
ICANN Transcription

Council Committee for Overseeing and Implementing Continuous Improvement

Wednesday, 19 July 2023 at 12:00 UTC

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TERRI AGNEW:

Good morning, good afternoon and good evening and welcome to the Council Committee for Overseeing and Implementing Continuous Improvement call taking place on Wednesday, the 19th of July, 2023 at 12 UTC. We do have listed apologies from Susan Payne. Statements of Interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now.

Seeing or hearing none if you do need assistance, please email the GNSO Secretariat. All documentation and information can be found on the wiki space. Recordings will be posted on the public wiki space shortly after the end of the call. Please remember to state your name before speaking. As a reminder, those who take part in ICANN multistakeholder process are to comply with the Expected standards of behavior. With this, I'll turn it back over to Manju Chen, please begin.

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.

MANJU CHEN: Thank you very much, Terri. Hello, everyone. Welcome. Thank you all for joining the meeting. I know it's summer and we should be having vacations instead of this. But thank you so much for joining. And as you can see from the screen, we have a rather short agenda, and I just finished my welcome. We'll just dive into the feedback on the data language on page eight of the recommendations report. Is it possible we show the texts on the screen so people know? Yes. So this was the language we added from last week's meeting. And I hope you have all socialized this addition to your cell groups or constituencies. And please feel welcome to share your group's feedback on this. And let's get started. Juan, please.

JUAN MANUEL ROJAS: Thank you very much. Hello, everyone. Juan for the record. Well, we are sharing our feedback from our working groups and stakeholder groups. So NCSG has discussed about the language added in the specific [inaudible - 02:31] text and we are happy with what is originally written. And against the addition of if you are not revealing you're assumed to be representing your own. But we are okay with the whole provide all the legal rational and general description of who you represent language. So that was some kind of what has been discussed by NCSG. And this is the NCSG position at this time. Thank you very much.

MANJU CHEN: Thank you, Juan. I was in the call too, but Juan expressed well, NCSG doesn't agree with the additional text. They're okay with the whole original text exemption language. But with the addition,

it's not acceptable. Is there any other feedback from any other stakeholder groups or constituencies? I'm seeing from Marie and Thomas, did you guys got the opportunity to kind of share this with your groups or constituencies and how do they feel? Marie, please.

MARIE PATTULLO: Thanks, Manju. This is Marie. As I said on the email earlier, I have taken us to the BC as requested, and we're fine. Nothing really to say [inaudible - 04:10] that was said in the last meeting, so I won't take time repeating myself. Thanks.

MANJU CHEN: Thank you very much, Marie. I see Thomas said, he didn't have the chance. It's okay, Thomas, it's summer, we all want vacations. And what we're missing is actually the two main SO groups who have been having a strong opinion about the whole assumption language, but we're missing both of the registrar and registry representatives now.

MARIE PATTULLO: They're just joining, Manju. I see Sebastian has just joined and Antonia is getting into the room as well. So a lot of queue.

MANJU CHEN: Welcome, Sebastian, we were just talking about our stakeholder groups' response to this additional language. And Juan has pointed out that NCSG won't accept the addition, so they're okay

with the whole original assumption language. But if it's without the addition, then it's a hard no. BC and IVC said in their emails that are okay with it. We're happy to hear what the registry thinks about this.

SEBASTIEN DUCOS: So the registry as much as there was a clear no on the previous text. This time, I didn't get any major feedback, so I'm assuming that they're okay with that.

MANJU CHEN: Thank you very much. Marika, did you see Antonia joining to? Sorry.

MARIKA KONINGS: Yes, but for some reason, I think her resume room is spinning. She had kind of wasn't a waiting room. And we admitted her but keeps saying joining. I don't know if she may need to kind of restart or retry. She's now dropped out of there. So hopefully, she will try again to come.

SEBASTIEN DUCOS: If we're waiting for a second, and I'm sorry, if you explained that format a little bit. Would it be possible to understand what the heart no is about? Is it because it doesn't go far enough? Or is it from the NCSG?

JUAN MANUEL ROJAS: It's just the red part, the NCSG does not agree.

SEBASTIEN DUCOS: Because then what's the thinking behind it?

MANJU CHEN: If I can just take my chair hat off and put my NCSG hat on for a bit. For the NCSG is really what the general kind of response was during the last meeting, right? They felt like if you added this text, you better off not have the whole thing anyways, because this brings us back to base zero. Basically, people can just be like, "Oh, well, I'm not ready to reveal you can take me as me." But what's the difference between then putting private and I'm not disclosing anything. So that's for them. It felt like the whole pink text renders the whole assumption language useless or Toothless in a sense. So that's why they're happy with the whole assumption language. But if you add the pink text, then it's like, there's no use of it anymore. So that's generally what the NCSG is thinking.

So we go to Antonia now. Antonia, welcome. I hope you had the chance to kind of share this with your SO group and get their feedback on the test. Do you want -- are you able to talk? Do you want to share?

ANTONIA NAN CHU: Oh, yes, Manju. Hi, this is Antonia speaking. I did circulate the current version to the RrSG. And there's there are some debates still, and I don't think there's any decision made yet. I'm not sure

whether we can do have another couple of days for them to fight or get give the final confirm.

MANJU CHEN:

Thank you very much, staff. I think your mic is though. Thank you very much, Antonia. So for now it doesn't look like we have like a final kind of decision to be made because some groups still need more time. But as Juan has pointed out, for NCSG it's a hard no. So while we are moving on to discuss this, if we cannot reach consensus on the text, what should be the next step for us? To present this, either we delivered a report to the council and saying that while but this particular advice, recommendation, we don't have consensus.

But then in my personal view, I feel like if we are not agreeing on this, the whole activity specific I as kind of not really useful anymore. But I like to hear all of you, what do you think? Either we delivered a report and saying, well, but there's particular recommendations, we are within reach a consensus, or probably we decided to not deliver the report at all. What do you guys think? Do you guys have any thoughts on this? And if I missed anything, I'm sure Marika will help me out. Marika, please.

MARIKA KONINGS:

Thanks so much, Manju. Maybe while everyone is thinking a bit about this, because, indeed, the situation that we're currently in is that indie group seems to have agreement on most of that is in this report, but not on this very specific element, which at the same time, I'm seen as part and parcel of the overall package. So

if the group is not able to find an agreement here or kind of willing to live with it, in view of what the default position would be, indeed, the group needs to consider how to manage reporting this back to the grid. I think the one challenge here is that for the CCOICI as such, doesn't specify kind of decision-making methodology as principle, the CCOICI was really seen as an oversight committee tasked with getting the other groups to do the work and work it was working on and working group self assessments.

And it wasn't seen as raising to the level of kind of full consensus or consensus decisions and mutual cooperation and agreement. So obviously, the group has the option to kind of document positions, but it will then of course, they'll leave to counsel, what to do with that. And the group also has the option to report back and say, "We did not reach agreement, there's nothing we want to put forward." Which basically means that the SOI as it currently stands remains as is no changes are made. Obviously, the council can either provide new instructions or find other ways in potentially carrying out the review. But, again, this seems to be an issue that is resulting in a bit of a stalemate.

And the other option could be as well for the group to say, and we've reached agreement on everything apart from this specific exemption language. So the only thing that we're not changing or adopting is new language for this, which basically means defaulting to what is currently there, which, again, may not be very satisfactory, because I think currently, it's very general. And we'll allow someone just to say private without any kind of details. But that's also an option if the crew does believe it's important to at

least move forward with kind of the general and activity specific statement of interest and leaving the exemption part aside.

So I think those are more or less kind of the different options that exist. And as much as you noted, there are still some groups that are still considering this. I don't know either if from the NCSG side, there's any willingness to kind of look at this again, and really say is this really cannot live with if everyone else says, we're happy to live with this or accept that this is maybe not as far reaching as we would have liked or too far reaching for what we had hoped it to be. But we're willing to settle on this. I don't know if there's any chance of that either. But again, I think that's just the landscape of what we're currently looking at.

MANJU CHEN: Thank you very much, Marika. Antonia, I see your hand.

ANTONIA NAN CHU: Yes, I just want to confirm that I notice we already have the exemption in the current SOIs. So if my question is if we cannot make any agreement here, does that mean that the SOI will stay as it is?

MANJU CHEN: Yes, so current assumption is, you just prove privates. And then you don't reveal anything else. So you'll be like, I'm not willing to disclose. And the reason is private. So that's the current exemption.

ANTONIA NAN CHU: Got it. Thank you.

MANJU CHEN: You're welcome. So about how we're going to move, our next step. Does anyone have any kind of primary thoughts on this? No hints, no colons. people need time to think of it too, and probably ought to go back to your garage to discuss this. But I'm not sure of how long we have to kind of keep this going. Because at first, we were all kind of optimistic. Well, what we're reaching here looks like, we really need to kind of start thinking about how if we never reached consensus, what are our next steps are? And that's the question. And the discussion we have to have. If not today, then for the next meeting. Cool, return quickly, as in like quickly.

SEBASTIEN DUCOS: Well, quickly, knowing that it's July, and at least two people around this in our group are in Europe. So I don't know exactly where, if and everybody's attending. But in the next few days, I'm hoping to be able to come back and at least with our point of view on where to go next.

MANJU CHEN: Antonia, please.

ANTONIA NAN CHU: Yes, the RrSG. We're going to have the next membership meeting next Monday. So I think it would be better to discuss also when everybody's here, and then maybe after that, I can bring back some definitive answer.

MANJU CHEN: Thank you very much, Antonia. I also note Thomas has said in chat that he'll have to consult with the ISP too. Marika, please.

MARIKA KONINGS: Thanks. So maybe it's helpful. I can maybe write up in an email kind of where we're at what; your first question is, are people willing to live with the bad language? Some have already indicated that they're likely not. So if indeed the answer is no, what is then kind of the next step, and I can basically lay the document, the items I listed as potential approaches that the group could consider and on the basis of that, hopefully, you can discuss with your groups which path you think makes the most sense, you're obviously at the end of the day. And if something needs to be recorded back to council, whether that's in the form of a report, or whether it's just in the form of we weren't able to reach agreement on one specific issue.

And as a result, we're not able to provide kind of any recommendations at this point in time, which is as Tony asked about, and that's something as well, I think to point out to your respective groups, means that the SOI as it currently is, will remain as it is, and that already includes the exemption language

which is much less specific than what the group has been working on here today.

MANJU CHEN:

Yes, Marika, thank you very much. It will be extremely helpful if we had that email and can circulate to our stakeholder groups so they understand what the current circumstances we are having rather than me reading it myself, because you'll be clear, apparently. So we will have to reconvene in two weeks probably and I ask you to bring back two questions to your group. First is, are they okay with the current language and remind them that if not, we go back to private and no reasons to be provided. And the second question is, if we don't reach anything here, what we're going to do with this report; do we just discard it, do we send it to the council without this part? I forgot the third option, sorry. Oh, yes Marie, I see your apologies. But I trust you can always email us probably on BC's position on this. Marie, please.

MARIE PATTULLO:

Thanks, Manju. Marie, again, more than happy to do that. As you know, we're okay with it as it is. We're okay with the new language. I don't know, but I presume they'd also be okay with us not putting in the read sentence that is an issue for you guys. What I would ask, if it's at all possible, is that if people have a big change of heart, a big change of view, could they please not just say it, wait until two weeks from today, but maybe stick it on the email? Because then I can send you some more BC feedback, if necessary, prior to your meeting on the second, but I'm sorry, I'll

be in a long-distance plane and won't be able to join. Thanks.
Thank you.

MANJU CHEN:

Thank you, Marie. That's a very great suggestion we already heard from Seb they're having a meeting later today, and Antonia that they're having a meeting next week. I know you guys are all busy with your real job and stuff, but if you've got time, just quickly write an email informing us what your group is thinking on this and also Thomas. Also, on the ISP side, we will probably write an email too to the list so people know exactly why the NCSG is not okay with the additional text. And I see Marika signed up again.

MARIKA KONINGS:

I'm just thinking out aloud, what maybe really will help kind of putting cards on the table. If I can read, basically, Google Doc that I think has your original text without the red language, the text with the red language, and then basically asked every group to say whether they can live with it or cannot live with it. So we really put as well a very hard line in there for everyone to just save what they're willing to live with. And also make it very clear that if you're not able to live with it, it may mean defaulting back to what is currently in place. So those are the consequences clear off, not being able to live with that people understand that. Maybe accepting something that's making a perfect to them may actually mean, returning to a situation that's even less desirable.

So that people really can factor in their decisions, or whether they're willing to live with something or it's really a hard red line.

And in addition to that, I can add on the nice kind of put a table and saying if it becomes clear that we haven't don't have an option that people are willing to live with what is then your preferred path for kind of bringing this back to the council and there haven't done the different options. So maybe that's a way of people also being able to document this in advance of the call. And obviously, if you want to send a message to the list or provide more explanation, and that's also fine, but in that way, we maybe have in one place, kind of the views of the different groups and are basically able to look at it as well in a very easy way and saying yes, we're able to find a solution that people are willing to live with or no, it's clear that we don't have an option here that people are willing to learn to live with.

MANJU CHEN:

Hey, sorry, Marika. So just for myself, because I thought of it differently than you find it but after the explanation, do you mean that you put up this form -- are we the numbers on CCOICI to go fill in the form with our groups position and then explaining the rationale and stuff after we got the feedback from our own sailor groups CCOICI.

MARIKA KONINGS:

Yes, that will be the thinking.

MANJU CHEN:

Yes, I agree that that sounds excellent, it's making them do more work. But thank you very much for coming up with this. I love it. And I believe the group loves it too. They don't say anything, but

I'm telepathic. I imagine that they love it too. So that will be our task for the coming two weeks. We go back to our groups, we explain to them what is happening now and then ask them, are they willing to accept something they don't love very much. But is it an improvement or we just go back to whatever it was, and then we asked if we're going back to that, what do you think, this report, what the next step is, what they think we should do? Do we discard the report or do we deliver the report without this boring part of the report, in my own opinion.

So that's the two questions we will post to our groups. We won't have a meeting; well, the NCSG, NCSG doesn't have bi-weekly meetings or weekly meetings, it's monthly meetings. So it's not going to be ahead of our next meeting. But I trust our representatives on the CCOICI will still circulate and gather opinions via the mailing list. And that's it for today. We don't have any other agenda items.

TERRI AGNEW: Manju, it's Terri. Just so I'm clear, we should go ahead and schedule the next meeting on the second of August at 12 UTC.

MANJU CHEN: Second of August. Let me check. Is everyone okay with second of August?

TERRI AGNEW: Except for Maria, who's on a plane?

MANJU CHEN: Except for Maria, who's on plane?

WISDOM DONKOR: I'm fine. I'm okay.

ANTONIA NAN CHU: I'm okay too.

MANJU CHEN: Antonia is okay. Seb is okay. Thomas is okay. Oh, we missed Desiree today. I hope she will be returning too, two weeks from now. So we will reconvene on the second of August, and we will have the Google form ready I believe very soon. So whenever you got the feedback from your group, please just fill it in on the Google Doc so we can check in advance of the meeting and we can discuss with our own group about other groups' stance and probably will be willing to move left or right of it to reach something in between, in the middle. And thank you, Marika, today or tomorrow, wherever you are. It was a short meeting but it was good. Because it's summer, I'm already sweating, oh my god.

I'll give back to you your precious 30 minutes of your life. Have a great summer. Please remember to get feedback from your group. Does anybody have any other thing to say? If not, pretty hot. I'm sure it's hard, but it's not going to be harder than Taiwan. But yes. Thank you very much. Thank you all. I'll see you all on my Friday, 5am for the council meeting. Thank you. Bye.

TERRI AGNEW: Thank you, everyone.

MARIKA KONINGS: Bye all.

TERRI AGNEW: Disconnect all lines and stop recording. Take care.

[END OF TRANSCRIPTION]