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## ICANN Transcription

### GNSO Council Meeting

**Thursday, 20 October 2022 at 20:00 UTC**

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The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gnso.icann.org/en/group-activities/calendar>

#### List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Anne Aikman Scalese

#### Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts (apology, proxy to Greg DiBiase)

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz, Sebastien Ducos

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evan

#### Non-Contracted Parties House

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Commercial Stakeholder Group (CSG): Marie Pattullo, Mark Datysgeld (joining late, proxy to Marie Pattullo), Osvaldo Novoa, Thomas Rickert (joining late, proxy to Osvaldo Novoa), John McElwaine, Susan Payne

Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos, Manju Chen, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly

Nominating Committee Appointee (NCA): Paul McGrady

**GNSO Council Liaisons/Observers :**

Justine Chew : ALAC Liaison

Jeff Neuman: GNSO liaison to the GAC

Maarten Simon: ccNSO observer

Guests: Donna Austin, Chair of the EPDP on IDNs

**ICANN Staff**

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

Marika Konings - Vice President, Policy Development Support

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

Julie Hedlund - Policy Development Support Director

Steve Chan - Senior Director

Berry Cobb - Senior Program Manager, Policy Development Support

Emily Barabas - Policy Senior Manager

Ariel Liang - Policy Senior Specialist

Caitlin Tubergen - Policy Director (apology)

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Nathalie Peregrine - Manager, Operations Support

Terri Agnew - Policy Operations Specialist (GNSO)

NATHALIE PEREGRINE: Good morning, good afternoon, good evening, everybody, and welcome to the GNSO Council Meeting on the 20th of October, 2022. Would you please acknowledge your name when I call it? Thank you. Antonia Chu.

ANTONIA CHU: Present.

NATHALIE PEREGRINE: Nacho Amadoz.

NACHO AMADOZ: Present.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Present.

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NATHALIE PEREGRINE: Sebastien Ducos.

SEBASTIEN DUCOS: Present.

NATHALIE PEREGRINE: Theo Geurts has sent his apology and assigned as proxy to Greg DiBiase. So Greg DiBiase.

GREG DIBIASE: Present.

NATHALIE PEREGRINE: Desiree Miloshevic.

DESIREE ZELJKA MILOSHEVIC: Present.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Yes, thanks, Natalie.

NATHALIE PEREGRINE: Thank you, Marie. Mark Datysgeld has sent his apologies for the first half of the council meeting. He's indicating in the chat that

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once he's in the zoom room, he would be able to take part with the audio. So for So for the first part of the council meeting, he is assigned this proxy to Marie Pattullo. John McElwaine.

JOHN MCELWAINE: I'm here.

NATHALIE PEREGRINE: Thank you. Susan Payne.

SUSAN PAYNE: Present.

NATHALIE PEREGRINE: Osvaldo Novoa. I don't see Osvaldo in the Zoom room yet. I did think he joined before. Thomas Rickert will be joining the meeting late, so in his absence, he's assigned a proxy to Osvaldo and will follow up with him now. Paul McGrady.

PAUL MCGRADY: Here.

NATHALIE PEREGRINE: Wisdom Donkor.

WISDOM DONKOR: Present.

NATHALIE PEREGRINE: Stephanie Perrin. I don't see Stephanie in the Zoom room. Manju Chen.

MANJU CHEN: Present.

NATHALIE PEREGRINE: Farell Folly. I don't see Farell in the Zoom room yet. Bruna Martins dos Santos.

BRUNA MARTINS DOS SANTOS: Present.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Present.

NATHALIE PEREGRINE: Anne Aikman Scalese.

ANNE AIKMAN SCALESE: Present.

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NATHALIE PEREGRINE: Jeffrey Neuman.

JEFFREY NEUMAN: Present.

NATHALIE PEREGRINE: Maarten Simon. I don't see Maarten in the Zoom room. Our guest speaker today, we have Donna Austin, chair of the EPDP on IDNs. From the GNSO support staff, we have David Olive, Steve Chan, Marika Konings, Julie Hedlund, Berry Cobb, Emily Barabas, Ariel Lang, Terry Agnew, and myself, Nathalie Peregrine. May I remind everyone here to state your name before speaking as this call is being recorded.

A reminder that we are on a Zoom Webinar room, councilors are panelists, and connected with their microphones and participate in the chat once they have set their chat to everyone for all to be able to read the exchanges.

Warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor to the chat. As a reminder, those taking part in the ICANN Multi-Stakeholder Process are to comply with the expected standards of behavior. Thank you. Sebastien, it's over to you.

SEBASTIEN DUCOS: Thank you, Nathalie for that. I had to note that Osvaldo Novoa is in the room, he's having issue with his mic. He noted that in the chat, so please have him as present, and by extension, Thomas,

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also, he has his proxy. So good morning, good afternoon, and good evening to everybody, this is Sebastien Ducos.

This is our first actual council meeting for this year. Pretty exciting, and I'm doing it from a very fragile Wi-Fi and office environment, so bear with me if everything falls. We'll try to make it through the next two hours. So having done 1.1, 1.2 is the update to statements of interest. Does anybody have to raise any updates of their statement of interest?

Seeing no hands, I guess that you're all up-to-date. Fantastic. 1.3 is the review and possible amendment of the agenda. So I had two point that appeared in the last few hours or last 24 hours. One point of AOB is with regards to a very recent call, I didn't see it, but I was alerted to it, for the RPMs. So maybe we want to add that to the AOB.

Then I had a quick comment to make about comments and in particular about the comment to the holistic review that I wanted to make, but we can add that to the AOB. Does anybody else have anything that they might want to amend to the agenda as sent or might want to add anything?

Seeing no hands, I guess that the two points listed above were good. We published the minutes of our last two meetings, I guess. So one, the minutes in September and for the August meeting and the minutes that we published in October for the two meetings that we had during the ICANN session, so meetings part one and two.

Does anybody have anything to review or comment about those minutes? I guess again, seeing no hands, I guess they're approved, it can be filed. With this, we'll just move directly to item two. Item two is for those new on council, the time we normally take for the review of projects and action list as we've started doing in the previous council cycle.

Instead of devoting 10 to 15 minutes to it each month, we decided to devote time to it only if there was very specific items that we wanted to discuss. This time, I guess there wasn't as we noted zero minutes for it in the agenda. I did want to raise something specifically for the new counselors but also for anybody else that feels like they need a refresher on all these things.

So this project list or the project management tool that we have is a very rich and quite information full set of documents that help us track all the activities that we're doing, all the projects that we're running. It goes without saying it, I'm the first one to have to admit it, not something that can be jumped into easily for those that are not working with these sorts of tools day-to-day.

So, the last year during the last cycle after the SPS, we agreed to do some work on it, and Steve and Berry were good enough to produce a training video on all those tools, going through the review, explaining how they connect and interconnect with each other, and what you can derive from all that information. It's a video that lasts a bit over an hour. I can't remember exactly how much, but they'll be able to correct me if I'm way off, which Steve, Emmy award winning, not quite winner, maybe a good candidate Emmy award winning presentation.

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Please, do click the link in the chat, please keep that in your bookmarks open for an interesting session later on today, if you have time, later on this weekend, if you don't have time during the week, but do have a review of it, please, before the next meeting, before the SPS and so on, so that you can inform yourself on all those tools. Again, very rich set of tools for most of it, not the stuff that we're used on a day to day, and well worth following the video.

Thank you, Steve, for posting that. Now, unless Berry had something very specific that he wanted to talk about, and that's why the project list is on this screen. Otherwise, I think that we'll close that for now. Nothing to add. Thank you very much, Berry. We'll go back to the agenda for the consent agenda. So, if there are no further questions on the PMT, and again, I strongly encourage you to click on the link now that is in the chat, keep that as a bookmark and go back to it in the next few hours or days and take a bit of time go back to it once or twice.

I had to also reach information and important to go through. I see Osvaldo is gone and back again. So on the consent agenda, we have four items on consent. Maybe Nathalie, do you want to walk us through this or do you want me to read the different motions or how do you want to do this?

NATHALIE PEREGRINE: Thank you very much, Sebastien. So the motions are there only on the off chance that a council would request one item be subtracted from the consent agenda. So, in this case, you may go

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ahead and just read the four items listed on the agenda, and then we'll be good to start the vote.

SEBASTIEN DUCOS: Okay, thank you. So the four items are, the approval of the updated standard term for the GNSO liaison to the Government Advisory Committee, the GAC. The second item is the reappointment of Jeffrey Neuman to serve as the GNSO liaison to the GAC for a two-year term ending in the AGM 2024. The third item is the confirmation of the GNSO representative to the Empowered Community Administration.

The fourth item is the confirmation of Mike Silber to serve as the chair of the GNSO Guidance Process, the GDP on applicant support. Was there anything that anybody wanted to raise with regards to those motions that were shared 10 days ago by the submission deadline? I note that there was a point raised by Ann with regards to wording, and that the motion that we agreed on the list to amend the motion accordingly.

So the new wording should be in the motion and to reflect your request. It was more of a grammar clarification, a syntax clarification to make sure that we meant exactly what we wrote, there was no major change the subject, on the intent of the motion. So seeing no hands and seeing no further comment, Nathalie, should we go for a vote for those four motions?

NATHALIE PEREGRINE: Thank you very much, Sebastien. So we'll be doing a voice vote for the consent agenda. Would anyone like to abstain from this

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motion? Please say, aye. Would anyone be voting against this motion, please say, aye. Hearing none. Would all those in favor of the motions, please say, aye.

[PEOPLE SAYING AYE]

NATHALIE PEREGRINE: Proxy Holders, so, Greg DiBiase for Theo Geurts, Marie Pattullo for Mark Datysgeld, and Osvaldo Novoa for Thomas Rickert, please say, Aye.

GREG DIBIASE: Aye.

MARIE PATULLO: Aye.

OSVALDO NOVOA: Aye.

NATHALIE PEREGRINE: Thank you very much. With no abstention or objection, the motions passes. Thank you very much.

SEBASTIEN DUCOS: Thank you. Nathalie. I guess, part of this motions is to also inform the interested party of the motion, so we'll reach out to Jeff,

who's already in the room and should know, and we'll reach out to Mike Silber to inform him of the-- Oh, I'm sorry, confirmation. Also, we'll reach out to Greg to confirm his position. Without further do, thank you, Jeff, for confirming that, we will also confirm with the GAC.

Without further ado, we'll go to item four, which is a council discussion on the WHOIS Disclosure System and it's next steps. I'll introduce this directly as the happy lead, if not the chair, on this small team. So, as we've been discussing for a number of months, the small team has been reviewing the-- sorry, bit of movement here. The small team has been reviewing the ODA with an ask, if not a mission from the board to review it in a way-- review the SSAD and the result of the ODA, and try to find a path that wouldn't be as costly as what was described in the ODA for the full SSAD.

The small team who's made of members of the different components of council, but also external parties to the council has come up with a solution of what we call initially a proof of concept, which is now more referred to as the WHOIS Disclosure System. For those who follow these discussions closely, you'll know that even that name is probably not the last name we'll use for it.

In any case as a work in progress, the WHOIS Disclosure System is essentially a very simplified version of the SSAD, one that concentrates on picking up requests from the public, request for registration data information. These requests are processed through the system, which identifies for each domain that data is requested for, sponsoring registrars and passes the information onto the concerned registrar.

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It's an intelligent ticketing system to allow for those requests to be recorded to record when the information is passed on to the registrar and when the registrar responds. It doesn't preclude the actual response of the registrars in the sense that the registrar still maintain full right and obligation to disclose only if a relevant purpose exists as per GPR and other privacy protection regulation.

So, leaving that in the hands of the registrar. So the team has been working on that system with the ICANN team who scoped it, delivered a report right before ICANN75, and we initially tried to get a full report to council for this meeting, and decided to take one more month. We will have recommendations in all likelihood, positive recommendations.

The only thing that we're missing right now is that there were a few items one or two items missing in the scope as we received it in September, which we felt were important for the success or the - yes, for the success of this tool, but at least for reasonable use to be enabled. So we are in last discussions with the ICANN team to make sure that these last elements and not to spend too much time on them, but the last elements are essentially what do we do in case a registrar is not participating?

ICANN was of the view that should a registrar not participate, we wouldn't be able to collect any request data simply because it had no purpose. We knew if the registrar wasn't participating, that wouldn't even be able to send it along. We agreed on a minimal amount of data which is essentially the domain naming question, but at least that be recorded so that we could derive the sponsoring registrar at that time.

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Then the registrars had a request for information to be sent to them, provided they agreed to additional Ts and Cs, short Ts and Cs if possible, and how we would have to deal with that. So those last elements are in discussion. I'm very confident that we will find a positive exit to it and that we will be able to come back to council in November with a motion, or, sorry, with a plan forward.

So the discussion today, and unless some councilors are part of this small team, the team is not made solely of councilors, but some are. So first, I would turn to my fellow councilors that are on the team, if anybody wants to add anything to the short resume that gave. I see Tomslin's hand, who's not on the team, but may have a question. Tomslin, please.

TOMSLIN SAMME-NLAR: Thanks, Seb. I just wanted a bit of clarification on what the-- did you see the registries or registrars? Sorry, I missed that, but I didn't clearly get what they were requesting to be sent to them. Sorry.

SEBASTIEN DUCOS: Sure. So it's the registrars, and if I said registries, it's because I myself get them mixed up often, at least by name. No, it's definitely the registrars because the registries are not at this stage involved in this tool. All the information is driven from requesters to sponsoring registrars. The registrars are simply to have those requests packaged and sent via email to them in order not to have to constantly log onto the ICANN portal and verify if there was information waiting for them to process. That obviously caused a

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number of issues because the emailing data that could include PII over open email wasn't reasonable in terms of security and protection of that data.

It was quickly suggested that we should do that using encryption, using PDP, in a way that very much parallels what is done already for UDRP. So, given that we would be using a protocol between quotes, but a way of transmitting that data that is already used for something else and already confirmed as secured and professionally handled in another process that we have in this community.

I'm confident that ICANN will agree to it and agree to it without laying too much on the Ts and Cs for the registrars. So this wouldn't be for all registrars, it would be very specifically full registrars who are participating and who specifically ask for that data to be emailed to them. I hope that answers your question. I see Greg's hand up.

GREG DIBIASE:

Yes, I think you got all the details there right, just quick clarification. The request for encrypted emails is basically for efficiency so we can ingest and respond to those requests more efficiently, and those responses happen outside of the name service portal regardless.

To clarify, we would still go into the name service portal to update the status of those requests. So I just wanted to make sure that we're all on the same page there. Even though requests could

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come via email, registrars would afterwards log in and indicate the status of the requests that were received.

SEBASTIEN DUCOS: Thank you. This is an important clarification in the sense that the WHOIS Disclosure System essentially to start with was a tool that we developed as a proof of concept. The concept that we're trying to prove is that one, there is sufficient request to necessitated tool, and that on the other side there are responses that we want to track.

So it's important for registrar to be able to go back to the portal post factum and indeed note if requests have been processed and responded to positively, negatively, and potentially give details on that. Anne, I see your hand up.

ANNE AIKMAN SCALESE: Thank you, Sebastien. It's Anne Aikman Scalese. Just a couple of questions that came up during the webinar for the WHOIS Disclosure System, and one was registrar's expressing concern that they might not be able to opt out of the system if the system was not working for them or if they were receiving too many duplicate requests through other means. Is that being discussed in the small team? That's question number one, but I'll do it one at a time, so.

SEBASTIEN DUCOS: Thank you. So I don't lose my own track. Yes, it has been discussed. All this system is out of policy for now, and so it's all

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on a voluntary basis. We all agreed that indeed if registrars could opt out, sorry, could opt in, they could all always also opt out. Obviously, we will do our best to avoid that situation. We want maximum registrars to stay on the system and be able to provide all the data that we need, but there is no forcing anybody in, and there's certainly not impeding anybody from exiting should they want to.

**ANNE AIKMAN SCALESE:** All right, thank you. Second question related to the possibility that UDRP providers might be included in the use in this system, and the feedback seemed to be that would not be useful and would be confusing. I actually was checking with Brian Beckham at WAPO about that as well, and he said that's not a good idea. It was originally raised by a registrar, but there's a thought that having UDRP providers in this system would not, it would be duplicative and potentially not useful to anyone really. So I don't know if that one came up under discussion as well.

**SEBASTIEN DUCOS:** So I'm afraid that didn't, or at least not that I recall, and anybody on the group is welcome to jump in here, but I don't remember that. I'm sorry, I don't quite understand. So they would be able to request should they need to request data. They're a valid type of requester, I don't see any issue there. Supposedly, the discussion was to have them in the loop on the registrars or on the responder's side, or I'm not quite sure. Anyway, maybe a question to see [CROSSTALK]. In any case --

ANNE AIKMAN SCALESE: It might make sense for the small team to pull the UDRP providers on that because I got a definite confirmation from Brian Beckham that when it was suggested by one of the registrars that that wouldn't be a good idea, Brian said, correct, it wouldn't be a good idea. So I don't know if you-

SEBASTIEN DUCOS: Okay. Well, I'll put this to the small team, and I'm afraid I don't know enough about this specific topic to be able to answer right now. Thank you though, and we'll note the question.

ANNE AIKMAN SCALESE: Thanks.

SEBASTIEN DUCOS: I see Marie Pattullo's hand up.

MARIE PATTULLO: Thanks, Seb. This is Marie, but I'm not on the small team, so do you want to keep taking small team questions first?

SEBASTIEN DUCOS: No, because your hand is up, and then Kurt is not on THE small team, so I'll take care the questions I get. Go ahead.

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MARIE PATTULLO:

Yes, I appreciate that. Thank you. This is Marie Pattullo from the BC for the record. I'd be grateful if you could run over again what you said please about the registrars who don't choose to participate. My reason for asking that is, again, as you said, the whole point of the system is so that we can gauge how much need there is, how much demand there is for the requests, and to figure out how many requests get responses at both sites. Of course, we've got, ICANN's last blog that also says the same thing, it's a temporary method for gathering data to gauge the demand.

I'm still not clear in my head how we can gauge the demand if we are not actually looking at all registrars. How do we know if somebody wants to ask a registrar a question, lots of questions? Because if they're not in the system, will that data not be captured somewhere? On the other hand, if a registrar isn't in the system, maybe they'd want to know that? I don't know, an awful lot of requesters are asking about the same domain name or domain names. So I'd be grateful if you could spend on that just a little bit. Thank you.

SEBASTIEN DUCOS:

Sure. We did discuss that in the small team. So, the main principle here is data minimization. We cannot collect data knowingly if it has no purpose, and collecting data knowing that there is no registrar behind it to be able to answer it, was deemed as not purposeful. We did look at options to collect that data anyway and go and inform registrars anyway, so non-participating registrars, and so there was discussions, but it fell on the side that that would be spam.

So what we ended up agreeing, what ICANN and us agreed, because ICANN is also party here as they deliver the product, was that the minimum data that we would record is the domain name that is asked. Technically, what would happen is that the first question would be what domain name do you need information on?

There would be a quick verification of who sponsored the domain, if that sponsor is part of the system or not, and if the sponsor is not part of the system, we would then inform the requesting that the person that is not part of the system, and offer the requesting to load the data anyway, and then potentially render it back in a way that could be emailed by the requester directly to the sponsoring registrar.

The problem with that is that technically this system would still be collecting data, and again, still be collecting data with no real purpose to the system, and so, that was deemed dangerous. To be honest, the discussion is not fully, fully closed on it. It's one of those items that still remains to be entirely closed on it, but the general direction is that we can't do it because of data minimization.

Now, obviously, we would know, receiving requests for a specific domain name, we would know that this registrar that is non-participating should be participating because there's requests coming to them. So nothing impedes us in parallel to go and reach out to that registrar, invite them to join the system, and et cetera.

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Again, there's no coercion here. We're out of policy, this is a proof of concept that will be done amongst willing, and we understand that indeed we will be missing some registrars that will refuse to use it. Outside of policy, we decided there's a small team. Again, also on advice, that outside of policy, we would all have to agree that this is amongst willing parties.

I'm very sorry I've said this before in the past, I see the chat going, and I'm sure that it's fascinating and super interesting, but I'm absolutely unable to both speak and read. So if anybody wants to voice anything in the chat, that would help me very much. If that answers your question, Marie, I see Kurt's hand, and then afterwards we, probably will need to wrap this because we are getting to time. Kurt.

KURT PRITZ:

So, I echo Marie's concern that this trial is a predictor of future demand, but think that in some way the concerns she raises can be overcome even if only some registrars participate, but it would be at the sacrifice of the accuracy of that prediction. So I think of the three questions that the small group is still considering, I think the most important by far is will the implementation of the WHOIS Disclosure System help inform the council on the cost benefit of the SSAD recommendation.

So meaning, a predictor of future use, which is an independent variable of whether the thing can be cost effective and self-sustaining as what's required. The third question, should it recommend to this GNSO council, let it be adopted, really depends on the answer to the second question. If it's not a good

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predictor of cost benefit of the whole SSAD, then the trial should not go ahead.

But if it is a good predictor, then if it will provide information about usage of the full-blown system, then that would justify going ahead. I think that's the most important thing and that's what the council should look for when we get the recommendation from the small team, not just yes, do it or no, don't do it, but explain to us why you think this will provide the necessary information, and so we understand it and we can support it. Thanks.

SEBASTIEN DUCOS:

Thank you, Kurt. That's right, I will caveat it also in the sense that it needs to be a tool that helps us predict -- the prediction may not be to predict a positive outcome on the SSAD at a currently extent. Part of the discussion in the small team was also to say that should this tool, this proof of concept, prove to be efficient enough and for example, for accreditation no longer to be required because indeed registrars are able to do it at their level as they suggest them wanted to do it, we may use this tool to predict the fact that a simpler tool, a ticketing system is more than enough for what we need.

Whilst they would be another development or a finished version of this tool that would implement other aspects for example, APIs and other tools that we also discussed during the small team discussions, but decided not to push for in this immediate version, this immediate first version, we may decide also that in [00:36:39 - inaudible], the SSAD was too big and it's not what we really need, that we needed something simpler.

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So it's a proof of concept to gauge the market for it, we are very aware and very conscious that it won't be one for one, that what we see in this proof of concept won't be an exact mirror of the full market once this is policy and made mandatory. So we'll have to gauge the results that we see with that in mind. At the same time, we made the sign from it to come back to council with recommendations for example, that parts of the SSAD are no longer needed.

I'm getting way ahead of myself here. First, as Kurt mentioned, we're looking for a green light on this proof of concept as is described, and we'll share the full description in our report to council. Kurt, I see your hand up again, but I don't know if it's your old hand or if you had a new point to make.

KURT PRITZ:

It's certainly not old, but it's former.

SEBASTIEN DUCOS:

It's former. Very good. I agree with you. There are no old hands. With this said, and should there be no other questions, and again, full apologies if I'm missing something in the chat, please voice it if you want a reaction. If we have no further questions on it, then I would like to go to-- I'm very sorry, but maybe we're running out of time, and I will need to go into the list for this.

There was part of the discussion, I just want to voice this on how we would want the council to handle this. I may have to go back to the list, but I'd like to introduce the topic right now. One option for us was to have a motion which describes where we would

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report on the full work of the small team and ask the council to formally vote a motion on it, which would probably not be consensus, but a separate vote motion.

The other possibility was to do an exchange of letters with the board. So there were some discussions on the small team on this, I had echoed the discussion also outside of the small team. I'm very sorry, we're running out of time, so I promise to do this on the list, and I will share that on the list in the coming week that we wanted to have some feedback from council on how council wants to handle the decision.

The board made it very clear that they wanted us to have a clear response with guidance so that we wouldn't say, yes, we want a WHOIS Disclosure System, and then leave it at that for them to figure out what we wanted exactly. They wanted to know what sort of tool, what the tool does, what it doesn't do, and et cetera, all the things that we've reviewed and discussed in the last 20 minutes.

The question on there, how should we agree to it and pass it on to the board remains, so again, due to time, I'll share that on the list, and sorry if we're not having been able to fit this in the allotted time. With this said, and if there are no further question, I'd like to move to item five and pass on the baton to my good friend Greg DeBiase, who will take the discussion on.

GREG DIBIASE:

Sure. So as you may recall, at the last ICANN meeting, the Registration Data Accuracy Scoping Team returned a report to us

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with several recommendations and the balls in our court to discuss them and decide a path forward. So, just to refresh everyone's memory, the scoping team is formed to assess the current state of accuracy to determine what, if any, improvements to existing requirements or programs need to be further considered.

With registration data no longer publicly available, and programs like the Accuracy Reporting System on hold, the scoping team focus its efforts on understanding the current requirements and enforcement of those requirements, as well as how accuracy can be measured, noting the current restraints on accessing data. So there's two proposals that do not require access to registration data that we need to consider.

The scoping team recommends the GNSO council request ICANN Org to carry out a registrar survey, and that would pertain to how the registrars measure accuracy. The scoping team recommends that further work is undertaken in collaboration with ICANN to explore a registrar audit. So this could be done without access to registration data, but I suppose there's an argument that the audit could be improved with access to registration data.

Then the third piece here is the scoping team recommends the GNSO council pause the work of the scoping team until we-- Oh, sorry, one sec. It also recommended-- sorry, lost my internet temporarily. Request that ICANN Org proceed with their outreach to the European Data Protection Board with urgency, as well as proceed with the DPA between ICANN Org and contracted parties.

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As a reminder that DPA is important here because as it happens right now, it is difficult to request data from contracted parties. So, I think there's a couple things to consider here. Then the last very relevant piece here is that we no longer have a chair of this effort. So there's a couple questions on how to proceed here. Do we want to proceed with recommendations one and two regarding a registrar survey or an audit without a chair?

Do we want to pause and try to get a new chair, and then proceed with recommendations one and two? Or a third option could be to wait for feedback as requested and the third recommendation from the European Data Protection Board, and when DPA is executed between ICAN and contracted parties, then reassess the assignment and see if anything needs to be modified, and then go forward for a chair.

In very brief conversations among council leadership, we thought it may make sense to take a pause and reflect on the state of the group, whether that's some type of postmortem or simply waiting for more information, because I think the concern here is if we try to get a chair now, we're asking for a chair under uncertain circumstances. So I'll stop there, and especially, I wasn't a member of this group, so if there is any member of this group that wants to mention anything that I got wrong here, please jump in, but I'll open it up for discussion. Seb.

SEBASTIEN DUCOS:

So I wasn't a member of this group either, but I was a member of the leadership discussions that we had a few days ago on it, and wanted to note two things. As leadership, we are keen to make

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sure that we're not-- well, first of all, sorry, nobody is pushing the gate here to try to lead this. We haven't seen anybody raising their hand. Obviously, we've made a call for a new chair once or twice only.

It's not like we've done massive advertising for it, but we certainly haven't had a candidate coming out immediately. It is important in our view to have a candidate that has all the elements in hand and is given the capacity to be able to finish this work efficiently, meaning that we would give them the possibility to review with us, charter, and timelines, and et cetera. We want somebody who owns this project going forward. The other thing that we don't want on the complete opposite side is for this to die a slow death waiting on a shelf for something to happen to it.

So there is a potential need for a pause as we will discuss waiting -- as Greg had described, I'm not going to go back into the details again. We don't want to throw somebody under the bus with this and let him run and having a process that is not efficiently running. It brings no benefit to anybody. We don't either want it to linger on a shelf forever and be forgotten. So between the two, we need to find a way to resolve this situation. Thank you

GREG DIBIASE: Tomslin.

TOMSLIN SAMME-NLAR: Thanks, Greg. My question is regarding the recommendation. Do we have a sense of what the registrars think about this recommendation for a registrar survey and audit?

GREG DIBIASE: Yes, this is something that the registrars participated in and are open to, and I think one more caveat here is this is something that staff thinks they could undertake. I think the broad outlines at least have been defined in this group. So this is something that potentially could be undertaken before we found a chair. I think at a minimum, we want a liaison from the GNSO, and again, we'd have to really think if that makes sense to proceed with substantive work without a chair. John.

JOHN MCELWAINE: Thanks. Yes, just to echo what we have been talking about. I'm not sure it makes a lot of sense to undertake the survey just to have that data come back and the work to be paused while we're looking for a chair, and as folks will remember, there was also I think some parts of-- the scoping team was just not able to come up with a definition of accuracy.

There are other issues going on with that group, I don't have a really good handle on, and need to go back and like look at, and maybe as we've been talking about do a postmortem on. Yes, I suppose if the survey was really easy and we could do it and have the data come back and just have it sit, that's okay, but to me it seems like even doing that might be not necessary at this point. Thanks.

GREG DIBIASE: Yes, that makes sense to me as well. Kurt.

KURT PRITZ:

Hi. Thanks Greg, and thanks for your work on this. I'm trying to think through the distinguishing factors between a survey and an audit. So one is, a survey is optional and an audit requires a response, but otherwise, a survey could ask for what does your registrar do, if anything, in excess of the contractual requirements to guarantee accuracy or to assess accuracy? That's a survey question, assuming that all registrars are in compliance.

The second question, if it's a compliance audit and it necessarily has to be constrained to the contract, right? It can only ask, are you doing what the contract says? So, an audit compels response, but is limited in its scope to what we already think all registrars are already doing to comply with their agreements. I'm not offering an opinion on either one, but I think that's one way to distinguish the possible results between the two.

GREG DIBIASE:

Yes, I think that's right, Kurt, is that an audit right now is able to ask certain questions, but without a DPA, it is difficult, perhaps impossible, to request data if that is something that would help the audit. I wasn't on a small team, so I can't speak to that exactly. Looking at the chat, it seems like a lot of people are talking about the DPA in a possible timeline.

Speaking from a personal perspective, I agree with what Paul put in the chat is, it may make sense to pause this work until the DPA is concluded. That in my mind, seems a little more certain than waiting to hear back from a European Data Protection Board, but I

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don't know the answer to the timeline. Maybe I'm being a bad registrar. Does anyone on staff have a vague idea? Sebastien.

SEBASTIEN DUCOS:

So I have no more than a vague idea, and it doesn't make me a bad registry either, but we've never been as close, it's ongoing work. There's now a number of things that are lining up and depending on it that the work of the IRT will need it for full implementation and so on and so forth. I know that there's been breaks and pauses and retaking the work.

My understanding from the reports I hear on the registrar side is that they're hard work on it with ICANN, but there's certainly no deadline or even time estimates at this stage given the amount of time that it's taken. So never been as close, but I don't know when the deadline is.

GREG DIBIASE:

So, I guess we don't have a great answer on that. I'm hearing the same things, it is progressing, the contract parties are anxious for it to be concluded, and I think it's been narrowed down to just a several handful of issues that need to be ironed out, but I don't have a concrete deadline.

This is still a discussion, it seems like there's some sentiment to wait for a DPA before undertaking recommendations one and two and or possibly finding a new chair, maybe that will provide more clarity to make the hunt for the chair a little easier. Any other perspectives that the group would like to share on this. Marie.

MARIE PATTULLO: Thanks, Greg. Marie, again. Briefly only to support what Sebastien said. The last time we spoke or the time before, I'm sorry, I don't remember, is that we don't want this just to disappear into the long grass and grow more plants. We've done an awful lot of work on it so far, so I think it would be great if we can at least keep it as active as we can, as close to the front as we can so we can get moving on it again as soon as we can. Thank you.

GREG DIBIASE: Great. I think definitely at least that's something we discussed at council leadership, we're totally aligned on that, and so this isn't a pause for the sake of pausing, it's a pause for hopefully we can get some more data that'll help us move forward. So I said maybe we can draw a line under this for now and proceed.

SEBASTIEN DUCOS: Thank you. Thank you very much, Greg. If somebody could bring the agenda back. I see no further hands, I guess, we'll move to the next item. Thanks. Same thing, Greg, for jumping on this, and as Greg mentioned in the beginning of the discussion, he wasn't part of the group, jumped on it to help here. Thank you very much for doing that. Now, without further ado, we'll go to item six, which is a discussion on the GGP, and this time we've asked John if he could help with that discussion. John, the mic is yours.

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JOHN MCELWAINE:

Thanks. There was a letter sent to you on October 3rd, and also the same sentiment was in the GAC communique. Essentially what this is while, and I'm reading from the letter, but while the GAC appreciates the possibility of assigning multiple observers to the GGP process, the GAC is kindly requesting that the GNSO council consider allowing the GAC to have two participants and two alternates from the GAC as active participants in the GGP.

Essentially, the GAC has had a lot of interest in the GGP and wanted to have additional representation. So, as context, the steering group model originally that we had talked about originally included two members and two alternates from each SG and SOAC, but after some discussion at the council level, the steering group ended up becoming this working group, and membership was reduced in half, as you can see, to a single member and no alternates per SG and SOAC.

What's important to keep in mind, but what also what the GAC appreciates in its letter is that the GGP was empowered to seek experts, essentially, expertise of external Subject Matter Experts, SMEs. The purpose apparently when there was the discussion of going, taking it down from two members to one member was to simplify the structure and a recognition to the limited scope of the GGP, which is focused primarily on two tasks.

The first being metrics for the applicant support program, and the second being a mechanism to handle the situation where the number of qualified applicants exceeded the allocated funds. So we need to keep in mind that if the GAC's request is granted, consideration would need to be given to the implications for membership to the other SGs, NSOs and ACs.

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Would they need to be equally adjusted upwards? Is there some reason why the GNSO council feels like there should be an imbalance favor in the GAC in this case? If the GAC request is denied, we feel that there needs to be a detailed rationale provided presumably in a letter back from the GNSO council to the GAC, including making clear the limited nature of the GGP and that existing recommendations already approved by the council shouldn't be modified because it happens to be a particular interest to a segment of the ICANN community.

I think it's also worthwhile to point out that if these additional GAC members that have interest are subject matter experts, they certainly would be invited or would hopefully be invited to take part in this process and certainly would be eligible to take part in the process by virtue being a subject matter expert. So that I think fairly completely summarizes that request, and leadership has discussed it and is looking for some input. I see that Jeff Neuman has his hand up, so, Jeff, over to you. If you're speaking, we can't hear you.

JEFFREY NEUMAN: Let me try that again.

JOHN MCELWAINE: There you go.

JEFFREY NEUMAN: Do you guys hear me now?

JOHN MCELWAINE: Yes.

JEFFREY NEUMAN: Sorry, I was double muted. This is Jeff Neuman, and as the GNSO liaison to the GAC, I don't have an opinion, I'll leave that to you all as to whether they should have more members or not, but I just wanted to go do a little clarification because I saw this in the ICANN staff summary as well, that there were two primary objectives.

There actually is a third on there, and that's why I think it's more important or it's not quite as limited as it's being made to sound. One of those objectives I believe, and I can't pull it up right now or someone could pull it up online, but I believe this group is also asked to do a substantive review of the 2012 program including the documents that were produced to do some review of that.

So especially, I think, I don't know, I don't have the tasks, but I think it might be task one or yes, task one is to review the 2011 final report of the joint applicant support working group and the 2012 implementation of the applicant support program in detail to serve as resources for other applicant support related questions and tasks. So I think that's a bigger job.

I agree with you that the rest of the tasks are mostly focused on metrics and what to do if there's more applicants than there are funds. I do think task one is important and I think that's why you have a lot of interest from GAC members who, I don't know how the group's going to qualify so-called experts, but I do think that

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because of task one specifically, GAC members are very much interested in this, as I'm sure other members of the community. So I just wanted to stress that and council can decide what it wants, but I wanted to make that clear from my understanding. Thanks.

JOHN MCELWAINE: Thanks, Jeff. Tomslin, over to you.

TOMSLIN SAMME-NLAR: Thanks, John. I think we all really had a lot of interest in this GGP, but agreed with this model, I think after a long debate, knowing that subject matter experts will be invited to the group, so perhaps the rationale the council agreed should be played back to the GAC.

However, I was just thinking that if there was a middle ground, that will be to allow for a single alternate per group so that we don't necessarily increase or we're not going to achieve what GAC has requested for for two members, but have one member and one alternate for all the groups, because if I remember well, yes, no, sorry. Yes, that would be a good middle ground if we are going to offer anything to the GAC. Thanks.

JOHN MCELWAINE: Thanks, Tomslin. Kurt, I see your hands up. Over to you, Jeff, I presume that's an old hand.

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KURT PRITZ:

Jeff is your hand old. Yes, it is. Okay. So thanks very much, John. I think we're on the right track with keeping the group small, and I think our response to the GAC should be to reflect that intent, but also -- excuse me for a second, I got a call. Sorry about that. So to report that to the GAC, but also report it's purposely small so we can look for subject matter experts, especially those from those regions who would be well served by an effective applicant support program.

So we expect that we'll be looking for experts in these regions. So I guess we can't say more likely than not, there'll be more GAC people, but just like other groups that want greater participation, we'll look for that participation in those with the right knowledge that can really develop a program. So we look forward to seeing expressions of interest from GAC members when this small team does its inventory of skills and says, okay, this is what we lack, let's go find it. Thanks.

JOHN MCELWAINE:

Yeah. Kurt, all great points, and we should include those. I agree in the letter. Anybody else have a comment? Anne, over to you.

ANNE AIKMAN SCALESE:

Thanks, John. Anne Aikman Scalese. I really think that Tomslin's suggestion makes a lot of sense, to add an alternative for each group as a middle ground. I do think, I think as expressed on the list that there is a danger in approaching the GAC to say, well, if you have a subject matter expert, let us know. Because I think the subject matter experts should be evaluated by the steering

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committee completely independently of their ICANN position or involvement.

And that it'd be very difficult, but if someone is put forward by the GAC as a subject matter expert, but they don't otherwise meet criteria determined by the steering committee, it would be extremely difficult and awkward at that point in time to turn that person down. So I don't like the [01:06:11 –inaudible] approach to answering this question. I do like Tomslin's suggestion for alternates for each group.

JOHN MCELWAINE:

Thanks, Anne. So it looks like we've got a little bit of a, I don't want to say, split, but a number of folks believe that we might want to increase to allow for one alternate. I don't know if we want to have any further discussions on this, or if anybody feels on one way or the other, I know, in the chat that Jeff is saying that he agrees with Anne's point there. And I have tried to follow the chat, and there seems to be some pretty good support for the one alternative revision to this issue. But any other points that folks want to make on this? Sébastien over to you?

SÉBASTIEN DUCOS:

Yeah. Just a one quick. Sorry, I don't want to overcomplicate the matter either, but if we do one member and one alternate, this is not to say that we still would allow ourselves to go and call subject matter experts should there be any beyond that and then have a mechanism to be able to vet them and call them, right? Because there's no guarantee that we will have all the expertise just

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between the member and the alternate. It's a means to make sure that we don't swell the membership, but it's not a means to that or acquire expertise in.

JOHN MCELWAINE: Yes, Sébastien, I agree that that's the sentiment. I mean, I think that subject matter experts portion remains and that we're just adding alternates. Susan, your hand is up, over to you.

SUSAN PAYNE: Thanks. Yeah. Hi, Susan Payne. It was just a question really about the concept of alternates. That does tend to be a tendency to assume that there needs to be parity for all groups, well, excuse me, in all things. But I don't believe other groups have been asking for an alternate. Is there any reason why we couldn't say to the GAC that, okay, we can't meet their full request, but we could extend the possibility for the GAC to have an alternate without necessarily needing to do likewise to other groups who actually haven't been asking for that.

JOHN MCELWAINE: So I see Tom Tomslin has his hand up, maybe with an answer to that. But, Tomslin, to you, please.

TOMSLIN SAMME-NLAR: Not a complete answer, but I would say we should at least check with the groups before we make that conclusion that the groups have not been interested in an alternate. Perhaps, they just

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haven't asked because they respected what came out in the GGP unlike GACs. So we cannot assume that they do not want one. Thanks.

JOHN MCELWAINE:

Yeah, that's a great point in that they could have the option to have an alternate. And if they don't have that level of interest, then no need to appoint one. Great point. All right. Well, it seems like we're coalescing around responding back that we will allow for alternates and get that information out.

I think that it probably bears because we don't have the charter up in front of us just making another look at that just to make sure it's a wise decision given the current structure, but I think we've probably run this one to the ground, Sébastien. So I'll just pause and see if anybody else has a last word on this topic. All right. I think I'll turn it back over to you, Sébastien, and let's get forward with the agenda.

SÉBASTIEN DUCOS:

Thank you very much, John. Now there was a slight change of the agenda. I see that Mark just joined us, but we weren't quite sure if he would make it full item 7 or 8. So depending on the agenda that you're seeing, but the one that is on the screen right now is correct. Item 7 is now an update from the EPDP on IDNs. And if they're available, I would love to call on Donna Austin to walk through that update. Donna are you there?

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DONNA AUSTIN: Seb, can you hear me.

SÉBASTIEN DUCOS: Oh, yes. We can. Thank you. Go ahead, Donna.

DONNA AUSTIN: Okay. Great. So thanks, Seb. And thanks for the rest of the Council for your time. So this is a little bit of an IDN EPDP update, but also a request, and there may be some sticker shock in what you're about to see. So in terms of timelines for the IDN EPDP working group. So, Ariel, can you go to the next slide, please? Okay. So I guess at the outset, the IDN EPDP has 47 charter questions. 28 eight are related to the management of IDN variance at the top level, and 19 related to the management of domains at the second level.

We say here that it's not likely that we will meet the milestones published. We are not going to make the published milestones for this project. We will not have an initial report in December, and we will not have a final report in April of next year. But just before I get to the nuts and bolts of what we want to ask the Council today is we just want to highlight some of the key challenges for this IDN EPDP.

Some of it was associated with -- when we started the IDN EPDP we had Edmon Chung as a chair who is fully conversant in IDN matters, having been involved in discussions for the last 10-12 years or so. As most of you know, Edmon was appointed to the Board, and I took over as chair in October last year. So I've been there for 12 months.

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What we found as we've been working through the charter questions is that there are considerable complexities that spin out of the charter questions. We have an assumption in the charter questions that there would be an existing SubPro IRT that is operating at the moment, and we all know that is not the case.

And that has created a little bit of a challenge for us in that we've had to do a reasonable amount of setup work in understanding or making assumptions about what the processes will be for IDN variants in a teach around. And we had hope that it's a SubPro IRT was operating, that we could have some interaction with that IRT so we would be, I guess, on firmer ground about what we're proposing in terms of recommendations.

We have, I don't know, we've been really fortunate in that we have supported a lot of our conversations with data that's being collected either through the work of Sarmad and Pittman, who've been able to extract data from IDNs in 2012 round. We've also had used surveys, I think, on one or two occasions just to get some feedback from existing IDN gTLD registry operators. That's been really helpful.

And I think the other challenge that we've had is that the composition of our working group is it's a really good working group. We everybody gets along very well. But we all have different levels of understanding of the gTLD process, of how IDNs work, and other various processes. So what we find is happening is that we need to do a lot of preparation to understand what's behind the charter question before we can actually get to discussing the charter question.

So that's taken up more time than we probably anticipated. And when we put the project plan together in the timeline, it really was, a finger in the wind. We didn't really know how long conversations were going to take, but they're taking considerably longer than we anticipated.

So what we're coming to you with today it's twofold. So it's an extension to the timeline, but it's also chunking our work into two parts. So, Ariel, if you can go to the next slide, please. So what we want to do is break the work up into a 2-phased approach. We're going to cover top level charter questions in one part and we will cover the second level charter questions in part 2.

Some of the reasons we're doing this is that we think we can make some real progress on the top level IDN charter questions. And we think it makes sense to close those out before we move on to the second level questions. Part of the reason for that is that we did start to get into second level charter questions, but the registry reps in particular identified some serious operational issues that could be involved with if we went down the path of same entity for a registrant.

So what Dennis, I can't remember his name, Dennis Tan from the registry reps has done is taken back the issue to the contracted party's house TechOps group to look at, to kind of dig into the operational issues. But all they have at the moment is an agreement to look into the issues, but we don't know how long that's going to take.

So rather than hold up all of the work and wait for the second level questions, to the information we need to address the second level

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questions, we think it makes more sense if we can just cover off the top-level questions and do two final reports. So we think it's just logical and pragmatic to do it that way. There's some unknowns about the second level charter questions, and we do have to wait on that work from the CPH TechOps group. It's going to be important to making sure that we have the information we need to address those charter questions.

Ariel, if you can go to the next slide, please? So what does that mean in terms of that timeline? So what we think we could do, and I'd like to be a little bit more optimistic on the phase 1 timing here, but we are deliberately conservative because we don't want to be in a position where we need to seek another project extension from the Council.

So I will say that we are being deliberately conservative here because again, pragmatic administrative reasons. We've probably taken a better part of three of our working group meetings on this. So I don't want to have to spend that time, working group time, working out what do we think the next timeline should look like to Council. So we're being deliberately conservative here.

So we think if we break this into two, we can publish the Phase 1 initial report for public comment by April 2023. We may be able to get that done sooner. And then a final report submitted to Council by November 2023. My hope is with the final report is that we do have a representative, we have a hybrid representative model on IDN EPDP, which means that we have representatives from most SO/AC, SG/Cs, but we don't have representatives from SSAC. That's probably the missing piece. Most of the work that we're doing isn't really controversial among the team, but it's taking a

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long time for us to get an understanding of the processes and how things play out.

So my sense is that with the initial report and the public comment process, hopefully, there won't be too many substantive comments received during the public comment time, and that will decrease the time it will take us to get to a final report. But again, being conservative, if the comments do blow out, we have to do substantial rework, then that November 2023 timeline should give us that grace period, I suppose. And within the deck, you can see some of the thinking about how we've gone about, rethinking our work and how long things are going to take.

With Phase 2 or Part 2, which is the second level related questions, we don't know at this point in time how long it's going to take the CPH TechOps Group to do the initial work that we need to dig into our questions. So we're giving them eight months at this point.

But we should have a better idea after the Contracted Party Summit in the first week in November. Because I think that's the first time that the TechOps group will actually dig into this a little bit. So we'll have a better idea of that later. And depending on how that pans out, there may be some things that we can do while we're waiting on the public comment period for Phase 1. We may be able to, get into some of the words for Phase 2, but again, we just don't know that.

So the next slide, please, Ariel. So the impact of the change. So it's the timeline. The scope of our work isn't going to change, but it's the timeline. So we were, I guess, particularly optimistic when

the EPDP team did their best guess about how long it would take us to get through the charter questions. In reality is taking us much longer than that for a number of reasons. So what we're looking at is an additional 31 month extension to the overall project completion.

But we think by splitting this into two parts, one of the other things that we're very mindful of is that the work that we're doing has the potential to impact on the work that's being undertaken in SubPro at the moment. So the subsequent procedures, RDAP work, and any future work that comes through an IRT, or whatever happens once the Board considers that RDAP.

So the leadership team had a conversation with Karen Lentz and her team a week ago, and we discussed our timeline with her. First slash no immediate concerns, but we do intend to keep in contact with Karen just to understand whether we need to push along a little bit quicker or whether the pace that we're going at is okay.

The other thing I will also say that the way we're doing this work is that we are trying to, actually, we're not trying to, we are developing draft recommendations as we go, and we're getting those signed up by the working team. So when it comes time to pull the final report together, we'll have to do the front and the back, but the middle in terms of the draft recommendations. The heavy lifted that word should already be done.

We're also taking into consideration, and this is the really challenging one, is we're also thinking about whether the recommendations are implementable or not. And that's a little bit

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of a difficult one and it would have been helpful to have the IRT at the ready. But what we're trying to think through is as well is, can these recommendations be implemented? If not, how do we mitigate that?

So that's the other thing we're trying to do. So yes, we're adding to the timeline, but we're trying to introduce some other working methods to our work that maybe will shorten up some of those other normal part to the process that go with the IND EPDP.

So the other thing is that we've also thought about, well, if we have two meetings a week rather than one meeting week, we have one 90 minute meeting laid a week. If we have two, is that going to make a difference? One of the realities with our working group is that we have considerable geographic diversity within our group. So if we look at, we've been fortunate that we've one time a week where we have good attendance.

My concern is if we have two meetings a week, we're going to lose attendance. So that is a concern. We may come to the Council at some point in time and say we think what we can push ahead quicker on some of these issues if we have dedicated face-to-face time. We haven't had that luxury, but we may come to the Council and request that at a future date.

So we are actively talking among leadership how can we do things better? We're trying to improve in the way that we do things as we go along, but it's been a little bit of a more challenging issue that we thought. So, I guess, that's the ask, is the Council okay?

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If we split the work in two, we will have two final reports so that we're not only splitting our work, but it also provides an opportunity for the Council to consider the majority of the recommendations because they relate to top level, and if that's okay, shoot them up to the Board. And then we'll delay the second level recommendations. So we'll do that in two parts. So there are some benefits in doing it that as well in terms of the overall PDP process, getting it through the Council and getting it through the Board.

So I guess, what we ask is, happy to take questions, but ultimately, is the Council okay with this splitting this work into two, and also that, any concerns about the timelines that we've identified. You can go back to the slide before, please, Ariel. And those dates are on the yellow one, yep, thank you, with the milestone dates. Okay, I'll stop there.

SÉBASTIEN DUCOS:

Thank you, Donna. This is Sébastien again. And I'll take the opportunity of having the mic to actually ask me a question that Paul also asked in the chat. I don't know if you saw it. But with splitting these two into two phase dealing with the top level first and according to your timelines, having it all done by November 2023, would mean that all the gating questions for a potential SubPro IRT have been resolved by then and that's not delaying that in any way, and then dealing with the second level later. So are you able to then confirm that you would have done all the work that is necessary later, I assume, for the SubPro by November 2023.

DONNA AUSTIN: Yes. So that was part of our initial thinking that by doing the top level questions, that would ensure that we're not holding up a next round. I do believe that there are some Phase 2 charter questions that may need to be resolved as well, and we can pick our way through that. But we really don't have any certainty.

So I guess we don't know what the timeline is to SubPro at the moment. So there's a few unknowns. But one of the reasons that we thought it made sense to do the top level ones first and do a final report was because we felt that would mitigate any delays incurred by SubPro. So we are conscious to that and we are trying not to hold that up.

SÉBASTIEN DUCOS: Okay. Thank you for that. I'll give the hand to Tomslin for a final question. We might need to wrap up quickly after this because we're running a bit out of time. But, Thomslin, go ahead.

THOMSON: It was not such a so much a question, so thanks. It's really a support for what Donna is putting forward here. I haven't participated in this working group for some time. I think those issues, as Donna mentioned, are quite complex for an average volunteers. It does take time for the whole team to come off to speed to actually agree or understand what they need to agree on. So I think the Council should consider granting this request. Thanks.

SÉBASTIEN DUCOS: Thank you for noting that. I wanted to also know the same. I know for a fact that my representative, Dennis Tan, who was already mentioned before, on top of the other half that he spends a week on this spends another hour with the Registry Stakeholder Group floating ideas and reporting on what he's doing because there's a lot of interaction there. And I assume he's spending another two or three hours on homework to make sure that he's fully on top of it. So asking them to speed up by doubling their hours is really not feasible here. So like Tomslin, I would consider approving and look on the Council to--

DONNA AUSTIN: I know that ALAC follows the same process. Sorry, Seb, yeah. So the representative model does add a little bit of chime to it.

SÉBASTIEN DUCOS: Okay. Thank you very much, Donna. We will certainly consider it. I'm afraid that we can't do this right now, right here, but we will take this in consideration. And thank you for developing this, and all the details that we needed. Now without further ado, and because we are running a bit short now on the clock others items I can go through faster. But I would like to go back to the agenda, to go to our next item, item 8, which is DNS abuse. And I have seen Mark in the room, and I understand that you will be presenting. I'll pass on the mic to you, Mark, without further delay.

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MARK DATYSGELD: Hello, everyone. It's a pleasure to be here. Hope you can hear me just fine. Have some noise canceling going on.

SÉBASTIEN DUCOS: We can hear you as perfectly.

MARK DATYSGELD: Perfect. So essentially, what we presented during Kuala Lumpur remains the same. So very minor changes. Hopefully, you've had the opportunity to read the report, but either way, I will go over very quickly some points, I would say key points, just for us to be on the same wavelength. And I will open the floor to a bit to early discussion if the Councilors so wish or we can save that for soon enough.

So as a quick start, if you remember, one of the things that this report identifies are the phases involved in DNS abuse. This is a bit of a novel concept that was introduced during the groups brainstorming, but it's pretty useful in terms of deciding where we actually implement any changes. So you can see that list on page number 3 of the documents under heading 1.1. So it's phases 0 through 4. And what that accomplishes is we have a basis to decide when an action should take place. So this is one thing that is often very nebulous in terms of the DNS abuse, and we are trying to solve the question.

So if it's phase 0, it means we're preempting the action, right? But if it is phase 3, for example, it means we have already tried to ensure that the actors are sending complaints to a responsible

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party, and we expect action to take place. So that's the general idea of the phasing. That would be my point number one.

Point number two, is that we realize that there are different kinds of action, not only difference phases, but also different kinds of action. So we split the suggestions in by now famous buckets. And that would be actual policy development. And actual could be we have split in it into community outreach. So it's the part that we should be doing or at least attempting to get our stakeholders to engage in because evidently, it's not only going to take us asking Paul to do it, and some changes for things to change. Like, we, as a community, need to be more proactive.

And finally, suggestions to the contracted parties as to what we think could be improvements to contracts that could benefit all involved stakeholders. Right? So in that sense, we had a meeting between the CSG and the CPH by the end of the Kuala Lumpur meeting, which was rather fruitful. They were forthcoming saying that they have started looking into these matters.

So the step that would follow from the GNSO Council would be to draft a letter explaining the tasks, and we would potentially reassemble under the former team and from the small team and just go from there. We knock out a letter and you guys review it. It could be as simple as that. So it's what I'm leaning towards, something simpler.

Another point is that we have come up with something rather concise in terms of recommendations. We are definitely not trying to solve every problem of this. If you look at page number 4, you will see that there are four recommendations pertaining to some of

them linked, one of them stand on its own. So recommendation number one pertains to malicious registrations. And this is one where we think a PDP might, and the word here being might, be useful.

It's something we need to discuss and scope so that we understand where we stand in terms of malicious registrations. It has proven a keyword in the past few meetings we've had about DNS abuse ever since last year. And it's not included in any contract, in any official ICANN documentation, which means that if we want to make use of it in a formal way, instead of using it as shorthand in the community, then we have to make it so. And the way to do that would be via PDPs.

Recommendation number two pertains to bulk registrations. This is something that we are looking more towards engagements and an outreach to understand what is going on over in that area. Right? Clearly, this is a source of issues. When we look at abuse reports, we see blocks of domains. They're clearly registered in bulk being responsible for malicious action. But what are the contracted parties doing about this? What are the best practices? Are they discussing this? It might be a matter of understanding that before moving with any action.

Recommendation number three is exactly the outreach that I was talking about. So in terms of DNS abuse reporting, we really need to start making the community work with the tools that are being developed. We need to really get this across. Things won't just improve if we're distance still. So how do we go about that? Do we do a [01:40:51 -inaudible] ICANN cost? Do we assemble a

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group that's dedicated to that? Do we make use of the existing structure? That's the question still pending.

And finally, the recommendation number four is the ask, the suggestions that we are going to make in terms of contracts and that would require drafting of a letter, which, again, I'm proposing that we carry on with the same team that drafted this report. We will organize it as soon as possible, and we start drafting this and present it for your consideration. So those are the key points. And I would like to hand it over to all of you to make any early comments, but not without first giving my co-chair, Paul MacCraedy, an opportunity to add any comments. And otherwise, I would like to hear if anybody has early impressions. Thank you.

**SÉBASTIEN DUCOS:** Thank you, Mark. Well, I actually see nothing to add from Paul, and I think that Paul indicated that he was at a public place and not easily able to speak. I won't put any comments right now because being part of the small team, you've heard my voice in that, and they all end there. So looking for hands, was there any comments at this stage? Anybody wanted to make a comment? Anne, I see your hand up.

**ANNE AIKMAN SCALESE:** Yeah, just quickly, thank you, Sébastien. It's Anne Aikman Scalese. My question to Mark would be specifically with respect to recommendation one, what would be the next step? Would you be looking for a motion in that regard with respect to preliminary issue report? Or how would you see that moving forward?

MARK DATYSGELD: Would you like to speak to that one in particular, Paul? Can you speak?

PAUL MCGRADY: Yeah, I can. There's a lot of background noise here. So issues report is premature, Anne. You'll notice that for number one, we said that we might consider a policy development process, but we wanted to talk to the community first. So next steps start to do the community outreach and see if we still feel the need for a formal policy process. So the short answer is we don't know yet until we talk to the community. Thanks.

MARK DATYSGELD: Yeah, how to go about that precisely has not been defined yet. So essentially, what we are looking for, I think, is that go ahead from the Council to start drafting this letter under the same information. That will be point number one. And the next steps is exactly looking at items number 1, 2, and 3, and seeing what we think is the best formats to go ahead. So each of them can have a different approach. Right? We can make it different ways.

The real question is, how do we go about that? If you were to ask me, I think recommendation number one, and number two, depend on us being able to gather more information about these practices as data is scarily very scarce on very serious topics.

So how do we go about gathering that information in a timely manner that doesn't take forever? That will be my question.

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Number one, to leadership, and especially to old hands who have been involved in this for a long time. Like, how do we get some data without it taking forever? And recommendation number three is more a matter of deciding how do we want to drive that forward. So the way to proceed is, of course, up to the Council. And those are the general next steps we're looking for.

SÉBASTIEN DUCOS:

Okay. Well, thank you, Mark, and Paul for this, and thank you for your question, Anne. So I am also conscious of time and we need to move on. So should there be no further question at this stage, I'd like to get to the next item. And I believe that we have a few slides for it. Thank you very much. So we wanted to discuss and I'll make a brief, but discussing in just the broad stroke, what we've been talking about regarding the SPS session.

So for those of you who are new Councilors, the Council holds every year normally at the beginning of the term. This year because our term started a bit early compared to the normal ICANN calendar, it'll be after two full meetings. It'll be actually when we'll be holding our third meeting.

So already encroaching a bit in our term, but it's a time for us to get to know each other, to get to know how to work with each other, and then work on identifying points that we want to highlight for the coming year that we want to work on. There's a number of points of last year's SPS that have been developed. This year, I noted earlier on, on this call, for example, the great award winning as Steve described it, video on our PMT, for example, is one of those.

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And so the SPS will be held in Los Angeles, so I believe the 14th to the 16th of December. And Natalie, please don't hesitate to jump in and correct me. We will hold it in LA in the same venue that we've held at before it changed names. It's been revamped apparently. So it was the something tree, can't remember anymore.

But it's called now The Hilton. But it's exactly the same venue for those that who have been there. The last time we held it was actually my very first year on Council. We have to do this virtually for the last two years due to COVID. Initially and historically, these were meetings that were very much held physically. They're already present.

This time we wanted to invite for one of the sessions leadership of the different, sorry, the different SG/Cs. And so we will have on-site a facility for remote participation, but we still very much look at this as in a physically in present people participation. It's important again for the work that is being done and getting to know each other and working together and etc. But I wanted to make sure that I also said I very much understand the difficulties of traveling. It's still for some of us and [01:49:04 -inaudible].

So normally on day 0, so on the day everybody arrives, we organize some kind of drinks at the hotel for people to really meet. And for those that want to participate, the day starts in earnest on the 14th. I don't want to misquote the date, where we will have a number of sessions and exercise in team building and getting to know each other. We're planning on having that very evening a group activity. We having fully chosen, but we have a few options that we're looking into. So day one, there. Sorry, can we go back

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to the previous slide, and I'll just maybe go through this afterwards.

On day two, we will do these exercises that we've done in the past. Again, reviewing how we're doing things and identifying pain points and topics of interest for this year and etc. And on date three-- Sorry, I'm losing the plot here because there was also the Council meeting that was, and now I've lost-- Natalie, if you can help me. I've lost exactly when we were supposed to have the Council meeting.

**NATHALIE PEREGRINE:** Sébastien, this is Natalie. The Council meeting will be on day two, which is Thursday.

**SÉBASTIEN DUCOS:** On day two. On day two. Exactly. Exactly. Okay. Thank you very much. And then on day three, there's a wrap up and getting to understand the work I had for the year, and the focus areas, and all these things that I mentioned before. So Nat, now if you want to go to the next slide. Nat would you? And again, conscious of time, I want to go through this task because I've got other things. So again, we will put a lot of material ahead of this and ask you to read, to review it, to be aware of it.

We will organize a webinar in November, I think that we we're landing around the 22nd of November, but still to be fully defined, to review a lot of the material, particularly for newcomers, but also for already sitting Councilors know where to find things, what our remit is, what are the picket fence, all those things that I have to

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do with the Council, reexplaining, making sure that everybody's on the same page, hopefully helping that reading of all the material that needs to be in order to make sure that when we arrive in LA, we all have already a level plain field of knowledge of what we need to be doing and we start looking at the work in earnest.

I'm more than happy to fill questions. Maybe tonight again because we're running a bit out of time, sorry. But in any case, we will communicate on this as we're developing and fine tuning the agenda. Please do make sure that you have the date set in your calendars that you're ready to be there, and ready to participate.

I'm personally looking very much forward to meeting you all there. I understand also and I personally haven't done it yet, but we should have earnestly if not already communication on travel support. So please keep an eye on this. Now I see Natalie's hand. I was just going to ask you if there was anything that I have forgotten and you need to say, but I guess I have. So please go ahead.

**NATHALIE PEREGRINE:** Not forgotten at all. Just further information on travel support. They will be coming very soon. So please, you have seen Terry's emails sent out saying, absolutely, now book travel, and then a second email say, I'm so sorry, that's not true. Please don't book travel. Please stick to that email. So please do not book anything until you receive the next travel email. And just to make sure everyone's on the same page, when you receive notification that those emails have been sent out, we will tell you on the mailing list also, so you're absolutely sure about your next steps. Thank you.

SÉBASTIEN DUCOS: Thank you, Natalie. So do not book, do not book anything, wait for those notices. And we will make sure that everybody get to them when they're sent. With this and without any further delay, I think that we need to hit the AOBs. Thank you very much. And I see that people need to drop on the hour. So let's get this wrapped up. So we have a vacancy for liaison position, for three liaison position, but more importantly for two. So on the transfer policy, Greg, who was the liaison up until now has taken a number of Board, including being a Vice Chair and would like to relinquish that position and is definitely looking for somebody to replace him.

We had a quick discussion, and it seemed relevant, logical, make it a lot easier for that liaison not to be a registrar, and by extension, probably not to be a contracted party simply because there's already overrepresentation of that side of the house. So if somebody from the NCPH would like, is interested in the position of liaison, we're very keen to hearing your name. If you can't raise your hand today, tonight, that's okay. Please reach out to us. We need a replacement for Greg very quickly. Thanks.

The second one is for accuracy. We discussed this earlier, do we need the liaison now before we have a chair and before we know where the work is going? Probably not so urgently. But if somebody would like to raise their hand in, with the possibility to change the [01:56:03 –inaudible], that could also be a former having an over in a leadership of the project here within Council. And as I mentioned, making sure that this doesn't dust on the shelf, etc. So if somebody's interested we'll look into it. This is not an urgent position, but maybe one that could be interesting.

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And the last one is one that came yesterday. There's been an email out inviting RPM IRT. Now I think and I understand that John McElwaine already raised his hand for that Council position. John, if you can confirm. But I've read it in some other venue. So John confirms. So John is more than happy to take that liaison role. So we will make it so probably.

Point 10.2 we had two candidates for the ICANN Academy Leadership Program, Manju and Mark. We sadly enough had only a position for one and specifically a travel support for one. We managed with staff to find another seat and because Mark was good enough to relinquish part of the travel support, the room, and Board, I guess, the agreement and to the end we were able to actually accommodate them both of them. So good outcome, I will still follow, and I've shared with you the letter that sent to staff on this.

I will still follow through on having the possibility to maybe having extra sessions of it, if there are more people that are waiting because this hasn't been running for the last three years. I check with my own group, and that doesn't seem the case. We have a single candidate for the session, and there doesn't seem to be any backlog, but I'm happy to pursue that for those groups that do have a bit of backlog. I think it's a good program to nourish.

Now quickly, and we're on time, and I understand that people might drop off. I just wanted to raise one quick thing about the pilot holistic review and the fact that there is a public comment period on the draft terms of reference. Different groups have asked for an extension. I wouldn't have raised it if there hadn't

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been an extension, but there's now an extension until November 10th for that.

In principle, Council doesn't comment on things unless it's directly relevant to Council work. Our members are different SG/Cs have the power to comment, and we'd leave the voice to the SG/Cs rather than Council, unless it's on a topic that is Council specific, in which case we would.

In this particular case, that has been the understanding. This was raised before. I just wanted to raise it quickly again because there's an extension. We have a bit more time, another 20 days to review this. I don't have any position, I just wanted to raise it out of interest. In the future, should there be any comments again that are purely relevant to Council, we'll raise them, of course.

And then last, but not least, and maybe I should have done this as an item 1 on AOB. We wanted to take a picture of Council. And I hope there are people still left for Natalie do this now quickly before people have to run away. And sorry again. So Natalie, you want to drive us through this?

NATHALIE PEREGRINE: So Ariel will be taking the photo. So if you can all switch on your cameras, please. And then Ariel will be-- There we go perfect.

SÉBASTIEN DUCOS: Please do. Follow my lead and present the best haircuts as I obviously have done. So, Ariel, please let us know when you're done.

ARIEL LIANG: Yeah, this is Ariel. I'll just try to Zoom in my screen and make sure everybody is clearly visible. So please give me one second. Okay, so I guess on my mark, well, please hold your smile. Okay, one, two, three, and please hold your smile because we have two screens and we want to make sure that everybody is captured. Hold your smile, please. Okay, I think we're good. Yeah.

SÉBASTIEN DUCOS: Thank you very much, Ariel. I see that Jeff is driving, so please keep eyes on the road. And thank you very much everyone for this evening today for your participation and I'll speak to you all very soon. Goodbye.

NATHALIE PEREGRINE: Thank you, everyone. This concludes today's GNSO Council meeting. Have an excellent rest of your days and evenings. Take care everyone. Goodbye.

**[END OF TRANSCRIPTION]**

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