recommendation, there is expectation here just to go through the usual process of public comments and so on.

So that's for the first track. The second track is regarding the accuracy, and so for that, the recommendation is to have a scoping team to use all the input and to work on proposing the next steps for the accuracy issue. So we are expecting here this scoping team to use all the existing input or correspondence to help it for its deliberation and also, if needed, to consider maybe to reach out to the ICANN Org to understand about the impacts and so on.

So the question here is for the council to consider the best timing of when to form the scoping team and also if we are to include other groups who are interested by this topic. So we have, again, those two tracks. However, we have kind of open question or two items that we could not reach full agreement within the small team, and I think this is for the GNSO council to consider.

The first is about the timing or when we should reconvene the EPDP team. So, there's some suggestion to do in September, or other proposal is to wait for the approval or the vote on the final report before reconvening the EPDP team.

The other open question is regarding the leadership to identify the chair and the liaison in particular for the EPDP team. So for example, for the appointment of the chair, that will be for the GNSO council to initiate that process in terms of call for volunteers and selection and so on. So this is the kind of high-level explanation about what is the proposal in terms of next steps and also the open question to get GNSO council input or feedback.

KEITH DRAZEK:

Thank you very much, Rafik. Thanks for the introduction and also for your work working with the small team. Thanks to the members of the small team who contributed to this. So now we have an opportunity for some Q&A and council discussion of the proposed path forward on these priority 2 issues that were remainder from both EPDP phase one and phase two in some cases. So James, I see your hand. Thank you.

JAMES GANNON:

Thanks, Keith. I appreciate the work done by the small team, I think in particular the proposed approach for accuracy is pretty well thought out. Coming back though to the first two outstanding topics for the existing EPDP, I agree that, yes, probably the most practical option is to reconvene the existing team. However, we will need to take into account on what the existing team will look

like after the swaps that will likely be done by a number of areas of the community. A number of the current EPDP members I know for a fact are quite burned out. The timeline to date has been aggressive enough. And being very honest, my personal opinion is that now asking them again to come back in September for another potentially coupled of months of, again, intense work, I think is beyond what we really should be doing as good policy managers at the council level.

I personally like the proposal to wait until after the vote has taken place and the board has [inaudible] its analysis. I think that gives some natural resting time. It would also give us time to find a potential chair, whether that comes from a council liaison or from independent third party, but just on a practical level, three to four weeks out from now, we're burning our people out and I don't think it's the right thing to do as policy managers, and I don't think it will bring us to where we need to be to get what is left on the EPDP.

KEITH DRAZEK:

Okay. Thank you very much, James. Any other discussion, any other comments? Marie, go ahead. Thank you.

MARIE PATTULLO:

Thanks, Keith. Partly a response to James, and I very much appreciate your perspective, James. However, we have also spoken with quite a few members of the team, all of whom deserve, as I always say, massive kudos, medals, and some of those members, the members with whom I've spoken, do want to

continue. It's their choice. We're not forcing them into doing this. And we have, as a small team, as you know, said that if they need to be replaced, if there need to be changes, then of course, so there should be. It has to be up to the members, the people that they represent, because we have the representative way of populating this group, unlike most [of what we do.]

So from my perspective, I understand what you're saying but I respectfully disagree. I think it should be left to the members themselves to decide. To me, it is vitally important that we get this work done. I don't think we should be pushing into after ICANN 69, into the beginning of next year. I really think this needs to be dealt with as soon as possible. Thanks.

KEITH DRAZEK: Thanks, Marie. Next up is Maxim, then Tatiana, then Michele.

MAXIM ALZOBA: I think it's not a good idea to expect that the pace of work is going to be the same. Speaking about momentum, momentum is about movement, and if the situation is a deadlock where some parties want one thing, other parties want another thing, not willing to compromise, there is no momentum. It's zero movement. So it doesn't matter how many meetings per week you have, but it will not change the situation.

So I suggest if for some reason this EPDP revived to some kind of zombie state, there are some reasonable amount of meetings. Because when situation doesn't change, it doesn't matter how many meetings per week you have. Thanks.

KEITH DRAZEK: Okay. Thank you, Maxim. We have Tatiana, then Michele, then I'll put myself in the queue briefly. Tatiana.

TATIANA TROPINA: Thank you very much. First of all, it's no surprise that I'm supporting James's point of view. We're from the same stakeholder group. But what I also want to say about this reconvening, I do believe that we have to wait for the approval of the report, because if there is any chance that we are in any kind of deadlock or this report is not approved, or somebody is not happy strongly and strongly against this approval, we really have to see where it goes. I do believe that EPDP team should reconvene if the report is successfully approved. I really think so, because otherwise, what the point of reconvening it if we're running into some kind of wall?

And yeah, I know that maybe some people are keen to rejoin, but then again, if they're keen, maybe—I believe that many of them do need a break. It's just too soon. It was a huge amount of work for the last two years, and I do believe that people need some time to breathe, and with all the disagreements that were there, I do believe that this should be stopped for a while and reconvened, not in a few weeks' time but in a bit longer time. I do not believe that it really doesn't matter, additional two or three weeks for people to get some rest. Thank you. I mean, it doesn't matter in terms of reaching agreement finally, but it's a huge amount of time for people to really take rest and decide if they want to rejoin. Thank you.

KEITH DRAZEK:

Thanks, Tatiana. Let me just note that obviously, we're spending quite a bit of time here talking about timing. At the end of the day, we're going to need to find a compromise to figure out the right balance between the urgency of the issue and the burnout that members of our community have faced. I don't think anybody is suggesting that the entire group should be turned over but that there will be people who want to continue and some who will want to step aside, and there will be time required to go through that process within our groups. And then the question of finding a chair.

So it could be that the council work begins sooner, or the work in our stakeholder groups and constituencies begins sooner, but that there's a date selected at some point that provides a bit of a breather, if you will, and gives our groups and our community the opportunity to sort of restock.

So I just want to point out that we can talk about timing, but I really would like to get some feedback from the council about the small team's recommendation before us in terms of the structure, the process and the approach, and not focus only on the timing. Thanks. Michele, you're next.

MICHELE NEYLON:

Thanks, Keith. There's a quote that springs to mind. And I know it's been misattributed to Einstein or various other people, and I don't really care who actually said it, but I still think it's valid.

Insanity is doing the same thing over and over again and expecting different results.

And this, I think, is the fundamental issue with some of these things. A statement of fact. Some of these supposedly urgent issues have supposedly been urgent for years, yet they're never resolved because the parties who engage in any PDP or EPDP or any other variant on that, there is not a willingness to compromise. There is very much a case of viewing this as this is urgently needed to be resolved, where resolved equals what we ask for is what we get. And I don't honestly see how reconvening anything is actually going to solve this, because the impasses around some of these things have been impasses for as long as I have been following ICANN-related matters, which at this juncture I think is over 15 years. I do not see how there's suddenly going to be a moment of light, light will be seen and there will be sudden clarity and laws will be respected and everybody will actually be happy and there will be a wonderful karma. I just don't see that happening.

However, having said that, as a councilor representing the Registrar Stakeholder Group, we as a stakeholder group, I'm more than happy to go once more into the breach and to be the cannon fodder of yet another iteration on these kind of things. But I still personally think it's absolutely farcical that we have to do this.

KEITH DRAZEK:

Thank you, Michele. Rafik, then James, and then we probably need to wrap up, but if anybody has any feedback for us on this

proposal, this is something that we're looking ahead to, at some point, taking action on in the future.

RAFIK DAMMAK:

Thanks, Keith. I want to follow up your last comment. We really need the input and feedback from the council regarding the next steps. So just don't focus on the timeline or the timeframe, we can discuss that, but we want to be sure that what is proposed in terms of the action or how we will deal with those topics, is it okay, this will help to achieve what we are looking for? So we're looking for comment on this one.

And just maybe to go back a little bit to the question of the timeframe and so on, first, I think here, [inaudible] we are the process manager and so to think what are the kind of resourcing and also the good condition to ensure the success for either when we reconvene the EPDP or when we initiate the scoping team. So also for the council to prepare all the preparatory work that needs to be done like the call for volunteers or, for example, to appoint the chair and so on. We need to factor that in whatever timeline we'll tend to agree on.

But I just also want to highlight something that you can see in fact in the document that is shared, is that for example for the first track regarding the legal versus natural and anonymized e-mail, and to respond to the concerns for Michele, we really want to kind of change the dynamics compared to the previous deliberation is that we are expecting the group that expressed interest is to come up with concrete proposal. So it's kind of trying to move here away from maybe what we heard before, because we have now [this

study,] we have all kind of input, and we want them to come up with concrete proposal that can be used for the deliberation and try to move forward. And with that, I think that's something to have in mind when we are trying to set the timeline, so we are expecting—it's not just the council to do the preparatory work but also the different groups, including the GNSO SG and C to prepare for the appointment but also here in terms of substance to prepare a proposal. So all those factors should be in our mind when we discuss about the timeframe and agree when we will initiate all these activities.

KEITH DRAZEK: Thank you, Rafik. James, you're next.

JAMES GANNON: Thanks, Keith. Stepping back from any of the substantive discussion, trying to get back to the core of this, as an observation, I think this is the third meeting now that we've talked about this topic, and I think it's pretty clear that we don't have consensus within council on what way to move forward on this. I think it's probably time to accept that. And in terms of how we can try and craft this into something that will turn into an actual action, I'm not sure of the exact process, maybe yourself or somebody from staff can guide us on this. Do we have the option to take some indicative votes intersessionally between now and the September meeting on a number of options and see where we land on those? Because I think trying to take the diplomatic route, which I think is what we've been doing for essentially the last quarter, is not really moving us forward in any meaningful way to a

set of decisions. So really, my question is, is there a mechanism that we can use to gauge support for a number of different options, the now, soon, and later options for example? Or the other thing is then, when does this come to a council vote on the next step? Because I don't think we're going to come to a diplomatic consensus on this.

KEITH DRAZEK:

Thanks, James. I may turn to Marika or staff for any further comments in terms of process or procedure in our next steps, because I think there's a range of options. And again, I want to set aside for a moment the question of timing. Obviously, it's important and there's a range of views on that, and we may not be able to come to an easy consensus on timing, but I'm asking, like right now, I haven't heard any objection to the framework that we're talking about here in terms of the way that it's been set up and divided. So I want to be careful about jumping to a conclusion that we won't reach consensus on next steps or the path forward because we can't agree on timing.

So I'll just ask right now, is there anybody who has serious problems with this proposed approach that our small team of councilors has come up with and put forward? Because I haven't heard that yet. I understand there's concerns probably across the board, but this was a group that came together to propose a path forward, and I think it's a strong proposal, setting aside that question of timing.

Flip. Thank you.

FLIP PETILLION: Hi Keith. I just wanted to say that we haven't had an opportunity to discuss this with IPC. And I'm sure John and I will raise that with IPC.

KEITH DRAZEK: Okay. Thank you, Flip. Was that it?

FLIP PETILLION: Yes sir.

KEITH DRAZEK: Okay. I just wasn't sure if your mic cut out or not. But thank you for that. I completely understand that some of our stakeholder groups and constituencies will need some time to consider this before making a formal or official statement or designation of support or not. So this has been an opportunity for the council to discuss this, to answer any questions, but I just wanted to respond to James by saying that I think what we have here is a good proposal and path forward, while recognizing that the questions of timing—we have a divide on that right now. James, you have the last word. We'll move on after this.

JAMES GANNON: Thanks, Keith. And yeah, just agreeing what you're saying, that I think if we remove the timing elements, the framework works. Speaking for myself, I would support it, and I think broadly, the

NCSG would support it, caveating that with I haven't had a detailed discussion with the other councilors.

KEITH DRAZEK:

Thanks very much, James. So I think the action item here for all of us in our respective groups is to take this, have a conversation and come back prepared at our next council meeting to indicate your level of comfort with the proposed approach that our small team came up with. And I know there's been quite a bit of activity in the chat box as well. Actually, let me just pause. Marika, is there anything that you'd like to add before we move to our next agenda item?

MARIKA KONINGS:

Thanks, Keith. No, I think you said it very well, and just to emphasize I think that as well, the document was created in that way, it clearly lays out the separate questions in relation to timing and potential leadership, because those were similar issues that came up in the small team, and it seemed to be better to consider those separately as the indication seems to be that the general approach for how to deal with these remaining issues seems to be acceptable, but of course, when that would happen is an important question as well and there's not necessarily agreement yet there. But hopefully, that can be considered separately from at least broad agreement on how it would be approached when this would start. So nothing further to add. Thank you.

KEITH DRAZEK: Thanks very much, Marika. And yeah, so just the last point on this one is to reinforce that the council is going to have to do some work to plan for and prepare for what comes next, and the council can probably initiate that work relatively soon or in the near future, things like beginning the process to search for a chair, sending notes to the various groups saying, "Start thinking about who your membership composition might be before the work of the actual group is reinitiated." So I think there's some timing consideration there in terms of our ability as council to get the work started so it can begin in a reasonable period of time. John, I see your hand. Go ahead. Not hearing John at the moment. Maxim, go ahead, and then we'll come back to John if he's available.

MAXIM ALZOBA: Please note the text on the screen saying that after 24th September, if the motion is deferred, it's going to be after 21st October.

JOHN MCELWAINE: Can you hear me now?

KEITH DRAZEK: Yeah. Thanks, Maxim. That's a good point. And John, go ahead, we can hear you now.

JOHN MCELWAINE: The only thing I wanted to raise is that I think we could get the scoping team going without timing, and the consensus playbook

has got a lot of good ideas where even that scoping team would be looking at timing. So I would just encourage folks that we should get started on the scoping team with respect to this proposal. Thanks.

KEITH DRAZEK:

Thank you, John. Thanks for that comment. Okay, I think we are now ready to move on to our next agenda item. Thanks for all of the discussion on that. Much appreciated. And thanks again to the small team that came together to prepare that for our consideration.

Okay, item six on our council agenda is a discussion of the IRP standing panel, and more specifically, the process for selection of the standing panelists. I think as we've discussed previously, in the ICANN bylaws, the SOs and ACs, the ICANN community has a role in the process of nominating members to the standing panel for the IRP. The board has ultimate authority to approve those appointments, but the community has a clear or at least a specified role in that process. So we as the GNSO and the GNSO council need to identify and figure out our process for moving forward with the appointment of a selector. So it's sort of two steps here. We the council have to decide who is going to be participating in the process of selecting the standing panelists.

And I'm going to turn to Mary here in a second to ask her to give an update on where things are, but the SO and AC leaders had a call with Mary and others to discuss this process and this next step in terms of being able to constitute the standing panel for

IRPs that is in fact a bylaw requirement coming out of the IANA transition and the ICANN accountability work.

So with that, Mary, could I turn to you for an update on sort of where you see this and what next steps might be?

MARY WONG:

Sure, Keith. Not much of an update in the sense that we are still working on the draft terms of reference that I think I described the last time we talked about this, and that should give all the SOs and ACs and decision makers a sense of the time commitment that will be required of the committee, a sense of the scope of the duties, and perhaps a starting point in terms of things to think about in agreeing on decision making methodology and so forth.

Keith for the most part—in fact, I think entirely—reflects the discussion that the SO/AC chairs had with ICANN Org, and the important thing of course is that this committee will be charged to nominate a slate of panelists on behalf of the SO/AC community, and that slate will go to the board for its approval and confirmation. So no intermediate step where it goes back to the SOs and ACs.

And the other thing I'll say, again, as a reminder, is that ICANN Org is not going to include in the terms of reference anything about how these committee representatives are selected or how many should come from each group. That really is a matter for agreement between the SO and AC chairs. And we hope to have those terms of reference to you all soon. We were hoping to get it this week, but for various reasons, we couldn't connect up in the

different departments, so I'll follow up and hopefully by mid next week, you'll have something to look at.

KEITH DRAZEK:

Thank you very much, Mary. That's really helpful in terms of the timing. I think in this particular case, and for council, the work before us is to figure out how we as the GNSO want to populate or put forward folks for this selection committee. One option would be to use the GNSO's standing selection committee to run a process, and that may be the most appropriate, because we don't know the number or the composition.

And I think the key here—and this is really important—is to make sure that the people that we select or that we appoint to this role have the expertise and the background and understanding that will be required to make the right selections of the right people for a standing panel. This is incredibly important to ICANN and the community, because this standing panel for the IRP is brand new. It's not been done before.

As I said, it's the result of recommendations that came out of the IANA transition and accountability work, and it is in the ICANN bylaws. And further, to the extent that any IRPs consider and make decisions, these standing panelists will be setting some precedent. And I think we just need to be making sure that we as a community, we as the GNSO community, find the right people with the right expertise from amongst us to contribute to this selection committee. So, thanks.

James, you're up.

JAMES GANNON:

Thanks, Keith. I have a question and a comment. The question is, Keith, could you possibly share a bit of the context for the discussion why the SO/AC leadership decided not to use the IRP IOT? My reason being I think many components of the community would like to select the same people that we have on that group.

And then secondly, my feedback to council on this would be I would not personally support using the standing selection committee for this. I think that this is something we should delegate to the SGs and Cs to appoint members to, the reason being this is a very specialized, very bottom-up community-led set of appointments. We would want to make sure that we're doing this more at the SG and C level in my opinion.

KEITH DRAZEK:

Thanks, James. I can respond to the first, and that is, the discussions that we have among the SO and AC leaders and also presumably with members of the IRP IOT was that the IRP IOT is currently busy with its own work, busy with the work that it has before it in terms of developing guidelines or guidance, and the concern was that if the IOT was also tasked with doing the selection process, that it would distract from and delay the work that it is currently tasked with. So there was a concern about bandwidth and focus and the ability for the IOT to get its own work done if it had to be tasked with also doing the selection committee.

I think there's an expectation that there could be members of the IOT who are also appointed to the selection committee. so I don't

think there's an expectation that there would need to be a bright line or a prohibition against members doing both, but the expectation is that probably a separate group would be better.

The other consideration was about the skillset, and I think the way that what we're talking about with the IOT, it's sort of like an implementation team, whereas the selection committee probably needs to be more like a mini NomCom or follow that type of a process where they have expertise and a clear focus on trying to select people for positions with requisite expertise, and that's probably a different skillset than what's being discussed in the IOT today.

So that's a little bit of the background. There could be different views on all of that, but that was I think essentially the sense of the group. And I see Mary has her hand up again. Mary, would you like to respond to that?

MARY WONG:

Actually, Keith, you said most of what I was going to say. So let me just emphasize—and James, no, it wasn't because of any exclusionary criteria. And while some groups were not exactly clear as to how the IOT was formed, this obviously isn't the case for the GNSO, but there was certainly a sense about the different scope of work. And what I want to emphasize is that there certainly is no prohibition about any member of an IOT who's available and interested and whose SO and AC group may wish to appoint them to this group. That's totally fine as well. So we may find in fact that there's a significant overlap or none at all, or something in the middle.

KEITH DRAZEK: Thanks very much, Mary. And that's right, James. No exclusionary criteria or anything similar. So I guess we do need to move on, but the action item is for everybody to take this back to their stakeholder groups and constituencies, and then we need to figure out, in fairly short order, what we're going to do in terms of next steps, whether it's an SSC, the standing selection committee process. I think one of the questions is really about what kind of numbers are we talking about for the selection committee and how does that then get allocated. And I think there are different views about whether it should be the SGs and Cs each appointing somebody or finding a common ground of folks who really have the expertise. So we need to talk further about that in terms of next steps.

There was something else I was going to say that slipped my mind. So James, is that a new hand or an old hand?

JAMES GANNON: It's a new hand, if you don't mind.

KEITH DRAZEK: Go right ahead. Thank you.

JAMES GANNON: I kind of skipped over what you said right at the start when you introduced the topic. Is there a small team working with ICANN

staff, or is it SO/AC leadership working with ICANN staff to draft out the terms of reference?

KEITH DRAZEK:

Thanks, James. The terms of reference, I think, are being drafted by ICANN Org, and of course, that will be Mary and her team as well as the law department at ICANN. Sam Eisner has been involved in this as well as some others. so I think that the expectation is that the terms of reference, as Mary said, will be delivered next week ideally, and then once we have that, we can, I think, communicate out more clearly, I think, to the SGs and Cs about what the expectations are, what the requirements might be.

So Mary, do you want to add anything to that?

MARY WONG:

No. And actually, I mistakenly sent it as a PM to James. Just to clarify that, yeah, the group that the staff are working with are the chairs of all of the SOs and ACs, and including the stakeholder groups and constituencies of the GNSO.

KEITH DRAZEK:

Yeah. Thanks for that clarification. So just to be clear, the terms of reference are being drafted by ICANN and will be shared with the leaders of the SOs and ACs and SGs and Cs. And we did have, I think at least one, if not two, coordination calls with ICANN on this topic. ICANN has the action item to come back to the group with the terms of reference, and with that, will be able to communicate further in terms of the expectations. James.

JAMES GANNON:

Thanks, Keith. I'm sorry to be a stickler on this one, it's just something I'm very passionate about. I think you made a good point earlier when you said, "I think this needs to take more the form of a mini NomCom." I think that's the correct way to frame it. and I just want to make it clear that at least my personal expectation, not speaking on behalf of NCSG or anything else, is that this should be a collaborative process where we set out how this will happen. And I just don't want us to get into a fixed, "This is what we do" and then we're fixed into that as a terms of reference process for the selection, etc.

I know that at the end of the selection process, it still comes down to the ICANN board selecting, but I just want to make sure that the community is given enough opportunity to give feedback to the terms of reference and be able to craft that so that we get a really good panel at the end of this, because this is going to be foundational for the future of ICANN's accountability structures. And thank you to Mary in the chat, yeah, being able to give feedback to that draft terms of reference is very important because this is going to be a foundational [inaudible] for probably the next five to ten years at ICANN, so it's something we really need to get right.

KEITH DRAZEK:

Yeah. Thanks, James. Agree completely in terms of how important this is. So, thanks, everybody, for the conversation on that. We have to get to AOB. We've got three items in AOB, we've got ten minutes left, and we do need to get an update from

Sebastien on the phase one IRT and recommendation 7 issue. So Nathalie, if you don't mind, I'd like to give Sebastien the floor here and then we'll come back to an update on ICANN 69 planning and then the GNSO chair election process. So Sebastien, if I could hand this one over to you.

SEBASTIEN DUCOS: Thanks, Keith. So I gave an update a month ago on our call saying that we're very close to finding an agreement on recommendation 7, and I have to say that in the last month, we've had to step back a bit and I'm not as close to an agreement as I felt a month ago.

The main reason is the following. In terms of implementing the wording of recommendation 7 as is, I heard—and I still think—that we have within the IRT, as in the representation of the community as opposed to the IPT, the representation of ICANN staff, that there was an agreement within the community to use wording that was very close to the recommendation, and in particular to include the notion of having a legal basis. We're talking about transferring data that is collected by registrars onto registries, and the recommendation, for those that are not familiar with the recommendation, was about transferring that data, provided legal basis and provided that the proper legal instruments are in place.

And everybody within the IRT, the community part, was agreeing with that terminology. There were vast differences in the interpretation of the terminology because parts of the community saw this as the legal basis remained to be [inaudible] remained to be discussed, and other parts of the community said, no, we do

have a legal basis, legal basis is brought by things like the existing Thick WHOIS policy, is brought by the Bird & Bird memo on GDPR with respect to Thick WHOIS, etc.

We still had, a month ago, a disconnect with the IPT, the ICANN staff part of the work, who very much was of the view that because there was a legal basis [inaudible] there was a legal basis established, we should remove altogether from the recommendation the notion of provided legal basis because it didn't need to be said. As far as they're concerned, the legal basis is established.

So a very longwinded explanation to say that I'm going to have to come back to the council now with a question of interpretation which the IRT isn't able to resolve from within, and I think that the proper way to do this is to come back to council [inaudible] as fast as possible.

But the question to council from the IRT will be, does council essentially assume that there is a legal basis for the transfer of that data in all cases, or is, as I had personally interpreted and thought a month ago, is that interpretation part of the work that we will have to undertake as part of recommendation 27 which is about reviewing existing policies and the impact of EPDP phase one on existing policy?

So again, I'm sorry. I wanted to do this a bit more short, and I certainly wanted to be more [optimistic] or have better news to bring to the council today, particularly given the fact that I had announced a month ago that we were [getting close] to the ending, but at this stage, I will have to come back to council in the

coming days with a [inaudible] worded ask from the IRT on some kind of statute on the council's vision of the [existence or nonexistence] of a legal basis for the transfer of that data.

I hope that is clear enough, particularly for those that are not as familiar with the [inaudible].

KEITH DRAZEK:

Thank you very much, Sebastien, and thanks for all of your work and engagement on this topic and with the IRT and with ICANN. So we'll look forward to your report and obviously, as the council, we'll need to be prepared to consider the question that's going to be posed and to deliberate on that as well.

So, thank you for your update. Any questions or comments for Sebastien before we move to Nathalie for a discussion on ICANN 69? Okay, don't see any hands at the moment. So thank you, Sebastien. We look forward to your report and the question. And then Nathalie, if I could hand it over to you, please, and we could talk about the GNSO chair election process and timing, and the update on ICANN 69 planning. Thank you.

NATHALIE PEREGRINE:

Thank you very much, Keith. Just before that, I'd like to come back on the consent agenda vote as it was pointed out to me that Carlton Samuels is absent from today's call. So I'd just like to put the vote results therefore on the record, that there was one absence, no abstention, no objection, and the motion vote on the consent agenda passes. Apologies for that.

So regarding ICANN 69 planning, I'm not sure how many of you are aware of the new structure for ICANN 69, but it was decided after ICANN 67 and ICANN 68 to not replicate the face-to-face meeting as closely as before, but rather try to compensate for the time zone issues and for the meeting clashes by spreading it out a little bit more.

So there has been a perception that this is a much longer meeting than previously. Actually, if you look at the number of days, what happens is, as per usual, there is a prep week—which there has been for the last few ICANN meetings—during which there will be webinars in an effort to alleviate the conflicts during the ICANN 69 meeting per se.

So what's different this time around is that plenary sessions and internal SO and AC, SG and C sessions have been separated into two weeks. Not as strictly as the theory was, but in practice. The huge advantage here is that there are fewer sessions per day, and more importantly, fewer conflicting sessions per day.

So here we've got the draft schedule for SOAC internal week, which is the 13th to 15th of October. This is where the SOs, ACs, SGs and Cs will be holding pretty much what used to be called the stakeholder day meetings, so mainly open membership meetings, but equally, there'll be the meetings with ICANN board, as were also held on stakeholder day.

With this in mind, there's been a big decrease of SG and C meetings because the theory has been that especially in a virtual setting, the number of closed sessions appearing on an ICANN

meeting schedule can really be reduced. In fact, we've reduced it to nil for now.

If you look at the right-hand side of this table, there's sessions off the schedule that week. So what Org has decided is that those sessions which will not fit into the Hamburg meeting time—as you can see here in UTC +2 it's going from 9:00 to 5:00—those sessions which will be held outside of those meeting times but on the same day, and which will be obviously open to public, would still have a spot on the schedule. This will allow for maybe an easier way of increasing attendance and making it a bit more of a supple manner of accommodating meeting requests.

If we go to the plenary week schedule, this is a four-day meeting. If you look at it closely, you'll see that the plenary sessions have not yet been determined. There are three of them, on Monday, Tuesday and Wednesday. There used to be two public forums on the initial block schedule. It was decided to leave it just to one. And there was also the executive Q&A session which was decided it would be better left out, preferring more interactive sessions and maybe, as you can see on Monday, replacing it with a broader community focus on ICANN meetings, so really making sure that the discussion about the future of ICANN meetings is part of an active exchange with the community during the ICANN meeting.

We will of course keep you informed as to when the plenary session topics are determined. This week here is all about GNSO council, so we have the virtual council meeting with the ccNSO, with the GAC and the board [over the whole meeting,] and we have on Wednesday the 21st a council public meeting, which is our usual two-hour session, and we'll have the council admin

meeting, which is a shorter 45-minute session where we'll be electing the GNSO chair.

Do we have any questions, comments on this draft schedule? So, as per usual, this has been done in collaboration with the SG and C secretariats and the PDP chairs, so hopefully that'll lead to general satisfaction overall.

Seeing no questions, comments, and looking at the time, just one item for the GNSO chair election timeline. There is the deadline of the 1st of September for house nominations for GNSO chair candidates. Hopefully, we'll be getting those in a little earlier, I've been told, but once they're in, they'll obviously be circulated immediately to the council list. That's it from me, Keith. Thank you.

KEITH DRAZEK:

Thank you very much, Nathalie, and thanks for all the hard work that's been going on in the background with the preparation for ICANN 69. Thanks to you and the team for all of that.

Okay, I think we can probably move to wrap up this call. Is there Any Other Business, anything else anybody would like to speak to? I don't see any hands, so thank you very much, one and all, for joining the August 2020 GNSO council meeting, and we will go ahead and conclude the call. Thanks for joining.

JAMES GANNON:

Thanks, everyone.

NATHALIE PEREGRINE: Thank you, everyone, for taking part in the GNSO council meeting. We will now stop the recording. Have a great rest of your days and evenings. Goodbye.

[END OF TRANSCRIPTION]