
ICANN Transcription

GNSO Council Extraordinary Meeting

Thursday, 08 April 2021 at 19:00 UTC

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List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Greg Dibiase, Kristian Ørmen

gTLD Registries Stakeholder Group: Maxim Alzoba, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Tom Dale

Non-Contracted Parties House

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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 (absent)

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

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

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 extraordinary GNSO Council meeting on the 8th of April 2021. Would you please acknowledge your name when I call it? Thank you. Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Here, Nathalie.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Here. Thanks.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DIBIASE: Here.

NATHALIE PEREGRINE: Kristian Ørmen.

KRISTIAN ØRMEN: Here.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here. Thank you.

NATHALIE PEREGRINE: Mark Datysgeld.

MARK DATYSGELD: Present.

NATHALIE PEREGRINE: John McElwaine.

JOHN MCELWAINE: Here.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Here.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Here, Nathalie.

NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Wisdom Donkor.

WISDOM DONKOR: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Stephanie Perrin.

STEPHANIE PERRIN: I'm here.

NATHALIE PEREGRINE: Farell Folly. I don't see Farell on the call yet, so we'll try to get a hold of him. Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Here.

NATHALIE PEREGRINE: Tatiana Tropina.

TATIANA TROPINA: Present.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Carlton Samuels.

CARLTON SAMUELS: Here. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you. [Olga Cavalli.] I do see Olga in the Zoom room.
Jeffrey Neuman.

JEFFREY NEUMAN: Present.

NATHALIE PEREGRINE: Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Present.

NATHALIE PEREGRINE: Thank you. Maarten Simon.

MAARTEN SIMON: Here.

NATHALIE PEREGRINE: And 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 here to remember to state your names before speaking as this call is being recorded. A reminder that in the Zoom webinar room, Councilors have all been promoted to panelists and can activate their mics and participate in the [inaudible] all panelists and attendees for all to be able to [exchange messages]. The hand raise option can be found in the bottom toolbar or under the reactions icon depending on what Zoom version you're currently using.

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

PHILIPPE FOUQUART: Thank you, Nathalie. Good morning, good afternoon, good evening, everyone. I hope you're all well, and thanks for taking the

time. I just want to note that I put on my camera, but I think I'm going to turn it off straight away just to make sure that the connection is stable enough. I just did want to say hello to all of you.

So with this, let's go to 1.2, that's the update on the statements of interest. Any updates? Seeing no hands, thank you. 1.3, any change to the agenda that you'd like to see, or AOB item? Anyone? Thank you. Moving on, we'll just note the minutes of the two previous meetings, February and March meetings, and move on to item two. So as you know, and given the agenda that we have today, we've got four items for today, we will not go through a thorough review of the project list. However, we'd just like to turn to Berry for a second, have a status update on the draft document that was circulated on the comments on the SSR2 review team final report. You would have noted that Berry circulated a proposal, a draft for a text in mid-March. I sent a reminder in late March on this. So Berry, if you would like to give us an update on this, the intent, I think, is for us to send it tomorrow, hopefully. Berry.

BERRY COBB:

Thank you, Philippe. Yeah, just to build on what you mentioned, for the Council meeting on the 22nd, we will go through the Action Decision Radar and project list in a little bit more detail since we won't be doing such for today or that we weren't able to adequately fit in during the Council meeting at ICANN 70.

Regarding the draft comments for the comments regarding SSR2 recommendations, as noted in the announcement e-mail and as

typical, anytime that the GNSO Council does submit a comment preceding that, it's intended to complement other submissions from stakeholder groups and constituencies and not to supersede or overwrite any of those comments. So this particular draft tried to refrain—it did refrain from making any specific comments regarding the recommendations or the substance of the report that said the draft comment does touch on prior work around the topic of DNS abuse. It briefly touched on current work or about to be current work, one of which is the topic today about the formation around a scoping team on the topic of accuracy, and that the Board, when they're considering the recommendations, that they also be aware of current demands across the GNSO and the full community at large.

That draft was sent out on the 15th of March, I believe. We gave you till the 2nd of April. We didn't receive any additional inputs or suggested edits, and as you're likely aware, the comment period closes in the next few hours. So we'll finalize this and I'll carbon copy the Council on the submission to the forum. That's all I have. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Berry. Maybe I'll open the floor for questions, if any, but I think that was quite clear. Thanks. So let's move on to our first discussion item, and that's the wave 1.5 report on the implementation of the EPDP phase one recommendation 27. As you would recall, that recommendation recommended updating all existing policies to bring them in line with the EPDP phase one recommendations and GDPR more broadly.

So, as you would remember, the wave 1 report focused on the approved consensus policies, and this particular report provides the results of the analysis for two policy recommendations that were being implemented and subsequently paused, and I think it was in late 2018.

So that's for the privacy and proxy services accreditation issues, otherwise known as PPSAI, and the translation and transliteration of contact information, T&T, more marginally as we will see moving forward.

So the goal of this discussion is really to determine the next steps, the conditions for restarting the IRTs for those two policies and see how we can approach this. You would have read the report as provided in the background documents that were circulated before Council. So I think—I assume most of our discussions will be focused on the PPSAI item. The proposal, way forward for the T&T at this point would be essentially restarting the IRT given the conclusions put forward in the report in that this wave 1.5 report, but let's just focus for a moment on PPSAI.

So you would have seen in the background document that the proposal would be twofold, essentially, to work on the principle as a rule that the phase one recommendation would supersede those of the PPSAI wherever applicable and that this principle be taken onboard by the today dormant IRT for them to proceed with the implementation.

And [in doubt—]and that's the second sort of proposal—to initiate a GNSO guidance process to clarify any disconnect, any policy-related issue that may arise in that process, and that would be

[initiated] as per the bylaws, the annex, so that this GGP team would be ready to provide any guidance whenever applicable. So that's the sort of way forward that this report puts forward.

So we need to first review this, make sure we have the same understanding, and people should be ready to chime in on this and then agree on a way forward. So I'll turn to maybe staff first as to whether you would see anything to add to this brief summary, anything I missed. Berry?

BERRY COBB:

Thank you, Philippe. I think you captured the summary very well, I just note that these two IRTs have been on pause since the very beginning of the EPDP work, and there have been calls from several in the community to get this activity restarted. An addition that this has been on our Action Decision Radar for quite a while to take action on as well. So I don't think that there's—we've waited this long to kind of get these things restarted, but at the same time, there is a sense of urgency about getting to the next steps on these as well. So hopefully, this discussion will be fruitful about getting things restarted so that we can better understand the next steps and understand when this can be implemented. Thank you.

PHILIPPE FOUQUART:

Thanks, Berry. And what you just said about this wave 1.5 report and the related IRTs would also apply to the items that we'll be discussing in a moment. I think some of them have been on the radar for some time, and at least parts of the community would

consider that this is high time for us to make progress on this. Thanks, Berry. So let's start our discussion then. Maxim, you've been waiting, so you're first. Thank you.

MAXIM ALZOBA: I have a question. Do we believe that restarting these efforts right now will be beneficial? Because I am concerned with the situation where somehow two disclosure regimes will be created, one with the stream with SSAD and another in this stream of work, and I'm not sure it's a good idea. Thanks. Anybody sharing this concern?

PHILIPPE FOUQUART: Thank you, Maxim. So what I'll do, I think these are valid questions. And you've read the report. I think there are a couple of references to phase two, the SSAD, but also to phase 2A to some extent. So that's a question that we'll need to cover, whether those are real dependencies or whether the background is good enough to make progress on this without waiting for the output of phase 2A or the ODP on the SSAD. But I think that's a valid question. Greg, you're next.

GREG DIBIASE: I was going to say something similar and I was going to focus on just kind of volunteer bandwidth and the fact that I think there's a lot of overlap between the people working on EPDP and potentially that would be working on this effort. And with regards to the EPDP phase 2A, it does seem to me like there would be relevant outputs for there, so I agree that this work should start as soon as possible and it's important, but I also think we need to

keep in mind that we should consider having some type of—start this after the EPDP is finished and we understand exactly what the recommendations are there.

PHILIPPE FOUQUART: Thanks. Thank you. Marie. I was going to make a comment, but I'll do that after. Marie, you're next.

MARIE PATTULLO: Thank you. Lovely to talk to you all, even if I can't see you. I'd firstly like to say how grateful I am for this preparatory document. I found it really useful. And I've just been reading the chat and I see and agree with Jeff's comment, that to me, in reading this—I'm going to pull it up on my own screen so it's bigger. So paragraph three, you referenced, Philippe, that there are some of us who would like to see this restarted as soon as possible. And you know full well the BC has always been in that camp.

So we agree with the point three there when it suggests that we consider relaunching the IRT in the near term. And also pulling in Jeff's comment, to us, it's not appropriate at the moment to assume that the EPDP supersedes the intent—that word we had a discussion about before—of PPSAI. To us, to me, I think what should happen is that we restart the—I have such difficulty saying this, so let's say privacy proxy IRT, and let them opine on whether there are codependences, interdependencies and/or any sort of intent. I really don't think it's for us to come in at this point and do that, Philippe. I think it should be for the IRT to do it. Thank you.

PHILIPPE FOUQUART: Thanks, Marie. John.

JOHN MCELWAINE: Hi. Yeah, pretty much piggybacking right on with what Marie said, I think that no one on this call really knows the interdependencies in enough detail. I know that there's a number of groups that really want PPSAI IRT to restart, and I think we should give them that opportunity to undertake that analysis and then let us know. I think that way, we can really make an informed decision as a Council. Thanks.

PHILIPPE FOUQUART: Thank you, John. Anyone else? So to the last two comments, I understand that, yes. Pam.

PAM LITTLE: Thank you, Philippe. I just have a question for Karen perhaps about how to reconstitute the IRT, the PPSAI IRT, given that this PPSAI IRT has been paused for some time? And I seem to recall the suggestion or one idea maybe is to assemble an independent subgroup within the EPDP phase one IRT team to work on the implementation of these privacy proxy accreditation issues.

So my question to Karen is, has that idea been shared with the EPDP phase one IRT team, and whether they are receptive to that idea? I'm just trying to understand the willingness or bandwidth within that group. And I'm also mindful that I'm totally aware some of our community groups are very eager, keen to get this new PPSAI IRT to restart, but I'm also mindful of the progress that is

taking much longer for the EPDP phase one IRT. It's been, I guess, nearly two years since those recommendations were adopted by the Council.

And so I'd like to understand the EPDP phase one IRT bandwidth and its timeline to see whether the proposed next step, which is to form a subgroup within the EPDP Phase one IRT, is really feasible, and how that may impact the progress of the ongoing EPDP phase one IRT. Thank you, Karen.

PHILIPPE FOUQUART: Thanks, Pam. So on the how rather than the what, Karen, would you help us with that? Has the EPDP phase one IRT been consulted in terms of bandwidth and timeline maybe as to the prospect of having a subgroup of those people being reinstated to form the PPSAI IRT?

KAREN LENTZ: Sure. Thank you. And thank you, Pam, for the question. In terms of restarting an IRT, it's not something that we've done often, and so I think first, you were asking about how that would work, and I think it would involve looking at the existing group, perhaps updating with a new call for volunteers and charter especially if there are specific tasks that the Council would like that IRT to work on.

And to the idea of a subgroup in the phase one IRT, I don't believe we've specifically raised that or sought input on that. The phase one IRT did review the same wave 1.5 report that you all are looking at. And so I don't know whether they would be receptive to

that or not. But I will say in regards to the overall phase one work and timing is that really, recommendation 27 is part of implementing phase one. Recommendation 27 noted that there would probably need to be updates to existing policies and procedures. So I think the suggestion of that as a possible way to address the bandwidth concerns is interesting. So I hope that speaks to your question. Thanks.

PHILIPPE FOUQUART: Thank you, Karen. I think it does clarify Pam's earlier question. Maxim, you're next.

MAXIM ALZOBA: I have a question for Berry, because it's related to bandwidth of staff. As you know, the RPMs and SubPro are finished, but they most probably will go into ODP and given the mechanism which was never tried, most probably, we can assume considerable share of staff bandwidth.

Do you think putting on top this IRT is possible? Because you cannot just hire a person and next day say, "Okay, it's a good person to support the process." Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. Berry, do you have any view on staffing this exercise, or Steve, or who's first? Steve.

STEVE CHAN: Sure. Thanks, Philippe. I guess to answer sort of in an abstract manner, the ODP and the IRT are primarily functions of the GDS staff and not so much the policy staff. That said, we do play a role in supporting those efforts, providing contextual information, background information and helping validate things as helpful. So it's not a direct answer to your question about whether or not we have bandwidth, but just to note that our role in those phases is more limited than for policy development, of course. So, not sure that exactly answers your question, but just hopefully provide a little helpful context. Thanks.

PHILIPPE FOUQUART: Thanks. And I hope I'm right in concluding that whilst there might be some issue with the community's bandwidth, from what you're saying, my interpretation is that there might not be just as much of an issue on the staff's side. But I hope I'm correct in saying this. Any more comment on this?

So there are two things that we need to consider. So I didn't hear any strong opposition to restarting the IRT. There were comments on the first, the initial principle of having phase one recommendations superseding as a rule, and that's what I infer from this as a result, in doubt, the GGP, the GNSO guidance process will then be consulted if any policy issue were to emerge in that exercise and as a result, we would have to staff this GGP team.

On that first principle, any comments on this, other than Marie's and John's? Pam.

PAM LITTLE:

Thank you, Philippe. I just want to add there was some correspondence between the Council and ICANN Org on the implementation, the pause and whether to continue to pause that implementation effort in the past. So I think that Council's position probably should be consistent in this regard. Previously, the Council was deferring the decision to ICANN Org, so I presume we are taking the same approach, leaving that determination as to when is the most appropriate time to restart this implementation effort to ICANN Org.

I think we heard various views within the Council. Some are eager to start, some have concern about bandwidth, volunteer resources, and of course, that is a constant challenge for us. So I just want to add that context, that in the past, we did leave the decision to Org, and I think we should probably take the same approach, defer the decision to ICANN Org in determining the most appropriate timing. Of course, we would urge ICANN Org—and I'm sure ICANN Org is fully aware of the challenges we are facing in terms of volunteer bandwidth and resources issues when considering the most appropriate time.

I see the staff briefing paper is talking about in the near term, so I guess that is something ICANN Org would need to take back from our conversation here and then decide the exact time to relaunch this. Thank you.

PHILIPPE FOUQUART: Thank you, Pam. Any views on this? So it's essentially the way we phrase our small R recommendation. Stephanie, I think you're first.

STEPHANIE PERRIN: I'd just like to repeat what I put in chat. I really think rushing a startup of the PPSAI is premature. We talk a lot about—well, we don't talk a lot about it, but every now and then, and as people raise their hands and say, "We've got a burnout problem, folks," and everybody goes [inaudible] and they don't do anything about it. The least we can do is wait until the current phase of EPDP, EPDP 2A, is over, and then we'll, A, have finality to things, and B, be able to liberate the folks that are working on that and make them available again for the PPSAI IRT. Because quite frankly, speaking as someone who's on Council, the IRT for the phase one, the paused or defunct IRT for PPSAI, and the legal subcom and the ongoing work that will continue on accuracy, that's too much. We don't need to resurrect PPSAI right now. I don't see the burning—I see desire on the part of some folks, but I think things will last for another little while until we wrap up a couple more things. This is crazy.

And may I add that it is not easier to work without face-to-face meetings? It winds up with more webinars and briefings, in my opinion. And no opportunity to make the kind of progress that we made on EPDP phase one by meeting face-to-face. Thanks.

PHILIPPE FOUQUART: Thank you, Stephanie. I hope I have the queue right. Kurt, on my screen, you appear to be next.

KURT PRITZ: Thanks, Philippe. Just to build a little bit on what Pam said, regardless of the timing of the launch of this effort, it seems that we've all agreed there are certain issues that need to be settled first. Can the band be gotten back together? Who's left? Is this a subset of the EPDP IRT? How are we going to run this, how is the staff bandwidth, how is the community bandwidth? So it seems that the ICANN staff could charge off and lay some of that groundwork. That's going to have to be done anyway regardless of the decision on timing. What's the best way, capacity and expertise-wise, to get this launched? And then get that sort of done, and then the decision on starting can be made once that foundation work is done.

So look, let's start with that foundation and capacity planning and staffing and casting work first. Thanks.

PHILIPPE FOUQUART: Thank you, Kurt. Stephanie, I suppose that's an old hand. Marie, you're next.

MARIE PATTULLO: Thanks, Philippe. I'm nodding along to a lot of the comments that Jeff is putting in chat, but to me, the pausing of the PPSAI wasn't our decision. It was taken by Org. And you'll all remember there was an awful lot of concern about that.

So I think it should—well, as you know, I think it should be restarted. However, they have done the vast majority of the work. So it seems to me that if you're concerned about volunteer burnout, how did those volunteers feel, having done all that work, for it to be paused and then apparently now to be ignored and/or given to somebody else to start again at point zero? That doesn't strike me as being the right way to manage this. To me, the most practical thing to do is to reach out to the list of the PPSAI IRT and ask them if they wish to still be involved, if they wish to reconfirm. I don't know the exact wording of the process for this. But I would write them an e-mail and ask, because I can tell you from the BC that we are very happy to step up to this.

As the vast majority of the work has already been done, it's not ... I just find the idea very odd that in one sentence, we have too much work to do, and in the other sentence, we discount all the work that's already done and talk about setting up yet another new group to redo the work that's already been done. I hope that makes sense, Philippe. Thank you.

PHILIPPE FOUQUART: Thank you, Marie. So one way forward would be to consult with the phase one IRT and consider, given their bandwidth and timeline, the foundations for the future work based on the wave 1.5 report or at least those elements that relate to PPSAI, and come back to Council on this. Would that be the right way forward, for example?

MARIE PATTULLO: Sorry, Philippe, I think you misunderstood something I said. I'm really sorry to interrupt you. I meant reach out to the PPSAI IRT. It's them, I think, we should be asking. Don't need EPDP [inaudible].

PHILIPPE FOUQUART: Okay. My apologies.

MARIE PATTULLO: It's me, I expressed myself badly. Thank you.

PHILIPPE FOUQUART: I thought you meant the phase one IRT, given the discussion that we had earlier. Thanks for this. So I'll go to Maxim first.

MAXIM ALZOBA: Just a short clarification. The bandwidth is not about feelings of persons. It's about the ability to conduct simultaneous different streams of work. And the issue is about too many processes at the same time. Also, there were no words about cancelling or just removing the progress made. It should be continued, but it should be the right time to do so. That's it. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. Anything else on this? So I think what I'm hearing is—yes, Pam.

PAM LITTLE: Thank you, Philippe. I just want to come back to some of the proposed next steps for Council consideration. And Jeff has typed in the chat about the first bullet point, that it says “confirm that the EPDP recommendations are intended to have no impact on ICANN Org’s implementation of the PPSAI recommendations.”

So Jeff has raised a good point. I'm just wondering how the Council can do that, because we don't really know that is the intent. Does anyone have an answer to that or even staff perhaps, please?

PHILIPPE FOUQUART: Thanks, Pam. Any views on this? I certainly don't. Stephanie.

STEPHANIE PERRIN: I certainly do have views. I don't think—whether we had intentions or not to impact the work of the PPSAI, what we were attempting to do was develop a policy that complied with law. We were not doing that during the PPSAI policy development process, and we did agree during phase one that there were a number of policies that would also have to be revisited in order to ensure compliance with law.

So I think intention is not really the point. Revisiting the charter to throw in the words and make sure it's compliant with GDPR and any further policies that are compliant with GDPR would solve your problem. But I think navel gazing as to how we thought we would impact the PPSAI is beside the point. We didn't agree on it. And if you need to ask a legal question from the lawyers to reach agreement, the goal is to ensure that these policies, which are

closely interlinked, are all compliant with law as opposed to just the odd one, then by all means, go ahead and ask the lawyers. Thanks.

PHILIPPE FOUQUART: Thanks, Stephanie. Pam, you had your hand up, but does that answer your question?

PAM LITTLE: Well, sort of. Sorry. I guess EPDP phase one recommendation 27, the question is whether that's included in recommendation 27, but this one is a bit of an odd one, the PPSAI IRT, because it's not existing policy. It was an implementation of policy recommendations. So whether that is technically included in recommendation 27 as one of the existing policy or procedure that need to be updated to be aligned with EPDP phase one recommendations to me remain a question. So I don't know how we resolve that one, but I'm mindful of time, so Philippe, maybe we can continue to discuss that on the list or offline, then to see how to ...

PHILIPPE FOUQUART: Thanks, Pam. Yes. I think this was a good and necessary discussion. I'm not hearing an overall support for restarting the IRTs at this point. I think we will need to have guidance from staff as to the ability of the former IRT for instance—that was Marie's suggestion—on the ability to reconvene. I think that would be one item. I think we'll also—and that's what I heard as well, need probably to know more about the phase 2A outputs at some point

as well as the SSAD ODP. But I'm not hearing a strong support at least for a restart of this. So what I'd like to do is to have that assessment. Maybe that would help our future discussion on this and we can take that on the list. John, one last comment?

JOHN MCELWAINE: Sorry, I just was not exactly following what you were saying the next steps would be to determine whether we would restart the PPSAI IRT. If you could just explain that again. Thanks.

PHILIPPE FOUQUART: Thanks, John. The proposal would be to reach out to those former PPSAI IRT members and assess the ability, capacity of those members of the community to restart their work, along with the elements that will emerge from phase 2A for instance and the SSAD ODP, that might help reconvening the IRT. I hope this is helpful. Jeff.

JEFF NEUMAN: Thanks. This [set] is important to the GAC as well. It was in certainly a number of their communiques and communications. But the other thing I would just ask is perhaps ICANN staff could come back to us as well and give us kind of a level of effort required to complete the work from the IRT, not just from the community standpoint because you're going to ask—that's what you're going back to the IRT for, but since ICANN Org is responsible for implementation, we should get their honest assessment of their level of effort in completing this work as well. Thanks.

PHILIPPE FOUQUART: Thanks, Jeff. And that would certainly be an interesting input if we could have some guidance on this as well, on some elements, on this, coming back to the question that was asked earlier. Thanks, Jeff. Anything else on this? I think we need to wrap this up.

Okay, thank you. So let's go back to our agenda, and that's item five on our agenda, that's the discussion on the briefing paper on the accuracy requirements and programs from GDS. That was sent to Council, provided to Council in February by Org. It resulted from our request in December within the context of launching a possible scoping team on this, and there were several SGs and Cs interested in this exercise.

So with this, I'll turn to Pam, if you would lead this discussion.

PAM LITTLE: Sure. Thank you, Philippe. Hi everyone. So on this discussion item, I hope you've all read the briefing paper from ICANN Org, and a shorter document prepared by staff as complementing that briefing paper with some questions.

So I don't propose we kind of go over the content of the briefing paper. I think we should just jump right into the substance. So, does anyone have any question about the briefing paper? I think in the reading material—Jeff, you've got your hand up. Over to you.

JEFF NEUMAN: Oh, I didn't know if you were done. You had just asked if there are any questions on the reading material.

PAM LITTLE: That's okay.

JEFF NEUMAN: Yeah, it's really on the recommendation for the study. And again, it's more about resources. I don't know if you want to continue with your intro and then I can be more specific.

PAM LITTLE: Sure. I think I'll come back to you, Jeff, if you wouldn't mind, just want to make sure whether there are any questions regarding the briefing paper. I believe there are a couple in the complementary paper there. [So if I can have the] Council prep for accuracy topic. Can staff perhaps share the document on the screen, please?

Because these questions concerning the briefing paper itself, so I think we'll come to those first and we'll then deal with those questions about the study and other issues, if I may. So there are a couple of questions here, and I would just confess these are actually from me, so I will start with these clarifying questions given that we've got Karen here with us.

So the first one, if I may, is in the ICANN Org briefing document, one of the points raised by ICANN Org is that ICANN Org said it believes it is important to review the question of measuring registration data accuracy in light of ongoing higher-level

conversations. So these are referring to the correspondence between ICANN's CEO and GAC, and also with the European Commission.

So my question to Org or Karen, if you know perhaps, is, what is the outcome or status of these ongoing or higher-level conversations referenced in this paper? So Karen, are you able to address that? Over to you.

KAREN LENTZ:

Hi Pam. Thank you. So let me start with a couple of words about the idea of a study. It's really kind of driven by the assumption or the understanding that the purpose of this briefing document was to help inform some of the scoping by the Council of potential work around data accuracy. And so when we got to some of the questions in that review or in that briefing around measuring and what we know about accuracy, that was a suggestion with the idea that Council, if they're undertaking policy work, may wish to have some data or information, but that would depend on how you scope that and what the work is. So I think the two questions kind of go together a little bit on that.

So on the note about the broader conversation, it's referencing—and this is in the questions—some of the exchanges with the European Commission and the GAC regarding statements with regards to accuracy and the GDPR where we have asked for some clarifications on those statements and have been pointed to the NIS2, which states that accuracy is important for the security and stability of the DNS. So the first question there is an ongoing conversation, I think.

The second question that I think relates to this is, if it's presumed that there will be a study, is it expected that there would be some authority or direction around how we define accuracy under the law, or is that intended to be part of the study? Which is a really good question, and I think it goes back to, it's unclear what accuracy requirements are under GDPR according to how that is drafted, and so, is the intention with the question that there's some other avenue in mind as far as getting guidance, or is this something that is intended to be part of the study?

But other than noting that there are these various discussions around this topic and what it means, any study should take that into account, and the way that we reference the study in the briefing was that it could be scoped. And we've had this same conversation around considering how we might draft terms of reference for something like that. But are we studying a snapshot of what's accurate, are we trying to understand legal requirements for measuring data, are we looking at possible sources, are we trying to do all of those things?

So I hope that makes sense as far as how we went about the briefing, trying to understand or anticipate what the Council might be interested in, not knowing exactly, but trying to make sure that the broader conversations are considered as part of that.

PHILIPPE FOUQUART: Thank you, Karen. So you sort of answered both questions, I guess, on the screen that we [inaudible]. You also touch a little bit about the second question, which was really the core of the study, I think. So because the study or the proposed study was about

how accuracy might be measured. So we were just wondering whether that encompass what accuracy means in the post-GDPR era, I guess, so I think you addressed that. Jeff, you have your hand up. Please go ahead.

JEFF NEUMAN:

Thanks, Pam. When I hear the word, “we’re going to do a study,” I think of a couple things. Number one, I think of spending a lot of money, and two, sort of kicking the issue down the road. I don’t really understand—I heard your explanation, Karen, but I really don’t understand what they’re studying. We’re getting legal opinions as to what accuracy means under GDPR, right? So that’s what EPDP—or sorry, yes, Phase 2A is doing. So hopefully, they will come back with an agreement on certain issues.

I’m just so confused by what it is we’re asking a study for. That’s why I think this could just be very expensive, unbounded, multi-year-long study, because we’ve done WHOIS accuracy studied for years. We’ve done so many of them. I don’t understand what makes this one any different. Thanks.

PAM LITTLE:

Thank you, Jeff. Marie.

MARIE PATTULLO:

Thanks, Pam, and thank you so much, Karen. That was really helpful. Following on from Jeff’s comment just now and also the question that you put into the briefing document, Pam, so for Council discussion, one that you can see just at the bottom, if

we're going to do a study, to me, I go back a step again, we have a scoping team. We just asked for experts in accuracy to come forward, and we've got them. So to me, it would be the scoping team assesses what we already have. There are so many recommendations and reports and studies, as Jeff already mentioned, ask them to look at that, ask them if there is need for a further study. And there may well be. I don't know, I'm not the expert here. And then ask them to scope out the terms of reference for the study, because to me, that's the whole point of us having the scoping team.

Again, I'm a bit concerned that we seem to have asked volunteers to come forward, and they have come forward, which is fantastic. But what for? Because if now we're going to go and do a study without them, to me, that's just not logical. This is what the scoping team is for, scope out what we want to do on accuracy. Thank you.

PAM LITTLE:

Thank you, Marie. So Karen, maybe I can defer to you. Would you be able to maybe just elaborate a little bit why ICANN Org believes a study will be helpful in informing the deliberation in the scoping team, which is yet to be formed? Karen, thank you, over to you.

KAREN LENTZ:

Yes, thank you. And what I wanted to clarify—and was starting to type into chat as Marie was speaking—is that I don't want to leave the impression that Org is pushing a study or that we have a

proposal for any particular study. I think the way we envisioned it was something like Marie was suggesting, is that there's already the intention to do some scoping work. And to the extent that measurement and questions of data around that is helpful or deemed necessary to the working group, that that's a way of being able to provide that information. So I think if there is a study, it should be driven by—we would expect that it would be driven by what the Council determines they want to work on and what, if any, research or data is needed to support that. Thanks.

PAM LITTLE:

Thanks, Karen. Okay, so it seems to me that, Marie, you are saying whether there should be a study should be determined by the scoping team that the Council is yet to form, right? Is that correct, Marie? Have I characterized your comment correctly, you feel that should be an assignment for the scoping team? Yes, great. Thank you, Marie. Any other thoughts about whether a study on accuracy should be done, should be an assignment for the scoping team? John, please go ahead.

JOHN MCELWAINE:

Thanks. And I just want to make sure that I have the background and history correct here. I believe that this started back in the fall of 2020 when we pulled some of the work streams or issues out of the EPDP and for instance, legal and natural was one, and the anonymized address, those were combined and then we pulled out accuracy. And we said that there would be a study—in order to have some information for that scoping team to get started, we asked for a study or a briefing paper to be done, which hi believe

is what we have in front of us with the February 2021 document. It seems like we have everything we need for that scoping team to get to work and if they say that they need some further study to help them, that can get started. But it looks to me like that chart with the summary of the program and the impact of the GDPR is a really good start for the scoping team. Thanks.

PAM LITTLE: Thank you, John. Maxim?

MAXIM ALZOBA: I think before starting a study, we need to agree on a subject, because so far, some parties believe that accuracy is something from the ICANN contracts, but other parties believe that accuracy is from GDPR. And before doing that, I'm not sure, what good could study bring? Because if we don't know which particular subject we research, we will have some kind of random answers set. Thanks.

PAM LITTLE: Thank you, Maxim. And I think Karen has touched upon earlier, yes, that'll be part of the study, though the wording was a bit strange to say how to measure accuracy. But I think the intention of that suggestion does encompass to find out what accuracy means or what are the accuracy requirements under GDPR, because previously, the ARS, the accuracy reporting system that ICANN has as a system or tool to measure accuracy really was based on the pre-GDPR requirements. They have measured syntax, measured from operational perspective. And we know with

GDPR, that is probably no longer appropriate. So we need to find out what the requirements are under GDPR.

And we also recognize there are different views within the ICANN community what these requirements should be. Some people believe it should be only about the registrants' or data subjects' right about correction and data controllers' obligation to correct if they are not accurate, but then there are other views about whether third parties have the right to accuracy, if you like. So there are different views on that, and the EPDP team also have obtained, I believe, two pieces of legal advice from Bird & Bird on accuracy. But I think there's also now—adding complication to the whole conversation is the proposed NIS2 legislation. I think the ICANN Org briefing paper also mentioned that. Karen also mentioned that earlier.

So it's kind of a bit of a moving conversation, so what exactly accuracy means right now is a bit of a flux, in my view at least. So I guess the study would hopefully clarify that. So I have Kurt in the queue, then John, and then Carlton. Sorry, Carlton first and John. Sorry, Kurt, Carlton, and John. Thank you.

KURT PRITZ:

Thanks, Pam. I agree with Marie where she says [here] that this is the scoping team's role to figure out these hard questions that Maxim raises about the definition of accuracy and what the scope of the study would be. I think it's complicated by the fact that the EPDP is still going on and the accuracy is determined or can be checked based on the availability of data and we're still working through how to make that data available. And also the EPDP is

talking about accuracy as defined by GDPR which is probably different than accuracy as defined by what the scope of the study will be.

So I think it's right to form a scoping team. I think that we need to get further closer to done on the EPDP before we start work because of these technical questions about is accuracy available? Is accuracy as data available for accuracy testing and how can that be made available?

And two is, selfishly, all the people that are talking about this stuff in the EPDP are the people—some of them are the people we'd want on the scoping team. Thanks.

PAM LITTLE: Thank you, Kurt. Carlton?

CARLTON SAMUELS: Thank you, Pam. I [haven't] been around this accuracy argument for quite as long, so the more I hear about it, the more [inaudible] I become.

First of all, if we are going to agree that we're keeping data for purpose, we all have to agree that the data should be accurate. If the data is not accurate, it's worthless. So, if we get to the point where we were talking about accuracy and we had a system that looked at whether the syntax was correct and number of bytes in the field are correct and all of those technical things, and we run into the problem where somebody would record a name in a record Mickey Mouse, it would test quite okay but that would not

be the person's name. We got into this GDPR effort, whether or not it meant what it meant and so on.

So, with all of these moving parts, I really do believe that we first have to determine what we mean by accuracy in terms of record keeping for the domain name system. That is the first thing that we must [put down]. We must have a full stop on that. And then we look up what we have and we can go and make the assessment again because we have lots of data that we can test to see whether it's accurate within the framework of the accuracy requirement and we move on from there.

So I really do believe—and I'm supporting Maxim on this—we need to first establish what we mean by accuracy in terms of data keeping for the domain name system and the reasons we keep data in support of the domain name system. Thank you.

PAM LITTLE:

Thank you, Carlton. Exactly. I agree too. We need to know what accuracy means. But the question is can we do that or should we ask the scoping team to do that, to find out what accuracy means? John, over to you.

JOHN MCELWAINE:

I'm probably not as deep into some of the GDPR issues as other folks on the call are, but it looks like from reading the Bird & Bird memo, we've got accuracy requirements that ICANN has and then there's this accuracy principle set out in Article 5.1(d) of the GDPR. They seem to be fairly separate issues that can be tackled by the scoping team. It seems like people on the call have been

conflating it a bit, but I do think that they really are two separate regimes that can be analyzed. I don't know the answer to them, of course, but I do believe there's been some conflating of it on the call. Thank you.

NATHALIE PEREGRINE: Pam, this is Nathalie, you may be muted.

PAM LITTLE: Sorry. I was muted, I'm sorry. Okay, John. I think in the interest of time maybe we should just touch upon the last question, which is the timing of starting the scoping team. I think that's a very important consideration. So, Carlton, you have your hand up. Is that a new hand? No?

CARLTON SAMUELS: I'm sorry, Pam. That was an old hand. Thank you.

PAM LITTLE: No problem, no problem. So, does anyone—okay, Marie.

MARIE PATTULLO: In the interest of time, I'll keep it short, Pam. As soon as possible, please. We've been having this discussion for a long time, and now that the call for volunteers did go out for the scoping team, let's get the work started. Thank you.

PAM LITTLE: Thank you, Marie. Any other thoughts about timing? Kurt. I have Kurt, then ... Sorry. Marie, you've got an old hand. I've got Kurt and then Stephanie.

KURT PRITZ: Again, I think the work of the scoping team will be the most important part of the study that whatever follows after that will be controlled and governed by what the scoping team decides. I just want to reiterate that the people that the Contracted Parties House will have on the scoping team are the same that are working 20 or 30 hours a week on the EPDP now. I don't think that all the questions between and the interfaces between the work we're doing on the GDPR with the EPDP and the accuracy study can be easily distangled because the scope will necessarily involve how to make data available for the accuracy study.

So I'm not advocating for a long delay. I'm advocating for wrapping up the bit of work that we need to do on the EPDP so we can launch this but then undertake it at that time.

PAM LITTLE: Thank you, Kurt. So, Kurt, you are suggesting not to launch until the EPDP Phase 2a is wrapped up I guess. Thank you. Stephanie?

STEPHANIE PERRIN: Thanks. I totally agree with Kurt and I would just like to point out that the NCSG appears to be the principle advocate for non-commercial users here and individuals who will bear the burden—

the response burden—of increased demands for accuracy. But we need to be on that scoping team and we're very busy. Same thing as I said for PPSAI.

PAM LITTLE:

Thank you, Stephanie. So, Kurt, there's some support for Kurt's comment about the timeline. So, can I just ask Marie, given that the EPDP 2a is ... I mean, according to their work plan would wrap up their work I believe end of August—correct me if I'm wrong—is that something BC can support, or do you have other thoughts? Marie?

MARIE PATTULLO:

Thanks, Pam. Everybody is busy. Everyone is always busy. When we put out a call for volunteers for the scoping team on this, we got responses. We didn't get people saying, "I can't, I'm too busy." And to me that reads as people who volunteer to give up their time are prepared to do the work.

Now, I'm not saying that they have to sit in a darkened room and produce something by Sunday afternoon next week, but I don't see any reason why they cannot be allowed to start work. I just don't. I'm sorry. I completely appreciate how busy everybody is as I sit here at quarter past 10:00 in the evening. So, I do know this. Of course I know this.

But we've been talking about accuracy since the EPDP Phase 1 was still in nappies. I'm sorry, for Americans, in diapers. In the things that babies have. I really don't see why we can't at least

ask them to start considering the work that has already been done here.

Of course I'm not saying that the load of members isn't important, Maxim. Everybody's work is important, no matter who they are, no matter what job they do. But what I'm saying is that we do already have a group of people who have agreed to be involved in this and I think we should let them do just that. Thank you.

PAM LITTLE: Thank you, Marie. John?

JOHN MCELWAINE: I just wanted to support Marie's statements. This is something that was very important to a number of constituencies and people that were working on the EPDP when it did get sidetracked and pulled out. I would say it's disingenuous to say that we know that there's not the bandwidth. I didn't hear any of this going on two weeks ago or a month before that when we were talking about the transfer policy PDP, and now all of a sudden we think that there's not the bandwidth. As Marie said, let's ask the people that said that they were interested in being part of the scoping team and let's see if we've got the bandwidth to get this started. Thanks.

PAM LITTLE: Thank you, John. Stephanie?

STEPHANIE PERRIN: Stephanie Perrin speaking for the record, and with great respect to everybody, do you want that scoping team to represent the balance that is present in the GNSO Council or not? And I know that people are not begging members of the Non-Commercial Stakeholder Group to come into the room and present our perspectives. I'm telling you that we are overloaded at the moment. I mean, we could send people but we wouldn't be able to send the experts that have been busy working on the EPDP, and I would suggest that that's what you need, because if anybody has noticed, sifting through all of the documents that have been created over the past, I'd give it, three years, that is a totally disarming prospect. People flounder.

So, we are kind of stuck with the crew that has been following this closely. Now, that is fine for third parties who are trying to get the data because the mission is simple. It is not fine for those of us who are trying to represent the other perspective who have to keep checking back to the legal positions and the [former] interpretations and recent court cases. It's a heavy load. That's all I'm saying. And we need to be on the scoping team because the scoping is going to be extremely important on this particular effort. Thank you.

PAM LITTLE: Thank you, Stephanie. I just want to pause a little bit and I recognize there's Greg and then Marie as well. Just in terms of priority, yes, different groups have different priorities but our bandwidth as limited, even as a Council to manage all these multiple efforts.

I also want to clarify that when the Council in October last year agreed to adopt the approach as set out to have this accuracy scoping team, there was a call for expression of interest to our community group to say, hey, would you be interested if there is such a scoping team? So there wasn't a scoping team formed yet. There was just a call for expression of interest, and some groups responded and some didn't. So we need to have a formal call for groups to assign their representatives. And one of the questions posed here is what the composition should look like for the scoping team as well as timing. They're all important questions yet to be decided. We didn't have time to talk about composition, so that is something maybe we can work offline and come up with some proposal for the whole Council to consider.

So, yes, bandwidth, it is an issue and I heard Marie and John. We recognize this as a very important topic for your groups. But I was the one to remind folks there was a very recent memo from Bird & Bird for the EPDP 2a, in that it again reiterates that data controllers—i.e., ICANN Org—and contract parties are in the best position to determine whether the current measures are adequate or not when it comes to accuracy.

So it's back to the old argument as who should be really deciding or determining what accuracy measures are complying with the GDPR or not.

I will now go to Greg. Be brief, please, Greg.

GREG DIBIASE

Yeah. So really brief, I just wanted to quickly respond to John's comment about bandwidth and going forward with the transfer policy. And just from a CPH perspective, the people that are working on EPDP are also the people that will be—a lot of them will be—working on the scoping project because those subject matters overlap. So that's what we're hearing from our constituency, whereas the transfer policy is a separate technical issue. So I think there is a difference there.

And then with regard to the EPDP Phase 2a, this isn't something that this has an end date in mind that we've talked about a lot of times. So it's not like we're saying we want to stall this indefinitely. We have a set date after which we agree this work should proceed.

PAM LITTLE:

Thank you, Greg. Stephanie, is that an old hand or a new hand?

STEPHANIE PERRIN:

Old hand. I'll be quiet now.

PAM LITTLE:

No problem. Thanks, Stephanie. So with that, what I'm proposing is we'll take all this back and Council leadership would have another chat about what's being discussed here and then we'll come back with a consolidated proposal, if you like, on the points we haven't discussed. And in terms of timing, I can only say there are different views but we'll come back with a proposal, hopefully, then there will be further discussion on that, I hope.

So I think we'll wrap up on the topic of accuracy and then I'll hand it back to Philippe. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Pam, and thanks everyone for the comments. We will take that on board, and as you said, Pam, we'll try and come up with a way forward, mindful of the issues that have been raised including workload. I'm sure everyone is aware—acutely aware—of that difficulty.

Moving forward with our agenda, we'll try and finish in just about 36 minutes sharp if we can. So we're on item six now, our discussion on possible next steps.

On SSAC's report, SAC114, you would have noticed in mid-February the report being shared with Council. At the time, the final report. Those were intended for the final report on SubPro, which was not approved at that time and has been approved since then. But those comments are directed at the ICANN Board.

So we basically didn't want to ... Well, wanted to make sure that this didn't go unnoticed, and if any next steps were deemed necessary on this, given the next steps that will be taken on the SubPro final report we give the opportunity to Council to weigh in as they see fit. Not going to go through the report. I'm sure you've read it. The recommendations are around an overall call for risk assessment of the increase of TLDs in the root zone file. There's a call for action on DNS abuse as well as a recommendation to wait until the conclusion of and the framework to manage name collision.

So I don't think it's ... I'm sure you've all read it, so we'll not go into the details of this. But I just want to make sure that you have the opportunity to weigh in as to any next steps you would see fit on this.

I just want to note that I think there was one response. I think, Maxim, you responded to this on the list, but [there weren't] any others. So again, it's your opportunity to weigh in on this. So, Flip, you have your hand up.

FLIP PETILLION:

Thank you, Philippe. Maybe I should start by drawing your attention to the number of attendees we have. It has now dropped to nine. We are almost on our own for the meeting and I think it is important we note that because it's important to understand how interested people are in the topic that we are dealing in meetings, in extraordinary meetings. I don't know, maybe we should think of this for the future. But this was, Philippe, really a side comment.

I would actually like to focus on a recommendation by the SSAC. I observed two things. For the SSAC, there is a fundamental question, whether adding more gTLDs to the root namespace should remain a primary response to furthering the overall objectives of ICANN. The SSAC recommends that the board initiate a fundamental review.

Here are my comments, and I make them as a member of the GNSO Council, not necessarily as a representative of IPC although that could well be for probably part of most of IPC members. So I really make this comment as cross-community.

So, first, I would like to remind everybody of the role of the SSAC, and the role is described in section 12.2 of the bylaws of ICANN. And the rule is to advise the ICANN community and the Board on matters related to the security and integrity of the Internet's naming and address allocation systems.

And the SSAC has to engage in ongoing threat assessment and risk analysis. And in the framework of that, it makes its recommendations.

The second observation I would like to make is we have a specific commitment and specific core values that are in the ICANN bylaws. It's the mission of ICANN to enable competition and open entry in Internet related markets and you will read that in section 1.2 of the bylaws. And the core values, also in the same section, they remind us that the mission is to introduce and promote competition.

So, what do we deduct from this? I think indeed SSAC, of course, should focus on security and stability. However, ICANN still has that mission, that mission to introduce and promote competition. So, in my view, both must be in balance.

So, let me go back to the SSAC's role—the advisory role and the role to make policy recommendations. I will actually expect SSAC to be very concrete when it uses its capacity to advise and recommend.

In this very particular case, I do not think that SSAC has the intention to make particular observations regarding the need to ask TLDs [to move] the root zone or not and I do not say and I do

not suggesting that SSAC has that intention. Actually, I believe that at the public meeting of March 25, SSAC has confirmed a number of my observations and comments in a Q&A session.

SSAC has not been saying that the SubPro program should not move forward. It may be good if SSAC reviews its own comments and maybe a small amendment to its own executive summary may be actually the right approach. But I think it's really ... I really want to take the opportunity here to take a moment to ask everybody to appreciate the SSAC's role. It has the role to advise on an ongoing basis and it should not wait for some approval to initiate a review.

So, in other words, I really think that we expect the SSAC to develop views and to do that on an ongoing basis and it should make them available, these views, as soon as they are available and share that with, for example, GNSO Council, and if there is a current concrete substantiated view on the topic, while I personally—and I think others—may appreciate that SSAC shares that.

So, in conclusion, I think it's interesting to hear that there is a need for a review but I think there should be concrete reasons, concrete analysis, because in my view, it is a rule of SSAC to constantly on an ongoing basis do reviews and share its views.

So, that is something that I wanted to share with Council, but of course if you have any questions on what I've just shared with you, I'm open for it. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Flip. And further to what you've said, I think there's also in the report the [expectation] that that sort of methodical approach of assessing the growth of the number of TLDs in the root would be based on metrics. Through that, the next steps, following their report possibly through an ODP or something so that risk assessment could be made. That's the way I read this at least.

I think there was one comment from Jeff in the chat. That reminds me that I should have mentioned that I think that a number of those comments, although they were in the report on the draft final report, some of these comments were actually made in the working group as well. Maxim, you're next.

MAXIM ALZOBA: What I find really, let's say, troublesome in the document, that without providing any facts on which SAC claims that the extension or next round is an [ultimate evil] is just words that they believe.

I remind you that it's about technical persons giving the legal and operational advice based on belief. And we should remind the ICANN Board that ICANN framework is about factually based policy making and implementation and that the legal and operational advice not tied directly to a security and stability because there were no proof has, I'd say, almost zero value. And also recommendations to change something in legal documents without being experts or without having a legal advisor helping them to make such assumptions also has quite low value.

I think we should remind that SAC is just experts who relay their opinions on security and stability and their advice on all other fields is just their personal views and have no power or no value. Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. Any other comments on this? So far, I could hear concerns over the contents of the report and also questions as to whether some of the statements are actually accurate.

There's also the how. How do we proceed from that, from those concerns? Do we want to respond somehow? Do we want to wait until further consideration be given to the final report? How should we proceed on the how or as well as on the substance? Kurt, you're next.

KURT PRITZ: Thanks, Philippe. Sadly, I don't have an answer to your question but I had a couple of comments. One is the GNSO Council through its working groups decided that, as Flip pointed out, in 2008 and more recently in the SubPro group that adding TLDs and adding competition and choice for consumers were consonant with ICANN's mission. There's evidence that it is.

Second, where SSAC seems to be, as others have alluded to, maybe stepping out of their role and making policy conclusions rather than providing technical advice, I think one of the problems is that it's difficult to understand how they get to those policy conclusions because the SSAC isn't a transparent organization. In the GNSO, we live in a fishbowl. If you want to understand why

the SubPro Working Group came to a certain conclusion, you can read who said what or listen to it, or read who said what and who it was and who they represent and what interests they represent. The ccNSO has become very open. It was slightly closed at the start but their tech days are a star of the whole community. The GAC used to write its communiqués in private, now it does that in public. The ALAC is perfectly transparent. Even RSSAC now is agreeing to some governance methodologies and being more open about how they're measured.

My comment really goes to I think not the quality of the advice but the understanding the community has of the advice would be improved if SSAC was more transparent.

How we proceed, I agree largely with Philippe's comments about going back to the Council's remit and how it came to its conclusions and how they're in consonant with the ICANN mission. Thanks. [inaudible].

PHILIPPE FOUQUART: Thank you. Thanks, Kurt. Jeff, you're next.

JEFF NEUMAN: Yeah, thanks. And part of this, I just want to go and mention that the GAC does reference the SSAC's report in their communique, so we may want to address it, at least in that response, and so a small team is working on a response that we hope to present at least for the next meeting.

But if you read the communique—I just had it up, I apologize—they state that ... I'm sorry, I just had it. Anyway, they do cite to it. They basically state that--oh, here it is. In addition in the light of SubPro final report the GAC shares the concerns expressed by some parts of the community about the need to assess the costs and benefits of any new round of gTLDs and highlights the SSAC's observation in its comments on the GNSO new gTLD SubPro draft final report that the fundamental tension between challenges to security, stability, and resiliency of the DNS on the one hand and safeguards and other protective measures on the other have not been addressed.

I do think it's important for the GNSO not to just ignore it or to just think that it's going to die on its own [vine]. I think it does deserve a response, and if it's just in the response to the GAC communique, that's fine. I think it's of utmost importance to have a response. Thanks.

PHILIPPE FOUQUART: Thank you, Jeff, and thanks for the pointer to the GAC communique. My impression at this stage is it might have to be somewhat broader than this. That's what I sort of heard. So again, views are welcome as to the how. We would capture those comments but we can take that on board within the leadership and come up with a way forward. For example, through a drafting team of sorts. Yes, indeed, Pam, maybe we could convene a drafting team on this topic to build up from the comments that were made during this meeting. Stephanie, you're last on this.

STEPHANIE PERRIN: Thanks. I would just like to propose that we keep in mind that very often these letters that we're receiving or the Board's receiving are from predominantly a risk perspective. It's my opinion that risk management is not something that ICANN does in a fulsome manner and in a 360 manner because SSAC is probably quite correct in assessing that the more users of the DNS, the more security issues arise. Therefore, expansion of the DNS not necessarily a good thing. Their views are probably coincident with those of the IPC. The more domain name possibilities are out there, the more likely trademark and intellectual property violation will take place.

However, from the perspective of the Non-Commercial Stakeholder Group, the more names the merrier. It gives those who are late in arriving in the DNS situation an opportunity to get a domain name. I should have added that it probably means more financial stress for the business community who have to buy up more domain names.

But these risk assessments are all different and they come from the multi-stakeholder perspective and that's a good tone to take in any letter going back to either the Board or SSAC interpreting what they're saying. That's my opinion. Thanks.

PHILIPPE FOUQUART: Thank you, Stephanie. I certainly concur that the security and stability analysis tend to be somewhat conservative. One example—and I mentioned that as a personal capacity in a previous Council meeting, but the 2012 [controlled interruption], at least from [one] applicant's perspective, would have appeared to

be overly conservative. But that's just my personal comment on this. I've made it already. I made it already at the time.

So, thanks for all these good comments. We'll take that on board and come up with a way forward. There was a suggestion to have a drafting team. I saw that, Maxim, you would volunteer for this as well. We'll come back to you on this next week, so stay tuned. Thanks, again.

Moving on with our agenda—and apologies for eating up on the last item for discussion—that's the GNSO framework for continuous improvement.

You would have read the proposal that we shared with the SGs and Cs. It was both on the form and the substance, both on the framework and the candidate topics for this. It was shared in January and there was some feedback. So I'll turn to Tatiana to lead the discussion on these two points, both the framework itself and the substance and topics that should be addressed through that or a subset thereof. Tatiana?

TATIANA TROPINA:

Thank you very much, Philippe. I hope that in the interest of time I do not have to introduce the framework itself. It was shared quite a few times on the list and you got quite a few reminders. And you might remember that during the last Council meeting I asked you to do some sort of homework—sorry for calling it like this—and also think about engagement with your respective stakeholder groups and constituencies because this framework was also shared on the list with them.

But a question about capacity, right? We haven't got a lot of responses. The only responses I think we have got was that there is no capacity to read it right now and the comments will come later.

So, hoping that you took a look at this framework. A couple of questions for the Council right now, and I hope that you can speak about it. The first one is do you think the framework can be tested in a sense as a pilot project to do with the most pressing of the sub-topics which are on this framework, like work stream 2 implementation or possible ATRT-3 related alignments and so on?

So, what do you think? What are your thoughts on this issue? And please also feel free to say that you are concerned about the framework itself or you think there is more time needed to consult with stakeholder group sand constituencies. Jeff, please go ahead.

JEFF NEUMAN:

I wanted others to weigh in. I like this stuff, so I read it. It seemed very bureaucratic in the sense that we are going to set up a Council committee and then that Council committee will have oversight over a number of task forces and then those task forces will be made up of members of the community. Can't this be streamlined a little? I think it just seems to add a lot of work. I don't know. It seemed very overly bureaucratic to me and it seemed like it would add a lot of work instead of making it easier to complete the work.

TATIANA TROPINA: Jeff, thank you very much, and while I'm being very neutral here because I'm leading this agenda item and I didn't put myself in the queue, I remember raising the same concerns as well. But to answer why we're still sharing this framework, first of all we need these concerns to be voiced again with a new form that is proposed. And secondly, there are issues that we have to deal with, and the question is, how?

And in this regard—and see in the document—that there is the second question. If the framework itself is a concern, what will be the alternative way to complete all this necessary work? And I will gladly hear from anybody about this as well, but now Tom, you are in the queue. Please go ahead.

TOM DALE: Yes, thank you. I had two reactions to the document. One is, as Jeff has said, it does seem overly complex. For example, carefully structuring task forces and differentiating those from other committee tasks does seem a little overly complex and I'm sure could be streamlined.

My second reaction that as concerns continue to be expressed from stakeholder groups and constituencies about volunteer bandwidth, are they confident that, given there's a volunteer resourcing issue with core policy development work, surely there's going to be even more of a problem with that sort of bandwidth for these tasks, which while they're important, are not GNSO policy development work as such. They're about how the Council addresses other issues. So those are my initial thoughts. Thank you.

TATIANA TROPINA: Thank you, Tom. I see in the chat Carlton is raising concerns about bandwidth as well. Maxim, you are the next in the queue.

MAXIM ALZOBA: As I understand, we already have something which should take care of issues which we see in the document. Is it the Council itself? Because my feeling is that it's going to be [not shadow] Council but double the efforts, because when any member of the Council identifies any of the issues we see in the document, we just add it to the agenda and that's it. We don't have to have a standing committee with reporting on reporting on the previous reporting. It's a bit of ... There should be a balance between bureaucratic efforts and the value of the outcome.

So I think we might not necessarily need to create a standby additional structure mimicking the current Council. At least I don't understand how do we find it a good investment of time. Thanks.

TATIANA TROPINA: Thank you, Maxim. Philippe, please go ahead.

PHILIPPE FOUQUART: Thanks. Really just as an ISPCP Councilor, the issue here is indeed bandwidth and the goal is—maybe it misses the target but is really not red tape, if that means anything to you. Bureaucracy. The idea was to sort of have one single framework where a number of topics could be channeled.

And I agree to a large extent that this might seem overly complex, but the intent is really to facilitate the work. If this is not fit for purpose—and it might not be, I'm not taking a view on this—then what is the alternative? And the issue is, indeed, it is bandwidth. It really is. But we need to figure out a way forward, I think.

TATIANA TROPINA:

Thank you, Philippe. Indeed, I think that it is easy to say, okay, this is too much bureaucracy, okay the framework is complicating things. Perhaps it is, perhaps it is not. The main present question here is that we have all these issues on board, how do we deal with them? As far as I understand, for example, Maxim said that we can just add them on the agenda and deal with them without this framework. Whether it is going to be a solution or not, I don't know.

But in addition to criticism, which I think everybody gets, it would be great to hear how we can actually deal with this. If not framework, what would be a solution? Pam, you're the next.

PAM LITTLE:

Thank you, Tatiana. I saw Tom's suggestion. Why not leave it to the committee to determine how they structure their work rather than a taskforce, etc.?

I think there's some merit in that alternative but I also want to come back to the current proposal which is some work will be done by the standing committee which will consist of Council members only.

I think one of the merits I see personally is that would actually allow a bit of a diversity as well as legitimacy. So, if work is deemed appropriately—can be done within the Council, and by Council members, as a small group, we often either don't have enough volunteers or no volunteers. So by having a standing committee with at least one representative from each SG or C plus a NomCom representative, would ensure that there's stability in the membership and there's also I hope more equitable distribution of workload. So that standing committee would take up the work, non-PDP related GNSO business. That can be done within the Council.

But the taskforce will involve community members because some of them, the assignments or work is probably broader than the Council—for example, the GNSO 3 review or whatever we need to broaden the participation beyond the Council.

So, I think that was the thinking of having the taskforce. But I can see the merit of having the standing committee decide whether they can get this work done within a small committee or they want to broaden and involve the GNSO community members, so that determination perhaps can be made by that standing committee and they can decide on a case-by-case basis. That might be another way to go. Thanks.

TATIANA TROPINA:

Thank you, Pam. Thank you. Jeff, you're the next in the queue. Oh, so I see Jeff's hand disappeared.

JEFF NEUMAN:

No, sorry, I put it down. I accidentally ... I meant to hit unmute and I hit ... Anyway, sorry.

Again, I don't know why in the last few years there's been a focus on having the Council do a lot of this stuff. Very little on these assignments have to do with the Council. Most of it has to do with the community.

In 2008 or 2009, whenever we set up, we set up steering committees to work on these issues but they were not comprised of Councilors. Councilors could join, of course, but it was comprised of community members, and they're the ones that led the effort to revise PDP 2.0 and working group guidelines. It was a lot of other things associated with it.

I see no reason why the Council has to have ... Why the steering committee needs to be only Councilors. Perhaps you can have it chaired by a Councilor. Maybe that's the solution. But at the end of the day, it did have plenty of legitimacy. It was all adopted. It was all well run. And I'm not saying that because I chaired one of them. There were other chairs of other steering committees.

I think there's concern that the Council has to be leading these or has to be doing all of these efforts is I think a little misguided since it did work. So, I think that the way we can do this is if you want to have a steering committee, okay. I'm not sure that this breakdown of issues makes complete sense, but if that's the way you want to do it, let's have a steering committee. We can have a GNSO Councilor to chair or it be a liaison or whatever. And if the community deems it's important, which I know with the GNSO

review, human rights and others there are some important areas in here. It does not need to only be Councilors. Thanks.

TATIANA TROPINA:

Thank you very much, Jeff. And noting that we are in the top of the hour, I will close the queue here and I believe that we can either continue discussion on the mailing list. I would like to ask the Councilors, please also do reach to stakeholder groups and constituencies because we also want to get their input. This framework was distributed only a few weeks ago and it would be great to hear from them so we can move this forward and come at least to some idea, because as Pam said, some of this work is not related to the Council only and it would be great to have a channel for interaction and managing this work together with the GNSO community.

So, with this, I will hand it back to Philippe. Philippe, sorry for taking a bit long. Thanks.

PHILIPPE FOUQUART:

Thank you. You didn't have the time that we originally allotted to that topic, so it's really fine. Thanks. I will add to this, in addition to the framework, that SGs and Cs should be consulted not only on the topics but on those issues that might be stricken out of this list. There's a lot of comments, for instance, possible, etc. We had some discussion about prioritization. That's also a part of the exercise, I think.

So, with this, it's now 11:00 my time. I think we've reached the end of this extraordinary meeting. We're not going to have time for

AOB. I just want to thank you for your inputs. I think this has been extremely useful. I know you said it's an extra meeting. It's only illustrative of the workload that is upon us. I just want to make sure that we cover all these items.

With this, stay safe, indeed. Have a very pleasant rest of your day wherever you are, and speak to you soon. Bye, everyone.

MAXIM ALZOBA: Bye-bye.

NATHALIE PEREGRINE: Thank you all for joining today's extraordinary GNSO Council meeting. Have an excellent rest of your days, evenings. Take care. Goodbye.

[END OF TRANSCRIPT]