ICANN Transcription
GNSO Council
Thursday, 19 August 2021 at 19:00 UTC

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List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Olga Cavalli
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Greg Dibiase, Kristian Ørmen
gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos
Nominating Committee Appointee (NCA): Tom Dale
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld, Philippe Fouquart, Osvaldo Novoa, John McElwaine, Flip Petillion
Non-Commercial Stakeholder Group (NCSG): Juan Manuel Rojas, Stephanie Perrin, Tatiana Tropina, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly
Nominating Committee Appointee (NCA): Carlton Samuels (apologies, proxy to Stephanie Perrin)
GNSO Council Liaisons/Observers :
Cheryl Langdon-Orr : ALAC Liaison
Jeff Neuman: GNSO liaison to the GAC
Maarten Simon: ccNSO observer

Guests:
Chris Disspain - IGO WT Chair

ICANN Staff

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David Olive - Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional
Marika Konings - Vice President, Policy Development Support
Mary Wong - Vice President, Strategic Community Operations, Planning and Engagement
Julie Hedlund - Policy Development Support Director
Steve Chan - Senior Director
Berry Cobb - Policy Consultant
Emily Barabas - Policy Senior Manager
Ariel Liang - Policy Senior Specialist (apologies)
Caitlin Tubergen - Policy Director
Nathalie Peregrine - Manager, Operations Support
Julie Bisland - Policy Operations Sr. Coordinator

NATHALIE PEREGRINE: Good morning, good afternoon, good evening and welcome to the GNSO Council meeting of the 19th of August 2021. Would you please acknowledge your name when I call it? Thank you very much. Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Here.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: I'm here, Nathalie.

NATHALIE PEREGRINE: Thank you. Greg DiBiase.

GREG DIBIASE: Here.

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: Here.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you, Marie. Mark Datsygeld. I don't see Mark in the Zoom room. I will circle back to him. John McElwaine.

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Present. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. Philippe Fouquart.

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Osvaldo Novoa.

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OSVALDO NOVOA: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Wisdom Donkor. I don't see Wisdom in the Zoom room. Carlton Samuels has sent his apology and has given his proxy to Stephanie Perrin. Stephanie Perrin.

STEPHANIE PERRIN: I'm here. Thank you.

NATHALIE PEREGRINE: Thank you. Farrell Folly. I don't see Farrell in the Zoom room yet. Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: I'm here. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you. Tatiana Tropina.

TATIANA TROPINA: Present. Thanks.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: I'm here. Thank you.

NATHALIE PEREGRINE: Thank you. Olga Cavalli.

OLGA CAVALLI: Here, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you. Jeffrey Neuman.

JEFFREY NEUMAN: I'm here. Thanks.

NATHALIE PEREGRINE: Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Present. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. Maarten Simon.

MAARTEN SIMON: Yes, I'm here.

NATHALIE PEREGRINE: Thank you. From staff, we have David Olive, Steve Chan, Marika Konings, Julie Hedlund, Berry Cobb, Caitlin Tubergen, Emily Barabas, Julie Bisland, and myself, Nathalie Peregrine.

I'd like to remind everyone to please state your names before speaking as this call is being recorded. We're in the Zoom webinar room where councilors are panelists and can activate their mics and participate in their chat once they've set their chat to everyone for all to be able to read exchanges.

A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor to typing in the chat. As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior. Thank you ever so much. And Philippe, it's over to you.

PHILIPPE FOUQUART: Thank you, Nathalie. Good morning, afternoon, evening, everyone, and welcome to our August 2021 meeting of Council. Let's move on with our agenda. Any updates to statements of interest?

Okay, seeing no hands, any change to the agenda that you'd like to see? I may have two I'm not sure that that would count as items, but I'd just mention that now. Two reminders. One on the SSAD ODP liaison's report that I shared on behalf of Janis earlier this month, and another one on the EOI for the accuracy scoping team chair. Just for people to be aware. We'll get on to that when we get to the AOB.

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Coming back to our agenda, 1.4, we'll just note the minutes of the previous Council meetings as per the operating procedures, and we'll move on to our item two and our review of projects and action list. You will note that this time, we allocated some significant time for this, and we'll review our project list in detail. And for this, I'll hand over to Berry. Would you like to help us go through [inaudible] and your e-mail on the 10th of August?

BERRY COBB: Thank you, Philippe. So for today's agenda item, probably a little less on the project list but a little bit more focus on the Action Decision Radar. And the primary reason for that is that we're seeing a bulk of work coming towards the Council's way that is in the further range marker of between one and three months. And most of this has to do, as we approach the annual general meeting in October.

But before we get into the details of reviewing through the Action Decision Radar, I wanted to spend just a little bit of time to kind of reinforce how this tool works. And really, none of the tools in and of themselves can be viewed in isolation, but the primary purpose of the Action Decision Radar is so that we have visibility to the bigger things that are coming towards the Council where some sort of action or decision needs to take place.

And the ADR is really almost kind of like an executive summary of a larger picture of activity that's going on within the GNSO, either directly or indirectly. And the ADR is only as good as what we call the portfolio management tool, which is an attempt to try to

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inventory every project or every bit of ongoing or recurring types of activities, whether we directly or indirectly own that piece of work.

But the point or the scope of what the portfolio management tool attempts to do is to get an inventory of everything that may touch the GNSO either through GNSO community member participation on groups that we may not or indirectly own, and of course, more specifically, projects that we do own such as our PDPs, EPDPs, standing committees and so forth. And just like the Action Decision Radar, it's only as good as the information that gets loaded into this.

And it is a combination of very specific information where we have a specific project plan that we can point to, start and end dates, key milestones and those kinds of aspects. And then there are other parts where we're more indirectly involved where we kind of lean towards educated guesses or kind of a standard duration for certain key events that may happen as these projects traverse over a particular timeline.

And I'm going to come back to the PMT in just a little bit, but what I wanted to focus a little bit of time on is really building from the bottom up, and specifically a project that we do directly own and that we have perfect visibility into the start, the planned end or conclusion of a project and the duration.

Earlier on, I believe the beginning of last week, and as what is becoming a more normal course of a procedure for all of our PDPs and working groups and EPDPs, we're starting to build a monthly project package that provides a much more detailed

overview on the status and the current state events of any one particular project.

And I know that you've seen previous versions of these project packages, all of which was developed as an output of PDP 3.0, but for the transfer working group, you'll recall that back in July, the working group and the leadership team had submitted its proposed project plan that had key milestone delivery dates of its primary work products which consist of initial reports, public comments and getting to a final report.

What is new here is the first page, which is a new summary dashboard that we have built in. And what is occurring here is it basically starts from the very foundation, which is the project plan itself which is really the bottom part of the screen that is titled as a summary Gantt with key milestones, and it's meant to be a simple version or a collapsed view of all of the detailed task and durations and start and finish dates, whether something's in progress or hasn't been started. But it really is to replace the more simplified version of a summary timeline we had. And part of what we're doing here is integration into a new project management toolset that we're working on.

But the key takeaway that I want you to pay attention here are the planned finish date that is listed here and the percent completion. You'll see that these dates are really derived by what is listed in the blue line here, which is a parent-level line item of the start and planned finish dates of the project plan itself.

And so how this gets derived is where we have the full-blown project plan. I'm not going to go into detail here, but in essence, all

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of the task milestones are listed here that roll up into a particular date, and we're linking those particular dates back up to our primary dashboard.

So what is ultimately happening here is that I'm able to connect this lower-level project plan of this very specific set of work and connect it back into this larger portfolio tool that is divided by programs. And more specifically, we have a program track called "transfers" that has a line item here for the transfer policy review.

So this is a very high-level view that you're viewing on screen here, but the subsequent pages of the program management tool—and if you were to spend some time and scroll down, I just want to point out that very specifically—I'm sorry, I know it's a little bit hard for you to view, but the transfer project plan that I just showed you is really just one line item that is listed within this overall program tool. But you'll note that the start dates and the end dates are connected. There's a define relationship between this one line item and the further project plan that is listed below it.

So at any point in time, should the milestone delivery dates or the project plan itself shift, it'll automatically update our program management tool, hence the dates that we see.

In essence, phase one for the transfer policy working group has its normal exit criteria that it delivers the final report to the GNSO Council and then the Council will deliberate and potentially adopt the consensus recommendations. And then assuming that that happens, then of course, the very next step is that it goes over to the ICANN Board for them to deliberate and ultimately adopt the consensus recommendations that ultimately may or most likely

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turn into an Implementation Review Team to implement those consensus policies.

What we don't know yet is even if we can assume that there will be consensus recommendations that come out of this policy development effort, the best information that I have about how long the Board may take to review and ultimately adopt those recommendations is really where the educated guessing comes into play.

We as policy team don't own the control of what occurs there, and only when we get better information am I able to come in and update this tool appropriately. So as an example here, I just kind of have a standard three months for the Board to review the recommendations and then kind of a standard 18 months, should an Implementation Review Team kick off after that.

Once better visibility and clarity comes towards our way—for example, a project plan to implement the IRT—then this tool will be updated accordingly so that it does have better information.

A second example that I would like to just kind of point out, kind of going back to the aspect that the Action Decision Radar is only as good as the information that is in this tool, we recently had discovered that we only had a particular line item about the CSC effectiveness review and some of the key tasks that occurred there as well as the confirmation or appointment of some of our critical roles with our liaisons.

So within this latest version, you'll even start to see how there are specific line items related to the CSC effectiveness review, how

the CSC participant will participate as a representative of the GNSO within the Customer Standing Committee, and each one of those are now blocked out—or specifically the CSC representative now has its annual task of either confirming or launching an expressions of interest for that role and how the CSC would be tasked to help try to find a replacement for that role down the road.

So before last month, I had not had those kinds of details in there. But had we had them in there at that level of detail, we would have started to see that these things, these items, these actions and decisions that are required of the GNSO Council will start to float from the bottom up to the top of the Action Decision Radar.

That takes us back to the ADR. And in particular, I want to highlight a couple of things here and then we can open it up for general discussion. But just to kind of reinforce some of the key aspects about how this tool is working.

Within the zero- to one-month range, that would mean a Council meeting that we're in right now with a slight overlap into next month's Council meeting. So the zero month is basically right here, right now, whereas the September meeting is right next in front of us. And so there's no bright line to separate the two. And depending on the particular action or the decision is what would dictate whether it needs to float up into this more near-term range marker versus whether it still kind of sits within the one- to three-month.

So of course, what's in front of the GNSO Council now is that we're considering the next steps for the RPM phase two review of

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the UDRP. What we're working on right now—and I believe is a part of our agenda today—is about establishing the terms of reference for the CSC effectiveness review which is required of the GNSO.

We also have a line item here for the Council to receive the initial report form the curative rights group, which is scheduled via a separate project plan to be delivered on the 7th of September. It's not necessarily an action or a decision that the Council will take. This one's really more informational or informative. But it is a critical milestone that at least deserves the announcement and awareness by the GNSO Council.

And of course, for EPDP phase 2A, it's scheduled to deliver its final report on the 2nd of September. And of course, that does set in motion an action or decision that is required by the Council to consider the recommendations that they produce. And lastly, in the shorter time frame or the zero to one marker, is the Council also will confirm the CSC effectiveness review members as a formal procedure for that process to kick off.

Now, where we want to spend a little bit more time today or really just kind of continue to draw the awareness is what's in front of us for the next few months. And as I noted, the annual general meeting sparks off a series of things that are required of the GNSO Council and also other key events that kick off around that particular time.

So kind of on the first row here, we have the EPDP phase two. We know that the Board had initiated the Operational Design Phase for it. As part of that resolution, it stated that they anticipate that

the delivery of the ODP output document would be delivered in September, so it's kind of on our radar for the GNSO Council not because there's a specific action or decision here but it is a key kind of event that warrants the attention. And of course, there is the interplay or the interaction with the ODP liaison interfacing with that team for which Philippe just mentioned a little bit ago as something that he wanted to draw attention to.

We have an expectation that for the WHOIS procedure for handling WHOIS conflicts with privacy, the ICANN Org team has been working with the contracted parties per a decision that was made by the Council last year about a possible next steps on how that procedure could be updated to make it fit for purpose, and the team had submitted a letter back to us I believe in June saying that they will provide an update for the Council in September. So again, that's why that's right here next to the one month, and when we shift over into the September meeting, of course, this will start to float to the top.

Then as we move on, some of the higher-level aspects or work to be done is we need to confirm or select our GNSO Council liaison to the GAC. As you're aware, there have been several discussions around that topic. At the annual general meeting, we need to confirm or select a new GNSO Council chair. That does require a set of standard procedures leading up to that particular event that leads to the vote at the annual general meeting. We have to select the GNSO representative to the empowered community. That's typically a month or so after the annual general meeting.

Per the charter for the Standing Selection Committee, they need to refresh and confirm their roster or their membership and

confirm or select a new chair to lead that particular group. Our other standing committee, the SCBO, will also need to refresh its roster and start to prepare for the FY22 budget and operating cycle which his getting ready to kick off soon. I believe it's in the October time frame when the PTI IANA draft budget and operating plan will be released for public comment where the GNSO Council has submitted comments in relation to that in the past.

Around that particular time frame, the EPDP on IDNs should be submitting their work plan after they reviewed through their charter, determined the work in front of them and getting close to establishing or basically confirming what their milestone deliverable dates are going to be. Once that happens, as noted earlier, there will be a project plan behind that and will revise the portfolio tool based on those dates that are committed to.

Moving down a little bit further, after every ICANN meeting, assuming that the GAC submits advice, the GNSO Council will typically respond to that advice and provide its views or positions back to the ICANN Board for its consideration.

As part of the SSC, which was a new discovery, each year we submit or confirm a GNSO representative to the fellowship program. The Council will submit, as I noted earlier, the FY23 PTI IANA budget operations for the public comment, and really, what we're going to be starting soon is planning for the 2022-2021 Council strategic planning session. No specific decision of course is made, but for sure, that's an action that the full Council will be taking care of.

And then moving a little bit further out, as I noted, the SCBO will submit a public comment for the ICANN Org budget and operating cycle. We're expecting a delivery of the final report I believe in December from the IGO group, and moving even further out, the specificity becomes more vague or less clear. But as noted, this tool gets operated on a monthly basis. And I literally will review through every line item within this program tool to seek out what is coming towards us that's six to nine months out and start adding them to the bottom of the list.

The final thing I'll say here, and then I'll turn it back to Philippe. We have a section here for all of the work that is near us or in the middle term coming towards us as it relates to either operational-type work that the new Improvement Standing Committee will start to work through its pilot program. We have a series of recommendations from the reviews that have kicked off or recommendations that will impact our work and our schedules here. And for now, until we get better visibility about how these will require either an action, a decision or resources to implement some of this stuff, we'll update the ADR as it comes in. And then finally, on pages three and on is a completed log. As we complete each one of these, I also move them down into the completed section.

So I hope that helps again clarify that while this tool is increasing in value each month, we continue to update it and enhance it, it's still only as good as the definitive information that we acquire, that helps inform it. But I do believe it's providing a lot of value in terms of helping us to plan more appropriately and see what's coming

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than what our old-school project plan used to attempt to do. So I'll stop there and turn it back to you, Philippe. Thank you.

PHILIPPE FOUQUART: Thank you, Berry. That was extremely useful. We have five minutes for questions or comments on this, noting those that have been made in the chat already. I have two questions, but I saw that Maxim, at some point you had your hand up, and a question in the chat. Would you like to take the floor and ask it directly, Maxim?

MAXIM ALZOBA: I have a short question. Berry, do you know how far the ODP time frame changed since the last time, or is it still the same projections? Thanks.

BERRY COBB: Thank you, Maxim. I presume you're referring to the EPDP phase two ODP. We have a line item here. Why can't I see it? See, it's even hard for me to find things in here sometimes. Here it is. The Board operational phase—so for now, as I noted, when the Board resolved to launch that ODP, their expectation or anticipation is that it would conclude in six months. They resolved that, I believe, in March which put an approximate time frame towards the end of September.

As of this moment, the most I know is that it's still on target and on track, or I haven't heard or seen anything publicly whether that has changed. So a longer way of saying that it's still six months and

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we're expecting something in September in relation to the next steps of the ODP.

PHILIPPE FOUQUART: Thanks, berry. Jeff, you had a question in the chat as well. Before I get to mine, would you like to—relative to the SubPro ODP and [inaudible]? Jeff.

JEFF NEUMAN: Sure. Thanks. Yeah, it's just a question on ... So there are certain things, while they're not quite definitive, that may require action by the Board, but we pretty much know that it's coming down the road, things like Implementation Review Team for SubPro, Implementation Review Team for RPM, things that while still awaiting Board review, we know the work is going to need to be done. Do you put that kind of stuff in the action radar or wait for some definitive act that has to take place?

It would be good to know those things too because otherwise, it's sort of an incomplete picture.

BERRY COBB: Thank you, Jeff. Kind of two questions there specifically. So the Action Decision Radar, its scope is specifically for those actions and decisions that the Council needs to take action or decision on. It does not include—for example, you won't see a decision on EPDP phase two after the Operational Design Phase on the ADR, because it's not an action or a decision that the GNSO Council

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takes, it's one for the Board. And I can't speak to their operations on how they determine when their decisions might be taken.

But within the program management tool, I do have line items. So you mentioned for the RPMs phase one, there is a generic line item in here for the IRT, and it's an educated guess that it may start in September. I don't have specific details about exactly when that might start. But what I do know is that the Board still hasn't taken a resolution on those recommendations. so I can only update the line item for the Board taking action on it when we see them actually taking action on it. And because it's a dependent task before an IRT can start, if we had to change the dates here, it would obviously change the dates for the IRT.

For SubPro as an example, I do have line items. We completed the working group. The Board, the next step is supposed to consider the recommendations. There is supposed to be an ODP for SubPro but the Board has not yet resolved to formally kick that off. So I don't think I'm within rights to go ahead and add a line item here for ODP until the Board actually takes that action, and then that is new information that I can update that.

So in the meantime, all I have here are educated guesses that at some point in the future, the Board will eventually review and adopt or consider and eventually resolve consensus recommendations, and only at some point after that is it expected that an IRT will kick off. Again, educated guesses until I get better visibility about exactly when that's going to happen.

PHILIPPE FOUQUART: Thanks, Berry. And on that last point, and since we're going to get to the EOI later on, I think there's a gray area, but the question about the trigger leads to something being inserted is a good one. There's certainly not a need to clarify that but a need to understand what that means.

Maxim.

MAXIM ALZOBA: I have a short suggestion. Berry, could you please return numbers of lines which were to the left so we could refer to the items? It's just a short thing. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. So we'll take that on Board. Kurt?

KURT PRITZ: Yeah, just about what was said earlier by Jeff and Berry's response, maybe it would be helpful for the Board and the rest of us to schedule when it be expected for them to act based on expectations in our various procedures and bylaws and such. There's an old saying you can't schedule inspiration but you can make inspirational schedules. Maybe this could be a tool for moving the rest, execution end of the policymaking process through the ICANN snake. Thank you.

PHILIPPE FOUQUART: Thank you, Kurt. Yes, certainly, both on the principle of an ODP and also on the timeline. I think that'll also be helpful for what

we're going to be talking about later with the EOI, and that's certainly something that could be captured in this tool.

Mindful of time, I'll just phrase this as a comment, and it ties to Mary's input in the chat relative to the sort of alignment of tools across the SOs and ACs. I was wondering what the status was, but I think that might be too long for us to discuss.

I would just observe that if there are, as you put it very rightly, Berry, since there are guesstimates and since this is just as good as the data that we've got in there, for work items that are joint to—for example the CSC effectiveness review is one example of something that is a joint work between the CCs and US, then the guestimates should probably be the same if the tools are aligned. It's just a common sense observation, but at some point if we align the tools, we will have to align the data, and that would include the guesstimates.

So with this, thanks again, Berry. I think that was extremely useful. I know that I for one distribute this within my constituency and a lot of others do, and that is regularly reviewed and that is an extremely useful tool. We shouldn't be [inaudible] by those guesstimates. It's just as good as the data we've got in there. But still, it provides an across the Board summary of what's under our responsibility, and that's extremely useful. And I think we'll come back to that during the SPS for example.

So with this, thanks again, Berry, and we'll come back to our agenda and move on to item three. That's our consent agenda, the confirmation of Olga to serve as the chair of the Council Committee for Overseeing and Implementing Continuous

Improvements. That's the pilot around the two accountability and transparency requirements [inaudible] PDP 3.0. There's one item on the SOI and another on the working group self-assessments. So with this, I think, Nathalie, you can take us through the voice votes.

NATHALIE PEREGRINE: Thank you, Philippe. 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?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Would councilors holding proxies please say aye? Stephanie Perrin for Carlton Samuels.

STEPHANIE PERRIN: Aye.

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

PHILIPPE FOUQUART: Thank you, Nathalie. And thanks, Olga, for volunteering, and congratulations. We're looking forward to the work of—the acronym is really not fit for purpose. We'll have to make do with this for that continuous improvement committee. Thanks, Olga.

OLGA CAVALLI: Thanks to you all, and thanks to those who supported me on the list. And I guess that the [inaudible] is that they're okay with me doing this activity. And thanks also to Tom and Carlton who are our small group of NomCom appointees who already also were okay with me stepping up for this role. Looking forward to working with all stakeholders and Council members. Thank you.

PHILIPPE FOUQUART: Thank you, Olga. We're more than okay, we're grateful for this. Thanks. So moving on to our next item, item four, and that's our vote on the EPDP on specific curative rights protections for intergovernmental organizations.

Before I hand over to Pam, I'd like to make just two preliminary observations on the reason why we consider all in all that this is the best solution.

The first observation that I would make is that initiating the EPDP is essentially a procedural remedy. It'll obviously not have an impact on the resources of the PDP. But it's intended to provide the IGO Work Track with a robust procedural remit to complete its task and it'll not affect the scope of the work of the group.

And, possibly more importantly, the EPDP mechanism does not elevate or change how we, Council will review the outcome of the team. So our work will be the same. So we see this as a process that allows for an expedited policy work on an issue that has been extensively and substantially scoped. So that's the first one.

The second is that it sort of respects the work of the Work Track by initiating the EPDP. We're not losing the momentum. I think it's been said in July. And we respect the progress made by the IGO Work Track for months now and [improve] the likelihood of a satisfactory outcome.

So we—leadership, I mean—appreciate that this wasn't quite the initial path that we took for this work, but the context was different back then. So we're working on the different assumptions, and our conclusion is that by using a different mechanism such as initiating a full PDP or waiting until RPM phase two starts has too many drawbacks. So we want to set this up for success. All in all, this seems to be the best option. But we certainly don't want worries to go unnoticed and want to have the discussion that surely, we'll have in just a moment.

I would just also note finally that we discussed the issue of scope in July and it'd be good if we could spend a little bit of time on this as well. I'm sorry I've been rambling a bit, but I think it's important to sort of set the scene for this.

So with this, I hand over to you, Pam, to help us go through the background of the motion and [inaudible] that issue of the scope as well, if you would. Pam.

PAM LITTLE: Sure. Thank you, Philippe. Hi everyone. I have prepared a few slides just to very quickly reflect how we got here and what this is about and what changes would entail if we approved to initiate this EPDP. So, as councilors, you may see here on the screen it's been three years since the curative rights working group delivered its final report to the Council back in 2018 July.

I'm sorry, on this slide there are lots of acronyms, but I'm assuming all our councilors are familiar with those. You can see the full name of that working group here at the bottom of the slide.

So from there onwards, the Council took quite a few months deliberating how to deal with the five recommendations from the curative rights working group. It wasn't until April 2019 that the Council approved the four recommendations, one through four, but actually referred the last recommendation, five, regarding jurisdictional immunity to the RPMs phase two.

And then in January, the Council approved an IGO Work Track addendum to the RPM charter. So you can see at that point, the intention was to have this work done under the RPMs working group umbrella.

After the addendum was approved by the Council, it then took quite a few months for this work to kick off. I guess for a number of reasons. Always, the Council and the community had this bandwidth issue and so it wasn't until September that the Council started looking for volunteers and a chair to do this work. So that

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was September that that effort got started, and the Work Track team had their first meeting in February this year, 2021.

However, as you can see on the slide, in January 2021, the RPMs working group phase one delivered its final report. So usually, in the PDP process, once a working group delivers its final report, the phase one, that group sort of just disbanded, if you like. And so then the Council, no we are in the process of considering how to deal with phase two. So that RPMs working group is basically dormant or some would argue probably suspended at the moment waiting for phase two to restart again.

So here we are in August 2021. We're considering whether to initiate an EPDP to allow this Work Track to continue its work. Otherwise, this IGO Work Track is sort of a bit homeless at the moment because of the RPM working group's status. So that's how we got here so far in the last three years. Next slide, please.

So just what is this about? This is really about recommendation five of the curative rights working group final report, about jurisdictional immunity. And this is the problem statement included in the addendum for the Work Track. So you can see where that problem is and basically, it is stated there—I wouldn't repeat what that is and it's quite complicated. I will let you read that yourself.

This is just very narrow. All the Council was asking the Work Track to do is to see whether it is—if we can move to the next slide, please, Nathalie. Yes. So this is the charge of the Work Track, to task the Work Track to see whether an appropriate policy solution can be developed to the extent possible that is generally

consistent with recommendations one through four of the PDP final report.

So this is where it ties in with what the Council did with the curative rights working group's final report, because the Council approved recommendations one to four and did not approve recommendation five but tasked the Work Track to look into the recommendation five issue, the jurisdictional immunity issue.

At the time, the thinking was we need to respect the decision of the Council that approved recommendation one and four. Therefore, we want to have these safeguards, if you like—not safeguard, the principle for the Work Track to say whatever you're developing as a solution needs to be generally consistent with those recommendations that Council has approved. Otherwise, it makes no sense, the Council approved one to four and then you are redoing recommendation one to four. Right?

And there are also other constraints the Council has set there from A, B and C. And these are just what's really in the UDRP, and the Council was very mindful that we really do not want to take that away or change that in the existing UDRP, and also recognized that—you can see item C there—the existence and scope of IGO jurisdiction immunity in any particular situation is a legal issue to be determined by a court of competent jurisdiction. I think that was something taken out of the previous working group's final report. There was an expert report on that issue as well. So the issue is a bit complex, and I just thought it's important to point this out to share with councilors. Next slide, please.

So in the next two slides, you would see what I'm trying to set out here is what are the deliverables under the addendum that the Work Track has been working, and what will be the deliverables under this new EPDP that Council is considering to initiate here today.

So here are the deliverables of some of them under the current addendum. You can see that what I highlighted in blue in terms of initial report and the final report delivery, the Council contemplated under the addendum that the RPM working group will have a chance to look at the initial report and provide input as well as when the Work Track is ready to deliver the final report. So it's a bit of an oversight role for the RPM working group. And treating this Work Track almost like a subteam of that working group so it's not autonomous, it has to submit its initial report and allow for input by the full group, and same with final report. So this is how it was structured or intended to function, this working group.

But you can see also the text highlighted in red. Council recognized back then this Work Track was going to consist of really subject matter experts on this very narrow particular, specific issue. So the RPM working group although was intended to be providing some sort of oversight, it really very much may be a formality. That's why the text in red is there, to say in considering the draft final recommendations, the RPM working group is expected to accept them unless the working group raises specific objections not previously raised and addressed by the IGO Work Track or in the public comment and documents the rationale for such objections. So that was what the Council intended the role and the function of the RPM working group.

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Seems, to me, a very minimal oversight role, if you like. And there'll be other ensuing process if there's disagreement between the Work Track and the full RPM working group.

So this is the current arrangement under the addendum. That was what was intended. But as we know, we've been told that the situation here is a bit unusual where RPM phase one has finished, RPM phase two, the UDRP review, is quite a few months away. If the Council decides to request a policy status report, that'd be at least, in my guess, six months or even longer.

But the Work Track has almost finished its initial report. So the Council leadership feel, in order to capture this momentum and not have to wait for another six or maybe even longer period of time, we want to convert this Work Track into an EPDP.

There are other options, obviously. We can wait until phase two launch and get phase two to review the Work Track's output, or there may be other ways. Maybe reconvene phase one to look at that. But we just feel this is important, to get this work done.

It's been a very long, drawn out process so the EPDP seems to be the most appropriate vehicle procedurally to do this work. So that's why the leadership worked with staff, and you can see Steve, staff sent out the initiation request where the ICANN general counsel actually confirmed that this is appropriate to proceed.

Next and final slide is the deliverables under the proposed EPDP charter. You can see here the change from Work Track addendum to EPDP charter is the way the initial report will be delivered, and

the final report, basically because if Council does decide to initiate the EPDP, the EPDP will function autonomously so it can then make policy recommendations, it can produce initial report in its own right for public comment and also the final report.

So the major difference from my perspective really is the vehicle for delivering its initial report and final report for this group. And the charter as currently drafted—and I hope, councilors, you all had a chance to review that—was very much based on the PDP 3.0 charter template but taken out the content from the working group addendum. That was the major change. Otherwise, we are expecting the Work Track composition-wise, the membership would continue, the work would continue, but the way they deliver their initial report and final report will be changed if the Council decides to initiate the EPDP and approve the charter. So with that, I will pause and see if there are any questions or comments. Thanks, Philippe.

PHILIPPE FOUQUART: Thank you, Pam. Any on the procedural question? Any questions or comment? Tomslin, you have your hand up.

TOMSLIN SAMME-NLAR: Thanks, Philippe. I just have a little question regarding the possible scope change. Will we discuss that before we vote on this, or will that come later?

PHILIPPE FOUQUART: Thanks, Tomslin. There's no change in scope. As I said, initiating the EPDP is a procedural remedy to the Work Track being orphan. There's a question on the scope relative to the output of the Work Track, or whatever its status, that we referred to in July. And we'll take the opportunity of having Chris Dissspain with us and he can elaborate on the issue of scope. But that is somewhat orthogonal to ... there's no change in scope in this. I hope that's clear, Tomslin. Mark, you have your hand up.

MARK DATYSGELD: Thank you. For clarity, I will restate my question that I posed on the chat. This work seems to be dragging a long time now. I remember it being started way back and then we didn't hear about it for a while, and this has been very—[a very great] clarification on where we stand right now, but my main question is, can we actually ensure that the EPDP team will have the tools and information they need to do this work? Because the way the information seems to be scattered and the processes seem to be in the hands of several different stakeholders at the same time who are waiting on a charter, my main concern is that the EPDP team will end up doing work that's either, A, unrealistic towards the goal or B, unfocused, and that's definitely not something we want. We want them to have the best support possible. So that's a very active concern I have right now. Thank you.

PHILIPPE FOUQUART: Thank you, Mark. I think the question you're asking is the likelihood of the Work Track coming up with a recommendation that would be reasonably consistent with those that have been

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approved, otherwise we would face a stumbling block of sorts. And for this, it's more of a substantial question. I would defer to Chris.

But leaving substance aside, the purpose of this is, I think, precisely not to be waiting, as Pam said, to provide the framework to the team given the momentum that they've had, and what we're hearing is that there is indeed that momentum and they should be on track with the timeline pretty much. We don't want to break that, hence the proposal of the procedural remedy, as I put it.

So that's pretty much the best we can do as far as procedure is concerned. The rest is more substantive. And maybe that's a good time for us to have a word about that. And if you don't mind, Chris, I'll turn to you since we approached the subject in July briefly. If you would help us with that issue of consistency between the output of the Work Track or potentially the EPDP with the approved recommendations.

CHRIS DISSPAIN: Hi, Philippe, thank you very much. Thanks very much, everybody, for inviting me along. I've been listening to what you've been saying, and I think I may be able to help a little bit. First, let me say—as I'm sure you'll appreciate—there are no guarantees that the Work Track's going to come t4o an acceptable solution. Anyone who's been involved in a PDP or work on policy will know that until you actually get the sign off, you can't say for sure. But I can say that I think it's going reasonably well.

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The issue that's arisen with respect to scope as opposed to the purely procedural issue of t urning this into an EPDP because we are an orphan Work Track is probably entirely my fault, and let me apologize for that in advance.

I raised the scope question with the Council leadership when we originally started talking about finding us a home, because I considered that we had a responsibility to let the Council know that it was possible that some parts of the community may consider our recommendations to go beyond what the Council had asked us to do.

It probably would have been more help and accurate if instead of describing it as a concern of scope, I emphasized the fact that we understand the need to keep our work consistent with the Council's expectations and instructions, which Pam has already gone through, but that we recognize it's possible that some people might think that we hadn't done that, and therefore it was worth flagging it.

Having said that, I don't believe that the current direction in which we're heading is inconsistent with the Council's expectations and instructions and I don't think that our discussions go beyond that which the Council has instructed us to do.

So I think—and I think we all think in the Work Track—that the preliminary recommendations are—assuming that we stick roughly to where we are right now—generally consistent with the GNSO Council's instructions considering curative rights recommendations one to four that have previously been approved by the Council. But it is possible that there will be comments to

suggest that they are not. So we simply wanted to flag that with the Council. It may be that this has expanded beyond a simple flagging into a real concern, which I don't think is actually the case.

I will be delighted to answer anyone's questions and to discuss and debate at your command. That's initially all I had to say, Philippe, unless you have any questions for me.

PHILIPPE FOUQUART: Thank you, Chris. That's really helpful. And like you, I hope that [inaudible] on the side of caution as it were, want to provide transparency without raising a red herring or something.

CHRIS DISSPAIN: A red flag and a red herring at the same time.

PHILIPPE FOUQUART: Yes. Exactly. So basically, it's intended to provide some transparency, a heads up before the initial report, without overestimating the issue. My takeaway personally is what you just said at the very end of your intervention, the Work Track considers that it's generally consistent. And that's—at least to me, and maybe that's speaking only personally—really all that matters. The rest is the rest, and there'll be public comment on this and broader consultation. And we certainly don't want to scare people. And maybe we did that in our hope that we would be transparent. But so be it.

Anyway, so we'll just open the floor for question. I see Tatiana, you have your hand up.

TATIANA TROPINA: Yes. Thank you. And I must admit that indeed, the fact that there was an issue of scope brought in July and I was the one who was presenting and it raised a red flag, and I wasn't sure if the Work Track was trying to ask for changing the scope or not, or how it is related to the procedural issue which is clear to me, and I'm hear with Pam and Philippe's explanation.

So Chris, I just want to confirm in direct plain words, am I right to understand from your latest intervention that the group is not intended directly to ask to change the scope, either now or before preliminary report, and you just want to issue the report and collect the feedback from the community or to also double check that you're consistent and you want to flag that there might be comments where they say that you're not? And then of course, your group is going to fix it somehow or whatever, or bring it to the Council.

I don't want to put any words in your mouth, but is my understanding correct? Just to remove the last concerns before voting. Thank you.

CHRIS DISSPAIN: Yes. But if that's not clear enough, yes, you are right.

TATIANA TROPINA: Thank you very much.

PHILIPPE FOUQUART: I think it is. Thank you, Chris. Thanks, Tatiana. Any other questions on this? So, thanks very much, Chris. Thanks, Pam, for introducing the background. Yes, Pam.

PAM LITTLE: Sorry, Philippe, I think there is a question from Kurt in the chat. Kurt, would you like to speak to that?

PHILIPPE FOUQUART: Kurt, I'm sorry, I didn't see it.

KURT PRITZ: I was just looking for a clarification about the rules for using EPDP. I'm not sure of them. So I think the question is pretty clear, whether the EPDP can change the conclusion of a PDP or not. I'm wading through the bylaws now, I think it can.

PAM LITTLE: Yeah, so Kurt, thank you. I actually don't know the answer, but the thing is a bit tricky. We're in uncharted waters, because it is really converting the Work Track into an EPDP and the instructions there, as you can see, or the charge or whatever—Chris called it instruction—really, the Council was just trying to set some sort of parameters and expectations of the Work Track. That language is still in this proposed EPDP charter as well.

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So I guess the remit remains, or these instructions remain. And the thing with the EPDP rules is these recommendations one to four that have been approved by the Council, they have not been approved by the ICANN Board. So they remain just policy recommendations. So it's kind of in a no man's land at the moment. I don't have a clear answer to Kurt's question. But all I can say is these instructions, you see on page three, are still reflected in the proposed EPDP charter. In other words, the EPDP team will be still constrained by this set of instructions, if you like. Thanks.

PHILIPPE FOUQUART: Thanks, Pam. And I see Maxim.

MAXIM ALZOBA: Just a short notice. I wonder if we see any PDP soon. Because so far, we have I think third or fourth EPDP, and I'm afraid it is going to be just a new fashion. So we will just skip to EPDP without the initial reports. Thanks.

PHILIPPE FOUQUART: Thanks, Maxim. Time will tell, but it's a good observation. I think for various reasons, we tend to use the EPDP as our chief framework for our work. But so be it. I guess it's fit for purpose. So with this, I think we can go to our vote. We're slightly behind schedule. Hopefully, we can go through that very quickly. I'm thinking about the next item. Pam, would you like to read the resolved clauses?

PAM LITTLE: Yes, I would. Thanks, Philippe. The resolved clause reads as follows.

One, the GNSO Council hereby approves the Initiation Request for the EPDP and as such initiates the EPDP on Specific Curative Rights Protections for Intergovernmental Organizations (IGOs).

Two, the GNSO Council hereby approves the EPDP Charter for Specific Curative Rights Protections for IGOs, which reflects the same scope of work as captured in the IGO Work Track Addendum and thus continues the work of the IGO Work Track, which is hereby disbanded.

Three, the GNSO Council directs the Chair and members of the IGO Work Track to continue its work as the EPDP Team on Specific Curative Rights Protections for IGOs, and to deliver its reports and outcomes in accordance with the EPDP Charter and the work plan that was developed by the IGO Work Track and acknowledged by the Council on 22 April 2021 and amended by a Project Change Request on 22 July 2021.

Four, the GNSO Council directs staff to communicate the results of this vote to the members of the IGO Work Track and all participating Supporting Organizations, Advisory Committees and GNSO Stakeholder Groups and Constituencies.

Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Pam. Nathalie, would you like to take us through the roll call vote? And given that it's an EPDP, this will require supermajority.

NATHALIE PEREGRINE: That's correct. Thank you, Philippe. Osvaldo Novoa.

OSVALDO NOVOA: Aye. Yes.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Farrell Folly.

FARELL FOLLY: Aye.

NATHALIE PEREGRINE: Mark Datysgeld.

MARK DATYSGELD: Yes.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Yes.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: Yes.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Yes.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Yes.

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: Yes.

NATHALIE PEREGRINE: Tatiana Tropina.

TATIANA TROPINA: Yes.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Yes.

NATHALIE PEREGRINE: Stephanie Perrin for Carlton Samuels.

STEPHANIE PERRIN: Yes.

NATHALIE PEREGRINE: Stephanie Perrin for yourself.

STEPHANIE PERRIN: Yes.

NATHALIE PEREGRINE: Thank you. Pam Little.

PAM LITTLE: Yes.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: Yes.

NATHALIE PEREGRINE: Thank you. Maxim Alzoba.

MAXIM ALZOBA: Yes.

NATHALIE PEREGRINE: Wisdom Donkor.

WISDOM DONKOR: Yes.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DIBIASE: Yes.

NATHALIE PEREGRINE: Thank you very much. For the Contracted Parties House, we have seven votes in favor, none against, no abstention. From the Non-Contracted Party House, we have 13 votes in favor, no abstention. The notion passes with 100% in both houses. Thank you very much.

PHILIPPE FOUQUART: Thank you, Nathalie. Thanks, everyone. I'm looking forward to the next step on this, which should be the now EPDP initial report. And with this, we'll now move on to our next item on our agenda. That's item five, that's our vote on the CSC effectiveness review,

the terms of reference that we have to approve jointly with our ccNSO colleagues. We expect to initiate a review of the effectiveness of the Customer Standing Committee.

Just maybe a bit of background on this very quickly since we're slightly behind schedule. This'll be the second of the kind. The first was carried out in 2018. And the ccNSO and GNSO [are tasked with] determining the method or that effectiveness review in terms of methodology.

Leadership had a meeting with our ccNSO counterparts, and this is the proposal that has gone through the ccNSO Council already. So the templates, the second review we shared with Council on August the 10th, and as I said, the ccNSO conditionally adopted a template.

The second review regarding our representatives, we had two volunteers to serve as our representative to that effectiveness review, Donna Austin and Jonathan Robinson. As you would have seen on the list, there were suggested amendments which were considered as friendly. For the record, we shared them with our ccNSO colleauges and they had no issue with those. They are related to minor adjustments in the timeline and methodology.

So with this maybe Pam or possibly Maxim, since you proposed an amendment, did you have anything to add to this background? Okay. Any questions or comments on those terms of reference of the effectiveness review? Okay. Indeed, let's vote. I think Nathalie, you can take us through our voice vote., Pam, I think you were the proposer for this motion, if my memory serves me well. You probably have to read the resolved clauses.

PAM LITTLE: Will do. Thank you, Philippe. The resolved clause reads as follows.

                         One, the GNSO Council approves the amended template for conducting the second CSC Effectiveness Review as suggested.

                         Two, the GNSO Council appoints Donna Austin and Jonathan Robinson as the GNSO Council representatives of the second CSC Effectiveness Review.

                         Three, the GNSO Council requests that the GNSO Secretariat notify ICANN Org no later than 30 September 2021 that the GNSO has approved of the method of review and GNSO representatives for the second CSC Effectiveness Review.

                         Thanks, Philippe.

PHILIPPE FOUQUART: Thank you, Pam. Nathalie, would you like to take us through our voice vote? And it's simple majority this time.

NATHALIE PEREGRINE: Thank you, Philippe. 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?

PARTICIPANTS: Aye.

NATHALIE PEREGRINE: Thank you. Stephanie Perrin, proxy for Carlton Samuels, please say aye.

STEPHANIE PERRIN: Aye.

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

PHILIPPE FOUQUART: Thank you. I see, Kurt, you have your hand up. I'm sorry, you raised your hand slightly before the end of our vote. Maybe that was a point of order. Kurt.

KURT PRITZ: Yeah, it was a point of information. So yes, I voted yes, and I just wanted to point out to the group that I have a personal relationship with Donna Austin. That makes me very happy. But I'm voting as directed by the RySG leadership and not by myself as an individual. So I want to make that clear. Thanks.

PHILIPPE FOUQUART: Thanks, Kurt. We'll capture that in the minutes. So with this, the terms of reference for the effectiveness review are approved. On a

separate note, we have a request for us to approve the CSC slate in September. So that's the CSC team that we will review next month.

So with this, let's move on to our next item. That's item six, and that's our discussion of the planning of the virtual AGM, ICANN 72. I circulated an e-mail yesterday on the planning and the plenaries. Maybe Nathalie, you could put the block schedule on the screen. Thank you.

Just to give you a brief summary of how we will approach this as far as Council is concerned, we'll have three sessions, the informal session, the Council meeting and the wrap-up for the informal session that's sort of intended to replicate the [standard] session that we used to have in face-to-face without a duration. So we'll probably do this starting from the project list length as we did this time, but we'll use the informal session to prepare for our sessions with the Board and the GAC because I think there were requests for having requests for more informal discussion prior to our meetings with both the Board and the GAC. So we'll do that during the informal session.

Both of those meetings, GAC and Board, will be held during the week. [Hopefully we've requested that.] So, as I said, we'll have a wrap-up as we did last time, because we felt that was a useful thing to do. There's a possibility for us to have a meeting with the ccNSO on the week before, although that's unsure at this point. I should probably mention that the onboarding of incoming councilors will be on the week before. And as an aside, you will see that in the e-mail that I circulated in particular, there are six plenary topics that have been put forward as proposals and that

are currently being discussed, but I know your respective SG and C leaderships are involved in this.

With this, maybe Nathalie, are there any things that are missed, anything that you'd like to add?

NATHALIE PEREGRINE: Thank you, Philippe. No, you've pretty much covered it all. It's just to point out that this is a very bare schedule right now, because obviously, we're at the start of scheduling and these are the early days. We try to get the Council sessions and the PDPs in as well as the joint session with the Board mainly to allow stakeholder groups and constituencies to schedule their meetings around them and avoid conflict as much as possible. So I expect the SG and C secretariats to be reaching out to you and your groups shortly to gather more information as to which sessions are deemed necessary for ICANN 72.

Just to add, Philippe, that this is a four-day meeting. It was discussed how it is a five-day meeting, but given this is a virtual session and time zone issues, having that fifth day would have required it being a Friday which obviously would have been a Saturday in certain parts. So it is going to be a fairly tight fit for all the sessions, so we are encouraging everyone to really think about how to make the most of the sessions within ICANN 72 and how to make it work, taking into account a few people at least being up in the middle of the night. That's it, Philippe. Back to you.

PHILIPPE FOUQUART: Thank you, Nathalie. And on that last point, I would just refer people back to your e-mail earlier today on the list, on the announcement of the meeting being held from the 25th to the 28th of October.

So I'll just open up the floor for comments or questions or views on ICANN or how we approach ICANN 72. I see Jeff, you have your hand up. Jeff.

JEFF NEUMAN: Thanks. Two things I'd like to ask. One is that I don't think an hour prep that's supposed to take care of both the Board discussions and the GAC discussions—I don't think that's going to be enough. I think it would be nice to probably spend almost an hour on each because they may involve different things. And I don't know if that can be done in the week prior or something like that.

The second thing is, just to kind of bring up to speed, if you remember before the last ICANN meeting and before we had the meeting with the GAC, the GAC took the list of issues that we had—so we had sent around a list of issues to both the GNSO and to the GAC, and then the GAC took some time before the meeting to let us know what some of their thoughts were on those issues and we had that prior to our discussion.

One of the things I'd like to see us do or recommend us doing is something similar, where if there are issues or things that we know we're going to talk about at the meeting and we have specific views, I think it would be courteous, it would be more beneficial if we could provide some thoughts as well to the GAC

and therefore when we go into our session on the Wednesday I guess [inaudible], we'll each have an idea of what views the others have. And I think that would make hopefully for a better interactive session. Thanks.

PHILIPPE FOUQUART: Thank you. Thanks, Jeff. And indeed, we'll try and do that. The sort of responsive mode that we've adopted—and it's been years like this—is partly due to the way we work with GAC, especially on PDPs. But point taken. Maybe we should anticipate and be more proactive in terms of sharing views as opposed to answering questions. So we'll try and do that as well. Thanks, Jeff. Any other comment or questions on the schedule? Especially for Council.

Okay, seeing no hands, we'll move on then. Thanks. Thanks, Nathalie, and we can move on to our next item. That's the AOB. We've got quite a few. Let's have a word about the strategic planning session that we'll have after that 7.1, as you would have seen, that we will have relatively shortly after ICANN 72 as we thought that's preferable given the virtual format that we'll still be in this year. So the current leadership is working on this and this will be handed over to the new one in due time.

A couple of points before I hand it over to Marika who'll help us go through this. So we'll capitalize hopefully on our first experience— and that was a first experience for everyone in that respect. And we'll use the survey that we did last year, not only with your responses but also the feedback that we received during our roundtables with the SG and C leadership.

On the format, we would probably use the same layout in terms of session duration, etc. Time zones remain a challenge so we'll probably use breakouts as we did last year to sort of accommodate the various time zone constraints. And hopefully, we'll book them in advance.

As for the topics, the challenge is certainly to make it equally useful for the incoming councilors and the seating councilors, but we'll try and have balance before we make a proposal. And we'll also go through our project management suite and the tools at our disposal, and that will be extremely useful for incoming councilors.

So with this general description, I'll hand over to Marika, if you would like to help us go maybe through this in more detail before we go to the questions. Maxim, I see your hand up, but Marika first.

MARIKA KONINGS: Thank you, Philippe. Actually, I think you've said most of what I was going to say. This is merely kind of a notice to the council that planning has started. We're working towards a draft program that we hope to share with all of you shortly, and especially as well from the perspective of scheduling the different meetings and getting it on to your calendars.

As Philippe said, based on the feedback that we got through the survey and as well reactions during the last and the first virtual session or version of the strategic plan session, we're planning to kind of follow the same approach or model. I think the only difference we're hoping to implement is having some of the

introductory and welcome-related meetings prior to the AGM to allow as well for the new council members to already have a bit of induction and hopefully also be better prepared to participate in the AGM and then have some of the other, more strategically focused sessions after the AGM. Possibly a few lesser breakout sessions than we had compared to last time, because some of the feedback was it was pretty heavy and of course, taking up a lot of time out of people's schedules. As Philippe also noted, we'll need to factor in the new makeup of the Council and how we can fit that into the time zones. That of course is a limitation to how we operate.

So having said that, of course, if there are any suggestions or ideas or anything further that you want to share based on your experience last year that you didn't already flag in the survey, do feel free to reach out to us. As said, the staff team will be working closely with the current leadership as well as incoming leadership to make this as useful for everyone, noting of course the limitations we have in the virtual setting. So with that, I think that's all I had to add to what Philippe already said.

PHILIPPE FOUQUART: Thanks, Marika. So, any questions or suggestions in advance for this SPS? Again, we'll have a look at, consider the survey, but if you have ideas or things that you remember we should do—or shouldn't, for that matter—that would be helpful. Maxim.

MAXIM ALZOBA: As I understand, we are going to have the same kind of workshop exercise, and I have a suggestion which will make it easier and potentially better investment of time. Is it possible to prepare PDFs with the items which were supported by the participants at the previous sessions? A year ago, couple of years ago. Just topics with number so we could refer to it.

Because last time, when we had to take something, just use the software to look at some other page and then to copy paste and write something, actually, it's not very nice idea to spend time. We could just refer to numbers, like item five from year 2020, and we will see potentially just items. And if it's possible, then current level of support. If not, just items. It will shorten the time to refer to particular items.

Also, we will be able to see how our thinking evolved and we will be able to see, I'd say, which items just were supported by many but nothing changed. Thanks.

PHILIPPE FOUQUART: Thanks, Maxim. So if I understand your suggestion correctly, you would rather have a shortlist of options that you can refer to as opposed to coming up with suggestions—and those would be based on not only the last SPS but also those that we had before that, and you would refer to the numbers as opposed to coming up with a description of those sessions. So we will try and do that when we consult with Council on this. Thank you. Any other questions? I see that there have been clarifications on the dates in the chat. That will come in due time. We'll provide a summary and

send the invites as soon as possible for you to book the appropriate slots. Any other questions?

Okay, seeing no hands, we'll move on then and go to 7.2 of our agenda. That's the expressions of interest process for the expected SubPro ODP liaison. Based on what we call the proposed framework for identifying the GNSO Council liaison to the then SSAD ODP in April, leadership with staff will further broaden that approach and we will develop a request for expressions of interest with clear criteria for the selection of the SubPro ODP liaison this time. So that'll be an EOI, and those who expressed an interest in this will obviously be encouraged to apply.

The selection—and that's our suggestion—would be conducted by the Standing Selection Committee—and as usual, their recommendation will be subject to approval by Council. So we thought we'd give you a heads up on what's going to happen for selection of the SubPro ODP liaison.

Pam, Tatiana, anything you would like to [inaudible]?

PAM LITTLE: Nothing from me, Philippe. Thanks.

PHILIPPE FOUQUART: Thank you, Pam. Any questions?

PAM LITTLE: No, nothing from me. Sorry, Philippe.

PHILIPPE FOUQUART: That's all right. Thanks, Pam. We'll now [inaudible]

NATHALIE PEREGRINE: Philippe, you seem to be breaking up a bit.

PHILIPPE FOUQUART: [inaudible]

NATHALIE PEREGRINE: Philippe, you're breaking up.

PHILIPPE FOUQUART: Can you [inaudible]? I'm sorry.

NATHALIE PEREGRINE: That seems to be better. You were breaking up on the start of 7.3.

PHILIPPE FOUQUART: Okay, so I'll ...

NATHALIE PEREGRINE: We've lost you again. Hold on.

PHILIPPE FOUQUART: Can you hear me now?

EN

NATHALIE PEREGRINE: Not really, Philippe. I will dial out to you on your mobile phone. Apologies, everyone, while I get through to Philippe. It'll just take a few seconds.

PAM LITTLE: Hello everyone. I just thought while we're waiting for Philippe, I wanted to ask something about the strategic planning session. As I won't be on the Council, I'll be termed out, I'll be leaving the Council at the end of ICANN 72 and this'll be those who are staying and the new, incoming councilors, my thinking is just to encourage you all to think about what you want to get out of these planning sessions, what you feel as existing councilors or areas you want to know or work on as a group.

o give it some thought and make suggestions if you have any ideas or suggestion and maybe just send your thoughts to the list. Or if you don't want to do that, send it to Marika or the Council leadership. I really feel you will get as much out of these sessions as you put in. So really try to own them and design them and make them useful and meaningful. Thanks.

PHILIPPE FOUQUART: Thank you, Pam. Can you hear me now?

NATHALIE PEREGRINE: Yes.

PHILIPPE FOUQUART: Yes. Thank you. My apologies for this. Yes, that's an important point. Thanks, Pam. I would like to develop a sense of ownership from the councilors on this. Do chime in if you have any suggestions. That's going to be a balance and we have to satisfy both incoming councilors and the sitting ones, as I said. So any contribution will be welcome.

And my apologies for the hiccups with the audio. I hope you can hear me reasonably well. I was on 7.3, and the update to phase two. As I was saying, the mediation process has concluded. The EPDP is reviewing the public comments and working towards their final report for early September. As you would have seen—or not seen for that matter—there has been no project change request for this.

And at this time and with regards to the EPDP goals as defined in their charter, just very briefly for those of you who might not be familiar with the progress, on the legal versus natural, there's no agreement to [inaudible] phase one recommendation. In other words, the contracted parties may choose to differentiate between legal and natural persons but are not required to, and the EPDP is working to update its guidance to the contracted parties who choose to differentiate.

For this, the team is currently working on the initial report recommendation three and a potential standardized data element that would differentiate between legal and natural persons. That might require adapting the RDAP protocol and a parameter for a [restricted] access system, the SSAD being one example of that. So that's under consideration. [Only the nature of the] [inaudible]

parameter will need to be developed and approved by the relevant standards development organization.

So that's the first item. And the second one on the feasibility of unique contracts, we just refer to the initial report where only if feasible should be a requirement. There's no consensus for a recommendation to require contracted parties to make a registrant data registration-based e-mail address publicly available at this point. And if feasible but not a requirement, what guidance—which is the question in the charter—a preliminary recommendation has been proposed to contracted parties that choose to publish registrant or registration-based address in the publicly accessible RDDS.

So that's where the team is at the moment. As I said, it's still reviewing the responses to the public comment and there's the small team [inaudible] working on the potential standardized data element.

Yes, Maxim, that's the goal, as I said. There was no project change request, and there will be a final report by early September.

So with this, unless there are any other comments or questions on this ... Okay, seeing no hands, I would just, as I said, use the AOB for two reminders. The first is on the deadline for your comments or questions on the August report of the SSAD ODP liaison [inaudible] Janis with this. And notably, the comment on recommendation 14.

I'll just refer to the e-mail I sent to Council on August the [6th.] I just forwarded Janis's report. So we're not going to go through that report in detail, but if you have questions or comments, feel free to share them now, but mostly make sure that you send them on the list by tomorrow evening. If you haven't had the chance to have a look at it, do so by tomorrow. Any comments or questions on this report?

Okay. Seeing no hand, I'll then go to the second AOB that I referred to at the very beginning of this call, and that's again a reminder just to renew the call for the accuracy scoping team chair that was issued. We have an ongoing EOI. And I think the deadline is 25th of August. So if you're interested, I've got the— thanks, Pam, for putting this in the chat. So if you're interested, do apply for this to start as early as possible given the fact that we'll have to wait for the completion of phase 2A. But we do need a chair for this.

Any questions on that one last AOB or any other things that you'd like to discuss? We've got another seven minutes. Okay. Seeing no hands, for once, we'll finish early. I'm sure you will appreciate that. Thanks, everyone, for your time. Again, my apologies for the hiccup on the audio connection. I hope you're well, and we'll adjourn the meeting then. Speak to you soon. Bye all.

NATHALIE PEREGRINE: Thank you all for joining. This concludes today's GNSO Council meeting. Take care, everybody. Goodbye.

EN

[END OF TRANSCRIPT]