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**ICANN Transcription GNSO**

**Council Meeting**

**Thursday, 19 September 2024 at 05:00 UTC**

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The recordings and transcriptions 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: Hong-Fu Meng, Greg DiBiase, Prudence Malinki

gTLD Registries Stakeholder Group: Nacho Amadoz, Kurt Pritz , Jennifer Chung

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

**Non-Contracted Parties House**

Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Mark Datysgeld, Osvaldo Novoa (absent) Thomas Rickert, Damon Ashcraft, Susan Payne

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Non-Commercial Stakeholder Group (NCSG): Stephanie Perrin, Bruna Martins dos Santos (apologies, proxy to Manju Chen), Wisdom Donkor (joined after votes), Tomslin Samme-Nlar (apologies, proxy to Peter Akinremi), Peter Akinremi, Manju Chen

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 (absent)

**Guest:** Peter Eakin, Policy Research Specialist (ICANN)

**ICANN Staff:**

Mary Wong - Vice President, Strategic Policy Management (apologies)

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

Julie Hedlund - Policy Development Support Director (GNSO)

Berry Cobb - Senior Program Manager, Policy Development Support (apologies)

Caitlin Tubergen - Policy Development Support Director (GNSO)

Saewon Lee - Policy Development Support Manager (GNSO)

Feodora Hamza - Policy Development Support Manager (GNSO) (apologies)

John Emery - Policy Development Support Senior Specialist (GNSO)

Terri Agnew - Policy Operations Senior Specialist (GNSO)

Devan Reed – Policy Operations Coordinator

TERRI AGNEW:

Good morning, good afternoon, and good evening, and welcome to the GNSO Council meeting taking place on Thursday, the 19th of September 2024. Would you please acknowledge your name when I call it? Nacho Amadoz.

NACHO AMADOZ: Present, Terri.

TERRI AGNEW: Jennifer Chung?

JENNIFER CHUNG: Present. Thank you, Terri.

TERRI AGNEW: You are welcome. Hong-Fu Meng?

HONG-FU MENG: Present, Terri. Thank you.

TERRI AGNEW: You are welcome. Kurt Pritz?

KURT PRITZ: I'm here. Thank you.

TERRI AGNEW: Welcome. Greg DiBiase?

GREG DIBIASE: I'm here.

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TERRI AGNEW: Prudence Malinki?

PRUDENCE MALINKI: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Desiree Milosevic?

DESIREE MILOSHEVIC: Present. Thank you, Terri.

TERRI AGNEW: You are welcome. Lawrence Olawale Roberts?

LAWRENCE OLAWALE ROBERTS: Present. Thank you.

TERRI AGNEW: Welcome. Mark Datysegld?

MARK DATYSGELD: Present.

TERRI AGNEW: Damon Ashcraft?

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DAMON ASHCRAFT: I'm present.

TERRI AGNEW: Susan Payne?

SUSAN PAYNE: I'm present. Thanks, Terri.

TERRI AGNEW: Thank you. Osvaldo Novoa. I don't see where Osvaldo is on yet, but we have sent him a message, so I'm confident anytime now he'll be joining. Thomas Rickert?

THOMAS RICKERT: Present.

TERRI AGNEW: Wisdom Donkor? I don't see where Wisdom has joined yet, but again, we've sent a private message, so again, confident he'll be joining any moment. Stephanie Perrin?

STEPHANIE PERRIN: Present, Terri. Thanks.

TERRI AGNEW: You are welcome. Peter Akinremi?

PETER AKINREMI TAIWO: Present.

TERRI AGNEW: Tomslin Samme-Nlar? Tomslin has sent in his apologies and proxy will go to Peter Akinremi. Manju Chen?

MANJU CHEN: I'm here. Thank you, Terri.

TERRI AGNEW: You are welcome. Bruna Martins Dos Santos also sends in her apology, and the proxy will go to Manju Chen. Paul McGrady?

PAUL MCGRADY: Present.

TERRI AGNEW: Anne Aikman-Scalese?

ANNE AIKMAN-SCALESE: Present.

TERRI AGNEW: Jeff Neuman.

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JEFF NEUMAN: Present.

TERRI AGNEW: Justine Chew?

JUSTINE CHEW: I'm present. Thank you, Terri.

TERRI AGNEW: You are welcome. And Everton Rodriguez? I don't see where Everton has joined either. We will have a guest today. It'll be Peter Eakin. Peter has joined already, but it'll be a little bit later in the agenda and he's policy research specialist with ICANN. The policy team supporting the GNSO today will be Steve Chan, Julie Hedlund, Caitlin Tubergen, Saewon Lee. Feodora Hamza sends in her apologies. John Emery, Berry Cobb, Devan Reed and myself, Terri Agnew. May I please remind everyone here to state your name before speaking. And this call is being recorded. A reminder that we're in a Zoom webinar room. Councilors are panelists and can activate their microphones and participate in the chat. Once you've set your chat to everyone, so please do that now, for all to be able to read the 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 multi-stakeholder process are to comply with the expected standards of behavior and the ICANN community anti-harassment policy. With this, I'll turn it back over to GNSO chair, Greg DiBiase, please begin.

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GREG DIBIASE:

Thank you so much, Terri. Welcome everyone to our September GNSO meeting. I will start this meeting off asking if anyone has updates to their statement of interest. Hearing none, I will ask if anyone has any suggested amendments to the agenda for today. Hearing none, I will note that the minutes for the previous council meetings have been posted per the GNSO operating procedures. The minutes for the meeting in July were posted on the 2nd of August. The minutes for the meeting of August were posted on the 23rd of August. And with that, I think we can move on to our consent agenda, which I think my co-chair, Nacho will lead us.

NACHO AMADOZ:

That's right, thank you, Greg. So we have two items for the consent agenda, both were motions submitted and they did not need a second because we moved them here. One of them is the approval of the slate of members of the Customer Standing Committee, which is listed here. And the other one is the approval of the modifications to the operating procedures. The registry and the registrars, they call the group have been working to replace the current annex six with another mechanism of voting for selection of the ICANN board seat number 13, which is more balanced. Being this a consent agenda, I don't think we need to go through the motions, right? We just need to move to the board.

TERRI AGNEW:

You are correct. Are we ready to do that? All right, we'll go ahead and do the vote on the both consent agenda items. Here we go. 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, please say, aye.



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PARTICIPANTS: Aye.

TERRI AGNEW: Councilors holding proxies, so Manju Chen for Bruna and Peter for Tomslin, please say, aye.

MANJU CHEN: Aye.

PETER AKINREMI TAIWO: Aye.

TERRI AGNEW: Thank you. And just to note for this vote, I don't see Wisdom nor Osvaldo on yet. I'm checking one final time. Nope, neither are on, but even with that, with no abstention and no objection, the motion passes. Back over to council leadership.

NACHO AMADOZ: Thank you very much, Terri. Greg, back to you.

GREG DIBIASE: Thank you, Nacho. And with that, I think we can move to item number four, which is our first council vote of the evening. And this is on the supplemental recommendation on singulars versus plurals. As you all know, the small team working on this assignment has been working very hard on supplemental recommendations related to SubPro. We are down to our final recommendation that needs a vote from council. And through the very hard work of the team and its chair, Paul McGrady, we are now in a place to vote.

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And I will turn this over to Paul to provide more details to council before we proceed with that vote.

PAUL MCGRADY:

Thanks, Greg. Paul McGrady here for the record. Yeah, we're done. The small team plus finished its deliberations on the question of singulars and plurals and of the same word in the same language, ultimately came back with a supplemental recommendation that prohibits them. It's a blanket prohibition. We spent quite a bit of time trying to figure out if there was an exceptions process to them, but we could not come up with one that works for everybody. And so where it landed was that if a singular and plural are reported to ICANN org, if the singular or plural is a variation of a preexisting TLD, that application will not proceed. If it is two or more applications that are singulars and plurals of each other, those will go into a contention set. And as I said, there's no exceptions, no escape hatch.

We had very good agreement on this process. We had two of the small team plus members who did not want to go along with the supplemental recommendation. They believe that there should be some kind of exceptions process. And then we had something that is new as far as I know, and it's what we call a plurality statement. And basically it was an NCSG position that they were going along with a majority position, but for different reasons. Both the minority statements of the two members and the plurality statements are part of the information package that I sent along. So that's where we landed. I don't know what's next. I don't know if we do questions next or if I read something next and then and then take questions. I'm happy to do it either way.

GREG DIBIASE:

Yeah, maybe let's see if councilors have questions and comments. Before reading the resolve because clauses and moving to a vote. Anne, I see your hand.

ANNE AIKMAN-SCALESE: Great. Yes, thanks so much, Greg and thank you so much Paul. I mainly really wanted to commend Paul on his expert management of this small team plus process. It was an extremely difficult process on this particular issue. And congratulations to Paul and the whole team. Having said that, of course, I'm one of the two members who advocated on the minority statement but I'm not going to go into all the reasons for that. Certainly I think all the deliberations are public. But the other thing I wanted to mention briefly is that at the time of the final conclusion on the supplemental recommendation and the consensus, even though it wasn't full consensus, there was consensus, and so nobody wants to hold that up, but we also did not have the benefit of the board's determination with respect to contention sets and identical strings, and I just wanted to suggest to the community that the issue of new applications going forward, in particular, might be a really good candidate for this idea of submitting alternate strings when you have a singular and plural that are submitted in the next round. It seems to me to make perfect sense that with respect to an existing TLD, everybody knows about those, and they should know. If this is adopted by the board, they should know before they submit that they're just running that risk of being banned. But with respect to new applications, it would be great if the board would consider applying that principle that they have now applied to the identical strings, which is submit an alternate string if you're submitting a dictionary word that is a singular or plural. So this is mainly just dicta, but couldn't resist commenting on it since the board came out with this subsequent to our small team deliberations and we didn't hear about that until Monday. Thanks so much, Paul. Outstanding, outstanding fairness, outstanding facilitation, very much appreciated.

PAUL MCGRADY: Thank you and I don't see any other hands up, Greg. Should we wait a bit longer or do we move forward with reading of the resolve clauses?

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GREG DIBIASE: Let's move forward.

PAUL MCGRADY: Great. So resolve that the GNSO Council approves the supplemental recommendation for the non-adopted SubPro recommendations related to topic 24 string similarity evaluation set forth on annex one and instructs the GNSO Secretariat to transmit the supplemental recommendation to the ICANN Board. Resolved two, the GNSO Council has been made aware of minority and plurality views to the supplemental recommendation and while not adopted by the council instructs the GNSO Secretariat to transmit these views to the ICANN board for the board's information. That takes us to the end.

TERRI AGNEW: Okay, everybody ready to vote then? This will be a super majority vote. So it will be a roll call vote. And here we go. Desiree Milosevic.

DESIREE MILOSHEVIC: I support. Yes.

TERRI AGNEW: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

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TERRI AGNEW: Greg DiBiase.

GREG DIBIASE: Yes.

TERRI AGNEW: Thomas Rickert.

THOMAS RICKERT: Yes.

TERRI AGNEW: We do have apologies from Bruna Martins Dos Santos, but the proxy goes to Manju Chen. So Manju for Bruna.

MANJU CHEN: Yes.

TERRI AGNEW: Manju for yourself.

MANJU CHEN: Yes.

TERRI AGNEW: Thank you. Nacho Amadoz.

NACHO AMADOZ: Yes.

TERRI AGNEW: Mark Datysgeld.

MARK DATYSGELD: Yes.

TERRI AGNEW: Kurt Pritz.

KURT PRITZ: Yes.

TERRI AGNEW: We do have apologies from Tomslin Samme-Nlar, but the proxy goes to Peter Akinremi.  
Peter, how do you vote for Tomslin?

PETER AKINREMI TAIWO: Yes.

TERRI AGNEW: And Peter, how do you vote for yourself?

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PETER AKINREMI TAIWO: Yes.

TERRI AGNEW: Thank you. Prudence Malinki.

PRUDENCE MALINKI: Yes.

TERRI AGNEW: Jennifer Chung.

JENNIFER CHUNG: Yes.

TERRI AGNEW: Hong-Fu Meng.

HONG-FU MENG: Yes.

TERRI AGNEW: Paul McGrady.

PAUL MCGRADY: Yes.

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TERRI AGNEW: Susan Payne.

SUSAN PAYNE: Yes.

TERRI AGNEW: Damon Ashcraft.

DAMON ASHCRAFT: Yes.

TERRI AGNEW: Lawrence Olawale-Roberts.

LAWRENCE OLAWALE-ROBERTS: Yes.

TERRI AGNEW: Thank you. And I'm just checking one more time. Do we have Osvaldo on or Wisdom? I do not see either Osvaldo or Wisdom on, so they will be marked as absent. One moment, please. All right. For the Contracted Party House, we have seven votes in favor and no votes against, no abstentions. Thank you. And for the Non-Contracted Party House, we have 13 votes in favor and two absence. The motion passes with 100% in the Contracted Party House and 84.62% in the Non-Contract Party House. Thank you. And back over to council leadership.



GREG DIBIASE:

Thanks so much. And I think congratulations to everybody. This was a long process working through these supplemental recommendations. I echo the specific thanks to Paul that I see in the chat. He was an outstanding leader, but I think that also extends to the small team members themselves. As well as staff. I think staff did a lot of heavy lifting on organizing these meetings and possibly translating the concerns of the board into easily understandable things to work with. So yeah, great job, everybody. Leadership is thrilled to get this over the finish line. And I think this is also a great example of improved collaboration with the board on pretty challenging subjects. So great work to all. Congratulations.

And saying that, we're going to move on to the thing that has not been moving as fast, registration data accuracy. So we have two items here. We have a discussion of proposed next steps. But before we get to that, the pending recommendations from the small team, we have another vote to defer them. In a previous discussion, there seemed to be consensus or near consensus or near consensus that these recommendations not make sense in light of the limitations on data collection that ICANN outlined in their study. However, as several councilors noted, before we reject these recommendations, we should have a clear plan on what our next steps are for this important work.

There is an agenda item right after this on what the next steps might be. However, in the interim, we are holding this vote to defer a vote on these recommendations until we can define what our next steps are. So I'll pause there for questions before moving to the resolved clauses. Okay, I see none. And I'd also like to thank, I think it was Susan who added a little more clarity around this motion, a little more background in the motion, which I think was helpful. But let's go to the resolve clauses. Can we put those up on the screen to read before the vote? Okay.

Okay, resolved. Number one, the GNSO Council will defer consideration of the registration data accuracy scoping team's recommendations number one and two for an

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additional six months while it determines how to make meaningful progress on the topic. Two, the GNSO Council recognizes the importance of registration data accuracy to the ICANN community and commits to continuous discussion on how to best move forward on this topic. Okay, with that, Terri, I think we can move to a vote.

TERRI AGNEW: Thank you very much. We'll go ahead and vote on this. This will be a voice vote. So would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Please say aye. Hearing none, would all those in favor of the motion, please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Would councilors holding proxies, please say aye. So Manju for Bruna and Peter for Tomslin.

MANJU CHEN: Aye.

PETER AKINREMI TAIWO: Aye.

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TERRI AGNEW:

Thank you. And just taking a quick look, I don't see Osvaldo or Wisdom on yet. They will be marked as absence. With no abstention, no objection, the motion passes. Back to you, Greg.

GREG DIBIASE:

Thanks, Terri. Okay. Now moving on to a discussion of next steps on accuracy of registration data. So we've been discussing this for a couple of meetings now. We evaluated some proposed alternatives. None of those kind of captured, or there was not consensus that the proposed alternatives were the most effective path. And so we started thinking of other ideas. One idea that was brought up was to start a small team on this topic. And I think the idea is kind of similar to the work we did on DNS abuse, where we recognize there were kind of diverging views on this topic and it would help to get input from the community and try to level set and understand what the issues are here and what the opinions were on what may or may not be well-suited for policy development.

Additionally, in the last meeting, people also noted that several regulatory developments are underway, specifically NIS2 coming out of the EU may have some type of impact on how registrars deal with data accuracy as it relates to registrant data. And some on council urged waiting to convene a small team or take new steps until clarity or at least additional clarity was received on how these NIS2 requirements on accuracy would be implemented.

So kind of taking both of those sets of input, leadership sent out a proposal to the list that is kind of two sets of questions to hopefully help guide our path here. The first set of questions were questions for ICANN staff. They have a legal department and department that kind of tracks regulatory developments. And these questions were kind of specific to what upcoming legislative efforts may affect requirements related to

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maintaining accurate registrant data. And the idea here would be to get kind of some feedback that we could use for step two, which is to develop questions to send out to the stakeholder groups that would hopefully level set what each of our respective groups think the issues are related to this topic, what could be suited for policy development and more specifically, whether a small team is appropriate. So this is kind of just a starting point because we had been kind of brainstorming on next steps and hadn't really landed on a specific outcome. So in this meeting, I'd kind of like to open it up and get council's thoughts on this proposal from leadership, whether it makes sense to start with these questions to ICANN staff, and then hopefully move on to the second set of questions to stakeholder groups. So I'll start with Damon, I see your hand.

DAMON ASHCRAFT:

Sure, thank you very much, Greg. First off, thank you to you and the others on leadership for putting this proposal together and it's very well organized. We really appreciate that. I think this is a good way to go. Just the only sort of concern I have, and I guess the clarification is that when we go to ICANN's legal department, I want to be sure that we're asking them to identify potential issues, but we're not asking for an opinion out of the gate as the first step. I think that'd be putting the cart before the horse. And I just want to be sure that we're very clear on that so that we don't necessarily get back a legal opinion to a question that was never asked. We'll obviously get to the point where there's a reasonable need to be a legal opinion issued, but we're not there yet with Org's attorneys. So that's my one point and thank you very much.

GREG DIBIASE:

Thanks, Damon. And I think this is just my personal opinion. I think the questions align with that, right? The questions are more geared towards identifying legislative efforts that may impact this work as opposed to a legal opinion concluding what the impact will

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be from these legislative efforts, if that makes sense. But in a more general sense, I think these questions are open to further wordsmithing to make sure they capture the intent of council.

DAMON ASHCRAFT: No, Greg, and I think you're absolutely right. I just think we want to be very specific that that's what we're asking for just so that we don't wind up with an opinion. That's all.

GREG DIBIASE: Thanks, Damon. Stephanie.

STEPHANIE PERRIN: Thanks. I'm just wondering why a small team. Would the small team be just kicking ideas around or would they be replacing the scoping team? Now, the scoping team we had hitherto was enormous, not your average scoping team. And I'm not suggesting that we continue striking gigantic teams to argue about this, but I'm not really comfortable with throwing all our work onto small teams despite the marvelous success of the SubPro one that we just wound up.

GREG DIBIASE: Yeah. Thanks, Stephanie. And again, speaking of my personal opinion, I think these are different. I think the small team would be taking a step back, asking questions. So first of all, the questions that we're considering are not a small team. We would have a step before that where we ask questions to the stakeholder group, to get an understanding of what people's opinions are on data accuracy and then decide if a small team is appropriate. But I think that small team would be more geared toward gathering

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information and input from the community as opposed to the more specific work the scoping team was working on. Susan, I saw your hand, maybe it went down.

SUSAN PAYNE:

It did go down, Greg. But yeah, no, sorry, but actually I will just chip in just to say I think I agree with you. And I certainly think it's something David and I were suggesting, the idea of a small team on our last call was just I mean the gathering of this information and the considering of it could stay in the full council, but we have tended to find that when a group of people who are kind of motivated and engaged spend a bit of sort of separate time on this, on any issue, we do tend to make a bit more sort of concrete progress. And it allows for a bit more nimbleness of scheduling and so on. It's not necessarily replacing the scoping team, but there was a lot of feeling that perhaps the scoping team wasn't the right path forward. And so the idea of a small team is really just a kind of interim step considering that amongst other issues of like, do we do we reconvene the scoping team or not? Amongst other issues like gathering information. So it's not necessarily a replacement, I'd say in response to Stephanie, but part of part of the job would be to think about what next, if anything.

GREG DIBIASE:

I think that's right, Susan. Lawrence.

LAWRENCE OLAWALE ROBERTS: Yeah, thank you. So having taken some time to discuss this at our SG level, there was, aside from support for a small team working on this, there was also some interest to have that team accommodate where possible some members of the community that had some interest in seeing that there is some advancement in the area of accuracy of registrant data. So definitely there is some appetite to have a team of people working

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on this. We acknowledge the fact that a small team within council is only limited to councilors, but just thought to put this out there that there is also appetite for others outside council to see some work done in this regard. So it definitely appears that a small team with or without people outside council could help with a way forward around this impasse. Thank you.

GREG DIBIASE: Thank you, Lawrence. Stephanie?

STEPHANIE PERRIN: Well, I realize this doesn't sound very community spirited on my part, but I think I should, and unfortunately we've got a couple of absences today at the NCSG, quite a few actually, but there is a great deal of reticence among our members about striking small teams to do policy work. I take Damon and Thomas's points that we can't get work done on council without them, I agree. But on particularly contentious issues like accuracy and how we're going to respond prior to the implementation of legislation, anticipating how that's going to be interpreted, I'm getting more and more nervous. And the thought that we would open up a council small team to allow other members of the community to come in and join, that makes me triply nervous because we have a long history of the GAC demanding accuracy that quite frankly government isn't particularly well known for accuracy in their own records, but they are bringing that demand to the DNS. So I'm concerned about that. We've got some history here. Thank you. So if we must have a small team, can we please not open it up to the whole world? Thank you.

GREG DIBIASE: Thanks, Stephanie. And so just to be clear, the questions that leadership sent out, this is not proposed to be the work of the small team. These are kind of questions to gather

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information on maybe a more informal basis to help us decide what the next step could be, whether that is a small team or something else. So it just kind of seemed to us that it was appropriate to maybe doing an information gathering exercise. And when we have responses back from ICANN and possibly as well from the various stakeholder groups of council, then that would inform our next steps. Peter, you're next in the queue.

PETER AKINREMI TAIWO: Thanks, Greg. Just you sort of touched on my concern like the small team is to gather information regarding what we want to know, not to basically make decisions for the entire community. So it's just a tool for us to understand the issues that we're trying to understand and gather information to decide on what next we want to do. So that sounds good, but not entirely to decide on policy that will affect the entire community.

GREG DIBIASE: Yeah. Thanks, Peter. That's a good reminder. And I think we're on the same page that we're not anywhere near the point of deciding policy. We're more at the point of gathering information because there seems to be conflicting opinions on things like the definition of accuracy and what the next step should be. So I don't think I heard objections necessarily to starting with these questions or at least looking closer at these questions to send out to ICANN and then the community. So I think my proposal would be to gather volunteers, but not a small team, just volunteers to look at these questions a little closer, align on what they should be, and then maybe get agreement at next council meeting on the questions themselves and start with ICANN and then hopefully proceed with questions to the stakeholder groups. So I think that would be leadership's proposal at this juncture, and I'll open it up to see if that is amenable to the rest of council. I will take a silence of support. Oh, Kurt.



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KURT PRITZ:

Yeah, I support this. I wonder if there's some way to vet the questions. So we have a set of questions here that might be effective or might be more effective, and I wonder if you want to give stakeholder groups a chance to look at them and comment about how they might be better or more succinct or additional questions or something like that. I'm not sure. I'm just talking before I thought this through, but I don't want to create an environment where the list of questions becomes exhaustive and exhausting. Maybe the answer is to go with this set of questions, and then as part of that, stakeholder groups can give feedback on what's not asked here. So maybe I think there's a good approach and offer stakeholder groups the opportunity to say what should we be asking in addition to this? Sorry for that.

GREG DIBIASE:

Thanks, Kurt. So, yeah, maybe a starting point, if you don't object, would be to just have volunteers from councilors take a first pass and then get input on whether these need further analysis or whether they can be presented to council as something we can move forward with.

KURT PRITZ:

Either way, release the questions. Ask people to answer them. Then ask what else should we have asked or do some honing beforehand. So I'd support you either way. So if you wanted to go ahead with this set of questions, I think that'd be fine too.

GREG DIBIASE:

Okay, great. I see some volunteers to look at these questions in the chat. I think feel free to reach out to staff, either in this meeting or afterwards, if you're interested in looking at these questions, and then hopefully we can start moving this work forward. Stephanie, the proposal is that if you want to volunteer to take a closer look at these

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questions, please do so. And we'll have a group of councilors that are working together to look at the questions. Falling short of a formal small team. Okay. Any other questions and comments on this before moving to the next item? Okay.

Let's move to the next item, which is a discussion on the Policy Status Report, the GNSO Policy and Implementation Working Group Recommendations. And I think I have Peter to help introduce this topic to Council before we discuss.

PETER EAKIN:

Hi, Greg, you do. Yes. My name is Peter Eakin, and I work for ICANN Org as a policy researcher in the Policy Research and Stakeholder Team, which is part of the Global Domains and Strategy Division. And I'm very pleased to be invited to speak to you today about the Policy Status Report on the Policy and Implementation Policy Recommendations, which were adopted by the GNSO Council in 2015. PSR was developed in the collaboration between the Policy and Development Support Team and the Policy Research and Stakeholder Teams in GDS, with important contributions from the GDS Global Account Services and Compliance Teams.

I'd like to walk you through this brief presentation and the outcome of the recent public comment period on the report. This includes its context, objectives, its findings, and then finishing some next steps for your consideration. So if we just move down to the third slide. Thank you.

So we'll begin with some context on the recommendations themselves. And the genesis of this policy work can be found in community discussions arising from implementation-related issues of the new gTLD program. So the previous round from 2008 to 2011, which there was an increased focus within the community on defining what topics call for policy issues or for action on such policy issues. So for example, when an issue would require policy implementation work, and that included what processes should be used,

when these processes should be used, and how divergent opinions during the implementation process could be acted upon. So in April 2013, the GNSO Council decided to form a working group, which is tasked to provide the Council with a set of recommendations on a number of issues that are specifically related to policy implementation in a GNSO context. So specifically, a framework for implementation-related discussions associated with GNSO policy recommendations, criteria to be used to determine when an action should be addressed by a policy process, or when it should be considered as an implementation matter, and further guidance on how implementation review teams are expected to function and operate. So the initial report was published for public comment in January 2015, and the Council adopted the final report in June 2015. So next slide, please.

So following the deliberations, the working group essentially concluded that defining issues as policy or implementation was not really as important as developing standardized mechanisms for addressing these cases smoothly and efficiently, regardless of whether they were policy or implementation, especially in time-sensitive situations. So the recommendations included a set of principles applying to policy and implementation to guide future policy implementation-related work. So these were a set of overarching statements intended to reinforce principles in these discussions, and these included statements like policy development processes must function in a bottom-up manner and adhere to standards of fairness and transparency and integrity. The working group also sought to establish mechanisms to flag unanticipated outcomes, the potential to impact the community, and to identify deviations between the implementation of a policy and its original intent. And this underlines an acknowledgement on the working group's part that policy and implementation are not two distinct separate phases entirely, but require continuous dialogue and communication between those that develop the policy and those that are charged with implementing and realizing it. However, these policy principles were intended to codify

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standards of behavior and not to fulfill a distinct function, and so they have not been assessed directly in the PSR.

However, the recommendations also proposed standardized processes and mechanisms to help with these issues, and they included three new processes, the GNSO Expedited Policy Development Process, or the EPDP, the GNSO Guidance Process, GGP, and the GNSO Input Process, the GIP. The recommendations also included further discussion and endorsement of the Implementation Review Team principles and guidelines, and this included a requirement to form an IRT following the adoption by the ICANN Board of GNSO Policy Recommendations and the Consensus Policy Implementation Framework, the CPIF.

So as part of the GNSO resolution, it recommended that a review of these recommendations would be carried out at the latest five years following their implementation to assess whether they have achieved what they set out to do or if any further changes or enhancements would be needed, and this policy status report is the first step in that review. Next slide, please.

So the policy status report itself probably needs no introduction, but the purpose of a PSR is to provide an overview of the recommendations under question and to support an assessment of their effectiveness based on available data, observations from staff, and other analysis, and this is an action anchored in the CPIF itself. So this PSR discusses the contents of the policy recommendations and follows the structure of the implementation processes and guidelines introduced as a result. So some good news, the PSR concludes that the recommendations indeed have proved effective in supporting and enhancing GNSO policy and implementation efforts. However, it also identifies a number of issues and possible improvements, and we'll take a look at these shortly. Next slide, please.

Just before we do, we'll sort of take the PSR and the public comments sort of hand-in-hand, but the public comment process opened on 16th of May this year and closed on 2nd of July, with the report published on the 18th of July. We received five comments, including four submissions from organizations and community groups, as well as one submission from an individual. Overall, commentators supported the conclusions of the PSR, with consensus on its proposals for further research and improvements and some modifications. However, areas of actions were noted, principally some comments generally focused beyond the specific issues with each process or mechanism, on how to improve the efficiency of the policy and implementation process in general, and ensuring that community involvement in the process was present at all stages. Next slide, please.

So, beginning our overview with the EPDP, and so this section of the PSR discussed this mechanism in the context of the impact on timelines, the use and the need maybe for potentially improved messaging around this process, and potential improvements and enhancements. So, our analysis found that the EPDP does have an effect on timelines, and making them shorter, I suppose it's intent. So, the average number of days to deliver an initial or final report for PDPs was over 1,000 in both cases, almost 2,000 in the case of a final report, where in an EPDP it's much shorter, 284 days for an initial report and 438 days for a final.

PSR finds that there was potentially some confusion in the community about the EPDP itself, and its differences from the PDP, one issue being a misconception that the expedited portion of the title was misunderstood to mean that the overall policy development process would be quicker with shorter steps throughout. In reality, it's only the issue report phase that's eliminated. And this is something that could be addressed with better community messaging on the process itself.

The PSR identified some potential improvements or enhancements, including opportunities to streamline the process, for example, potentially in certain cases, eliminating the requirement for early input and adopting better or more flexible working patterns and practices. However, this is a consideration that doesn't just apply to an EPDP, and it's worth considering across all GNSO policy and implementation processes.

Public comments generally supported measures suggested in the PSR, including the enhanced working processes and capturing lessons learned from previous working groups to improve future policy development. We also received a comment that applied here and applied in general across the PSR that we need to consider throughout the policy and implementation process, whether the recommendations under discussion are fit for purpose. The comment especially noted that sometimes it becomes evident after you adopt a policy and you move through the consensus process that it may not be as intended, as it were, and that checking for fitness for purpose be included in all stages of the process. This is especially important in the policy development process, as it's at this stage where potential issues can be directly remedied. Next slide, please.

Yes, the GGP section of the PSR discussed this mechanism, and this is a guidance process that follows all of the required steps for an EPDP, with the difference that the recommendations do not result in the new consensus policy and contractual obligations for contracted parties. It's only been used once to date in relation to the applicant support program for the new gTLD program. The PSR discussed its effectiveness in meeting the requirements and expectations and found that it had effectively provided clarification and advice, in this case on the sub-profile report recommendations. The PSR also discussed issues around its scope and timelines, and noted that as a new process, there may have been some misalignment in expectations between all the parties involved on what the scope would be for the GGP and when it would deliver that, and it suggests that maybe adding a step to just confirm and coordinate expected

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timelines and implementation scope with all the parties involved to avoid this. Public comments focused again on better scoping and increasing community involvement throughout, and indeed it added more context to the section as a new process, with input from members of the applicant support GGP very valuable in improving the analysis in the initial report that went out to public comment.

On the next slide, I'm just noticing here Susan's comment about rigorous and flexible scoping. This thing was coming from public comment. I think there was concerns that the scope, as a new process and being first time around, that there was maybe some confusion about what the GGP was meant to address, and potentially that some members found that they couldn't potentially alter that scope, whether that's technically accurate or not. I think there is potentially an action point to, as I mentioned, align prior to the beginning of the GGP process exactly what it will consider and how it will do that, and when it would deliver its findings.

On the GIP process, the PSR discussed its function and relevance, and this is because although it's a mechanism intended by which the GNSO can provide input on matters that may not involve gTLD policy, it's not formally been used yet. However, the Council has issued non-binding advice since the recommendations were adopted, typically in the form of letters drafted by leadership or small groups of volunteers, such as small teams. So the PSR poses a question, rather than definitively declaring whether the GIP is still relevant and whether the manual should be formally replaced with small team guidance. Some comments proposed discontinuing the GIP and instituting a process to formalize and create and operate the GNSO small teams. However, alternatively, other comments supported the GIP, with some suggestions received to revise the manual to incorporate working practices and lessons learned from GNSO small teams. Essentially, these comments argued that the small teams process serves specific purpose in its own right. So rather than being replaced, the GIP and small teams could continue to exist as separate processes. On to the next slide.

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So now we're explicitly into implementation matters, the IRT principles and guidelines. So based on the Working Group's review of previous IRTs, it produced a set of principles and guidelines. And together with the CPIO, these materials set out how implementation is expected to be handled. So both the CPIO and the IRT principles and guidelines have the objective of confirming and clarifying various ICANN org roles and responsibilities, as well as the communities during the implementation phase. So the IRT section of the PSR discussed its effectiveness, and it found that they have created necessary clarity in relation to the different roles and responsibilities in the implementation phase. They fill an essential role within that part of the implementation and help ensure that policy recommendations are implemented in line with the original intent. However, it does identify some potential areas of improvement, for example, more detail on the roles and responsibilities of all parties in the process.

There's also a potential exercise suggested to gather data on IRT time utilization to determine how the guidelines and principles model may have contributed to extended community efforts and timelines. And this could help pinpoint some root causes of why potentially IRTs extend beyond their projected timelines and reveal potential opportunities for streamlining the policy and implementation process overall. Public comments suggested that the IRT could monitor the outcomes of minority viewpoints that were not incorporated into final policy. And other comments noted that any future research and see the role and conduct of IRTs should focus on the effectiveness of the current guidelines and improving stakeholder engagement throughout.

The PSR found that the CPIO had become an important and effective tool in the policy implementation process, and it clearly defines the roles and responsibilities and allows a comprehensible evaluation of how a project is progressing against defined timescales and goals. However, the CPIO sometimes lacks some detail on required steps and responsibilities and is overdue for an update. So it was last updated in 2018 with a set of ICANN proposals and further proposals were shared with the council in 2019, but these

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are yet to be improved and incorporated. There was also some potential gaps or areas of updates identified in the CPIF in regards to aspects of the implementation process. For example, the absence of a process to modify an existing policy that maybe impacted the implementation of a new policy. Public comments included a reminder for the council to consider the impact of efforts to modify CPIF and ongoing work, and that any updates should be undertaken with transparency, a clear rationale and due consultation to maintain community value.

So on to our final slide, next steps, ICANN work proposed to submit the finalized PSR, including all the relevant updates and public comment to the council for its consideration and action. The GNSO policy team and the GDS PRSP team will consult and develop a plan for council review and how to address the issues and action points raised in the PSR where applicable and necessary. The PRSP team is proposing to develop a research proposal for council. I'd like to open the floor for discussion and conversation, I've already noticed some good points in the chat and apologies for not addressing these as I was going.

GREG DIBIASE:

Thank you so much, Peter. Councilors, I see some comments in the chat. Do any councilors have anything they'd like to raise and ask Peter specifically? Stephanie, I see your hand.

STEPHANIE PERRIN:

I already typed it in the chat, and I do apologize, I'm coming cold to this. I have not done my homework and gone over this, but it seems we have an obvious problem with the IRT that is working on the PPSAI, the Privacy Proxy Services Accreditation, in that there is no mechanism to kill an IRT that is working on something that no longer is a fit-for-purpose policy. And that strikes me as one of the mechanisms that we ought to deal

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with in this, and I'm wondering if it came up in the review or in the comments. I don't believe DSG commented on this.

PETER EAKIN:

Hi, Stephanie. No, it's a good question, and it didn't come up directly in comments. However, as I mentioned, there was an overall comment, I believe from the Business Constituency, on the importance of assessing whether policies are still fit-for-purpose past the adoption point throughout the whole implementation, the development and implementation process. So this is something that was identified as a potential point of discussion and work in the future. We need to update some of these processes to help ensure that remains the case.

GREG DIBIASE:

Thank you, Peter, and thank you, Stephanie. I think that's a good point to keep in mind. Anne?

ANNE AIKMAN-SCALESE:

Yeah, thanks, Greg and Peter. This is Anne. Actually, my question does relate to that phrase about not fit-for-purpose, and I think it's back on slide seven, possibly. If we go back to the bottom, slide seven. Explore mechanisms to assess continued fitness for purpose of consensus policies. So that description, I think, is a little bit different from what Stephanie's question relates to, which is more about whether policies have somehow been of necessity superseded, or it's the use of the phrase fitness for purpose that I'm thinking requires a bit more definition if we're going to look at how we revise these procedures and how we would look at, quote-unquote reversing a policy or changing the policy that is somehow superseded. I don't think the term fitness for

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purpose is terribly clear. Is that taken directly from the public comment, that phrase, and where are we going to go with that?

PETER EAKIN:

Hi, Anne. Yes, that was used in the public comment, and we would need to define more on that concept and how to address that, as you point out, somewhat subjective as well, depending on your viewpoint, whether something is fit for purpose or not. So in terms of assessing that and better delineating any potential mechanism to address that, we would need to do a lot more thinking and work on that point. But yes, it's a good point.

GREG DIBIASE:

Thank you, Peter. Thank you, Anne. Stephanie?

STEPHANIE PERRIN:

I totally agree with the point that Anne just raised. I only just echoed that term, but fit for purpose might be a term embraced by a group that weren't happy with the policy that passed and would be quick to decide that it no longer was fit for purpose. The example that I brought up with the PPSAI, the Privacy Proxy Services, if everyone will recall, when ICANN finally decided to comply with data protection law and worked on the EPDP for the RDS, there was a cursory review of other policies that would be impacted by the requirement to comply with law. And unfortunately, the PPSAI, there was no real action taken in terms of recalling that policy to be reviewed. And I think that that's where there's a gap in procedure. I would hate to think, I mean, the IRT can throw something back at the GNSO Council and say, hey, we're doing something that seems odd, but there should be an impact review when there is a change that is going to impact other policies. And that's the missing piece, in my view, because there's a real difference between something that has become, what's the word, no longer relevant,

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and a policy that possibly needs to be reviewed and revisited. They're two rather different things. Thanks.

PETER EAKIN:

Thanks, Stephanie. Actually, we did note this in the PSR, in relation to the CPIF, another area that needs to be addressed to ensure that policies that may be impacted by new policies or changes are sort of evaluated and taken into account. And you are right in the sense of, in general, the fitness for purpose needs more kind of examination. I think the comment was intended as a call to be aware. And that's something that we need to consider throughout all processes in the policy implementation lifecycle, even if at the moment they're maybe not included specifically in their function. I think it's something that the commentators believe that would just benefit our efforts as a whole, just to bear this in mind. We'll look at that in the future more, but how we can maybe effectively address that.

GREG DIBIASE:

Great. Thank you, Peter. Thank you, Stephanie. Does anyone else have questions or comments for Peter? Anne?

ANNE AIKMAN-SCALESE:

Yes, thanks, Greg. It's Anne. I think it's worth looking at the PDP manual in the sense that I do believe, and I put this in chat, I think that there is a section in the PDP manual which talks about reviewing policies. And I think that's a much more objective and neutral expression of what maybe staff should be taking a look at here, cross-checking with the language that's used in the PDP manual. Unless I'm just dreaming, but I'm pretty sure that there's some kind of provision for review of policies in the manual.

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PETER EAKIN: Thanks, Anne. I'll certainly look into that. It's very helpful input.

GREG DIBIASE: Thank you, Peter. Thank you, Anne. Steve?

STEVE CHAN: Thanks, Greg. And sorry, Peter, to just maybe add a little bit of context as well. This is Steve from staff. And so I see some concern about a specific term that was provided in the public comment. And so I thought what might be actually helpful is just to provide a little bit more context about next steps. And so I know Peter mentioned it, but it might have gotten lost in the updates, which is that Peter and the team are still working on updating the PSR as a result of the public comments received. And ultimately, the PSR is delivered to the council and then the council gets to determine what next steps are. So for instance, maybe some of the recommended changes should be made and then maybe some of the changes are not something the council deems to be appropriate to make. So I guess just if the council believes the terminology change is not proper, it's going to be within the council's remit to determine which things should or should not be integrated. Thanks.

GREG DIBIASE: Thanks, Steve. And I think you stole my closing remarks that this will be a final PSR that can be reviewed for council and we will be able to consider next steps. Any other questions for Peter? Great. Well, thank you so much for this presentation, Peter, and the helpful feedback to our councilors. And I think with that, we can move on to our next item. Okay. Believe it or not, we are at any other business, but there is a fair amount of any other business. First up is an update on the GNSO council SPS, and I believe we have Terri helping with that or providing more details on that.

TERRI AGNEW:

Yep, it's me. GNSO council SPS will be held the 14th and 15th of January 2025. And this will be for councilors, including the new councilors who will be seated in November. More information will be coming to all of you via email, but we just wanted to put this on your radar. It will be held at the Washington, D.C. office in the penthouse like it was last year. The agenda is still a work in progress. The hotel, we are working on getting the same hotel, but again, right now, it's a work in progress. That is handy to have the same hotel so close to the office. We're still planning for a welcome reception on Monday evening, the 13th of January. That will be the night, the day and the night that councilors are arriving. So those of you that are already on the ground, we will be welcoming you there. Again, our plan is to have it at the penthouse at the D.C. office. And then one evening, we will be hosting the GNSO Development slash team building event. Again, work in progress, but we just wanted to set the expectations early. If anybody has any questions, please let us know. So, Greg, back to you.

GREG DIBIASE:

Thanks, Terri. And I think it's actually back to you again for an update on ICANN 81 planning.

TERRI AGNEW:

You are correct. And let me finish about the ICANN 81 and I'll pop the dates for the SPS in chat. So one moment. And Damon, you are correct. 14th and 15th of January 2025. Correct. Okay. On to update for ICANN 81. Big reminder, if you are a funded traveler and your air booking is not fully complete, if you could please finish that up. We understand there are some folks waiting for visas. This statement does not apply for you, but for everybody else, if you could please complete your booking fully, we would appreciate that for your air.

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The schedule is looking great. We have submitted just under 60 sessions by the GNSO. So first of all, I truly want to thank everyone on your teams. I know it takes a lot of effort, but we got our meetings plotted. We met all of our deadlines. So thank you for that. Everybody, a big pat on the back. We will send out what I'm about to say via email to the council mailing list as it draws a little bit closer. But just some sessions of note. Sunday, the 10th of November, we'll have the two GNSO working sessions, the first two slots there in the morning. And then later that afternoon will be the joint GAC and GNSO session. On Wednesday, the 13th in the morning, we'll now be hosting the GNSO council informal closed session. As you remember in the past, this was generally held off the block schedule. But going forward, it will now be on the block schedule. This is for councilors and SGC chairs. So I just kind of wanted to point that out. And then also on Wednesday, we have both our council sessions. Our normal one is up first. Then we'll take a little break and then we'll have our council admin session. For that one, we have seating of the new councilors and voting of the GNSO chair. So again, for the new councilors, that is important for you to kind of flag as well.

Wednesday evening will be our GNSO council dinner. The dinner is for GNSO councilors, both seated and incoming. Also the GNSO support staff. There is a hold on your calendar right now for that, for Wednesday evening. And Desiree has kindly agreed to arranging it. So she's working out details. And so as we get more details, we'll update the invite for you as well. And then finally, wrapping up on Thursday, the 14th of November, is our GNSO council wrap up. There in the afternoon, right after lunch. Please let me know if you have any questions to this. Otherwise, Greg, back to you.

GREG DIBIASE:

Thank you, Terri. Does anyone have any questions for Terri? Hearing none, we will move on to our next agenda item, which is item 8.3, and an update on the Latin Diacritics

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Public Comment Preliminary Issues Report. I think we have John from staff to provide an update to council.

JOHN EMERY:

Thanks, Greg. John Emery for the record. So we had quite a robust response to the public comment period for the preliminary issue report on Latin script diacritics. This is in large part thanks to the Point Quebec contingency and reaching out to their network. So GNSO and ICANN received a total of 41 submissions to public comment. 37 were in support of the initiation of a PDP on Latin script diacritics. Two additional were in support, but issued a strong caution on possible risks. And one was assessed against, and one out of scope.

So the final issue report, which you see here on the page, was circulated to council via email on the 12th of September. So looking a little bit ahead toward next steps, during the October council meeting, staff will provide a more thorough assessment of the public comments for the council for you all to decide whether or not to initiate a PDP. And should the council decide to proceed with a PDP at the November meeting, we'll need to determine if we need to make significant revisions to the current draft charter, and if we need a drafting team. So we'll go ahead and leave it there for this meeting and open it up to any questions.

GREG DIBIASE:

Thanks, John. I see Mark is in the queue.

JOHN EMERY:

Thank you very much, Greg. So about this public comment, I think it went particularly well. While I do note that Point Quebec had some influence in that, actually, there was a lot of multi-stakeholder participation. There were people from different parts of the



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community and different interests chipping in. And particularly since this is a cultural issue more than anything, we had some very interesting comments. It actually makes for a good reading. And at the end of the day, we have an issue report that is very strong, got very strong agreement from several different parts of the community, and has a great draft charter. This is a good opportunity to get something going in a timely manner. So I would council the council to have a look into this. This is an opportunity for us to get this project on track relatively soon and do something very scoped, very tight, very specific that will address this. So, yeah, those are my notes. But as a whole, very good response, very interesting comments, very strong support. Thank you.

GREG DIBIASE:

Thanks, Mark, and thanks. You know, I know you've contributed a lot on this topic, and the council appreciates your work. So one quick follow-up question, John. I think you said, so the staff will provide a longer overview in October, and then we'd possibly have a vote or a decision point in November. Did I hear that correctly?

JOHN EMERY:

Yes, that is correct.

GREG DIBIASE:

Okay. So then echoing this to councilors to start getting feedback from your respective stakeholder groups, possibly now or at a minimum after the more comprehensive update from ICANN staff in October. Okay, does anyone else have questions for John? Hearing none, we will move on to item 8.8, and this is a reminder that we have an informal joint meeting with the GNSO appointed board members and the GNSO Council on September 25th. Leadership sent out some suggested questions for this. Let me find those questions.

UNIDENTIFIED SPEAKER: And Greg, take a look at the Zoom room. I think you might see a helpful prompt.

GREG DIBIASE: Great, thank you for the helpful prompt. Yeah, so the proposed agenda, I don't think we've received any comments on it. The first was possible options to address GNSO recommendations that have already been adopted by the board, which may no longer be feasible. This is kind of part of an ongoing conversation we've been having with the board. Number two is next steps on urgent requests. If you'll recall, we sent a letter back to the board asking for continued dialogue with both the board and the GAC on this topic. Number three, we have SubPro lessons learned and takeaways. I think we've had a lot of success on the supplemental recommendations, but I'd also note that there were several recommendations that were not adopted by the board, and I think that may be worth noting. And then the last topic we have is an update on the council's board readiness initiative, which Kurt has been spearheading. If you have additional topics, feel free to raise them now, or well, I guess later on the list, maybe not, because the board needs time. Steve, when is the deadline to get in topics, considering this is very soon?

STEVE CHAN: Thanks, Greg. This is Steve. I don't know that we have a formal one, but your guidance is correct. The quicker, the sooner that the topics are nailed down, the better, obviously.

GREG DIBIASE: Great. Thanks, Steve. Anne?

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ANNE AIKMAN-SCALESE: Yeah, thanks, Greg. It kind of strikes me that there could be a relatedness between number one and number four, that it might make sense to discuss those together. I'm not certain of that, but when we want board input into a policy development process that is a little bit more concrete, that would really help as far as board readiness. And it's hard if the board says later on, well you came up with this in the policy development process, but we're not going to do it. And it seems that that's related to the issue of board readiness. We've got to have input, we must have input from the board that helps us to deliver board ready recommendations. Just seems like one and four are related. Thank you.

GREG DIBIASE: Thanks, Anne. Yeah, I've no problem moving for the section two, but I'm not sure they're related or as related because one contemplates recommendations that are adopted and then later on are deemed not to be feasible. I don't know, perhaps I'm splitting hairs there. But I would think that number four would more directly relate to a board recommendation that was not adopted. Whereas one is discussing ones that are adopted and regardless, I think it's fine to move number four to second in the order. Kurt.

KURT PRITZ: Thanks. I think they're separate also in that one, the first one is sort of a pragmatic and tactical issue of how to deal with these recommendations that the board which has adopted them is now finding an implementation that might not be so adoptable. And the fourth is more strategic in nature and a broader function. So I don't I don't think they're linked. I do want to tell you two things. One is there's work being done that's demonstrable. And I think it'd be good to indicate to the board members what the path is here to get their input. I think it's a good point for that. I'll be in the air during this, but

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Susan has agreed to provide an update and we have other really good—it's a small team, but with really good people that can chime in and contribute to the discussion. So I think it'll be fine.

GREG DIBIASE:

Thanks, Kurt. I'm going to note something I agree with in the chat. Susan noted that three and four actually probably go together better than one and four. And I think I agree with that. It seems like and does too. I like Jennifer's suggestion in the chat to change it to two, then one, then three and four because one, three and four are all tangentially related. Does that make sense to folks? I see a yes from Susan, yes from Anne. Okay, great. We'll make that change and then if you do have additional topics, you need to send them in very quickly. Okay. Any other questions on our joint meeting with the GNSO appointed board members?

Okay, let's move to the next item, which is an update from the Privacy and Proxy Services Accreditation Implementation Team. And is this Paul providing an update or Caitlin? Oh, Paul.

PAUL MCGRADY:

Yes, and Stephanie is my co-liaison. So, Stephanie, if I say anything wrong or leave anything out, please jump in. But this is going to be a quick one. We just wanted to let the council know that the PPSAI IRT has held its kickoff meetings. They did that at ICANN 80. They've been holding bi-weekly meetings through July. As the big sort of plenary work they were tasked with, the IRT carefully rereading the 21 policy recommendations and identifying implementation-related questions related to the policy recommendations. And specifically the IRT have raised quite a few questions about those policies. And a lot of the meeting time has been dedicated to going over those questions and the responses and essentially getting it all sorted out.

This exercise, which is sort of entry basic triage is meant to conclude by ICANN 81. The IRT will hold a public meeting to talk about all this at ICANN 81 open to observers. And then that's the official story. And then scuttlebutt is that it seems like there's a reasonable size group that kind of views a lot of the policy that is meant to be implemented as some would say no longer fit for purpose. Others would say overtaken by events. There is also a crowd that believes that quite a bit of it is salvageable and would like for as little as possible to end up coming back to council for reworking. And so it is early days. I think that it's an overwhelming amount of work at this point. And people are going to have to get really hyper focused. I've not heard any in terms of dysfunction or malfunction among personalities. But I do think that this is going to be one that council is going to want to closely watch so that if something does come back at us, we won't be surprised by it. So Stephanie and I are attending as many of those meetings as we can. And if anything looks like it's going to go super weird, we'll let y'all know.

GREG DIBIASE:

Thanks, Paul. We're always on the lookout for super weird stuff here at council. Does anyone have any questions for Paul? Okay. The next AOB is regarding a letter sent out from the board regarding contention sets for the new gTLD program next round. This came in recently so we are not discussing in depth at this meeting. But there are several parts of this letter that are worth noting. Particularly, the board is looking at a previously adopted recommendation regarding joint ventures that are formed to resolve string contention, and the board has since determined that they are not allowing private resolutions and a joint venture meant to resolve a contention set could be in violation of this principle. So they are, I guess, asking our advice or saying that they think this recommendation is no longer fit for purpose or whatever the words Paul used. I think I just butchered that, but the point is that I want to draw council's attention to this letter and note that it raises this issue again of recommendation that was adopted

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by the board. And now the board is determining that the recommendation is no longer feasible. And what to do in that circumstance.

So I think we as councilors need to think about what our response might be here, whether it is asking for the board for more clarification, perhaps pointing to the bylaw provision that allows them to disregard, unadopt an adopted recommendation that has not been implemented yet. But please review this letter and then maybe we'll discuss more in depth at our next council meeting, and we can have a discussion right now in the interim. Anne?

ANNE AIKMAN-SCALESE:

One of the things that is a little bit difficult about this is that the ICANN staff has now brought this directly and very quickly to the implementation review team for SubPro and so there are workflow charts, etc. that are being proposed, and the summary that you just gave also kind of raises the question for me as to whether that work at the IRT level is a bit too precipitous if you know council's going to have further input on this on this letter, and some of the questions that you've addressed. We're going to have a second session on this next week, I think it is, and a lot of questions have been raised about how to implement what the board's doing, but it does seem a bit rushed from the IRT process. And I don't know how Susan feels about that as co liaison but I'm just raising the question about how quickly that's all happening at the IRT level.

GREG DIBIASE:

Thanks. Do others have initial comments or concerns with this letter?

PAUL MCGRADY:

My initial reaction to this was that this is a recommendation that's not been fully implemented yet, and so now seems like the right time for the board to backtrack on

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something if they need to. Far harder if you get a year or two into something past implementation and then you realize, oh, this isn't great. So I don't love a smooth mechanism for the board to be doing what they're doing, but it seems like if they need to, now's the time. I guess Tripti's letter said that it would trigger our ability to submit a supplemental recommendation, if we wanted to be in that business. I don't know that I can think of any supplemental recommendation to submit, but I suppose that that could happen. But I wouldn't want us to get bogged down in submitting something for its own sake and end up putting the program's timeframe at jeopardy. If there was really a major issue here, where we were all like secretly in love with joint ventures, that would be one thing, but I don't mean I don't necessarily know that this is a great hill to die on. But in any event, I just think timing wise, certainly better now for them to be doing this than to do it six months from now or a year from now. It'd be really weird then. Thanks.

GREG DIBIASE:

Thanks, Paul. Stephanie.

STEPHANIE PERRIN:

I don't want to slow us down by my ignorance on these matters, but this to me smells like a policy issue, and seems like a good example of policy being brought to an IRT to be sorted there. I would have thought this had been brought back to the GNSO Council, and we would have to figure out how to deal with it, if the board is unadopting a previously adopted recommendation. And as far as the actual record recommendation, the concept of being able to submit one or several alternate strings, doesn't that open up the potential for applicants to sort of sneak in a whole portmanteau of applications at the same time? I just don't know how this works. Thank you.

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GREG DIBIASE: Thank you, Stephanie. I'm a little unclear myself. Does anyone else have comments at this early stage? Lawrence.

LAWRENCE OLAWALE ROBERTS: I'm struggling with understanding how the council's input feeds into that of the IRT. I'm just getting around familiarizing myself with this letter. And by the time we get to our constituencies and come back to our next meeting next month, I'm sure the IRT will have done some work or maybe progressed in some direction. So it will seem like we'll have different parts of our system working on the same issue, which could come up with different outcomes. So at what point does the council's work feed into the IRT? I'm just a bit confused I need some clarity on the process.

GREG DIBIASE: Thanks, Lawrence. I don't know if I have a great answer to that. I think we're to a certain extent in uncharted territory here. Maybe that's something we need to follow up on. Jeff.

JEFF NEUMAN: Yeah, thanks. And this is my former role as the co chair of SubPro. So I apologize if it's not in my GAC liaison role. But I would just urge council that this was a policy developed by the SubPro PDP, and it's quite possible SubPro PDP would say given the context, it's the right decision. But I do caution against the Council deciding itself on what to do about it, that it should get some feedback from the former SubPro team or just some mechanism to get some input from stakeholders just to make sure. So Paul, it's not that it's a hill we want to die on or anything, and we don't want to slow it down, but I think anytime a policy working group spends a lot of time developing a policy and the board



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wants to reject it, whether it's at the beginning or later on, there should be some analysis by the old working group, if that's possible.

GREG DIBIASE:

Thanks, Jeff. And I see Paul's suggestion. I guess this falls under one of the broader topics that's already on the agenda, but we could be more specific in that conversation, right? I think there was a topic for the board about recommendations that were already adopted that were no longer feasible. So perhaps we can have that discussion then. So maybe that would be a next step and councilors can continue to think about what might be the proper course here. Any other thoughts on this letter? Okay. So for now, we will discuss this with the board under the topic that they've already been given on recommendations that have already been adopted that may no longer be feasible. And then we, as a councilor, can think about the right next steps and apologies to council. I don't think I gave a great summary of the contents of this letter. It's late, but not as late as Paul McGrady. Okay. Seeing no other hands, let's move to what I think is our last. I see Anne's question. Are there any instructions to IRT co-liaisons regarding this policy? I do not think so, Anne.

Okay. The last item is noting the operational design phase community consultation survey, noting that the deadline for input is 27th of September. And so I'm just noting here that if councilors have input or their stakeholder groups have input, they should fill out that survey because it directly involves our work. Maybe staff can provide a link too. That would be great. Oh, Saewon is way ahead of me. Jeff.

JEFF NEUMAN:

Yeah, sorry. I just want to know kind of the difference between this survey and the surveys that were done the last time around and whether those that responded the last time around, will that feedback be carried forward or do we have to... So I was

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interviewed, I answered questions as the SubPro chair. I'm hoping I don't have to fill out the same stuff all over again and that it's carried forward, but is there anyone on ICANN staff that knows?

GREG DIBIASE:

Caitlin.

CAITLIN TUBERGEN:

Thanks, Greg. And thanks for the question, Jeff. The answer is yes. All of that feedback has been provided to the team that is conducting the survey. And just wanted to note that part of the reason that those interviews were conducted much earlier in the process was just so that the information was fresh. And so that respondents were responding closer in time to when the ODP and ODA was taking place, if that makes sense. I hope that helps.

GREG DIBIASE:

So, Jeff, if I'm hearing Caitlin correctly, you do not have to fill this out again. Or you can, if you want to. Yeah, there you go. You do not have to, but you may. Thanks. Susan.

SUSAN PAYNE:

Yeah, thanks. So this is just a question really on, why is so little time being allowed for this? It looks like it was put out on the 9th of September and it's only running until the 27th. And I'm concerned about that, particularly because this is one of those public comment opportunities, which isn't a proper public comment opportunity and therefore is in a different part of the website. So I think if community members missed this notification on the 9th of September, a number of them may not even be aware of this. I do realize that there is another tab in relation to non-public comment opportunities, but

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it's not one that people look at nearly as frequently as the main public comment page. I guess it's a question and a comment. I just don't think less than a month is an adequate time for getting actual input on this.

GREG DIBIASE:

Thank you, Susan. Any feedback from staff or just noting these concerns? Steve.

STEVE CHAN:

Yeah, thanks, Greg. This is Steve. So Karen's actually on this call. We didn't put her in a speaking capacity, but so she's hearing it. And we can also, of course, pass on the sentiment to the team. And so, I mean, I understand the concern that sometimes these things get lost. I guess just to maybe somewhat help allay fears, the survey is, I think, fairly brief. I didn't take it myself because that's not my role to do, but I did scroll through it just to see what the questions were like. And then I would also note that the survey was highlighted in the community digest to help share that this opportunity is open. And that was the purpose of making sure we included the item on the council agenda here too, is again, just to raise awareness. But yeah, definitely taking note of concerns about the timeline. So we'll take that into consideration. Thanks.

GREG DIBIASE:

Thank you, Steve. And I'm seeing additional support for Susan's comment in the chat. Okay. I think that brings us to the end of AOB. Does anyone else have anything they'd like to raise before we close this September meeting? Okay. Hearing none, I will give 10 minutes back to everyone and thank you all for the hard work on this call and congratulations to everyone on those supplemental procedures. So happy to get that over the finish line. Thanks all and have a great day.

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TERRI AGNEW: Thank you, everyone. As you heard, the meeting has been adjourned. I will stop the recordings and disconnect all remaining lines. Take care.

**[END OF TRANSCRIPTION]**