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**ICANN Transcription  
GNSO Council**

**Thursday, 20 May 2021 at 19:00 UTC**

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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:

<https://gnso.icann.org/en/group-activities/calendar>

**List of attendees:**

Nominating Committee Appointee (NCA): – **Non-Voting** – Olga Cavalli

**Contracted Parties House**

Registrar Stakeholder Group: Pam Little, Greg Dibiase (apology, temporary alternte Owen Smigelski), Owen Smigelski, 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

**GNSO Council Liaisons/Observers :**

Cheryl Langdon-Orr– ALAC Liaison

Jeff Neuman– GNSO liaison to the GAC

Maarten Simon – ccNSO observer

**Guest Speakers:** Dennis Tan (EPDP IDN DT Chair), Keith Drazek (EPDP P2A Chair), Rod Rasmussen and Jeff Bedser (SSAC)

**ICANN Staff**

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

Marika Konings – Senior Advisor, Special Projects (apologies)

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

Julie Hedlund – Policy Director

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Steve Chan – Senior Director  
Berry Cobb – Policy Consultant  
Emily Barabas – Policy Manager  
Ariel Liang – Policy Senior Specialist  
Caitlin Tubergen – Policy Director  
Nathalie Peregrine – Manager, Operations Support  
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 May 2021. Would you please acknowledge your name when I call it? Thank you ever so much. Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Here, Nathalie.

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NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Here, Nathalie.

NATHALIE PEREGRINE: Greg DiBiase is on leave and we have Owen Smigelski as temporary alternate. Owen Smigelski.

OWEN SMIGELSKI: Here.

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: Here.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo.

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MARIE PATTULLO: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you, Marie. Mark Datsygeld.

MARK DATYSGELD: Here.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: I'm here.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Present. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you, Flip. Philippe Fouquart.

PHILIPPE FOUQUART: Here.

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NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Wisdom Donkor.

WISDOM DONKOR: Here. Thank you.

NATHALIE PEREGRINE: Stephanie Perrin. I don't see Stephanie in the Zoom Room. We'll get hold of her. Farrell Folly.

FARRELL FOLLY: I'm here.

NATHALIE PEREGRINE: Thank you. Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Present, Nathalie.

NATHALIE PEREGRINE: Thank you. Tatiana Tropina.

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TATIANA TROPINA: Present. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you. Juan Manuel Rojas. I don't see Juan in the Zoom Room. Carlton Samuels. I see a hand up in the attendees. Yes. We just need to transfer him over to panelist. Perfect. Olga Cavalli.

OLGA CAVALLI: Present, Nathalie.

NATHALIE PEREGRINE: Thank you. Jeffrey Neuman.

JEFF NEUMAN: Present, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you. Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Present. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. And Maarten Simon.

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MAARTEN SIMON: Yes. I'm here.

NATHALIE PEREGRINE: Thank you.

CARLTON SAMUELS: Hi, Nathalie.

NATHALIE PEREGRINE: Yes, Carlton. Thank you ever so much. Yes. You're noted as present. Thank you.

We're having guest speakers on the call today: Dennis Tan, EPDP IDN Drafting Team chair; Keith Drazek, EPDP Phase 2A chair; Rod Rasmussen and Jeff Bedser from SSAC. Chris Disspain, IGO Work Track chair, has sent his apologies for item seven and GNSO Council liaison, John McElwaine will kindly cover in his place. From staff, we have David Olive, Steve Chan, Mary Wong, Julie Hedlund, Berry Cobb, Caitlin Tubergen, Emily Barabas, Ariel Liang, Terri Agnew, And myself, Nathalie Peregrine.

I'd like to remind everyone to remember to state your name before speaking for recording purposes. In the Zoom Webinar Room, all councilors and speakers have been promoted to panelist and can activate their mics and participate in the chat, once they have set that chat to "all panelists and attendees," for all to be able to read exchanges. A warm welcome to attendees on the call who are silent observers, meaning they do not access their microphones, nor can type in the chat. As a reminder, those who take part in the

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ICANN multistakeholder process are to comply with the Expected Standards of Behavior. Thank you. Philippe, it's now over to you.

PHILIPPE FOUQUART: Thank you, Nathalie. Welcome to our Council meeting and welcome to our observers. Going to our packed agenda, I have to say. Any updates to SOI? Okay. Seeing no hands. Any change to the agenda that we'd like to see? Okay. Thank you. Moving on, I will just note the minutes that have been shared. You have the pointers on the webpage.

As opening remark and mindful of the agenda, as I said, I'll just refer to Berry's email on the program suite, which was distributed on May the 11th, as well as you'll find the Radar in there. You can find all of these documents in the Council webspace. And as a point of information, we'll address the Continuous Improvement Framework during the AOB. We've had discussions with the SGs and Cs and further refined the model.

Having said that, moving swiftly to item three. That's our consent agenda. And in accordance with the framework that we circulated, and for which we'll all have opportunities to review for future ODPs, I'm glad to report that we—as I put it in the email—reached out to Janis Karklins, who kindly accepted, in his personal capacity, to act as that liaison. So I will put this to the vote. Seeing Maxim. You have your hand up before we go to—

MAXIM ALZOBA: A note to this topic. We, as a Registry constituency group, do that not have questions to the person chosen but the process, in our



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opinion, might not be followed because the framework was suggested, sent. And we were under the impression that we will discuss it and then something else, like selection, happens. And instead of it, we have it on consent agenda. But it doesn't mean we want to remove it from the consent agenda. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. Point well-noted. As I said, we'll have the opportunity to rediscuss the framework. I have to say that I should probably take the blame for that because I had a slip of the tongue during the presentation of the framework, initially. I thought I had corrected that in two emails that I shared but I appreciate that people are busy and it is very busy to catch up with those. But point well-taken, Maxim. Kurt, I see your hand as well.

KURT PRITZ: Yeah. Thanks very much, Philippe. I agree with Maxim that Janis is probably an excellent choice. I'm not sure we have a charge for him or what we expect of the role has been formalized yet. I'd just like to raise the point that I think our comments to the ODP was that its hallmark should be transparency—that at the end of the ODP, there really should be no surprises. And Janis is our—the GNSO community's—channel or visibility into the working of the ODP. So we're counting on Janis to provide us with frequent updates in any way he and you see fit so that there is transparency into the process. That's my whole comment. Thanks.

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PHILIPPE FOUQUART: Thank you, Kurt. And point well-made, I think. For this ODP and those to come, I think we need to work on how we, indeed, provide transparency, not only to Council through that liaison role, but also to the whole GNSO community. So we'll make sure that we have such updates to Council, be it, again, for this ODP or the next ones. So thanks again for the comments. Seeing no one in the queue, I'll just suggest we go through our voice vote. Nathalie.

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? Hearing none, would all those in favor of the motion please say aye?

UNIDENTIFIED PARTICIPANTS: Aye.

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

PHILIPPE FOUQUART: Thank you. Thanks, Nathalie. Thanks, everyone. Looking forward to that ODP. And moving on to item four. That's our vote on the motion for the GNSO Council response to the GAC Communique for ICANN 70.

Before we go to that vote, obviously, I have to say that—and the exchanges we've had on the list is an illustration of that—there's

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room for improvement in terms of how we produce this. I appreciate that. There was a short time for people to review the response. Now, looking at the bright side of things, I think that response was timely, as far as the Board is concerned. Something has to give, I guess. But at least, as far as the review within our Council is concerned, we can probably do better in terms of timing. With this and unless anyone would like to comment, I'd suggest we move on to our vote on this. And that will be a voice vote. Nathalie.

NATHALIE PEREGRINE: Thank you, Philippe.

PHILIPPE FOUQUART: I think we probably need to read formally. Correct me if I'm wrong.

NATHALIE PEREGRINE: No. You're entirely right. You need to read the resolved clauses. Yes.

PHILIPPE FOUQUART: Okay. I'll do that quickly, hopefully. The GNSO Council adopts the GNSO Review of the ICANN 70 Virtual Community Forum GAC Communique and requests that the GNSO Council chair communicate the GNSO Review of the ICANN 70 Virtual Community Forum GAC Communique to the ICANN Board. Two, the GNSO Council requests that the GNSO Council chair also

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informs the GAC chair of the communication between the GNSO Council and the ICANN Board. Thank you, Nathalie.

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?

UNIDENTIFIED PARTICIPANTS: Aye.

NATHALIE PEREGRINE: No abstention, no objection. The motion passes, Philippe.

PHILIPPE FOUQUART: Thank you, Nathalie. Thanks, everyone. Moving on, then, to item five. That's the initiation of the PDP on IDN and approval of the EPDP team charter. And just to frame the discussion that we're going to have, there's probably two, three things that we need to distinguish in terms of separating the variables.

There's the EPDP scope and charter. And under that, I think you will need to understand the potential relationship between that charter and the IDN Implementation Guidelines Version 4.0, and particular items of those guidelines, as well as the potential dependency between this proposed charter and [the sort of] priority. So that's essentially the two things that we need to think about.

There's a second item that we may want to discuss. And coming back to the email I sent to the list, I think it was yesterday, and just noting the timeline of the proposed charter, you would have noted that it's quite aggressive, even if it's an EPDP. It's 12 months. So we want to make sure that everyone is aware of that, including those who may put forward volunteers for this work.

And the third point that we'll need to discuss is the operational track, and referring to the suggestion made by the Registries Stakeholder Group regarding that operational track, whether that would need to be deferred and whether there's a potential relationship between that and the EPDP and how we manage that dependency.

We also need to consider the next steps for this and how, based on our reading of the stages of those guidelines, how we convey our thinking in terms of whether the items that are 6, 11, and 13, I think—Dennis will come to that in the presentation—either to the EPDP team or whether we consider that they can be, or they should be removed, or whether we should ask the IDN Implementation Guideline Working Group for this and how we convey that information to the Board.

So with those three items, I'd like to turn to ... And once we've done that, we'll come to our vote, obviously, on the motion. Having said that, I'll turn to Dennis Tan, as chair of the chartering team, to introduce the charter and hopefully help us with the dependency that I referred to in the introduction. So Dennis.

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DENNIS TAN:

Thank you, Philippe. Hello, everyone. Thank you for having me. I'll give a brief presentation on the IDN EPDP Drafting Team work. And I'll make sure that we address those three points that you raised, Philippe, for the Council's understanding.

Okay. Let me start with the first item—the big item on the agenda—which is the IDN EPDP Drafting Team work and the initiation request for the next EPDP. This is what I'm going to cover, five topics. And then at the end, questions that you may have. Next slide, please.

So background, next slide. This is just, at a glance, a timeline of the sequences of major milestones that have taken place, starting from the Board's resolving not to allow variant TLDs until two items are in place, which is the definition of variant and also a management framework or structure. So we are building on top of the different work items that have happened across the last, if you see, more than a decade now. And we are getting there towards a solution to introduce variant TLDs in a safe and consistent manner. Next slide, please.

This is a picture of the drafting team here, from across the globe. Next slide. Next slide, please. Let me start explaining this a bit for the benefit of everyone—the existing body of work that the drafting team used in order to develop the policy questions that the next working group will need to consider. There are three major bodies of work that we took into account.

First, the SubPro Recommendations, namely topic 25, which relates to IDNs and other related topics as well. The staff paper—that is the Variant TLD Management Framework, staff

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recommendations. Also, the Root Zone Label Generation Rules study paper that tells you how to use the Root Zone LGR. And also, the IDN Guidelines Version 4.0 itself and other related SSAC reports. Next slide, please.

As far as the scope, just broadly, there are two items that the next working group will need to answer or develop policy recommendations. First and foremost, the consistent, predictable definition of all TLDs—TLD labels, that is—and also how to generate and manage variant TLDs.

And the second topic is the evolution or how to implement changes of the IDN Guidelines—Implementation Guidelines for Second-Level Domain Names. For those that don't know, the IDN Guidelines are for gTLDs are required by contract. And therefore, such as contract obligations, the question is what's the right vehicle or the appropriate process for these contract obligations to change over time. That's the second question that the working group will need to consider.

This is the intersection where the operational track may come into play. So when the scoping team ... I need to backtrack a little bit here. When the scoping team recommended two tracks in order to tackle the different IDN issues, policy track being one of those, and that's the one that we are talking now, the EPDP, they also envisioned an operational track in order to look at the operational issues with respect to implementing the IDN Guidelines Version 4.0 and the overlapping, potentially conflicting issues with existing obligations in the Registry Agreements or Registrar Accreditation Agreements and also the future working group on the IDN EPDP.

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And if certain issues would arise from this operational track review, then those issues may expand the scope of the IDN EPDP but in no way to stop or block the work of the IDN EPDP. So I think that's a good consideration to take. Next slide.

The framework that the drafting team agreed on, and based on the body of work used for the work, from left to right, we defined this principle—that we will not revisit, or the next working group rather, will not revisit policy recommendations that came out from SubPro pertaining to new gTLDs. But rather, the question for the next working group is going to be whether they can extend the applicability of those policy recommendations to existing TLDs.

In the middle box, whenever there is no recommendation from SubPro but something that the staff paper and the TSG paper recommended, then the IDN EPDP will consider policy recommendation for both existing and new gTLDs.

And lastly, this is where, because of the dependencies between SubPro and the IDN PDP, there needs to be coordination between those two efforts—the future Implementation Review Team of the SubPro and the work of the IDN EPDP, both during the policy deliberations and also the IRT, in order to implement consistent solutions for existing and new gTLDs. Next slide, please.

Now, let me go through. I don't want to go into much detail but touch on each of the topics that the next working group will deliberate or touch upon. So overall, there are seven groups, totally 48 charter questions. So let's go to the first one, please.



Topic A is about the consistent definition of top-level labels and the use of the Root Zone LGR in defining—again, determining variant labels for the top level and the variant labels for each of those labels. Next slide, please.

I think we are now on slide 13, topic B. Topic B deals with the same entity for the top-level domain name. That is same entity as the registry operator and what are the implications of introducing this new principle into Registry Agreements and policies and procedures. Next slide, please.

As we're talking about top-level domains, it's necessary to also extend the same entity principle to the second-level domain names. Therefore, there's also a topic on this item as well as its implications in existing policies and procedures.

Here is where I want to pause a bit and, I think, address some of the questions about the relationship between the IDN EPDP and the IDN Guidelines Version 4.0. So those items that are highlighted in yellow are the ones that overlap with the IDN Guidelines Version 4.0. Therefore, the thinking of the Registries Stakeholder Group is that if these items have or are going to be discussed, and deliberated, and potentially come to different conclusions as far as implementation-wise on these topics because of the IDN EPDP work, then it doesn't make sense to implement or adopt the Version 4.0 of the Guidelines when there's a possibility to duplicate or that the IDN EPDP supersedes the Implementation Guidelines Version 4.0.

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I think I want to pause here, Philippe, if I may, maybe to answer if somebody has questions—if you have questions about this relationship between those, if that’s clear or any observation.

PHILIPPE FOUQUART: Thanks, Dennis. Thanks for this. Indeed, maybe that’s an opportunity to open the floor now and ask for questions on this. What I seem to understand is that there is, indeed, an overlap between those items that Dennis referred to—6, 11, and 13—between the EPDP and the Implementation Guidelines v. 4.0. We can’t have both so we need to figure out who’s going to address that and how those can be—and that’s my word—frozen, moving forward, not to have any inconsistency between those two—obviously, between those two resources.

Is that clear for everyone? Any questions on this? And after the presentation, I think we will need to discuss the way forward on this. Once we’ve said those should be frozen and deferred, potentially, we need to consider the status of the overall Guidelines v. 4.0. Kurt.

KURT PRITZ: Thanks, Philippe. And thanks very much, Dennis. At this point, my understanding is we have two tasks. One is to approve the charter and get the EPDP going. And then a separate task is to talk about this potential collision between the operational arm and the EPDP as a second thing. The second has no effect on the first. So we should vote on the PDP first and then have the other discussion later. I hope that’s a correct assumption.

PHILIPPE FOUQUART: Yes. Thanks, Kurt. That's one way to do it. My original intent, as I put in the email, was to have the discussion on the—and I'm going to be struggling, too—the operational track and the Guidelines, even before we vote on the motion. But if that's clearer for people, I appreciate that we'll still have 15 minutes to do that. We can vote. And given, indeed, that there is no ... We can vote on the charter once we're done with the presentation and then discuss the status of the IDN Implementation Guidelines. If that is helpful, we can do that after the presentation.

But I just want to make sure, at this point, that everyone has the understanding of the interplay between those two things. Any questions on the relationship, the dependency? It's more than a dependency. It's an overlap. So Dennis, back to you, then. I suggest that we move on with the presentation of the charter, its remit. We'll take a vote then and we'll discuss the status of the Implementation Guidelines v. 4.0. Dennis, back to you.

DENNIS TAN: Thanks, Philippe. Next slide, please. The next topic is about the policies and procedures related to domain name lifecycle. Just to name an example, for instance, the transfer. When you transfer, if we are indeed recommending that variant domain names are the same, then how does that ...? In relation to the same entity principle, how does that affect transfers, whether it's an explicit transfer or implicit transfer. So those are the topics that the next working group will need to deliver. Next slide.

Then, topic E is the same flavor of the previous one—other processes such as the string similarity, the string contention, and reserved strings. Next slide. The other bucket in which the team will need to address any potential implications in is the dispute resolution processes, and trademarks, and rights protection mechanism overall. Next slide.

The last topic pertains to the second broad group of what the next working group will need to consider, which is the evolution of the IDN Implementation Guidelines at two levels. What's the proper vehicle and as well to consider whether the Guidelines itself is the right place where contract obligations need to live or whether there is a different type of vehicle in which the obligations as far as implementation at the second level need to live with, specifically for gTLDs.

Originally, the IDN Implementation Guidelines was devised for all registries—so gTLDs and ccTLDs. But given the legal nature of the guidelines for gTLDs, potentially there needs to be a different place where these obligations need to live.

Okay. I think that covers all the topics that the next working group will need to work on and now we can move on to talk about deliverables and timeline.

As far as the next working group, the first thing in order for the working group will need to discuss and deliver a work plan and timetable for the GNSO Council. We have envisioned that because of the dependencies with SubPro, the working group might decide to divide, break out the work in different phases and deliver those in different groups or pieces. But that's certainly

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something that the next working group should consider. And at minimum, they need to deliver, per the PDP Manual, an initial and final report. Next slide.

Considering the scope of work—considering that the working group will build upon SubPro recommendations for some of the work—the working group thought about a timeline of 12 months as reasonable. This being said, the drafting team did not look at a detailed work plan in order to arrive to this number. So it's really going to be up to the next working group to determine, based on the time, resources that they are going to have available to come up with a timeline that potentially gets closer, or close, or meets this timeline or something different.

And Philippe, I want to pause here because I know this is one of the items that you wanted to address or potentially you want to wait until the end. So just signal me whether you want me to go ahead or pause here.

PHILIPPE FOUQUART:

Thank you, Dennis. Maybe that's the right time for us to discuss the ... You put forward the rationale for the 12 months. As I said, from a distance, this seems like quite an aggressive timeline. It obviously depends on the remit of the EPDP. But that's on par with Phase 1 of the EPDP. And then then they had face-to-face meetings, etc. So it really depends on the remit of this EPDP.

But I just want to open the floor on this and ask, given that it's in the charter at this point, whether people feel comfortable leaving this aggressive timeline in the charter at this point or whether we

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should take it out for the moment and consider—leave it to the working group to define the work plan first and then come back with a commitment from the chair on maybe the same timeline, maybe a different one, depending on that work plan. So any views on this? Maxim?

MAXIM ALZOBA:

Actually, there are some items which will influence this timeline, which are out of control of these group members and the leadership, like SubPro timeline, because to synchronize something with something ... From one side, we have this IDN EPDP effort, on the other hand this SubPro effort. But there will be an ODP process, which was never tried. We don't know the timeline yet because it was draft design, I'd say, because it was never tried. It's a pilot run, I think. So we might see the situation where the work group needs some information to be synced with SubPro IRT, where SubPro IRT hasn't started work yet.

My personal opinion that we might want to change the wording about timeline to softer version, like "should try" or something like that. Thanks.

PHILIPPE FOUQUART:

Thanks, Maxim. Any other views on this? Appreciating what you just said, Maxim, and also the presentation that you gave, Dennis, one option would be to ask the working group to come back, maybe with the same timeline, appreciating the dependencies and not making a judgment or a different one, but this time with a

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commitment, given the resources that will be put forward, given the chair that would be appointed.

So that's also an option that I would personally be more comfortable with but I would seek your guidance as to the way forward. It doesn't jeopardize or question the approval of the charter. We take out the 12 months. We ask that same question to the working group to be formed. And then if it's the same, it's the same and we duly acknowledge that but based on more substantive elements and evaluation of the dependencies that you referred to, Maxim. What do people think? Any other views on this? Pam.

PAM LITTLE:

Thanks, Philippe. I am also inclined or prefer the option of not including the 12-month timeline in the charter. I feel the charter is something special. We don't put something there unless we're pretty certain that it is a reasonable and achievable timeline.

I heard what Maxim was saying. It actually makes me feel that Maxim seemed to be advocating for a longer period than the 12 months because there are all these variables and elements that may not be within the working group's control or the EPDP team, whatever we call that and given that there is also this proposal element of coordination between the SubPro—what do you call it?—implementation track as well as the EPDP work.

So to me, it actually introduced more unknown or uncertainty. Therefore, it goes to make this 12-month period more challenging. But in any event, I would think, from a management point of view,

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good practice would build in more buffer rather than having the working group being bound by this 12 months. And then, if they cannot meet that, they will have to come with a change request for the Council. But that project change request should be only used as a last resort, rather than as a normal reoccurring thing.

So I would really feel more comfortable if we don't ... We don't really need that in the charter so why would we want to have that in the charter at this point? And as Dennis has said, that will be the first deliverable for the working group, to come up with a well-thought-out work plan and timeline. So it doesn't seem to me to be necessary to have that in the charter at the moment. Thank you.

PHILIPPE FOUQUART: Thanks, Pam. Jeff, you have your hand up.

JEFF NEUMAN: Sorry. I was a member of the scoping team. But one of the other reasons that 12 months is in there was a recognition that the ICANN Board sent a letter to the Council—it must have been about a year or maybe more ago—that basically said that this IDN work was ... Or I should say it the other way. The next round was contingent on finishing this IDN work.

So before the Council makes a quick decision on this, I just would ask that maybe think about it a little bit because if we have a longer timeframe, that could ... Unless the Council says otherwise to the Board or responds to that letter to the Board, that could have a substantial delaying factor on the next round of new



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gTLDs, which may or may not be something the Council wants.  
Thanks.

PHILIPPE FOUQUART: Thanks, Jeff. I think the rationale for this is well-understood, I would say. That dependency may indeed be a good reason to have that aggressive timeline.

I'm not hearing anything about mandating a longer timeline at this point. But what I'm hearing is that people would be more comfortable defining that timeline—even if it's just 12 months—even if it's the same, once the working group is formed, once we know the resources, once the chair is appointed. So we can evaluate the ability of that working group to meet that target, bearing in mind that we can't launch anything with the idea that there will be a PCR down the road. And coming back to your point, Jeff, I don't think that would meet that constraint, either. So that would be my suggestion.

I know that Mark, for some reason, you're in the observers section but you have your hand up. But you may not be able to speak. You haven't been promoted. Mark, we can hear you.

MARK DATYSGELD: Am I back?

PHILIPPE FOUQUART: Yes. You are.

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MARK DATYSGELD: Thank you very much. I had a quick connection issue. On this matter, first I would like to congratulate the team on what has clearly been a lot of work. Unfortunately, I couldn't follow it as closely as I wanted to, due to other work commitments. But this is clearly very good work so congratulations to the team.

This initiative is very important. I would like to underscore that. This is an issue that has been postponed for what is not a reasonable amount of time. The fact of the matter is, we are getting with this late. We are not early on this matter at all. We need to seek a resolution to this issue. I know that IDNs haven't had, exactly, a priority in the community in the past but this is a very important issue and it something that the continuity of the stability of the DNS hinges upon. So if it is to cause any kind of delay, then that's problematic.

At the same time, this subject has been delayed. It has been delayed for almost 10 years, something like that. So we really need to tackle this. This is serious. This is important. And I give my full support that we look at this now. And speaking as a representative of the Universal Acceptance Stakeholder Group, not as a councilor now, it is something we need. We need this kind of backing right now. We need this kind of direction for us to be able to do our work properly. Thank you very much.

PHILIPPE FOUQUART: Thank you, Mark. That's great. What I would suggest is that for the moment we ... I'm sorry, Maxim. We're lacking time, I think. So what I'd like to suggest is that we take out the timeline that we have at this point in the charter, on which we will go back to the

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working group and the chair for them to evaluate, given the resources that will be put forward and the dependencies that everyone referred to, and potentially the risk on the delivery of SubPro, generally speaking. Maybe that's going to be the same. Without further deferring, coming back to Mark's point, the working group, we'll make sure that we're just as far as possible from a PCR. So that would be my suggestion. So is anyone opposed to doing that?

So Dennis, I would ask you to, quickly, if you would, conclude with the presentation on the charter. We will vote and then have our discussion on the Operational Guidelines v. 4.0 after that. Dennis.

DENNIS TAN:

There are a few slides left so let me just go briefly about formation and organization. Next slide, please. It's the recommendation of the drafting team that the model of the working group be a representative plus open model—I think it's called a hybrid—in which we have members, participants, and observers. And really, it's the burden of the members who will decide the consensus call for each of their recommendations. And recognizing that IDN is also important work on the community, that's the reason we allow for participants and observers. Next slide, please.

And for each group in the community, we are recommending up to three members to join. So we don't want to overcrowd. There are two things here. IDNs is a specific topic—a technical topic—but we recognize there is interest in the community so we recommend up to three members for each group to represent. And of course, we would like for the whole membership of the working group to

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have expertise in different areas, from IDNs, to technical, legal, RPMs, and what have you. Next slide, please.

As far as leadership, the drafting team recommends one independent chair and one vice chair that could be elected from the participants. The chair, of course, is appointed by the GNSO Council. And we expect him to be knowledgeable about the technical as well as the policy aspects of this subject matter. And I believe that's the last slide.

PHILIPPE FOUQUART: Thank you. Thanks, Dennis.

DENNIS TAN: Happy to answer any questions.

PHILIPPE FOUQUART: Sure. And I think we've covered all the issues that it refers to as far as the charter is concerned. So unless there are any more questions on this, I would suggest we go to our vote now. I think we will need to have the resolved clauses read out by Maxim. Maxim, would you like to do it for us?

MAXIM ALZOBA: I have a procedural question.

PHILIPPE FOUQUART: Right. Okay. Please do.

MAXIM ALZOBA: If we think that 12 months is not enough, what do we do now?  
Thanks.

PHILIPPE FOUQUART: What I heard from the group is that at least the concurrence that we will go to the working group. They will evaluate the resources that they have. The chair will be appointed. And with a detailed work plan, they will come back to Council with a timeline. It can be the same one or it can be a different one. Does that make sense, Maxim?

MAXIM ALZOBA: Yes.

PHILIPPE FOUQUART: Thank you.

MAXIM ALZOBA: Do I read the motion now?

PHILIPPE FOUQUART: Yes, if you would. Formally, we have to. Thank you.

MAXIM ALZOBA: The text of the motion: A motion to initiate the Expedited Policy Development Process on Internationalized Domain Names and

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adoption of the EPDP on IDN charter, submitted by Maxim Alzoba, seconded by Tomslin Samme-Nlar.

Whereas, first clause. On 14th March, 2019, the ICANN Board approved a set of recommendations developed by ICANN Org on how to allocate Internationalized Domain Name, IDN, variant TLD labels. The ICANN Board requested that the GNSO and ccNSO take into account those IDN variant TLD recommendations while developing their respective policies to define and manage IDN variant TLDs for the current TLDs and future TLD applications, while keeping each other informed of the process in development, the relevant details of the policies and procedures to ensure a consistent solution for IDN variant gTLDs and IDN variant ccTLDs. Second clause—

PHILIPPE FOUQUART: Maxim, sorry to cut in. I don't think we need all the whereas. We just need resolved clause, just for the benefit of time. Yes. Thanks. Again, my apologies, Maxim.

MAXIM ALZOBA: Okay. I'm reading now resolved clause. Resolved, one, the GNSO Council hereby approves the initiation request for the EPDP on IDNs and as such, initiates the EPDP. Two, the GNSO Council approves the charter of the EPDP on IDNs.

Three, the GNSO Council directs staff to, a, communicate the results of this motion to the GNSO, SGs, Cs, as well as ICANN SO/ACs and invite them to identify members of the working group, following the working group composition described in the charter.

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B, communicate the results of this motion to the ICANN Org GDS Team and invite them to identify at least one staff liaison for the working group. C, launch a call for expressions of interest seeking interested candidates to chair the EPDP on IDNs. And, d, solicit candidates for the GNSO Council liaison to the EPDP on IDNs. That's it. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. Nathalie, would you like to take us through the roll call vote, please.

NATHALIE PEREGRINE: Thank you very much, Philippe. Juan Manuel Rojas. Juan, you are muted. I will circle back to Juan. John McElwaine.

JOHN MCELWAINE: Yes.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Yes.

NATHALIE PEREGRINE: Farell Folly.

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FARELL FOLLY: Yes.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Yes.

NATHALIE PEREGRINE: Owen Smigelski.

OWEN SMIGELSKI: Yes.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Yes.



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NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Yes.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Yes.

NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: Yes. Thank you.

NATHALIE PEREGRINE: Thank you. Wisdom Donkor.

WISDOM DONKOR: Yes.

NATHALIE PEREGRINE: Carlton Samuels.

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CARLTON SAMUELS: Yes. Thank you.

NATHALIE PEREGRINE: Thank you. Pam Little.

PAM LITTLE: Yes.

NATHALIE PEREGRINE: Thank you. Mark Datysgeld.

MARK DATYSGELD: Yes.

NATHALIE PEREGRINE: Tatiana Tropina.

TATIANA TROPINA: Yes.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Yes.

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NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: Yes.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas. Juan, you're muted. Go ahead, Juan.

JUAN MANUEL ROJAS: Hello. Can you hear me? Yes.

NATHALIE PEREGRINE: Yes. What is your vote, please?

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JUAN MANUEL ROJAS: Yes.

NATHALIE PEREGRINE: Wonderful. Thank you very much. From the Contracted Party House, we have seven votes in favor and none against. From the Non-Contracted Party House, we have 13 votes in favor and none against. The notion passes with 100% in both houses. Thank you.

PHILIPPE FOUQUART: Thank you, Nathalie. Before we close this item, I'd like us to go back to the question of the IDN Implementation Guidelines v. 4.0. And given the relationship or the overlap between the EPDP that we just approved and items—in particular, items 6, 11, and 13 that Dennis referred to earlier. We need to have a discussion about how we proceed with these recommendations—we, being what we suggest to the Board, for example, noting the requests from the Registries Stakeholder Group to defer the adoption of those guidelines.

So I'd like to open up the floor for a discussion on this—on the way forward that this group would like to see us taking. So, Pam, you have your hand up.

PAM LITTLE: Thank you, Philippe. I'm sorry to intervene here. Philippe, we're terribly late—running late on this item. I'm just wondering whether it would be acceptable to our RySG councilors who requested this discussion item on the deferral of the operational track ... I know we actually have Dennis here but we also have other guests

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attending other items. And I'm not sure whether we really have time to comprehensively discuss the next part of this conversation, which, as I said, is the operational track and a deferral about the IDN Guidelines Version 4.0 implementation.

Would it be best to defer this to the next meeting or other venue where we can discuss this in a more comprehensive way?

PHILIPPE FOUQUART: Thanks, Pam. I'm mindful of time, indeed. I know we planned our discussion at this point. So I'll turn to Kurt. You requested a discussion time at this meeting. The request was not a formal one, as to how we proceed with the Board, for example. So I'd like to turn to you and ask whether you would accommodate this or how you would see us discuss this further. Kurt.

KURT PRITZ: Thanks, Philippe, and thanks, Pam. Sure. We can defer this discussion. I think it presents to us a good opportunity, as managers of the policy process, to do some meaningful coordination regarding divergent processes.

So I would request—and there's a number of ICANN staff on the Board, on the call—that the Board be put on notice that we're discussing this issue. I didn't know if they were going to take some action in the immediate future or not. But so long as the Board's on notice that Council's discussing this, I think it'd be fine to defer the discussion. And we can even hone the discussion a little bit so we can formalize our request and maybe take care of the whole thing in one meeting. Thanks, Philippe. Thanks, Pam.

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PHILIPPE FOUQUART: Thanks, Kurt, for this. And even with the little discussion that we've had on this during the discussion on the EPDP charter, we've noted the overlap. We cannot have an overlap moving forward, we cannot have two different bodies working on the same thing, producing potentially inconsistent outputs. So that's duly noted, and I think the staff is now well aware of that and will have that discussion later, but the overlap is already on record.

So with this—thanks, Kurt—this concludes our item five. Moving forward—and thanks to our SSAC colleagues for waiting. We have guests from SSAC to introduce us with SAC 115—that's the report on DNS abuse—for us to further understand the various views on the issue within the community. We've heard the CPH's view on this at our last meeting, and this is a follow-up from that. So, Rod, Jeff, welcome, and the floor is yours.

ROD RASMUSSEN: Okay. Thank you very much, Philippe. This is Rod Rasmussen, I'm the SSAC chair, and I want to thank the GNSO Council for having us here today to run through a quick presentation on SAC 115. I'm going to hand this over to Jeff Bedser, who was the work party chair, for this work to run through this presentation. I know you're behind time, so we'll try and get through this quickly and then take whatever time you want to give us for Q&A at the end. So Jeff, I'm going to turn it over to you.

JEFF BEDSER: Thanks, Rod. Jeff Bedser. Thank you so much for giving us the time today to present on the result of this work party. It's basically

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a report on an interoperable approach to addressing abuse handling in the DNS. Next slide, please.

We'll be covering the scope and purpose of the report, how we define the problem, the framework for an interoperable approach that we came up with, some of our findings and some of our recommendations. Next slide, please.

The purpose of the report is very straightforward, is that the reduction of DNS abuse is the reduction of victimization of Internet users. The strategy is about an interoperable approach that's based on universal standards for DNS abuse handling. Wherein the DNS itself is an interoperable network where all the standards are met and thus everything works, the handling of abuse has not been managed that way between the various parts of the ecosystem or the stack wherein the methodologies vary and the policies vary from registries and registrars to hosting providers and CDNs, etc. So the desired outcome is SAC 115 acts as a catalyst to channel ongoing efforts in order to begin establishing some universal standards. Next slide, please.

In defining the problem, the DNS abuse in SAC 115 refers to the domain names of DNS that perpetrate abusive activities. We're not working on a new definition, we went with existing definitions that gave us the best framework to work within, and we looked for ones that were commonly used within the ICANN community as a baseline.

So the recognized abuses, of course, everyone on this call I'm sure is familiar, is the malware, botnets, phishing, pharming, and

of course, spam with a big asterisk there, when spam is being used as a delivery mechanism for one of the other forms of abuse.

Obviously, no list can be comprehensive because there's always something new, there's always a variant that comes out that doesn't quite fit in one of the categories, but there are other forms of abuse as well that are outside of the scope, again trying to come to a standard that is something that the community can get behind. Next slide, please.

In defining the problem, what are we doing about DNS abuse? We've got four columns here. Of course, there are entities and efforts to block and filter abuse at the entryway to the consumer, the firewall, what have you, or at the ISP. There's processes involving notification and takedown, notifying providers of the domain that's being used for an abusive effort on their systems, but of course, there's a lot of time and effort that goes into that, particularly under terms of service where there's a notification period between, say, a registry and a registrar or a registrar and a hosting company or a registrar and a registrant, which gives inconsistent outcomes. And of course, poorly handled abuse handling, as we all know, can have the possibility of collateral damage where a domain that's used for many things is taken down by somebody that doesn't understand the purposes or use of that domain on a larger scale. I usually refer that as the Facebook issue, Facebook.com.

There are leading efforts in this area. We've got groups like the Anti Phishing Working Group, M3AAWG which is a messaging anti abuse working group, and the list goes on. Obviously, everyone can read the list here. There are plenty of leading efforts

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about detecting DNS abuse. And of course, there are notifier programs that involve the expediting of DNS abuse remediation, explicit networks of trust between different entities where you know the person, you trust the person and you take their trust from that relationship.

But of course, when you look at those types of remediations, scaling is difficult by nature. The old, “I know someone who could handle this” or “I know this person so I trust that they’ll do what I ask” doesn’t scale when you’re talking about a large-scale botnet [inaudible] scale, other types of large-scale issues, and it doesn’t scale when you don’t know the persons on the other end of the transaction and can’t make a trust network work to solve all your problems. So each program has its own sets of definitions and standards, of course. Next slide, please.

The framework for interoperable approach we’ve come up with, this is a proposed framework where there’s a determined primary point of responsibility for abuse resolution. And that really goes to the type. This is the type of abuse that the registry will handle, this is the type of abuse that the registrar will handle, this is one that has to be at the registrant or the hosting company. But if this type of abuse should go here, that allows escalation paths where if the abuse is reported into the ecosystem at the wrong place, you can escalate it to the right place with notice to those parties.

Really important in our findings were that evidentiary terminology and standards needed to be determined. What does constitute evidence for a phish, for example? What are the standards within that, so the terminology and the standards of, so everyone can agree this is what we say it is, this is evidenced to be what we say

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it is and thus can be acted upon with or without trust, where if you've demonstrated and evidenced the finding, you don't need to know the person or trust the person as long as the evidence standard is appropriate to the terms of service.

Reasonable time frame for actions just comes down to that original point we made about victimization. One of the things we extrapolated in the report is in a situation where there were four levels of referral between different parties, and each one gave the other party 24 hours respond, an abusive domain could exist for four days. That's not acceptable when you consider the number of people that can be victimized during that period of time. So coming up with reasonable time frames of action that allow the abuse to be minimized by the domain that is evidenced to be part of an abuse be taken down quickly. And of course, that always comes down to the availability and quality of contact information from the registrant level to the infrastructure levels so that the appropriate entity to handle the abuse is available to be determined. Next slide, please.

So within the primary point of responsibility, there's basically several categories we cover here, but the principle is basically that each incident should have a reporting entry point in the ecosystem and where abuse should be resolved and processed. Right now, we refer in the report to something called a scattergun approach which is many abuse reporters will send out the same notice to all the parts of the ecosystem that that abuse touches without notice that it went to any other part of the ecosystem, thus generating extra noise in the signal to noise ratio and also a lot of confusion

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and, bluntly, exhaustion from abuse complaints going to the wrong parties that aren't the right party to deal with the abuse.

So the manifestation of the abuse about where the domain is registered or where the abuse was perpetrated as well as the primary party, the registrar for the domain or the registrar or registry operator, of course, the owner of the domain or the hosting provider. And then secondary escalation parties. So if you have a situation where the primary party is unresponsive, where does the escalation drive you to get the abuse resolved if the first party does not respond? So if the registrant doesn't respond to a certain type of abuse, who is the next entity in the chain to get that abuse resolved? Next slide, please.

So basically more along the escalation path part here, the principle is that when a reporter of an abuse reports to the wrong party or does not get a response, there needs to be a documented, actionable escalation path so that not only is it documented and actionable, so when the next party gets the notice, they know, there's demonstrated proof that the party did make the attempt to go to the appropriate point and it was not responded to. So there is, again, evidence of the process being followed and the terms of service being followed so that the abuse can be handled. Next slide, please.

Evidentiary terminology and standards, we believe, are very important. Reporters of abuse should have a responsibility to not just send in reports that say, "This is bad, fix it," which I understand is actually quite common, but it also should be evidenced in a way that there's a temporal relevance wherein, when did it happen, how long after the registration did it occur,

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how long after the abuse is detected was the evidence logged or captured? All understanding, is this a recent occurrence, event, or is it something that is recently detected but has been going on for a long time?

Of course, there's a visual, what types of records in the DNS exist about this transaction, as well as, was there content that was hosted on the domain, or was it a parked page, or even, were there some MX records demonstrating it was used as part of a phish but never actually hosted content at the site?

Behavioral, demonstration through logs that have been captured regarding the domain itself, and of course, records in the zone, changes in delegations, WHOIS records or passive DNS, something else that demonstrates the abuse that can be used for evidence of the abuse. And of course, demonstrative, what is the abuse, what was the abuse for, what was the domain, how did it violate the terms of service that support a rapid action? And of course, what is the impact of the abuse to the potential victims of that domain and what are the anti-abuse policies of the responsible party to match those up? Next slide, please.

So I mentioned this a bit earlier, but reasonable time frames for action we believe are very important in these findings, because in a model where it goes into the wrong point of the ecosystem and it's multiple referrals, again, a domain that is being used for abuse or victimizing Internet users can potentially have multiple days of activity and action, victimization while the escalation paths continue to process to get the domain resolved. Anything [that can] be done to expedite escalations and reduce the time frame

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the domain is up and running and being used for abuse is to the benefit of the benefit of the Internet ecosystem. Next slide, please.

And then finally, the availability and quality of contact information. While there are requirements for the publishing of abuse e-mail addresses and phone numbers for law enforcement and such as part of the ICANN model, there are large parts of this ecosystem that are not within ICANN contracts. The hosting companies and the CDNs, etc. are entities that are a big piece of this, they're in control, particularly in the content components of this abuse, and thus there has to be a scale where it's not just those at the ICANN side of the ecosystem but the entire stack where there's a model where contact information is available so that the right party gets the contact about the abuse and enters at the right point. Next slide, please.

In our findings, there's a lack of coordination that leads to inconsistent approaches to DNS abuse management. And that's in findings. We spoke to registrar operators, registry operators when it comes to their abuse management teams as well as with hosting providers and CDNs. There is an opportunity, we believe, for a common abuse response facilitator to coordinate the entry point and exit points for the abuse management across the stack. Next slide, please.

So the recommendations we came up with is that SSAC recommends that the ICANN community continue to work together with the extended DNS infrastructure community in an effort to examine and refine the proposal for a common abuse response facilitator to be created that would streamline abuse reporting and minimize abuse victimization and to define a role and scope of

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work for the common abuse response facilitator using SAC 115 as an input. Next slide, please.

Rod, I'm sure there's something I may have slipped or missed there that you want to cover or to augment.

ROD RASMUSSEN: Did you want to talk about the mission of the common facilitator, those points?

JEFF BEDSER: Yes, but I think that I'll probably have to turn it to you because that's not coming to the top of my head right now.

ROD RASMUSSEN: Okay. I happen to have the document, so let me pull it up. Thanks, Jeff. And I've been adding some things to the chat. As some of you may have noticed as we've been going along here, there's a really good conversation going on there.

So it's in the report, and unfortunately, we forgot to put it in the slide deck here, kind of what some of the responsibilities and the mission of that common abuse response facilitator might look like or could include. Just to run through those really quick, scoping of the problem space in which that entity could operate—entity or entities, it could be more than one, would be good for if we're going to have a coming together of people and institutions to try and tackle this problem, it's good to have a central convening point.

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And that'd be one of the other missions, would be to convene those other relevant stakeholders, and that would be beyond just the traditional ICANN ecosystem. We're talking about so many other things. Jeff mentioned CDN operators and webhosting companies and e-mail providers, etc. where you have this intermeshing of reports and requests for action flying back and forth all with their own individual ways of doing things, and to get to at least a goal of interoperability and to a certain state base standards—there may be different standards in different countries, jurisdictions, etc. or in different fields, but having some base understanding and knowledge is where that common facilitator could have a role of helping bring the very disparate communities together to create those baselines, and then process for that, for best practices and other things to deal with new abuse types as they become emergent, because it may abuse different parts of the protocol stack or different methodologies, etc. to be able to come together and figure out how to best evidence and action those things.

Evidentiary standards so that both the people who are providing these reports and people receiving these reports are able to have maybe baseline standards and also, again, interoperability around if you have different requirements because of your jurisdiction or your terms of service or the kind of service you have, that those are understood and communicated so that you are providing the ability to get the right type of reports in front of the right people with the right actionable types of evidence to make that work.

And then making sure that it's understood throughout the ecosystem what those requirements are, how to best identify the

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right infrastructure point to address your concerns to, whether it's at a platform level or down at a more base level in the names and numbering systems.

And then encourage standardizations of methodologies and definitions so that people are speaking using the same lexicon and approaching the problem or the various problems in a way that is fairly efficient for all parties to be able to deal with or escalate or point people in the right direction if they're coming to the wrong service provider to get things done.

And then also some periodic reporting and education around what is happening so we actually have numbers that—a lot of reports and things are out there from various academic studies, but they're usually from industry, and each one of those has kind of got a siloed view into things. It would be very good to have kind of across the board look at how things are going. So those are some of the thoughts on how a common facilitator could really help throughout the industry.

And I don't think you missed anything else, Jeff. Do you have anything more to add to that?

JEFF BEDSER:

Yeah, just to some of the comments in the chat, I think there's a known reality that not all actors and not all parts of the stack or infrastructure are going to want to cooperate in an effort like this, but because almost every domain touches multiple parties, even if a particular ccTLD operator has a policy where they take no action on reports, the registrar or the hosting provider very well might



have a policy, and then that can be part of a common facilitator's role, to say, "Well, that cc operator will not act upon that, so you need to go to the registrar or the hosting company because their policy is to take no action."

And that's really ... I know it's a bit of an optimist version of the report, but there's also some realism here. We understand not all parties are going to cooperate based on not just desire but also just based on their local rules and laws and such. But because it's an ecosystem that goes across multiple providers, there's always an opportunity to try and get it addressed.

ROD RASMUSSEN:

I'd just like to finish off with saying this recommendation was made to the ICANN community, as you see, it's not to the Board for any specific action. What we're trying to do here is to play our part in the overall discussions that are happening throughout the ICANN community when it comes to the topic of DNS abuse and bring forth this really important aspect of it. This is a subset of overall abuse that's going on across the Internet, and if we're going to try to solve a problem within the ICANN space, that's great, but it really has to be considered as part of an overall ecosystem where we for 20+ years now have had different standards, different ways of doing things, and they've all been evolving just like we've been evolving as a community and as e-crime has been evolving, everything's been evolving on the Internet.

The early Internet standards created all this interoperability from the technical side, but we really haven't created interoperability standards from the operational, "How do we deal with these

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problems” side. It touches on a lot of the things that we have to deal with here within ICANN, but from our perspective, what we’re trying to do is raise awareness of that and see if there’s a desire to coalesce or a convening together of various players throughout this to have a discussion around this and to try and get some things so that it’s not just ICANN or the ICANN community trying to solve this problem but we’re looking at it more holistically and involving ourselves with other efforts where we can bring in good ideas and practices and have a really good approach to an interoperable way of dealing with DNS abuse from our perspective in ICANN, but also the overall abuse issues.

So that’s what we’re trying to do here, and it ‘s fairly big and ambitious. We’re a group of 30+ volunteers. We know we’re not going to be able to carry that effort off. But what we’re trying to do is kind of evangelize the concept of having these conversations. ICANN is a place where you can bring together lots of different stakeholders and has done it before in other ways. Think of like universal acceptance, things like that, where there’s a bigger problem scope but there’s a big portion of that problem that touches on our space. So that’s what we’re trying to do with this. I really appreciate the time, take any more questions for whatever time you want to allow us.

PHILIPPE FOUQUART:

Thanks, Rod, and thanks, Jeff, for this enlightening presentation on SAC 115. I’m noting you’ve addressed questions already in the chat. We may have time for one more question, possibly, although we’re running late already, I think. But I think that’s extremely useful. I think we will be discussing your concept of the sort of all-

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embracing common abuse response facilitator, noting that it's an extremely ambitious approach, as you said, going beyond the usual ICANN ecosystem. I think it's really complementary to the presentation we had at our last call, which was more sort of vertical approach of the CPH's acceptance of—acceptance is not the right word, approach to DNS abuse, and we're looking forward to all cooperation on this, and I'm sure councilors will get back to you for further questions on 115.

ROD RASMUSSEN: Thank you very much, and please direct any questions you have, we'd be happy to answer them. Thank you.

PHILIPPE FOUQUART: Thanks, Rod. Thanks, Jeff. Speak to you soon. So, with this, moving on with our agenda, and our discussion on the IGO Work Track update. I'll turn to John McElwaine to give us a brief update on this and how the Work Track is fairing. John.

JOHN MCELWAINE: Thanks, Philippe. I'm pleased to report that we're talking about a go/no go date and we're go, so we made some good progress recently in the working group. We really do think that we're on schedule currently for the delivery of initial report by the August 1st deadline. So again, good progress is being made.

A couple things to just put on everybody's radar screen. We are still struggling a little bit with the narrow scope of the charter. So

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there are some issues with that, but we're working around it, and it's not hindering solutions being discussed, which is a good thing.

Then the other issue that came up recently is that we may need to get some legal advice, so come back to the GNSO Council with a request for funds to get some legal advice to look at essentially the different ways possible for IGOs to agree to certain jurisdiction or not agree to jurisdiction in different ways to handle appeals, whether it be via the court system or via like an international arbitration.

So again, we're on target, good progress is being made, and so I think I can turn it back over to you, and happy to answer any questions that people have.

PHILIPPE FOUQUART: Thank you. Thanks, John. Any questions on the progress of the Work Track? The schedule, the relationship, dependencies between their remit and the approved recommendations and the legal advice? Okay, seeing no[—and the question is pending. Thank you. Berry has noted in the chat.] So thanks, John, and thanks for the overall good news, as you put it. Looking forward to the next update on this.

So if there's no question, we'll move on to item eight, and that's our update on EPDP phase 2A, which is running on its last mile. The initial report is planned for May 31st, give or take a couple of days maybe. So for this and more detail, I'll turn to Keith Drazek.

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KEITH DRAZEK:

Thank you very much, Philippe. Hello everybody. It's good to see and hear your voices again. So I'm here to give a brief update on the progress of the EPDP phase 2A work. As Philippe noted, the group is on track at this stage to publish an initial report for public comment near the end of May. The target date has been May 31st. I will note that May 31st is actually an ICANN Org holiday because it is a national holiday in the United States. So it could be June 1st or 2nd, thereabouts, for the actual publication. But we are on track at this point for finalizing the recommendations in the initial report for publication for public comment.

I think as we all know, this is an important phase of the GNSO process for the publication to secure feedback from the community on the work that the group has done. So I think on substance, the key points here for the GNSO Council would be at this time, it doesn't appear that there will be consensus on new consensus policy recommendations or new requirements related to the topics of differentiation of legal and natural or the feasibility of the unique contacts, but there appears to be general agreement that voluntary guidance is worthwhile and is achievable.

We have not done a formal consensus call or a formal consensus assessment on that at this time. We're still in the last phases of finalizing the language and the text for the initial report. But I think there's general support for coming out with voluntary guidance recommendations, which is certainly permissible under the PDP operating procedures.

There is one possible change to an existing requirement from EPDP phase one that could result in the addition of a data element to the minimum public dataset that was covered in

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recommendation 10 and a few others from the EPDP phase one work, but generally speaking, the expectation is the group is working towards providing guidance for those registrars who choose to differentiate between legal and natural, and then trying to establish some standardized approach for those who do, either now or in the future, and in anticipation of any future requirements that may develop, either from consideration of SSAD, consideration of other access models and/or new regulation that may be developing.

I think for the purposes of the Council, timing is important. The original expectation of this group would be that we had a touchpoint with the GNSO Council in March. We gave that update, we provided the overview and the timeline that would have the publication of the initial report at the end of May. As I noted, we're on track for that.

Following the public comments received, an analysis of public comment and development of the final report, the group is, I think, on track to deliver a final report in the August time frame after the public comment period has concluded and the analysis and further work of the group concludes.

So I think that is essentially the update here. I'm happy to take any questions. But just, again, to summarize real quick, on track for publication of the initial report around the end of May, public comment period that will run for 40 days—thereabouts, perhaps a bit longer to accommodate the ICANN 71 meeting, but essentially a traditional public comment period on the initial report, and then the group would reconvene for consideration of the public comments. Staff will of course do the analysis and summary of the

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public comments for the group, and then we would work towards publishing a final report in August for the Council's consideration.

With that, let me pause and see if there are any questions. Philippe, I'm happy to hand it back to you for running the queue, but I'm available to respond. Thank you.

PHILIPPE FOUQUART: Thank you, Keith. Any questions to Keith on the progress of phase 2A, the timeline, the progress of the initial report in its last mile, more or less ten days from now? So it's pretty much crunch time, as we say. Maxim, you have your hand up.

MAXIM ALZOBA: As I remember, when this phase of EPDP started, there were expectation about three months, and then checkpoint if the consensus was found on something, and effectively, currently, it's an extended timeline. When do we understand that we have a checkpoint to assess if the consensus items were found at all? Thanks.

KEITH DRAZEK: Thank you, Maxim. Philippe, if I may, I'll just respond directly.

PHILIPPE FOUQUART: Please do, Keith. Thanks.

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KEITH DRAZEK:

Thank you. So yeah, thank you, Maxim. When this group, the phase 2A group was chartered, there was an expectation that after three months, there would be an update to the Council and a determination by the chair as to whether there was the possibility or the potential of a consensus being reached. In March, I did provide that update to the Council where I indicated that I thought there was the possibility or potential for consensus of the group, at least on the question of voluntary recommendations or recommendations for those registrars choosing to differentiate, and I think we are on track for having consensus on some voluntary measures.

So I think your second question is a good one, is, what's the next checkpoint? And I think the next checkpoint would be following the publication of the initial report. I think that's a milestone in and of itself. But following the publication of the initial report, there would be a public comment period.

At the end of the public comment period, the group will reconvene to consider those comments and to assess whether there's a path forward towards consensus on a final report. So my expectation is that by the time we get to July—and I see the summary timeline on the screen in front of us, that by the time the public comment period closes and the group reconvenes, that will be in July, and probably the July timeframe for an update to the Council would be a good next checkpoint. And if staff has a different view on that, I'm happy to take input, but certainly, I think an update to the Council in the July time frame, around your July meeting, would be a reasonable update period from me, if that would be helpful. Thanks.



PHILIPPE FOUQUART: Thank you, Keith. I think that would be—even speaking as a liaison—most useful, that once these 40, 45 days have gone and the team has started considering the inputs from the community, that would be most useful, to have even an informal briefing to Council. I should add that even at this point, to Maxim’s observation, the point was made repeatedly within the team that a PCR is not the plan. So the leadership of the working group is adamant that we’ll stick to the original timeline for the reasons you gave, Maxim. So [kudos] to the team from the working group.

Any other questions for Keith? Okay, seeing no hand, thanks again, Keith. All the best for the next ten days, and speak to you soon.

KEITH DRAZEK: Thank you all very much. I appreciate the time. Bye.

PHILIPPE FOUQUART: Bye, Keith. And moving on, we’re now on item nine, our discussion on the output of the accuracy scoping team. I’ll turn to Pam. Pam, would you help us go through this?

PAM LITTLE: Sure. Thank you, Philippe. Hi. Staff, would you please—yes. I think we have been discussing this item for a long time, actually, so I just want to sort of walk you through a few slides. And this one, you can see the first slide here on the screen, is just to give

you a history or background how we got here and why we're having this scoping team effort. And it really stems from EPDP phase one where there was a recommendation, but there's a footnote about the topic of accuracy will be further discussed. So that was back in November 2018. But it didn't get discussed in phase two, but there was a commitment on the part of the Council to have a scoping team effort to address the topic of accuracy.

And then in late last year, October 2020, the Council actually confirmed on the consent agenda our intention to initiate this scoping team effort. Back then, there was some proposal as how we go about the scoping team and what really the scoping team will be tasked to do. And that came from a previous Council leadership team. And I'm mindful that some of our councilors only took their seat or joined the Council after the October meeting, so you may not have that history or background.

We actually, after phase two completed, there was a Council small team formed, and the small team came up with the proposal. Then Council leadership very much, based on that small team's recommendation and what the scope team's task will be, came up with that proposal, and the Council resolution was based on that proposal and the process to get there.

And then February, as you know, we had a briefing paper from ICANN Org where there was a suggestion that it might be beneficial to do a study on how to measure accuracy among other things. That wasn't the only thing mentioned in the briefing paper.

So based on all this, the current Council leadership team—we actually had a discussion on the scoping team as well prior to the

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Council leadership team came up with some proposed next steps back in April. And we had some reactions and comments from a number of councilors from RySG, from BC, from Carlton, and we also had some feedback from the GAC as well, so thank you all for those comments.

So here we are, we are in our May meeting, and so the purpose of our discussion here is to see, to maybe just talk a little bit more about the feedback and comments we received today and where we go from here or the next steps, how we maybe refine or tweak the next step proposed by the current Council leadership and to make it even better. Next slide, please.

Just to recap what the Council leadership proposed as sort of path forward or next steps, and these are the three assignments we proposed, and some felt that that might be a bit too vague, but some feel that might be a bit too restrictive. But we very much, as I said, the approach was very consistent from the previous small team or previous Council leadership. If you care to look back to those documents, you'll find that was what we were trying to do to be respectful of what this process has come to this point and the previous work that has been done today.

So these are the assignments, and you can see the assignment tool particularly talks about how to gather data, and that is related to ICANN Org's suggestion of potentially a study of how to measure accuracy. It's also very much, I guess, driven by our desire to make sure any policy effort is really fact-based and data-driven. So it kind of goes hand in hand, and that's the way we came up with these three potential assignments for the scoping team.

And basically, we also feel it important that the scoping team, as you can see with the IDN scoping team, we very much were relying—or hoping to rely on—the scoping team to help the Council scope the effort rather than to kind of [a pigeonhole, where they go,] how they scope the work. So that was our approach. But obviously, we're open to suggestions, [and RySG councilors have up with a concrete proposal or alternative suggestions.]

So, is there another slide? If not, I'd probably just pause and open the floor for others to chime in or elaborate further their views. Oh, this is the thing I forgot to mention. I'm sorry. This was done earlier today, we just sort of ratified the Council review of the GAC ICANN 70 communique, and I just want to share that in the Board resolution, the Board recognized the Council review and has acknowledged, they have taken that into account.

And in the Board resolution, attached to the Board resolution, there was this scorecard. One of the comments made in the score card was in relation to accuracy and the GAC's minority statement about accuracy. You'll see here the Board has been very explicit about what they view with accuracy. Board seems to have a different understanding of the principle of accuracy under GDPR, and so that's different to some of our community groups' or the GAC colleagues' understanding whether the accuracy principle really give the third party rights to the so-called accuracy of data. And so there are different understanding or view about accuracy, obviously, within our community. Next slide, please.

The other language I want to share with you all is the Board's comment in the scorecard. Here, you'll see towards the end of this

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slide the Board recognized the difficulty now with regards to access to registration data. So the Board said, in this context, it's important to factor in when discussing ICANN policies concerning accuracy, as in practice, it might be difficult to implement such policies due to the restrictions on access to registration data as a result of the GDPR.

So just thought these comments from the Board or in the Board scorecard were very useful and maybe instructive to our discussion or informative, and also to the future work of the scoping team. With that, I will pause to see if there are any comments or councilors would like to weigh in or discuss further the comment I posted to the Council's mailing list. Thanks, Philippe.

PHILIPPE FOUQUART: Thank you, Pam. And maybe for this discussion, we could go back to slide number two. Yes, thank you. And the question is for you, where we move from here, given the comments that were provided to Council. So Kurt.

KURT PRITZ: Thanks very much, and thanks, everybody, for giving me a little bit of time here. So when I first read this proposed path forward, I had two questions about it that [I thought] that the proposal might need refinement.

The first one speaks for itself, the scoping team assignment number one, identify what problems—if any—are expected to be addressed and how. That seems like an awfully broad remit that

could attract a wide range of discussions, and I for one would be loath to get two volunteers from every SO/AC and other groups to sit in a room and start talking about identifying what problems, if any, are expected to be addressed and how. I think that needs to be honed quite a bit.

And remember too that these documents, our only product in the whole world are written documents. So when we're telling the world, when we're telling people working on NIS2 or other things that we're working on registration data accuracy and what we're doing, I think we should be telling the world we're doing something more specific than identifying what problems, if any, are expected to be addressed, and how. So that vagueness really bothered me, and in the spirit of trying to move the thing forward and have a constructive discussion with results at the end in a reasonable period of time, I think we need to be more specific for our scoping team than that. And I think a group that involved many of our representative groups here to hone that would be a good step.

Another thing that raised an issue for me in this proposed path forward is that more or less seeks to exclude a discussion of the definition of accuracy, which I think is a wrongful omission. I think in order to have a discussion of accuracy and the costs and benefits of accuracy, we need to define what it is. So among the things that this group should be charged, the scoping team should be charged to discuss is the definition of accuracy.

So given those problems, I went back to those earlier documents that Pam spoke of. And I read the small team report that says its charge is what has been the impact, if any, of GDPR and privacy legislation on existing accuracy requirements. So that's a good

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question, but I don't know if that really moves us forward on measuring WHOIS accuracy. And I think the questions of that small team from nearly a year ago have become moot now.

And then I looked at the other report which Pam referred, the ICANN briefing on its efforts, and it says that ICANN Org believes that it's beneficial to commission a study of how accuracy of registration data might be measured. So that's a specific thing that I can look for that I think is on the critical path to understanding the benefits and then improving WHOIS accuracy as is beneficial.

So with that, I think the paper could be and direction to a scoping team could be honed in order to produce a more beneficial, positive outcome in a shorter period of time. Certainly, when the Registries Stakeholder Group discussed this—and I'm sure others—our goal was not to get in the way of this scoping team but rather out of respect for those who are going to be on it, make their time efficiently used and effective.

So my proposal at the end of all of this is to take the suggestions—I made my paper, and Marie has almost half a dozen bullet points here, most of which I agree with—and combine those into some specific direction for the scoping team so it can do its work and get out of the room and we can move forward with the discussion Thanks.

PHILIPPE FOUQUART: Thanks, Kurt. Any other inputs on this? Marie.

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MARIE PATTULLO.

Thank you. And since Kurt namechecked me, I thought I'd come in. But seriously, thank you for that, Kurt. It's very helpful. As you all know, we are very keen on this work. We'd very much like it to start as soon as we can. As Pam noted, this has been hanging around since 2018. I'd like to say it's been hanging around a lot longer, in not just the GDPR context but in the much wider context of many issues concerning registrant data accuracy.

So while I see what you're aiming at, Kurt, that we get a much together set of instructions—for want of a better term—to the scoping team, I think it's important that we remember that we are not in essence giving them a charter, because in many ways, it's going to be the feedback from the scoping team that informs what will be the charter of the eventual PDP.

So I would caution against us duplicating and doubling up. I would like them to look at the resources we already have. A number of studies have already been cited this evening. There's of course a lot more. Of course, yes, I completely agree with lack of definition. Yes, definitely. And I see your point as to you think that the first bullet is a little wooly. But I would like the experts in data accuracy who have volunteered to come forward to tell us what they think the problems are and how they think we can address them and how.

So with that wording, I really don't think that it is too much to expect in that we are asking for volunteers exactly to scope out the problem, not to resolve the problem but to scope out where the problems are. And it might be this, it might be that, it might be the other. And yes, of course, Maxim, the GDPR adds another



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definition, but so does the draft NIS2. So we can't limit this just to that one thing. Thank you for your time.

PHILIPPE FOUQUART: Thank you. Thanks. Kurt, a follow-up to Marie's intervention?

KURT PRITZ: Yeah. So Marie, thanks. I agree with almost everything. So you started with a list of survey the resources that we have at our disposal, so why are we telling them to do that? We're telling them that this discussion predates GDPR, that it's really not about GDPR, it's really not about NIS 2, it's really about accuracy. And all these things, and your remit is defining accuracy which is excluded from this proposed work forward, so I think we should include that.

The only thing I have a problem with is that characterizing the work as identifying what the problems are—and the problems are with what? I think we just need to take care and describe, are we talking about the problems of accuracy? Are we describing the problems of DNS abuse and how they're abetted by accuracy? Are we describing the problems of what the purpose of accuracy is? I think we just need to be careful about what we're asking the group to do.

But I think for me, when I was listening to you, you started your talk by listing three things this group should do. So I think those three things should go in the document. And I have a couple things myself. I don't think we necessarily need to restrain the group, but I think we should set them on the path to what things

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need to be addressed. Maybe ask them what things need to be addressed first in order to have a fact-based discussion about accuracy, identify for us, do we need to be able to measure accuracy? What are the problems with measuring accuracy? Is that one of the problems?

I just want to finish that sentence. Identify the problems with what? That's all.

PHILIPPE FOUQUART: Thank you, Kurt. So to build upon your suggestion, both of you, so the suggestion would be to have a small team to further refine the remit of that group and take the next steps document as input. And [inaudible] what I'm hearing, it seems that there's a way forward. I'm hesitant to use the word "definition" since we've been sloggng with that for so long, but at least a more defining remit where people can rely on and as you said, Mary, that we can call on the experts further down the line to further refine that.

So with this, and mindful of time, I see Stephanie, you have your hand up, and we'll close the line after you. Stephanie.

STEPHANIE PERRIN: Thank you. I would just like to recommend that—and Kurt mentioned this problem in understanding what accuracy means in terms of the GDPR. In my view, we didn't get external legal advice soon enough on the EPDP, and people continued on with misperceptions of what terms mean in data protection land. So I would urge us to get Bird & Bird—who are the outside counsel—to fully define and look into what accuracy means in GDPR terms

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and in data protection more generally before we embark on another PDP where we're arguing about what each person thinks a word means, Humpty Dumpty style. Thanks.

PHILIPPE FOUQUART: Thank you, Stephanie. And I would rely on the small team to consider those definitions, be it, as you said, GDPR or NIS 2 down the road. But I think we have a way forward on this. Kurt, you have your hand up. Is that an old hand?

KURT PRITZ: It's not very old.

PHILIPPE FOUQUART: Okay. Please do. Oh, but it is old. I'm sorry. So Jeff, you're last in the queue.

JEFF NEUMAN: Thanks. And I know it was sort of discussed, and the GAC did submit comments. I think just to comment on what Stephanie said, I think one of the points the GAC is making is that it's really not relevant how accuracy for this particular work—it's not really relevant how GDPR defines it or how NIS will define it. What's relevant is they want to know how it's defined under the contracts.

Now, whether that can be enforced under the law is a separate question, but I don't think legal advice as to what it means under GDPR is particularly relevant to what the GAC wants and others I've heard want. There's been the term accuracy in the

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agreements and the contracted party agreements forever, and no one has ever—they got the document from Theresa and it's still like, accuracy—I know there's laws that now have their own kind of vision of what accuracy is, but that doesn't resolve the question of what accuracy means under the contract, period.

PHILIPPE FOUQUART: Thanks, Jeff. So with this, I'd like to conclude our discussion. I'll just ask those who would like to volunteer for this small team to duly note that in the chat in addition to Kurt and Marie. Volunteers would be welcome. And we'll move on from there.

Mindful of time—and obviously, others will be welcome on the list with hindsight. Thanks, everyone, for this discussion. Moving on with our agenda, and apologies for running late, we'll go through the AOB quickly. Nathalie, a word about Council sessions for 71?

NATHALIE PEREGRINE: Yes. Thank you, Philippe. I'm mindful of time, so it'll be easier for me to send a recap e-mail about the GNSO Council sessions to the mailing list. However, I would remind you that the schedule is being published early next week, possibly Monday. Same as it has been for the virtual sessions, you will need to register to the website in order to be able to access the schedule and [to build] your own sessions. We'll be sending out an e-mail to help you with that the minute the schedule is published. Thank you.

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PHILIPPE FOUQUART: Thanks, Nathalie. Under 2 in AOB, we wanted to give you an update on the framework for continuous improvement. So we've had a meeting with the SG and C chairs, and we've made an update to the document to sort of streamline the approach and [model it with the] standing committee to address the standing items in the project list and launch a pilot. Tatiana, do you want to say a word about that? I think we'll send an update to the group on this.

TATIANA TROPINA: Yes, Philippe. I'm mindful that I'm the only obstacle between people in and their nice evenings. Just a minute. So after the discussion with SG and constituency chairs, we did change a lot in the proposal together with the staff. So there would be a pilot. So we are going to change the model which we proposed and there would be SG, C, subject matter experts to assist the small Council committee in tasking these activities and specific Council committee work teams. And to make it more digestible, we decided that there would be a pilot project. And I believe that we're going to start this in June. So I guess that the best way would be to share the update on the Council list. And that's going to be it. What do you think, Philippe?

PHILIPPE FOUQUART: Yes, we will do that. Thanks, Tatiana. We'll do that either tomorrow or early next week. So keep an eye on the Council mailing list. Thanks, Tatiana. And finally, we wanted to say a word about the working group self-assessments, RPMs and SubPro surveys. We've already scheduled a call with the former

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leadership and the liaisons for each of those PDPs, and we'll come back to you on this later on. I don't know, Emily, do you want to say a word about that, or is that all we can say at this point?

Okay, thank you. Thanks, Emily. So with this, I think it concludes our Council call. Before we adjourn, anything else people would like to raise? Okay, seeing no one, thanks again for this call. Thanks for the hard work, and again, my apologies for running late. Have a good rest of your day, wherever you are. I hope you're all safe. Bye all.

NATHALIE PEREGRINE: Thank you, everyone, for joining. This concludes today's GNSO Council meeting. You may now disconnect your lines. Bye.

**[END OF TRANSCRIPT]**