
ICANN Transcription

GNSO Council Meeting

Thursday, 24 August 2023 at 13:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

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

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

Contracted Parties House

Registrar Stakeholder Group: Antonia Chu, Greg DiBiase, Theo Geurts

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

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

Non-Contracted Parties House

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

Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin (in case of poor connectivity, proxy to Manju Chen), Bruna Martins dos Santos, Wisdom Donkor, Tomslin Samme-Nlar, Farell Folly, Manju Chen

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.

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers :

Justine Chew : ALAC Liaison

Jeff Neuman: GNSO liaison to the GAC

Everton Rodrigues: ccNSO observer

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 Policy Management

Steve Chan – Vice President, Policy Development Support & GNSO Relations

Julie Hedlund - Policy Development Support Director (GNSO)

Berry Cobb - Senior Program Manager, Policy Development Support

Emily Barabas - Policy Development Support Senior Manager (GNSO) (apologies)

Ariel Liang - Policy Development Support Manager (GNSO)

Caitlin Tubergen - Policy Development Support Director (GNSO)

Terri Agnew - Policy Operations Specialist (GNSO)

Devan Reed - Secretariat Operations Coordinator

TERRI AGNEW: Good morning, good afternoon, and good evening, and welcome to the GNSO Council meeting on Thursday the 20th of July.

Would you please acknowledge your name as I call it? Thank you.
Antonia Chu?

ANTONIA CHU: Present.

TERRI AGNEW: Nacho Amadoz.

NACHO AMADOZ: Here.

TERRI AGNEW: Kurt Pritz? I currently do not see Kurt has joined. We'll go ahead
and track Kurt down. Sebastien Ducos?

SEBASTIEN DUCOS: Present.

TERRI AGNEW: Theo Geurts.

THEO GEURTS: Yes.

TERRI AGNEW: Greg DiBiase?

GREG DIBIASE: Here.

TERRI AGNEW: Desiree Miloshevic?

DESIREE MILOSHEVIC: Present.

TERRI AGNEW: Marie Pattullo?

MARIE PATTULLO: Here. Thanks, Terri.

TERRI AGNEW: You are welcome. Mark Datysgeld? I do see Mark on. Mark, if you could unmute. All right. I do see Mark is on. I don't see where his line has been unmuted. I'll go ahead and move on at this time. John McElwaine?

JOHN MCELWAINE: I'm here.

TERRI AGNEW: Susan Payne?

SUSAN PAYNE: I'm here. Thanks.

TERRI AGNEW: You are welcome. Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

TERRI AGNEW: You are welcome. Thomas Rickert. I do not see that Thomas is on. We'll go ahead and see if we can get him on as well. I do know Kurt Pritz is now on. Kurt, are you able to hear us?

KURT PRITZ: Yeah. Thanks, Terri.

TERRI AGNEW: You are welcome. Paul McGrady.

PAUL MCGRADY: Here.

TERRI AGNEW: Wisdom Donkor?

WISDOM DONKOR: Present.

TERRI AGNEW: Stephanie Perrin? I don't see where Stephanie has joined, but we'll go ahead and get her connected. Manju Chen.

MANJU CHEN: Here. Thank you, Terri.

TERRI AGNEW: You are welcome. Farell Folly.

FARELL FOLLY: Here.

TERRI AGNEW: Bruna Martins dos Santos?

BRUNA SANTOS: Here. Hello everybody.

TERRI AGNEW: Hi. Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR: Here. Thank you.

TERRI AGNEW: You are welcome. Anne Aikman Scalese?

ANNE AIKMAN SCALESE: Present.

TERRI AGNEW: Jeffrey Neuman?

JEFF NEUMAN: Present.

TERRI AGNEW: Justine Chew?

JUSTINE CHEW: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Everton Rodrigues.

EVERTON RODRIGUES: Present. Thank you.

TERRI AGNEW: You are welcome. From staff support, we have David Olive, Steve Chan, Marika Konings, Julie Hedlund, Berry Cobb, Caitlin Tubergen, Ariel Liang, Devan Reed and myself, Terri Agnew.

May I please remind everyone here to state your name before speaking as this call is being recorded. We are in a Zoom webinar room.

Councilors are panelists and can activate their microphones and participate in the chat once they have set their chat to everyone for all to be able to read exchanges.

A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor the chat.

As a reminder, those who take part in ICANN's multi-stakeholder process are to comply with the expected standards of behavior. With this, I'll turn it back over to our GNSO chair, Sebastien Ducos. Please begin.

SEBASTIEN DUCOS:

Thank you, Terri, and good afternoon, good evening, and good morning, particularly early morning to our Californian friends. Welcome everybody. Terri, you would have seen that Thomas acknowledged his presence on the chat, so I think we have a full house.

We have a very packed agenda today, so gentle reminder to everybody, we want to have all the discussions that we need to have, but let's make sure that we keep the pace. With this said, I hope you have had time to review the agenda. Is there anyone that would want to bring any amendments, any change to the agenda? I see no hands, so I assume that it is perfect. Oh, Osvaldo, I see your hand now.

OSVALDO NOVOA: Yes. Just to update my statement of interest, since last month, at the end of last month, I retired from Antel, the company I was working on, and so I'm now an independent consultant. I'm still working for Antel, but independently. Just that, thank you.

SEBASTIEN DUCOS: So, thank you very much. Well, thank you first for showing me that I skipped an item in the agenda. Thank you very much for the update, and I guess congratulations on your retirement. So, let's go back. Any other changes to statements of interest? And thank you very much again, Osvaldo, for keeping me honest here. So, I see none. Any suggested changes to the agenda? I still see none, and so we'll go with the perfect agenda prepared by Caitlin.

And next items are, as always, the minutes from our previous meetings. I hope that you have been able to review them, and they continue reflecting everything that you wanted to say and wanted on the record.

With this said, we can go to item two of our agenda, with the review of the project of the actual list, as we've been doing now for a number of months. I'm not going to go through the details of it. They're all there, and I hope that you keep an eye on it. More than I, that you review them as should.

I want to note, and this is a project that is dear to me, because essentially it's taken me through the four years of my own personal council journey, the IRT on EPDP phase one is ready to publish and will be published for the end of the month, in the next

week, I guess, which is a fantastic piece of news. This is, again, this is a group that started shortly before I joined the council four years ago, initially with Rubens as liaison, who I replaced over the last four years. It's been a long journey, and I'm personally, for the team and for myself, very happy to see it coming to an end. It's been a fantastic journey, but four years is long.

Quick note on this. This is one of the first, if not the first EPDP that we had, and with all the good intentions, not only to speed the PDP process, but also in this particular circumstance, because we had deadlines and deadlines to meet for the European Commission and etc. A process that went and was pushed to be driven in a year, which resulted in four years of IRT. I want to make sure that that always keeps in the back of people's heads. These processes that we go through are great and fantastic. I personally love the system, but let's never forget that, indeed, it's hard work. It takes a long time. There are no shortcuts, and speeding a process on one end of it often means having to deal with these issues later. In this case, in the case of the IRT.

It's all good. We're coming to an end. We are now going to get into a phase of implementation. I believe it's 18 months for contract parties to go and implement the final policy from the date of the release of the report. Keep in mind, there are no shortcuts and no short and easy PDPs, even if we feel like we've covered all the bases before starting.

I'm not quite sure who presented this. I guess, Ariel, because I see your name on it. Was there anything else that I should mention? That's the only one important that I have on my notes. If I don't,

let's go back to the agenda. I'm going to be pushy today. Again, we have a tight and packed agenda with a lot of things to discuss.

If there are no questions on the project and the action list and all those items, I'd like to move to our next item, which is the consent agenda and pass the mic on to my friend, Greg.

GREG DIBIASE: Hey, friends. There's one item on the consent agenda, relatively straightforward from my opinion. We are tasked with approving the 2023 Customer Standing Committee slate of members and liaisons, so this motion is as simple as that. Approving the four members, five liaisons, and two alternates for the customer standing committee. With that, unless anyone has questions, I think we can move to a voice vote.

TERRI AGNEW: Thank you. Seeing no questions, I'll go ahead and start the voice vote. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Please say aye. Hearing none, would all those in favor of this motion, please say aye?

PARTICIPANTS: Aye.

TERRI AGNEW: Thank you. No abstention, no objections. The motion passes. Back to you, Greg.

GREG DIBIASE: Great. Then I think we can move on to the next part of our agenda, which I think Paul will be leading us in his continuing mission to keep SubPro moving forward. Oh, sorry, Seb first, then Paul.

SEBASTIEN DUCOS: Yeah, if I may, very, very quickly. You will have seen, I shared a, well, for those who it's 6:00 in the morning, maybe you haven't, but I have shared earlier today an email received yesterday by Paul and I from Becky Burr asking us to put on hold a few of the clarifying statements. I shared at the same time a document prepared by Steve, which was followed by a proposed friendly amendment by Susan Payne, seconded by Justine, and then Anne also followed. So please review this as Paul will walk us through this. It will be part of what we're voting on today, including the conversation, the exchange today. Paul, with this, I'll leave you to lead us.

PAUL MCGRADY: Thanks, Seb. Paul here, Paul McGrady, for the record. I am in the Smoky Mountains and on a short family getaway, so I apologize for the extremely awesome background, it is real. So today we're going to hopefully take a vote on sending forward our proposed clarifying statement. It is labeled as a SubPro small team clarifying statement. It's actually a clarifying statement from the council. This is in large measure, and we'll get to the part where it's not, what you guys, what we all talked about at some length in our last call,

and which has been out there for review for the last 30 days or so since then. The only changes to the proposed clarifying statement came in yesterday from Becky, and essentially, the board would like for us to excise out most of the parts having to do with PICS. I don't think they're quite there yet. As you can see, staff is putting this up on the screen for us.

I do not actually see the red lines. I guess they're on the side. The version I saw was somewhat more clear. I don't know if you guys have that or not. But in any event, they want more time to deal with PICS, and so I saw from the email, and I've not had a chance to talk to Seb or anybody else about this, but I saw from Seb's email that council leadership would like to simply remove most of the things related to registry voluntary commitments and PICS, leave only recommendation 9.15 in, have the rest of this stuff come out, and essentially give the board more time to do whatever they're going to do. We don't know what they're really up to. It's been advertised as a small tweak, but we don't know. But in any event, it's not ready for prime time today.

So all that to say this, which is the statement that we are asking to have a vote on today is essentially the same, only with some things missing. Nothing has been added. That's the important part. And so I think we're able to be as confident in what remains as we were before, because what remains was already in there. So I will do my best to answer any questions about this. This is all kind of happening kind of fast, and I'm not at my usual desk. Actually, I don't know how these things go. Seb, is it okay for me just to answer any questions about this part, and then we'll do the official thing through the motion?

SEBASTIEN DUCOS: Please.

PAUL MCGRADY: Anne, your hand's up, go ahead. Okay, thanks, Seb.

ANNE AIKMAN-SCALESE: Thanks, Paul. I certainly appreciate the need to get out a clarifying statement that on the settled issues that we've dealt with in the small team. I do think we have some questions about the feedback, and the small team will want to be discussing that as well. I'm sure you're planning that for the agenda.

I certainly also support Susan's amendment to the language in the motion, clarifying that those sections are coming out. But I also had a small amendment myself, in that the motion recites that the small team considered the board feedback. And so we can say maybe that the council has considered the feedback today in the meeting. We cannot say that the small team considered it, because that has not occurred.

PAUL MCGRADY: Okay, so Anne, if I can beg your indulgence, you've raised an issue that relates to the actual text of the motion. And so I'm going to hold your question over here, and we're going to get to that question, because I'd like to take a look at the actual text of the motion when we do that. Thanks, Anne. Any questions on the

revisions to the document, which essentially excise out the RVCs and PICs, except for that 9.15?

Okay, I'm going to take the win, hearing none, let's go back to the motion itself. And I will just read through it, and then Anne, we have your question, and we'll look at it. So we have, whereas the GNSO Council adopted the final report of the new gTLD subsequent procedures, SubPro PDP, on 18 February 2021. On 16 March 2023, the ICANN board adopted the majority of the SubPro outputs as identified in section A of the scorecard, while designating a select set of recommendations as pending, identified in section B of the scorecard. The GNSO Council established a small team to carefully review the pending SubPro recommendations and identify the best path forward to seek to resolve the issues that were preventing board adoption of the pending recommendation. The GNSO Council's small team benefited greatly from the open and frank dialogue with the co-leads of the board's caucus on SubPro. On 22 May 2023, the GNSO Council and ICANN board discussed the expectation that for certain pending recommendations, a clarifying statement from the council may be sufficient to mitigate the concerns preventing adoption of some of the pending recommendations. At ICANN 77, the GNSO Council and ICANN board reached agreement on the specific set of pending recommendations that may be resolved by a clarification statement from council. The GNSO Council's small team developed a draft clarifying statement that was discussed with the council during its July meeting and was subsequently shared with the ICANN board for their consideration of whether the clarifying statement does indeed address the board's concern. The GNSO Council took into account the feedback from the

ICANN board and finalized the council's clarifying statement. And then we've got this here. By removing the text in the clarifying statement related to enforceability of PICS and RVCs and holding this over pending further feedback from the ICANN board. And so, Anne, I think that addresses your concern because it doesn't say the small team, it says the GNSO Council. So, that's what we're doing.

ANNE AIKMAN-SCALESE: Yeah, thanks, Paul. I had been looking at an earlier version that went around in email, I guess. So, I had sent a note to staff earlier on this and they've apparently fixed that. So, thank you.

PAUL MCGRADY: Great. Number nine, the clarifying statement should be read as complementary to the relevant pending recommendations and should be considered jointly with the recommendations for purposes of implementation. All right. So, now we get to the resolved. The GNSO Council approves the clarifying statement regarding select pending SubPro recommendations and stresses that the statement should be read as complementary to the relevant pending recommendations and should be considered jointly with the recommendations for purposes of implementation. The GNSO Council requests the GNSO Secretariat communicate resolve number one to the ICANN board and provide the board with the clarifying statement. The GNSO Council extends its thanks to the ICANN board for its collegial, constructive, and pragmatic approach to addressing select pending

recommendations and in particular extends thanks to the co-leads of the boards, Caucus and SubPro, Avri Doria, and Becky Burr.

So, that takes us to the end of the formal stuff. Now, I think I open an opportunity to comment on the motion itself. Steve, your hand's up. Go ahead.

STEVE CHAN:

Thanks, Paul. This is Steve from staff and I just wanted to clarify that on whereas clause eight, I didn't quite reflect it how I wanted to, but I think how it read before was the GNSO Council small team took into account and all I captured and I tried to do it in quote unquote red lines because the wiki isn't really appropriate for that, but that's what should have been reflected as being struck through. So, Anne had it right in her previous reading and staff didn't intend to show it as our suggested changes without having consulted with the council, but that's how it should have been reflected. It just doesn't show it on the page, but so just for clarity, I just wanted to make it clear what got removed in whereas clause eight. Thanks.

PAUL MCGRADY:

Okay. Steve, I admit that that made it less clear for me. So, can you walk us through, or maybe you don't need to. Can you just tell me that the way that number eight is written on the screen right now is how it should be written and that you were just confirming that Anne saw something earlier, but now it's fixed? Help me out.

STEVE CHAN: Let me try. Ariel, can you refresh one more time? Sorry. Okay. So, now you can see in brackets what I removed. And so, that was the thing that I believe caught Anne's attention that it was not the small team that took into account the feedback. It was the council directly. So, like I said, just for clarity, I was trying to make sure that it was clear how the motion was updated, capture Anne's concern. We generally don't go in and directly edit motions. So, I just wanted to make sure it was clear that we didn't do so. And so, here, it should be more clear now that the text that is in the brackets for eight, the first set of brackets, that is what was suggested to be removed.

PAUL MCGRADY: Okay. So, the text in the brackets at the beginning is removed and the text in the bracket at the end is included. Is that right?

STEVE CHAN: Correct.

PAUL MCGRADY: Okay. Great. All right. Those powerful brackets. Wonderful. All right. We all know what we're looking at now. Any questions on this motion? Anybody with concerns of how it's drafted? What it says? If not, I think we pass this on to a vote. Manju, please go ahead. And then Greg.

MANJU CHEN: Thank you, Paul. I just wanted to note that Justine has asked in chat whether the clarifying statement, the hyperlink to the clarifying statement has updated. And I checked in wiki. I think it's not updated yet. I wonder if, I mean, I guess it's not a big deal, but do we want it to be updated before we vote?

PAUL MCGRADY: Thanks, Manju. Steve, can I ask you to respond to that? Is that document going to be updated? Is updated?

STEVE CHAN: Thanks, Paul. This is Steve again. And the obvious reason, I think, is that the document that was shared yesterday was shared sort of at the final moment. And so, we need to create a link for that document before we can actually link to it. So, indeed, it will be updated as soon as we actually get the updated clarifying statement captured on the web somewhere. So, we need that reference in order to be able to update the link itself in the motion. So, rest assured that will happen.

SEBASTIEN DUCOS: Thanks. But for clarity, Steve, that update will be linked to the document you showed previously with the red lines removed. So, where topic 30 and 31, I believe, and a number of items in topic nine have been removed, right?

STEVE CHAN: Close. So, what we will do is we'll create a clean version of it, not the red line. Thanks.

SEBASTIEN DUCOS: Perfect. Thank you.

PAUL MCGRADY: Okay. Greg, please go ahead.

GREG DIBIASE: Yeah. Just noting. So, I guess this question for Steve, I view this as a friendly amendment. And as the proposer of the motion, I think I can agree that this is a friendly amendment. Are we doing that as part of the vote?

STEVE CHAN: I'm not sure exactly how to interpret the question, but I will interpret what I think you said, which is you as the maker, Greg, needed to consider whether or not these suggested edits are friendly. And I think by your statement that you made just now, you have confirmed that they are friendly.

GREG DIBIASE: Great translation of my words.

STEVE CHAN: I've done my best. So, I think Paul did, I guess, by proxy, the reading of the resolved clauses. That would have been Greg as

the maker of the motion. I'm not sure procedurally if that's okay. I imagine we're all friends here and can consider it having been read by the maker. But technically, it should have been Greg that read them. Thanks.

PAUL MCGRADY:

All right. Well, parliamentarian, I am not. But hopefully, who read the resolved statements and whereases doesn't undo the work. All right. So, any other questions or concerns before we put this to a vote? I see there's lots and lots in chat that I'm not keeping up with. If anybody believes that the fast-moving nature of this will keep them from voting yes, I mean, you may vote yes or no for whatever reasons you'd like. But if it is purely this, let's talk about that. But otherwise, I think that we are ready to go. Jeff, your hand's up. Go ahead.

JEFF NEUMAN:

Yeah, thanks. So, as a member of the small team, I put a couple of things in the chat about just preserving kind of the actual history that occurred. So, and it's fine. This is not a judgment. But at ICANN 77, we did agree with the board on things that could be resolved by a clarifying statement. Something in this should refer to the fact that what we thought we could agree to a clarifying statement, some things have been removed. And so, I don't know where we stand on those. But I just think it looks like we're sort of whitewashing the history here by not including references. So, I think maybe it can be helped with just keeping the red line on there or something that indicated that something's happened between ICANN 77 and now. And again, I don't mean it to sound

negative. It's not. It's just preserving the work that the small team did, the feedback that the board gave us, and just to preserve all that. Thanks.

PAUL MCGRADY:

Yeah. Thanks, Jeff. So, I don't think that anything's being whitewashed, nor do I think that the history has changed because we've not been told by the board that the PICS and RVCs will not be the subject of a clarifying statement. What we have been asked to do is to remove them from this clarifying statement. And as the text of whereas eight says, they are being held over pending further feedback from the ICANN board. So, I don't think that there is a change in the agreement about what can be resolved by a clarifying statement. It's just the board is not ready for us to do that right now. They want to give us more feedback. So, I don't think that there has been a change in the agreement. And I think whereas eight sort of captures what we're doing now, which is we're excising those out, we're putting them in a holding bin, waiting for more feedback from the board, and then presumably they will go back into a new clarifying statement. So, let me know if that doesn't do it for you. Justine, please go ahead.

JUSTINE CHEW:

Yes. Thanks, Paul. Personally, I don't have a problem with preamble six, but I put in chat a suggestion that may address Greg's concern, which is you have different or you have hyperlinks in preamble seven, preamble eight, and resolved one. And we seem to have three copies of the statement. So, I suggest we use

the three hyperlinks to show the three different versions of the document. Thank you.

PAUL MCGRADY: Thanks, Justine. Staff, that sounds eminently reasonable to me. Can you guys commit to that? Sure thing, Steve says. All right. Great. Susan, go ahead.

SUSAN PAYNE: Yes, I think that's really helpful. I think if there's still a concern about this, and I'm not sure if there is, we could also take on board Desiree's suggestion. And so, in that amendment in paragraph eight, where we talk about holding this over, we could say holding this over to a future clarifying statement. And then that makes it very clear that's what the board has asked us to do, and that's what we're reflecting in the whereas. And maybe that would address the concern that Jeff is expressing.

PAUL MCGRADY: That seems very reasonable to me. Greg, as the maker of the motion, do you consider that friendly too?

GREG DIBIASE: Yep. That makes sense to me. Support Susan's amendment to the amendment.

PAUL MCGRADY: All right. Steve, can you guys make that change in this text?

STEVE CHAN: I sure can, and I already did. I just need Ariel to refresh, and you should see it. Thanks, Ariel.

PAUL MCGRADY: Great. Holding this over to a future clarifying statement. All right. Anne, you're back. Go ahead.

ANNE AIKMAN-SCALESE: Thanks, Paul. I noticed Jeff's question in the chat about whether the board feedback was to the effect that a further clarifying statement would resolve board issues. Now, not having seen the language that the board may want to propose, we don't know that for sure, but I will say that in the small team exchange with the SubPro board reps, it was, I guess, cautiously stated that the thought was that some language tweaking for PICS and RVCs would address board concerns. So we don't have the final result on that, but I think the thought of the board reps was that the clarifying statement would work. So I certainly support the amendment by Susan. Thank you.

PAUL MCGRADY: Thanks, Anne. Yes, and I agree. I've seen nothing in the correspondence back and forth from Becky that they have any plans other than to give us a tweak to the PICS and RVCs section, and there'll be a new clarifying statement. Great. All right. Greg, I'm sorry for stealing your thunder on the reading of this thing. I don't know who runs the actual vote. So I'm going to give this back

to either Seb or Greg, whoever wants it. But I think we have some other things to chat about a bit on the small team, but I think this motion is number one. Thanks.

SEBASTIEN DUCOS: So right, Paul. First is the motion, and then you get a second slot to discuss the rest of the small team. Greg, do you want to take us through this? Or actually for the vote, is it Terri? I can't remember.

TERRI AGNEW: Hi, Seb. It's Terri. Since the resolution or the result has already been read and it's been agreed upon, it was fine being read by Paul, we can go ahead and move to a voice vote then. So we'll go ahead and proceed with that. Would anyone like to abstain from this motion, please say aye. Hearing no one, would anyone like to vote against this motion, please say aye. Hearing none, would all those in favor of this motion, please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Thank you. No abstention nor objections. The motion passes. Back to you, Sebastien.

SEBASTIEN DUCOS: Thank you, Terri. So we're already six minutes over our time. We started a bit late, and this was important and very last minute

changes. So all good. But let's push on. I'll pass on the mic now to Manju, who will take our item and discuss the CCOICI recommendations. Go ahead, Manju.

MANJU CHEN:

Thank you, Seb. Hello, everyone. This is Manju, and I will introduce the CCOICI recommendations report review of statement of interest requirements. So just a brief background. The CCOICI, which the full name is Council Committee for Overseeing and Implementing Continuous Improvement. We have tasked the GNSO SOI Task Force in 2021 to consider first the original objective of the SOI. Is this still valid? If not, why not? And what can be changed to have a more fitting purpose? And based on the response to question one, is the requested information to be provided as part of the SOI still fit for purpose? Again, if not, why not? And what will be needed to be changed?

And aside from these questions, of course, there will be questions of, are there any further measures to consider or enforce or escalate whatever people think it's not useful now? And what can be changed? How do we change that? How do we implement the changes? All kinds of questions. And next slide, please.

So after receiving the question, the task force has worked very hard. They worked for around one year and a half. They delivered their report in 2023 in April with recommendations. Most of the recommendations that achieved for consensus, apart from one very kind of essential one, which is in relation to the ability to be exempt. While people don't want to reveal who they're representing when they're participating in policy effort or whatever

effort in ICANN due to kind of legal obligations or professional ethical obligations. So this exemption language didn't achieve full consensus.

And then send the report back to CCOIC, which in CCOIC, we also tried to kind of achieve consensus on this, but we also failed. We're all humans. We should be able to accept failures. So we also failed. But we also agreed to submit all the other recommendations that achieved full consensus, which the CCOIC also agree and also achieved full consensus within while leaving the existing exemption language as is. Next slide, please.

So just a brief introduction of what the recommendations are. It's a summary version, of course. The original ones are more in detail. So we are recommending to divide the current template, the SOI template, which we all have filled. I think we all should have filled. We're recommending to divide them into two parts. One is a general one, which contains general information of who you are, who you work with, whatever. And then there will be an activity-specific SOI, which is when you are applying or participating in a policy effort or whatever effort within ICANN, you will have to provide information specific to this activity. And questions are derived from the existing SOI, but they will be divided into appropriate categories. Next slide, please.

So for the activity-specific SOI, as I said, it needs to be provided for each activity. And of course, just like every working group or every effort in the introductory meeting, you all kind of explain your SOI. And both SOIs must be updated in a timely manner with a yearly reminder. You'll get a reminder yearly that you should update if there's an update. And if you don't respond, it will be

marked as inactive. And these recommendations, if approved, will update the GNSO operating procedures in relevant paragraphs. Next slide.

So this is the existing exemption language, which is in the report, because, like I said, we didn't achieve consensus on the proposed compromise, whatever new language. So we revert to the existing one, which is if professional ethical obligations prevent you from disclosing this information, please enter private. And we also have annex and the report that honestly and thoroughly record what the discussions were like around this exemption language. Next slide.

So I guess now we are suggesting the council to consider the recommendations for adoption during the next September meeting. And if the council decides to adopt the recommendation reports, the staff, mighty staff, they will develop transition implementation plan. But I guess we'll have to note that the wiki system is a thing we are used to. But I guess it's not going to be very quick to just split the SOI into two and how to implement. I guess that still needs some time. And so that will take time to do. And once I guess when they figure out how to do it, we will update the operating procedures. Once we figure out how to do the two SOIs and how it looks in wiki and whatsoever. So that is my introduction. And I guess I will end here and see if anybody has any questions. I'm not seeing questions, so I guess I'll just get them back to Seb.

SEBASTIEN DUCOS: Thank you, Manju. Oh, last minute question from Desiree.

DESIREE MILOSHEVIC: It's not really a question, but really to thank Manju for leading this work. And as she said, it's obvious this was a really difficult decision. So the committee tried to find a way forward. And it's obvious that it's a difficult question based on the SubPro not being able to find an agreement of this, but this does look promising. So I just wanted to note that. Thank you.

SEBASTIEN DUCOS: Yeah, thank you. That's very well noted. I remember having a discussion a few months back about inviting newcomers to raise their hands for liaison roles and other roles that allowed them to see the inner working of it all without having to engage too much. And Manju did exactly the contrary and raised her hand for the first time to go and lead a group on a topic that was difficult and took a long time to not agree on this specific point, but agree on a number of improvements. And I think that we need to note that too.

Last but not least, Manju took us back to our normal schedule. And thank you very much for that. So we can now proceed and should be on time. Terri will prove me wrong if I am. Next topic in our discussion, 15 minutes, will be on the SPIRT. And I believe Anne and Susan, who are our co-liaisons through the IRT, are going to lead us through this.

ANNE AIKMAN-SCALESE: Yes, thank you, Seb. So in the SubPro final report, just a reminder that there's a section on a predictability framework, which has

been established via the final report and adopted by the board to address issues that may arise during further rounds for new gTLDs. And in that predictability framework, there is established a standing predictability implementation review team, which we call SPIRT.

So the previous note to council was that council will be in charge of chartering the SPIRT team. And so we are bringing this to council now with a recommendation that's joined from Susan and me to establish a small team to charter the SPIRT. And we are in fact recommending that we include some GAC members and ALAC members in the composition of this small team. And one of the tasks that we will be looking at will be the workflow established by the SubPro IRT on how decisions get made about how to handle issues, whether they are simple implementation issues or whether they raise policy issues. The role of the SPIRT will be to confer with council on those issues as they arise. And so the SubPro final report is quite specific about how those consultations would occur and the workflow that's been prepared by the IRT is quite specific. And so we're wanting to initiate this now, even though the SPIRT does not come into play until after the AGB is issued, because we want to make sure that it's consistent with the work that's being done in the SubPro implementation review team. And I will pass over to Susan to talk about the composition of the small team that we are recommending.

SUSAN PAYNE:

Lovely, thanks, Anne. Yes, as Anne said, we've given some thought to this proposal for a small team, and that included kicking off between ourselves what we thought a kind of suitable structure

would be. I don't think or don't think necessarily that we would need to limit the participation to a specific number of people, one per group or whatever. I think what's really most important about this would be to have volunteers who kind of want to take on the role who have the capacity and an interest in developing the charter for the SPIRT. I think previous participation in subsequent procedures inevitably would be useful. But it's certainly not essential. The SubPro recommendations and the guidance in the report on the predictability framework and the SPIRT that will manage that framework is really very detailed. So volunteers really only have to be willing to kind of get themselves up to speed on that section of the SubPro recommendations in order to be able to actively participate.

Obviously, there may well be councilors who feel that we should be designating the specific numbers of volunteers. And if that's the case, I certainly have some views on that and how we might do that, but I don't necessarily advocate for that. But we did also, as Anne mentioned, we did feel that this was a topic where it is important that we invite participation from the At-Large and the GAC topic lead or leads. In the case of the GAC, in particular, this has been identified in their communique and in correspondence that the predictability framework and the SPIRT are one of the most important issues for them. And so this, it really seems appropriate to invite them to play a part in the chartering of that group. I think that's kind of it. Really happy to sort of answer any questions or kind of hear thoughts on this.

ANNE AIKMAN-SCALESE: I'll just go ahead and add that at this point in time, we would recommend the drafting of a small team assignment by staff that reflects the points raised in our joint recommendation.

SUSAN PAYNE: Shall I run the queue? Okay. So, Tomslin, thanks.

TOMSLIN SAMME-NLAR: Thank you, Susan. So, considering that we don't need this until later, I was just trying to understand why we want to charter this now. I know Anne mentioned that we're doing this so that it is consistent with the implementation review team. So, I would like to know a bit more what that means.

SUSAN PAYNE: I'll do my best to answer that. I think the reason why it seems appropriate to do it now is just because we've been in the SubPro IRT looking at this section of the SubPro recommendations. And as we've been working on this predictability section, there are some issues which come up where we've as a group been saying, oh, that's not really something that needs to go in the applicant guidebook, but it is something that's important for the SPIRT. And so, we need to remember that during the chartering of the SPIRT. And so, I think it's just that it's kind of timely to be looking at this at a similar time so as to ensure that things correspond and that nothing is missed. I think that would be my reaction. Anne?

ANNE AIKMAN-SCALESE: Yeah, sure. I'll just add to that, Tomslin, that ICANN Org wishes to publish sections of the draft AGB for public comment sooner rather than later. So, what we are interested in doing is making sure that everybody's on the same page in terms of the interactions between the SPIRT and what's going out for the AGB for public comment. We don't want to delay public comment on draft sections of the AGB. And that is one of the sparks here to start our work on the SPIRT charter, because the IRT, we think it's very productive that they want to put out sections for public comment as they become available. And so, this would help in that process. Thanks.

SUSAN PAYNE: Thanks, Anne. Jeff?

JEFF NEUMAN: Yeah, thanks. I'm making a statement, not a statement, but I was requested by the GAC point of contact—or let me go back. Thank you, Susan and Anne, for making a suggestion that the GAC topic needs to be included in this important drafting of the charter. And just to remind everyone that the SPIRT team will have members from all of the groups that want to participate, right? So, I think that's why Susan and Anne made a good decision to have diversity of participants in this group, but I don't want to speak for them. So, thank you for that.

And then I've been asked by the GAC point of contact, and this is as good of a place as any, just to make the request that like Susan and Anne have proposed for this, that GAC topic leads are

included in future groups that are developing anything substantive regarding the topics that were in their communique and the one that comes most to, or the top of the list, the two of the top of the list are this, right? And applicant support. So, I've already mentioned this to the small team, but they recommended—and I think it's right—to make this ask of the council as well in all future work that involves those topics important to the GAC. Thanks.

SUSAN PAYNE: Thanks, Jeff. Steve.

STEVE CHAN: Thanks, Susan. This is Steve again from staff. Two quick comments. One is just maybe a little bit of nuance and I might have already missed it, but I think what could happen now is that the council works on establishing the charter but it doesn't actually need to charter the SPIRT itself at this stage if it doesn't seem timely, which at this early in the process prior to the SPIRT actually being operational might make sense and that might go towards Tomslin's concerns about timing. So, by establishing the charter itself now and agreeing to what it should look like, that allows for the alignment between what the charter will look like versus what the IRT is doing, but it doesn't actually need to have the group operational because it won't have work to do. Sorry, I see Susan nodding. I think I confused you at first, but just a little bit of nuance about the timing that could be possible if that's how the council wants to proceed. And then hopefully that made sense.

And then so the second point I wanted to make is that given concerns about the membership and trying to open it up a little bit, it might be more appropriate to consider this not as a council small team, but rather, and this is probably a technicality, a charter drafting team whose sole purpose is to draft the charter for the SPIRT. And in that respect, it doesn't need an assignment form. The action is clear. It's to draft the charter and the membership can be open if that is what the council wishes to do. You can also set restrictions on or limitations on the membership as well, but it sounds like the council is trending towards an open membership. So, like I said, the technicality from a staff perspective, we would see this as a drafting working team, working group, essentially. And that actually, I think, simplifies things a little bit and doesn't require the assignment form. Thanks.

SUSAN PAYNE:

Thanks, Steve. Sorry, it's Susan here. Certainly from my perspective, that's good to hear. I think we weren't quite sure if an assignment form was needed or not. We kind of assumed it was, but I'm certainly speaking for myself, I think if we don't need that and we can spin up a charter drafting team, that sounds great. And absolutely, the proposal was to get the charter done. It wasn't to populate the group yet until it's needed. Thank you. I'm not quite sure. I'm not seeing any other hands. I'm not quite sure what the next steps are, but I think, is it reasonable for us to take kind of silence as kind of approval to go forward and start up a charter drafting team? I'm feeling like it is.

SEBASTIEN DUCOS: Yeah, I would agree with you. I think it is. Thank you very much. Okay. That settles it. Thank you very much for keeping to time. And we will go now immediately to item seven, which will be presented by Paul McGrady, the sequel on the rest of the work from that very good team.

PAUL MCGRADY: Thanks, Seb. So this is a discussion, not a vote. And we have basically, it's an update of where we are and a request for a little bit more runway to keep working. So we have those items that are in our clarifying statement that we just voted on. We have the items on RVCs and PICs that are now over here in a holding bin, which we fully expect will end up in an additional clarifying statement. However, we have some things that the board has signaled that they are going to non-adopt, which is ICANN speak for reject.

And when that happens, they will come back to Council, have a discussion with us about that. And then the council can do a couple of different things. One is just let the recommendation die. Or we could, as the Council, put together a supplemental recommendation based upon feedback from the board that we think will be acceptable to the board. Or we could do what's called a section 16 process, which is we essentially do a supplemental recommendation, but we take that out to the community to have a more detailed look at it. And then hopefully come up with something that will be acceptable to the board.

So, but these next steps, right, which involve drafting a proposed supplemental recommendations or drafting proposed initial inputs

into a section 16 process, all of that is beyond the end of our runway on our assignment sheet, which was to do the initial triage of the issues raised by the board, which we did. So we put some into a clarifying statement and we put some over here as not going to be appropriate for a clarifying statement, but maybe appropriate for more council work, like a supplemental recommendation or section 16.

So what we need at this point is essentially more runway. We've triaged. Some of the patients are out the door with their bandages, but some of the patients are in the surgery room. And so we need an extension of our assignment form to do a couple of things. One, to begin pre-work on drafting proposed supplemental recommendations based upon the feedback we have so far from Becky and Avri, or pre-work on a section 16 process, if that's what the small team decides is more appropriate than a supplemental recommendation. Again, based upon the recommendation from Becky and Avri. And then when the board non-adopts, for the small team to be involved along with the council in those discussions with the board about why the non-adoption and then move forward with either finalizing a supplemental recommendation or move forward with a section 16 process as the case may be for those recommendations that the council still wants to fight for.

But there's quite a bit of work there. And some of it, it seems out of time because in a perfect world where we weren't on a bit of a rushed timeframe, we would do nothing at this point and wait for the board to non-adopt and engage in that dialogue and then begin work. But because we have a fairly clear understanding of

what the issues are, it is possible for us to do this pre-work. And so we're looking for permission for the pre-work and then permission for the work after the board officially non-adopts, which I think they're planning on doing in September.

So that leads us where basically we came back and we're asking for more runway, more apron string, whatever you want to call it, for the small team to keep doing its work. And are there questions about where we are and what we're asking for? Jeff, your hand's up. Go ahead.

JEFF NEUMAN: Yeah, thanks. Not a question again. Sort of related to the point I raised the last time about wanting to involve or the GAC asking their topic leads to be involved. Would that runway that you're asking for include a runway to involve additional people on this team that may not have been involved to date? Thanks.

PAUL MCGRADY: Thanks, Jeff. Seb, your hand's up. Do you want to address that?

SEBASTIEN DUCOS: Yeah, I'll take the opportunity because Jeff just did. Yeah, there is some concern at least on the, and I'm here in my quality as one of the RySG reps, but from the RySG to make sure that everything has been done by this full team so far is fine. But when we talk about changing, altering recommendations, whatever path we take for it, that the GNSO community and probably the wider community be involved. This doesn't mean reconvening the whole

PDP, but a call for participation would be very welcome. I think that we've discussed this in the small team. I think that we've discussed it even on the mic in DC and hinted to it. But now that we're getting to the stage, I think that we should make a positive and clear statement about the fact that our intent is indeed not to go and work on those recommendations in the dark between us, but have that public.

PAUL MCGRADY:

Yeah, thanks, Seb. I think that makes sense. And Jeff, thanks for raising the issue. So there's been a discussion about how best to do that. And I think that we've already got an ALAC representative, ALAC liaison, Justine, who participates on the small team. And I think in terms of practically speaking, I understand the way the GAC is set up on this is that they have topic leads. So instead of having one liaison in, they have topic leads. And I think that we should invite those topic leads to participate as much or as little as they want. They may not be interested in being on calls that have nothing to do with their topics, but I think that would be a great way to invite the GAC to participate in what's next. And we may want to invite SSAC if they would like to send someone over to participate as well. That makes sense. No reason to exclude those guys.

I do think that the small team, in order to function, needs to remain a small team. And ultimately, this is a GNSO process. But I think getting as much input as practical at this stage will hopefully future proof whatever we come up with from gobs of criticism down the line from the GAC or the ALAC or the SSAC. And so I think that that would be, in terms of our assignment sheet, that would be a

good adjustment as well to talk about specifically how we get folks to feel invited. We can't make anybody participate if they don't want to. But we can certainly invite them to do that. Anne, your hand's up. Go ahead.

ANNE AIKMAN-SCALESE: Thanks so much, Paul. And I certainly agree with what's been said so far about this work. I think that we need to talk about, though, what the outcome of this work might be, because there are established processes of either heading to a supplemental recommendation under a procedure whereby the board formally indicates that it does not accept 17.2 as written, or into a section 16 process, which is a community-wide process. And as you indicated, this is sort of pre-work on that. And so my question is, certainly in terms of timing, how do we couch this procedurally in that we don't want this pre-work to cause delays in any formal process that may be required? So would we want to state specifically that this small team work will result in a recommendation for section 16 or supplemental recommendation? How do you see that playing out?

PAUL MCGRADY: Yeah. So this pre-work is just until the board takes its action of non-adoption and begins a dialogue with the council, right? We're just trying to be as ready as possible so that we can keep all of this moving. In terms of what happens after that, the small team... Well, first of all, if the council decides essentially, okay, some of these are dead and we don't want to keep pushing on them, then they would come off the things to worry about.

But for whatever we want to keep trying to salvage from the recommendations, then the small team would either put together a proposed supplemental recommendation, which would come back as a motion to the board, or we would engage in a section 16 process, which is essentially the same process, except for there is a consultation with the prior working group. The prior working group is not re-enpaneled, but they're invited to consult. And there is a public comment period.

The small team has been discussing perhaps doing a hybrid where we do a supplemental recommendation process, and we put it out for 30 days to public comment before we take it to the council as a motion. And so there are still several ways that this would play out, but I don't see the pre-work getting in the way of the work. Once we know what the board actually does, the pre-work ends because it's no longer pre. And we just go on forward with the work to try to resolve the outstanding issues that we have. Seb, go ahead. Your hand's up.

SEBASTIEN DUCOS:

I wanted to go one step back on the inviting participation. I fully agree with you on inviting the participation from outside of the GNSO council. I may have missed it. I didn't hear you mentioning inviting participants from within. And I think that we need to be very cognizant of the fact that if we are such a small team right now, and again, I participated in all but one calls, I think, and silently, and I'm not the only one silent. There's only very few active voices on this group. It is also because there's a feeling of lack of, if not competence, background to be able to fully bring it here. So I would very much welcome the small team that you're

leading inviting other members of the GNSO community. Manju mentioned the SSAD small team, but in much of that spirit, bring the experts in, invite them.

We will make the invitation clear as to, one, first of all, that our aim is to get this resolved ASAP because other work is coming behind. Two, that we do not want an army, we want a small team. And three, that it is an intense amount of work. We have very regular calls. We've had some point of cadence of even two calls in the week with a lot of homework in between. So whoever raises their hand from outside the council to participate here will be very welcome. They understand that work is expected, experience, knowledge, background is expected, and we don't need to invite tourists. We need people that are able to lend a hand, but we do want to hear those voices from outside also. I'm happy to have other opinions, but that's at least my personal.

PAUL MCGRADY:

Thanks, Seb. Yeah. And just a reminder to anybody on council that this team has been open to anybody on council all along the way. So if anybody is feeling like they really missed out on the great fun and they want to get involved in the solution-making part, not just the triage part, feel free to climb on board.

Seb, I hear you. I wonder how we communicate that and if we really are meaning to, as you say, open it to all, what that will look like in terms of the numbers of people. But if anybody has more concrete thoughts on that, I would love to hear those, on how we get just exactly the right mix and we don't get a bunch of tourists or we don't get people who are this is their fifth bite at the apple at

1:00 in the morning to try to derail the subsequent rounds, right? So maybe we can all have a bit of a chat about that, maybe on the list or in some other way. Anne, go ahead, your hand's up.

ANNE AIKMAN-SCALESE: Yeah, thanks, Paul. And I think in that regard, I would favor an approach that involves meeting the GAC requests that Jeff has communicated so that the GAC topic leads would be invited to participate. I think Justine is way on top of ALAC participation and even indicated that the ALAC may communicate through her an additional proposal.

So I would favor, as far as the pre-work is concerned, not necessarily opening everything up in the way it would be in a Section 16 process, because this is pre-work. This is not the Section 16 or supplemental recommendation process yet. It's work to develop suggestions that could be addressed in one of those later, more formal processes. I am concerned that we need to do this in a manner that doesn't delay what's going on. I think that we have to get to one of those formal processes quickly, hopefully, but we're just trying to sift through some new suggestions. There are four on the table. We assume ALAC may want to bring one in. We do want participation from our SubPro board reps. As Justine has noted in the chat, Avri and Becky have been extremely helpful.

And in this regard, I think we want to put out a new doodle poll, because I think that we are looking at not wanting to get into any substantive discussions until we meet that GAC request for topic leads to participate. And on the ALAC side, I think probably

Justine's okay with just having been appointed to participate. But let's be sure that we're sending out a doodle poll to all those that we believe should be participating in this pre-work at this time before we have any substantive meetings. Thank you.

PAUL MCGRADY:

Thanks, Anne. And I'm about to call on Susan, but I think what we're seeing here is that there is an appetite for increased participation. We don't know quite what that would look like and how we keep the tourists out and the experts in. But at the end of the... Well, I don't want to jump to the end of the day, because Susan's hand is up, but I have a proposal for the end of the day. Susan, go ahead.

SUSAN PAYNE:

Okay, let's see how well we're aligned then, Paul. And I suspect we may not be, but I mean, first off on the tourists, I think obviously it's great if people have been on the SubPro working group and they are the ones to join. Again, I don't think we can absolutely make that a requirement. That could be excluding. But at the same time, there's a preliminary report that SubPro issued. There's a final report that they issued. There are a finite number of recommendations here that are in the mix that the board has indicated they're not planning to adopt. It should be an absolute requirement of everyone on that small team, those of us who are already on it and anyone new who joins, that we read all of the workings that led to those recommendations. So not just the final report, but to go back to the initial report as well and just see if

there's other color in there that explains what the group talked about. And that gives people a really good grounding.

So that was one thing. And then in terms of the participation, it's just a suggestion, but I wonder if maybe there's a kind of halfway house between a sort of an invitation to the world versus keeping it entirely within council. And perhaps that is that if there's a constituency or stakeholder group that perhaps feels they don't currently have someone on the small team and/or their person on the small team feels that they're struggling to keep up with the workload or the knowledge, perhaps there's a sort of place for constituencies and stakeholder groups to be able to suggest someone else to join the small team instead if they don't have a kind of suitable councilor who's wanting to take this job on. And then that would keep us sort of relatively narrow, but without kind of completely constraining so that we've got a bunch of us who are already working on this, but if there's a group that feels at the moment it's not really well represented, but they have someone else in their constituency who they feel could take this on, then perhaps that's kind of a path forward as a sort of a mid ground.

PAUL MCGRADY:

Susan, there's a lot of goodness in that idea. I want to be aware of time. We have Jeff and then Anne, and then I think we need to land the jet on this and get it back to Seb. So Jeff and Anne, since we're low on time, if you could keep your intervention short, I'd appreciate it.

JEFF NEUMAN: Yeah, thanks. Mine will be hopefully short. Just a reminder as to the way the GAC operates on this particular SubPro is that they have different topic leads for different issues. So it's not a matter of just saying, okay, let's invite two people from the GAC to be on this team for everything. It won't work that way because they have different experts. So just keep that in mind. If there's going to be any limitations on participation, the GAC, the way they participate would be dependent on issue. So if you say there's only two members of the GAC, then perhaps it's two per issue or something like that. Just if you can keep that in mind. Thank you.

PAUL MCGRADY: Thanks, Jeff. Anne, go ahead.

ANNE AIKMAN-SCALESE: Yeah, this is Anne. I may be confused in that I had thought that there are remaining issues where as a triage team, we said we have consensus on a process that we want to recommend to council and only that applicant support was different because of the need to do pre-work on developing solutions. So in line with what Jeff said, I had thought that our next steps would be to invite a wider participation in relation to applicant support, but that that was not our approach for the other remaining issues, that the other remaining issues would be to recommend a process to council that was either supplemental recommendation or section 16 or a hybrid. And so I'm not sure why all the other topics that are unresolved other than applicant support would be opened up for any further substantive work. I thought the other topics were

simply a matter of what procedure we want to represent, we want to recommend to council. So am I just way off base there?

PAUL MCGRADY:

Thanks, Anne. No, I don't think that you are. And we are having a discussion now that was a bit more wide ranging than I had anticipated. What I was hoping for was just to get some sort of non-verbal assent, as Susan pointed out when she was speaking, that the small team now is at a point where we need permission to go back, look at our assignment document, update that assignment document to the work that we need to get done in the next 6 to 10 months. And we should include who should participate, who we think should participate, at what stages should participate. Should it be during the pre-work stage? Should it be only in relationship to applicant support? Should it be about all the things? Those kinds of things, [bake in] that we have discretion to recommend either supplemental recommendations or section 16, depending on the topic, all the things, right?

So we're having kind of a vague conversation and I'm sure that many people on the council who have not been attending our weekly calls are wondering to a certain extent, why are we in this level of detail? I think what we need to do as a small team is get permission from the council to go back and read over the next week or two while we're waiting for the board to adopt, non-adopt, whatever, rework our assignment document, send that back to council leadership. That's going to take us at least two weeks to work out amongst ourselves. Send that back to council leadership and hopefully get our new instructions right at about the time that the board does whatever they're going to do. And then we're going

to be off to the races. We may end up with a week or two of pre-work in there before the board does what they're going to do. We'll see. But I think having a good set of instructions so that we can begin in earnest is really the important part. Seb, thank you for tolerating the small team's kind of ideating out loud here in the middle of your call. But unless somebody objects and says, no, the small team should not rework their document, that's what our plan is going to be. How's that sound? Thank you.

SEBASTIEN DUCOS: That sounds perfect. It's not my call, it's yours. And yeah, it sounds like a plan to me. And I see no further hands, objections or anything. And we're at time anyway. So great talk, great discussion. I haven't forewarned John, but I hope he's ready. Because without further ado, I think I'll pass on the mic to him to discuss closed generics and where we're at with it.

JOHN MCELWAINE: Thanks, Seb. I won't belabor the background there in the item on the agenda. But suffice it to say that this is coming up for discussion here based on my update to the Council of August 9th. And what that update was consisting of was providing a letter and sort of a status of where we were as a facilitated dialogue group. And what had happened was upon receiving comments, particularly from the GAC and the ALAC and others, it became apparent that there are some fundamental concerns with the framework that had been put out for comment that had been developed by the facilitated dialogue group.

In grappling with those fundamental concerns, it became apparent that this project, which was a dependency to a subsequent round, if policy were to be made, was going to be a lot longer than was currently planned for, if it could be made at all under the current framework, that the issues that were being identified really went to that sort of level of core portions of the framework.

Of course, GAC and the ALAC leadership were being updated by their representatives, and they discussed it with their constituents. Leadership of GNSO was being provided updates, and we discussed it. Eventually, GAC, ALAC, and GNSO leadership, after receiving those updates, we had two meetings, reviewed the discussions of the group, which were now open to the public. It became clear that it was not going to be necessary to continue with the facilitated dialogue group's work, nor was it going to be possible then to do any policy work on closed generics.

The dialogue participants agreed to this approach and shifted their work to the preparation of an outcomes report, which would then be used to do any future policy work on this topic. The group hopes to wrap up that outcomes document in September. Then, this is all part of the update, GAC, ALAC, and GNSO leadership proposed a joint letter sent to the board expressing the collective view one, that closed generic policy should not be a dependency for a subsequent round, two, that until there was a community-developed policy, that the board should maintain the status of any closed generic applications as under the first round—we refer to that as a status quo.

What is that? Looking at the board's resolution, this would allow a closed generic application to be filed, to be applied for. They are

not banned, but if objected to, then they would be pulled aside. The wording is, they shall not proceed to contracting until the GAC had approved that. The third point was that should any future work be undertaken, the work and the experience of the facilitated dialogue group should be taken into account.

Of course, there's been a lot of discussion on the list as to what should be the communication back to the board. Again, keep in mind that this is intended to be a joint letter coming from ALAC, GAC, and GNSO leadership expressing their collective views on it. With that, I'm glad to open it up for discussion on what this letter should look like. Kurt, I see you have your hand up first, so over to you.

KURT PRITZ:

Yeah, I wish I wasn't going first, but here I am. I have two comments. I'm going to make everybody sit through this first comment. It's sort of a side comment, but this topic has sucked hundreds or thousands of person-hours out of community time. I don't know if the board anticipated when it tossed this issue back to the community that it would do so, but as an example, I sat in a GAC meeting to talk about the next round of gTLDs, and they spent the whole time talking about closed generics, which is sort of a niche issue. So instead of the ICANN community discussing the effects of Web 3.0 or UN discussions on internet governance and how we can play a role in that or fragmentation of the internet, the whole community is spending time on this, which was a sad outcome, and I'm sure unanticipated by the board, but it sure diverted the whole community from important things.

Having said that, it's the second point here that changes, I think, materially the SubPro final report conclusion that they were unsure of what the status quo was regarding the approach to closed generics, whether it was the final applicant, whether it was the policy developed by the GNSO or the board changing that policy to essentially ban closed generics. I think that this second paragraph here contradicts the SubPro final report and is therefore inappropriate.

As a thought experiment, when the GNSO council voted on the SubPro report, we did not think to say that the board should maintain its position on the 2012 round. So why would we say that here, since that time we've launched this facilitated discussion and the facilitated discussion did not come to a desired output, but that should not change anything in the final report.

If we didn't want to make this comment when approving the final report, I don't see why we should be saying it now. Instead, we should use the language that was in the letter from the council. Use the language that was sent by the staff to us that launched this effort that said, should the dialogue not result in a mutually agreed framework, which is where we are, it may be presumed that the board will need to decide on what the most appropriate action is.

I think we should just use that sentence and we should not, to me, be turning the outcome of the final report [on its ear.] If that's not clear, I'd be happy to answer questions to try to explain my position. Thanks.

JOHN MCELWAINE: Thank you, Kurt. That's very clear, at least to me. Susan, over to you.

SUSAN PAYNE: Thank you. Yeah, I find myself in strong agreement with Kurt. I'm nervous or I'm not really in agreement with the idea that we should be making some recommendation back to the board that basically, as a result of this facilitated dialogue, we're suddenly then making a recommendation that isn't one that was made by SubPro. The SubPro couldn't reach agreement on this. And as Kurt said, there was a very strong disagreement over what the status quo was.

But I think whilst there was no specific recommendation from SubPro that this was a matter for the board to decide since the community couldn't, I think that's really the view that many of us in that working group had, that we couldn't reach a consensus on this. Obviously, the community has then tried again in this facilitated dialogue and we're still at a point where the community doesn't feel it's going to be able to come to a consensus on something workable.

And that's all fine. But at that point, I think we shouldn't then be telling the board what they should do. I think we have to just give it back to the board and say this is where we've reached. I can see some really practical problems if one were to make the sort of recommendation that you seem to be suggesting, John, about kind of allowing applications and if someone objects to them, then they would stay on hold. Not least because that has the potential to impact third parties like other applicants as well. You know, if someone were to apply for something, intending it to be a closed

generic, they could well be in a contention set with other applicants. And so then what happens to them? Do we consign them to the same fate that happened in the last round where they all have to sit around for years waiting for some solution that isn't coming? Or do we say that they all go through the process that eventually happened in the last round where they did do things like resolved contention sets, and then either the issue of the closed generic got resolved because they failed the contention or they won the contention, but then they still had to decide whether they were going to remain closed. But I mean, do we really want to be suggesting to the board they do that again? If the board thinks that's the way forward, then fine, but I don't think we should recommend that. I think that was unsatisfactory last time around, to be frank. Yeah, that's it. I'll stop. Thanks.

JOHN MCELWAINE: Thanks, Susan. That's clear as well. Anne, I see you have your hand up. Over to you.

ANNE AIKMAN-SCALESE: Thanks, John. This is Anne. I agree with the comments made by both Kurt and Susan, and I wanted to note again that procedurally, it was always anticipated that if something workable came out of facilitated dialogue, that it would then proceed to a policy process. So procedurally, I agree that recommendations should not be made which are in fact policy recommendations that expand upon the SubPro final report.

And the other thing that I'll note about this whole issue of status quo is it's a little bit different this time around, some unanswered questions about what happens when there is a situation of string contention, and some of the generic strings are for proposals are for open generics rather than closed generics, and one or more closed generic proposals come forward, and how you handle that. And there's also the question, one thing that makes this different, I believe, and Jeff will correct me if I'm wrong, is that once a string has been applied for in, let's say, the next round, for the round after that, whatever string was applied for in the previous round essentially blocks an application in the next round for that string. So you have that complicated issue of a new recommendation in the SubPro final report that affects potential for interests of applicants to be affected by applications that essentially block further applications for the same string, whether closed or open. So bottom line, I support the notion that Kurt and Susan have expressed. I mean, maybe council could say we don't want this issue to delay the next round, but I'm not sure we can really go beyond that.

JOHN MCELWAINE: Thanks for those comments, Anne. Sebastien, over to you. Y

SEBASTIEN DUCOS: Thank you for all your comments, and to be clear, not only do they not come as a surprise, but I'm happy that they're voiced. I have very similar concerns, and they're in line with that. Just to give you maybe a flavor of the process at some point, realizing that the group wasn't going to come with a timely—sorry, the words are

escaping me, but wasn't going to come before ICANN in DC with a framework, and they arrived just the day before, or a few days before. We did start to meet with the GAC and the ALAC leadership to see how we could help this process and help it get somewhere. The same way we continued talking afterwards throughout the summer, and decided indeed jointly that this couldn't remain a dependency for our next round, that it was going to take much time, and I'm not going to repeat what all John was saying.

And so to me in this letter, there are two points. The first point, I think, and I hope that we can all agree is where we're at, is we're not finding a solution to this. We're reverting back to what we had, and indeed that there might be a slight differences of view when status quo is, but this is where we're at. I tend to agree with you that that second statement in the letter, the one where we then asked the board to take a decision and suggest what the decision should be, is out of remit, as far as I'm concerned, for the same reasons that you established. But I do want to make sure that we are able to agree on something that we can agree together with the other two leaders, because I do want to have a joint statement to go back to the board with. This was an assignment that we took between the three parties, and initially the two, the GAC, and then the three parties, and I want to be able to get back to them.

So I'd like to make sure that we're not losing that. Again, to me, that first part of the letter, the point one, is definitely a key point. We should maybe work on the second, and I like the suggestions made by Susan on how to get there in a way that is acceptable to us. I think that the others understand. I don't want to speak for

them, but I did get the sense that they understood our point of view there and our hesitation in guiding the board further.

We all [implicitly] understand what the status quo is and where we would be getting back to, what the board has to do. Again, let's not lose the letter altogether. Let's not lose the collegiality of it. Let's allow the group to finish on a nice note and gather that way, if that helps. Thanks.

JOHN MCELWAINE: Manju, you have your hand up, so over to you.

MANJU CHEN: Thank you, John. I think my question is more procedural than substantial. I know Seb just said he thinks the other two chairs would agree if we change the language, but I guess, and I'm not trying to rain on your sunshine or whatever, just what if they don't agree to change the language? Do we send a separate letter and then they send their letter together? I'm just wondering what's going to happen, or do we send a letter without point two and then we send a separate letter as GNSO on point two, what do you think is going to happen if they couldn't agree on the language we propose? Thank you.

JOHN MCELWAINE: Thank you, Manju. I don't know what's going to happen. I don't know if Seb, not to put him on the spot, wants to make a prediction. I will say that I believe that the second point was more being generated by ALAC and or GAC than from Seb and from

the GNSO side, although we didn't think it. I personally think it is wise at some point for the GNSO to set forth what the status quo is, just so that there is no confusion amongst the community. I know that I spent a good chunk of the meeting here multitasking trying to find that 2012 resolution of the board, so it's not the easiest thing to determine. And then that also needs to be looked in, as Anne and Susan have said, in light of the SubPro report, which I have not done. So, Seb, do you have any feel, or do you want to answer that any more than I did?

SEBASTIEN DUCOS: Personally, I would be strongly in favor in keeping, even if it's simplified, if it's a different wording, of course, but keeping a joint statement. Having a separate GNSO statement to clarify whatever we want to clarify is always acceptable. But I'd like to be able to wrap this process that was a joint process with a joint statement. That would be my preference. Again, not in the current wording. I would encourage to rewrite that second part, that second point, to clearly state that we're not guiding the board in any way. But I would strongly favor having a common statement to go back to the board with.

JOHN MCELWAINE: Anne, over to you.

ANNE AIKMAN-SCALESE: Yeah, thanks, John. I guess what I want to submit based on this discussion is that the SubPro working group could not agree on the definition of the status quo, and that it's even more

complicated by other factors, as previously mentioned. So it doesn't strike me that coming out of a process that is not actually a policy process, that council can state to the board what the status quo is. I think the best that council can do is refer to the discussion of the issue in the SubPro final report. And Jeff has made some comments in the chat referencing that discussion. But I don't believe we can suddenly say, well, now we know what the status quo really is. That in and of itself is a policy matter. Thanks.

JOHN MCELWAINE:

So, Anne, I'm not sure I agree. But I think that we're not going to solve this issue on the call. So I think it's best left to take it to the list. And we'll obviously have a draft of the letter where we all can agree upon the next bit of language. So I don't know if that preempts your comments, Jeff, if you could make it quick so we can stay on schedule, or if you can just wait for the letter. But over to you.

Jeff NEUMAN:

Yeah, I'll make it quick. So this is as a former co-chair, the working group did send a question to the board during its activities as to what the status quo was. And the board did define it. But the problem with the way the board defined it was that the past round, the resolution in 2012, did not establish any precedent and in that resolution itself specifically said it was not creating any precedent.

So I would not waste any time on defining the status quo because the board has already defined it and it's circular. Spend the time making the point that there was no agreement and the board

needs to do what it needs to do. That's just my recommendation. Thanks.

JOHN MCELWAINE: Okay, thanks. Seb, I'm going to turn it back over to you.

SEBASTIEN DUCOS: Yeah, I'm sorry. This is a great discussion, but we have a clock and I have to move on. Let's keep discussing this on the list. It was obviously a topic that was going to bring a lot of comments. So can we move to any other business? And just to go quickly. Thomas indicated that he wasn't able to participate. He's on the train and communications are not good enough for him to take the mic. So Greg offered to do that for him and discuss the NIS2 outreach. Greg, it's all yours.

GREG DIBIASE: Yeah. If you recall, Thomas highlighted some references to the multi-stakeholder model by the European Commission and NIS2 and raised the prospect if this is something that the GNSO or ICANN should be responding to, acknowledging the reference to the multi-stakeholder model and/or providing some background on what policy exists regarding accuracy and access and things like that.

So we had a small team to discuss. That small team met with ICANN. ICANN confirmed that they are responding to the EC and possibly GAC addressing kind of what Thomas highlighted. In light of that, the small team agreed that there probably does not need

to be a separate letter from GNSO, taking into consideration some of the points that were made from others in prior council meetings. So at this point, we have more or less suspended that group and are kind of waiting for ICANN to provide information on what their suggested feedback will be. And depending on that, we may comment to ICANN or provide suggestions. But at this point, we're not moving forward with an independent letter from the GNSO, given the concerns that were highlighted previously and the fact that ICANN has confirmed that they are conducting outreach on this topic. That should wrap it.

SEBASTIEN DUCOS: Thank you, Greg. Any questions on this? And Thomas, if you're not able to speak, you might be cordially invited to add to the chat if that's at all possible. With this, and we'll keep that open if there are questions coming slowly, but I'd like to give the mic to Terri, who's going to walk us through the ICANN planning. Thank you.

TERRI AGNEW: Thank you very much. I did pop a couple of links in Zoom chat if you wanted to follow along as well. I just wanted to alert you that the Prep week will take place 9th through the 11th of October and the schedule for Prep week publishes on the 25th of September with the GNSO policy update scheduled to take place on Tuesday, the 10th of October, 2023 at 21:30 UTC.

The hybrid meeting is taking place the 21st through 26th of October, 2023 in Hamburg, Germany, and the schedule will be published on the 2nd of October, 2023. There will be nine PDPs,

EPDPs, IRT, or council small team sessions, which will include TPR, IDNs, RPM IRT, SubPro IRT, and Registration Data Policy IRT, and then two of the Council Small Teams will be meeting during the week.

Please note that the Council will have 11 sessions, four which are joint meetings with At-Large, ccNSO, GAC, and the ICANN Board during the week, and there'll be one GNSO celebration on Saturday. Looking forward to that.

We'll have two working sessions, which will include meetings with IANA, SSAC, and an interview with the GNSO Chair candidates. Those are taking place on Sunday. The closed informal session with SG and C Chairs will take place, as usual, Tuesday night to discuss the GNSO Council agenda, and then Wednesday, we have our Council meeting with the Admin following shortly after. Reminder, the Admin seating is where we seat the new Councilors and we elect our new Council Chair.

Then following that, we have a wrap-up meeting taking place on Thursday. The Council dinner is being hosted by Thomas Rickert, and information will be sent as it becomes available.

I also want to give a big thank you to everyone in helping plot out additional meetings for your groups. Super helpful, and I know it was challenging this time, but we did it. So, Sebastien, back over to you.

SEBASTIEN DUCOS: Thank you, Terri. Fantastic. Any questions on this? And we'll move directly into the discussion about .Quebec, and we will make

it short. So, you will have seen that there were discussions that came out of the public comment for the phase one of the IDN EPDP regarding .Quebec, and the possibility of considering .Quebec with an accent as a variant to the existing ASCII Quebec.

The group, Donna, in our last meeting asked us to consider this—or not—on their plate. The group is actually keen on us not considering that on their plate, but that's open for our discussion. I don't know that we'll be able to have a full discussion on this. and Ariel has prepared a statement that you can see on screen, and I hope that you've all been able to follow it. I wanted to make just a handful of comments and maybe a suggestion.

The first one is, obviously, this is an important problem. It's not a problem that just arose, actually. It's a discussion that I know has been happening for the last 10 years. I used to be a lot more involved with Geo TLDs, and this was one of them. It is a problem that is coming under the name DocQuebec. It's a problem that, in my view, actually touches all languages written with Latin script, apart from English. Up until this morning, I thought that Dutch too, but my favorite Dutch expert, Marika, reminded me that they use also diacritics in Dutch. It concerns all languages, and I want to make sure that that's said because the problem is much wider than just .Quebec.

I, this said, don't think, and in all my discussions with the different parties on this topic for the last two months, I don't hear anybody that says, yes, this is so important that we should stop everything and figure it out before the next round. I don't think that this is a problem that is going to be holding us back or should hold us

back. I think, personally, that we should let the IDN and PDP finish its work the way it's been planned.

But again, this is a real problem. This is not a one-TLD problem. I would like to suggest that we work on having a PDP working on this following the one on IDN. It is not an IDN problem. It is more of a confusing similarity problem and a resolution to similarity confusion. There's a lot of work that's been done by the ccNSO on this because of .eu and EU in Greek. There's a lot of inspirations that we can take there. There is substantial work on what a resolution would work for a variance that's been done by the [inaudible] group that can be also inspiring this future work.

I'm actually more than happy to offer my own head to lead this in the future if you're looking for somebody. It's a topic that I would love to work on, but this is not a topic for now. This is a topic for later. In my opinion, we just can't hold the train on this. With this, I'm happy to hear any comments and questions. Manju, go ahead.

MANJU CHEN:

Thank you, Seb. I agree. I don't think it's an IDN problem. I don't think we should put it on the plate of IDN, but I'm wondering what you mean by later, as in later than the next round or later before the next round. When you say later than, like, after the IDN, if it's not an IDN issue, I think we can start a PDP probably during the IDN because I don't think the members will be overlapping that much. So, just questions of what your later means. I don't think we have to wait until IDN is finished, I guess.

SEBASTIEN DUCOS: Okay. Thank you. My take was that a lot of the solutions will be the same. I think it's an entirely different problem with a very similar solution in the sense of keep it a same registry operator on the same backend running TLDs in parallel. And that's part of the solution, I believe, that we should go aim for. And in that sense, those people in the IDN PDP are the ones that are closer to the solutions and understanding. Maybe not the whole group, but at least one or two experts.

They are super busy. And we've been talking about for the last few months to make sure that they keep that pace or even increase that pace. So, that's why I was saying maybe after, because I absolutely do not want to distract those experts. But it's not an IDN problem. It's not the IDN expertise that I'm trying to tap into. It's the expertise of the solution and all the minutiae of the solution.

But again, if this group decides that it could be earlier work, that's fine. Again, I don't think they should be dependent for the next round. It could happen before the next round happens. There's many things that could happen in parallel to the next round and find an outcome that will work for the future round very often. Susan, I see your hand up.

SUSAN PAYNE: Yeah, thanks, Seb. So, I realize this may be a really stupid question, but when I was reading this, the question that I was sort of finding myself asking was, isn't this an LGR issue? It says in this discussion paper about how the LGR had very narrowly interpreted the variants in question. And so, isn't that where this

problem arises? And I can see you shaking your head. I'm totally not an expert on this, but it's just that's kind of like, as I was reading it, that was what I was thinking. It's like, isn't there a place to fix this in the LGR?

SEBASTIEN DUCOS: It would be the most complicated, cumbersome, and land us nowhere. Essentially, I don't want to, we're at time, so I can't really go into the details. And let me say that I'm not an expert either. This is not a variant. Accents in French, let's put it very simply, an E without an accent is not equivalent to an E with an accent and vice versa. We can read without accents and figure it out. It's easy, but there's no equivalence grammatical or anything equivalent like there is for a variant. If we would go back to root zone LGRs, they would come up with the same outcome. It is not an IDN problem.

I see also, again, we're at time and sorry, Marika, but we're going to have to skip the last item. I see also Ariel, of course, noting that it's not just a problem of resources in terms of who in the community is going to do this work, but in terms of staffing resources, also experts there. So again, discussions that I've had really point towards not an LGR problem. It's a string similarity problem, but the solution is a very good one. And we should be able to adapt it to resolve this problem.

With this, and absolutely sorry to Marika, who needed to present the last statement, but I think we're at time. I wanted to thank you all. And for the last item, Marika has invited us to read the letter from Xavier, which I shared last week, I believe. And we're going

to have that discussion on the list. Thank you very much. It's been, yet again, a great conversation and talk to you very, very soon.

TERRI AGNEW: Thank you, everyone. Once again, the council meeting has been adjourned. I will stop the recording and disconnect all remaining lines. Take care.

[END OF TRANSCRIPTION]