
ICANN Transcription

GNSO Council Meeting

Thursday, 08 August 2024 at 21:00 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 are posted on the GNSO Master Calendar Page:

<https://gnso.icann.org/en/group-activities/calendar>

List of attendees:

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

Contracted Parties House

Registrar Stakeholder Group: Hong-Fu Meng, Greg DiBiase, Prudence Malinki

gTLD Registries Stakeholder Group: Nacho Amadoz (apologies, Proxy to Kurt Pritz), 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 (sent proxy but joined entire call), Thomas Rickert, Damon Ashcraft, Susan Payne

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

Guests: Roger Carney, Transfer Policy Review Team Working Group Chair

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.

ICANN Staff:

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
Caitlin Tubergen - Policy Development Support Director (GNSO)
Saewon Lee - Policy Development Support Manager (GNSO)
Feodora Hamza - Policy Development Support Manager (GNSO)
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 8th of August, 2024. Would you please acknowledge your name when I call it? Nacho Amadoz sends his apologies and proxy goes to Kurt Pritz. Jennifer Chung?

JENNIFER CHUNG: Present. Thank you, Terri.

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

HONG-FU MENG: Present.

TERRI AGNEW: Kurt Pritz? I did receive a message from Kurt that he is joining, he is just running a few minutes late. So I do believe he will be joining. Greg DiBiase?

GREG DIBIASE: I'm here.

TERRI AGNEW: Prudence Malinki?

PRUDENCE MALINKI: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Desiree Milosevic?

DESIREE MILOSHEVIC: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Lawrence Olawale Roberts?

LAWRENCE OLAWALE ROBERTS: I'm here.

TERRI AGNEW: Mark Datysegld?

MARK DATYSGELD: Present.

TERRI AGNEW: Damon Ashcraft?

DAMON ASHCRAFT: I'm present.

TERRI AGNEW: Susan Payne?

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

TERRI AGNEW: You are welcome. All right. So we have an apology for Osvaldo Novoa. But Osvaldo, I see you on the call. Is that correct; you were able to join the meeting?

OSVALDO NOVOA: Yes. I'm here. But the apology was for the next meeting in September. Sorry. [inaudible] Philippe.

TERRI AGNEW: Perfect. Well, welcome. We're glad you're here. Thomas Rickert?

THOMAS RICKERT: Present.

TERRI AGNEW: Wisdom Donkor?

WISDOM DONKOR: Present.

TERRI AGNEW: Stephanie Perrin?

STEPHANIE PERRIN: Present, Terri. Thanks.

TERRI AGNEW: You are welcome. Peter Akinremi?

PETER AKINREMI TAIWO: I'm here. Thank you.

TERRI AGNEW: Thank you. Kurt Pritz?

KURT PRITZ: Here. Thank you.

TERRI AGNEW: You are welcome. Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR: I'm here.

TERRI AGNEW: Manju Chen?

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

TERRI AGNEW: You are welcome. Bruna Martins Dos Santos. I don't see where Bruna has joined. We'll try to connect with her. Paul McGrady?

PAUL MCGRADY: I'm here. Thank you.

TERRI AGNEW: Thank you. Anne Aikman-Scalese? I don't see where Anne is on. She did send tentative apologies. She is traveling. So if she is able to join, I just wanted to give a heads up that she probably will not have audio. So if we do see Anne, chat's probably the way to go. Jeff Neuman.

JEFF NEUMAN: I am here. Thanks.

TERRI AGNEW: You are welcome. Justine Chew?

JUSTINE CHEW: I'm present, Terri.

TERRI AGNEW: Everton Rodriguez? And Everton is here as well. He's unable to speak, but he did let me know, and we do see him on, so we're going to consider him on. We do have a guest today, Roger Carney. He's the Transfer Policy Review Working Group Chair. The policy team supporting the GNSO is also here. So Steve Chan, Julie Hedlund, Caitlin Tubergen, Saewon Lee, Feodora Hamza, John Emery, Berry Cobb, Devan Reed, and myself, Terri Agnew. May I please remind everyone here to state your name before speaking as this call is being recorded. A reminder that we're in the Zoom webinar room. Councilors are panelists and

can activate their microphones and participate in the chat once you have set your chat to everyone and for all to be able to read the exchanges. A warm welcome to attendees on the call who are silent observers, meaning you do not have access to your 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. With this, I'll turn it back over to the GNSO Chair, Greg DiBiase. Please begin.

GREG DIBIASE:

Thank you so much. Welcome everyone to our August meeting, coming relatively quickly after our July meeting. So I will start off and ask if anyone has any updates to their statement of interest. Hearing no one, I will ask if anyone has any proposed amendments to the agenda. I have one in which we're going to move the vote on the motion regarding WHOIS accuracy to a discussion item per a request of Damon that seemed to get some agreement on the list. Does anyone else have anything they'd like to raise? Wonderful. Then I'll go on to note that the minutes of the previous council meetings are available per GNSO process. The minutes for the June meeting were posted on July 1st and the minutes for July 18th were posted on August 2nd.

With that, let's get into our agenda. The first item we have is our consent agenda. This is the GNSO review of the GAC communique. As we know, a group drafted the GAC communique and it was shared with council. Unless there are questions and comments on this, I think we can move on to consent agenda vote. And staff, I do not believe I have to read the resolved clauses here. We can go straight to a vote.

TERRI AGNEW:

You are correct. And seeing nobody, I'll go ahead and roll right into that then. All right. On the consent agenda 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 the motion, please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Would councilors holding proxies please say aye? So it's Kurt Pritz for Nacho Amadoz.

KURT PRITZ: Aye.

TERRI AGNEW: Thank you. With no abstention or objection, the motion passes. Back to you, Greg.

GREG DIBIASE: Thank you so much. Thanks all. With that, we'll move into item four, which is our council vote on the GNSO liaison to the GAC. We are replacing our long time, very steady and accomplished GAC liaison, Jeff Neuman, who's been a tremendous attribute to this Council, with the new GAC liaison. This role was originally a pilot that has since become a permanent position. The Standing Selection Committee reviewed a slate of candidates that were interested in the position and is now recommending Sebastien Ducos to be appointed as the new GNSO liaison to the GAC. And here we will vote on that. Any questions before I read the resolved clause? I'm seeing no comments other than praise, well-deserved praise for Jeff in the chat. I will read the resolved clauses.

Number one, the GNSO council hereby appoints Sebastien Ducos to the role of GNSO liaison to the GAC for a two-year term, assuming the role at ICANN 81 AGM in November, 2024 and expiring at the AGM in 2026.

Two, the GNSO council will review the role annually. And if the review indicates and/or at any time the liaison has indicated that he or she is no longer available to continue in this role, council will consider Sophie Hey as an alternate for the remaining period of the term if she is willing to serve. Otherwise, the SSC will conduct a new selection process.

Prior to and in anticipation of expiry of this two-year-term, council will open a new expression of interest process for which the retiring liaison will be eligible to apply.

Number four, the GNSO council directs the GNSO secretariat to inform the candidates and the GAC leadership of the GNSO council's decision.

And number five, the GNSO council thanks Jeff Neuman for his four years of service as the GNSO council liaison to the GAC.

And with that, I believe we can move to a vote, Terri.

TERRI AGNEW:

Wonderful, thank you very much. All right, just to be clear, we will now be voting on this matter. The appointment of GNSO liaison to the government advisory committee. So 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 of this motion, please say aye.

PARTICIPANTS:

Aye.

TERRI AGNEW: Will councilors holding proxies please say aye? So Kurt Pritz for Nacho Amadoz.

KURT PRITZ: Aye.

TERRI AGNEW: Thank you. With no abstention, no objection, the motion passes. Back to you, Greg.

GREG DIBIASE: Thank you. And I also just wanted to quickly thank people for their interest in this position that may be listening on the call. And I think it's worth noting that Sophie Hey was, I guess, second place in the Standing Selection Committee ranking process, and that's why she's number two, so congratulations to Sophie, and thank you for being willing to stand in as an alternate. If I misstated any of that, please correct me. Okay, I'm going to assume I'm right, and we'll move on to a council vote on the adoption of the SPIRT Charter. The GNSO council enlisted a drafting team to develop a draft charter for the SPIRT, which is the standing implementation review team recommended in the new gTLD subsequent procedures final report, and I think, and since Anne is traveling, Saewon, you might be able to provide some more backgrounds on the SPIRT Charter, do I have that right?

SAEWON LEE: Yes, that's correct. Thank you, Greg. This is Saewon Lee from staff for the record. We've already circulated the final charter, but it will also be shared with you via chat. I know Anne would have loved to speak more elaborately on this topic, but as introduced in the beginning, she is mid-travels, and the connection

is not really helping her to join and speak, so I'll try my best to quickly introduce the topic on her and the drafting team's behalf before moving on to the votes.

So today, I'll just be sharing the substantive updates since June, which is not a lot, but quite important changes to note. So the first update within the charter to point out here is that for the SPIRT Charter to be consistent with the predictability framework, which may undergo further changes through its final public comment in May 2025, the drafting team added a disclaimer that in the event of a conflict between the methodology described in the charter and the predictability framework, that the predictability framework will govern. The second update is, again, to be consistent with the predictability framework, including within the charter details on SPIRT's ability to make an initial classification of any issues that are referred to by the GNSO Council, and this is a step prior to ICANN all being forwarded with the issue and determining the change type. This update is also now consistent with what is guided in the Annex C of the SubPro report, where it emphasizes that SPIRT cannot refer an issue to itself, but it is in the position to classify an issue when requested by the Council.

The last important update is related to SPIRT's role during the policy change track or how the charter has defined it as Type 3. This issue is related to SPIRT's involvement when a required change during the ongoing round of the program cannot be implemented in alignment with the existing policy recommendations. And as the SubPro final report also states that the SPIRT does not develop policy but only helps determine how to classify an issue, the language within the charter was updated to be consistent with the predictability framework, where the role of SPIRT is to be of a supportive one to the Council in collaboration with the Board and the Org in developing a temporary solution for the existing round.

This updated language within the charter, like everything else that I've just introduced, was also confirmed by our GDS colleagues that is working with the IRT to support the new gTLD program. So these three items that I just mentioned briefly pretty much sums up the substantive updates within the charter since ICANN 80. And before I open up the floor for any questions prior to the vote, I do

want to note that the drafting team may possibly need to reconvene if the potential changes to the predictability framework require amendments to the charter, and this will be post-May 2025. And perhaps to help further with the vote, I also want to remind everyone that the SPIRT and the predictability framework will only operate after the approval by the Board of the Applicant Guidebook in December 2025. So I'll stop here for any questions, but if I'm unable to appropriately answer them, I'm also hoping to rely on my teammate Steve, or even Jeff, who was also an integral part of the SPIRT charter drafting team. Thank you.

GREG DIBIASE:

Thank you, Saewon. Does anybody have any questions concerning this overview that Saewon provided? Seeing none, I will move on to read the resolved clauses. Oh, Tomslin, I see your hand.

TOMSLIN SAMME-NLAR:

Yeah, thanks. It's not a question. Before the vote, I just wanted to relay a concern that NCSG had on the SPIRT charter for the record, which is that the NCSG is concerned that since the charter is not subject—the membership of the SPIRT is not subject to conflict of interest criteria and based solely on interest and expertise of the candidates. The NCSG is concerned that there are not enough safeguards to avoid a situation where only a single group from the community becomes membership of the charter. And so we were asking that ICANN consider to include some safeguards in the application of selection process to ensure that all stakeholders participate in the SPIRT membership. Thanks.

GREG DIBIASE:

Thanks, Tomslin. Yeah, I think we're happy to note that for the record, but to be clear, that does not necessarily impact this current vote. Just something to note going forward.

TOMSLIN SAMME-NLAR: That's correct.

GREG DIBIASE: Okay, thank you. I see in the chat from Jeff and Justine, it's an open group, so there is no selection. I don't know if that alleviates or worsens the NCSG concern, but maybe that's something we can continue to have a conversation about. Okay. Any other concerns before I read the resolve clauses? Okay.

Resolved. Number one, the GNSO Council adopts the Charter for the SPIRT, acknowledging the possibility of future amendments as a result of material changes to the predictability framework, which could occur after the public comment of the Draft Applicant Guidebook, or the AGB, for the next round of new gTLDs.

Two, the GNSO Council requests the GNSO support staff to communicate the results of the motion to the drafting team, as well as the SubPro IRT.

Three, the GNSO Council thanks the drafting team members, Chair and Vice Chair, for their contribution, and looks forward to the SPIRT's role in the next round new gTLD program. And with that, I think we can move to a vote.

TERRI AGNEW: Wonderful. We'll now move to a vote on the motion to adopt the Standing Predictability Implementation Review Team, known as SPIRT, Charter. 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 of the motion, please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Would councilors holding proxies please say aye, so Kurt Pritz for Nacho Amadoz.

KURT PRITZ: Aye.

TERRI AGNEW: Thank you. With no abstention or objection, the motion passes. Back to you, Greg.

GREG DIBIASE: Thank you so much. Now, next on our agenda, we originally had this as a council vote regarding recommendations for the accuracy scoping team. And by way of background, this motion, council would vote on whether to reject two of the outstanding scoping team recommendations, the registrar survey and the registrar audit due to limitations noted in ICANN's paper regarding access to data. After the motion was submitted, Damon and Susan representing the IPC raised some concerns about rejecting these recommendations before we had a clear path on moving forward. At least personally, I thought these concerns were well-founded. It certainly warranted more discussion. So we are deferring this vote to next meeting and possibly changing what we're going to vote on based on the outcome of the discussion here. But before I move on, I maybe wanted to pause and see if, Damon, do you have anything you wanted to add to provide more context around the email you sent earlier?

DAMON ASHCRAFT: No, Greg, thank you very much. I think the email kind of sums it up. And I think really, as I kind of looked at the schedule for this meeting, I think the discussion we're going to have on accuracy after this will kind of inform kind of what we do going forward for next month and beyond. And so thanks for your support and

thanks for the deferral. It's obviously a very important topic and I think we're on the right track to discuss and then move from there.

GREG DIBIASE: Okay. Does anyone else have comments on kind of the procedural element of deferring the vote here before we move on to the more substantive discussion? Kurt, I see your hand.

KURT PRITZ: Yeah, so thanks, Damon, for understanding. We're not really deferring the vote here, right? We're canceling it because we're not just going to have the vote next month probably. Does the IPC have a sort of a set of conditions or an idea or a threshold for what must be accomplished in order for us to take this sort of dead letter prior recommendation?

DAMON ASHCRAFT: Sure, Kurt, that's a good question. We don't. I think this vote came up and I think that the reaction that I had and that Susan had is that, oh, it seems a little bit premature and it seemed a little bit about a scope as to what we had agreed upon last time about first contacting the GAC. And I think with that, we just thought, well, let's just defer it. And we were going to have a discussion at this meeting and then kind of go from there. So no, there's not a list of preconditions or anything like that. It was just a, wow, this is a little bit too soon. So let's just slow it down and discuss and then move from there.

GREG DIBIASE: Thanks, Damon. Yeah, and Kurt, I think it's, the immediate action was deferral, but I think you're right. It could be withdrawn in an entirely different motion and perhaps that's likely. Based on the discussion. Lawrence?

LAWRENCE OLAWALE ROBERTS: Yeah, so just wanted to add that the BC had a discussion around this in a meeting earlier today. And we are also of the view that rather than purging the first and second recommendation, we should also have an alternative as to what role or what direction the council might want to go and then see if that helps with this issue of, you know, accuracy of registration data. It is also the hope of some of us within the BC that with the NIS2 adoption ongoing, there might be some need to have parties within ICANN revisit [inaudible] help see how we could get the needed information for the working group or the team that require this information for their work. And so we also support the IPC and hope that we might be able to get some clarity on options that we can go back to our constituency with and get advice on how to proceed going forward. Thank you.

GREG DIBIASE: Great, thank you, Lawrence. So it seems like we're all aligned on that point. So let's move on to discussion we started last week. If you can scroll down to the discussion. Yeah, so we talked about, you know, the evaluation of two proposed alternatives that were in ICANN's write-up, analyzing historical audit data or engagement on contracted parties or on ccTLD practices. I think there were at least some concerns there from the registrar perspective. We also considered a scoping team restart and whether that made sense at this point. And then a more kind of amorphous topic on if not one and two, then how do we advance this topic? What are other ways that we can move forward improving accuracy or understanding the issue short of restarting a scoping team? So I guess I'll start the queue there and then we can start the discussion. Damon, I see your hand.

DAMON ASHCRAFT: Thanks, Greg. You know, there's a lot here and apparently the scoping team struggled to find consensus last time. I wasn't there, but I heard it was a bit of a struggle at times and there's a lot going on. I'm kind of wondering, would it make sense to form a small team to kind of look at it, you know, first pass with, all right, what's our issue here? And just try to, you know, do we restart the scoping team

and kind of have a small team kind of devoted towards this issue? What are your thoughts on that?

GREG DIBIASE: So my thoughts, and this is just my, I guess, personal thoughts. I don't think there's a registrar position yet. I think that's an interesting idea. Like looking back on what the DNS abuse small team did, that was kind of a vehicle for soliciting input, trying to better scope the problem, but in a more informal stage, getting people on the same page regarding what the issues are and kind of people's thoughts on the issue. I think that possibly could be helpful here, maybe as an alternative to the more formal scoping team. But yeah, I'm open to thoughts from other councilors.

DAMON ASHCRAFT: Yeah, and I think that the other thing about a small team is it sort of, it shows that we're taking steps and looking hard at the issue, because I know the GAC or at least one GAC member was rather frustrated at our lack of, or at our perceived lack of progress on it in Kigali. So that might be sort of a quick and easy way to get things going.

GREG DIBIASE: Thanks, Damon. Stephanie.

STEPHANIE PERRIN: Thank you very much. And I suppose these are my own thoughts, although the NCSG did discuss this matter at our most recent meeting this week. Basically my view is, absent any substantive change, does it make sense to continue pawing through the entrails of something? ICANN has not shared its legal opinion, it gave us a paper. If ICANN cannot take on the responsibility of gathering data, then surely we cannot. I asked the question many years ago about what our legal liability was as a council in asking for things that might be outside the bounds of

data protection law, and I never did get an answer. So personally, I think it's not up to council to solve these problems. Damon, I see in the chat, you're saying the small team could look at this. We could certainly discuss why this is a non-starter in a small team, I suppose. So there's that. Absent a legal opinion from ICANN that says we can do this when they can't, I'm curious as to what we can do.

Historical data, well, number one, it was collected illegally, and number two, it's historical. Some of it I understand is still valid data, but where does it actually get us? Not very accurate. And then of course, voluntary data. It's voluntary data, you're only going to get the good data there. So I'm not sure that that makes for meaningful data analysis.

So also looking at ccTLD practices, governments have the authority to gather data. It's their bailiwick. So it's hugely ironic that GAC is pushing the private sector to do what it can do. They can run their own ccTLDs the way they like, and they can legislate in terms of data protection, but to force ICANN to do something differently with the open gTLDs strikes me as why are we going back over this again? I mean, if people want to do it, the problem is we all have to be there, and that means we have to put resources on this. So that's my view on the matter. Thank you. Not very popular one, I'm sure, but...

GREG DIBIASE:

Thanks, Stephanie. No, I think you raised a good question, and, you know, there are questions for ICANN. And again, I think I draw a parallel to something Damon said in the chat, and the DNS abuse small team asked questions of ICANN compliance that seemed to be productive. But I'll move to Susan next in the queue.

SUSAN PAYNE:

Yeah, thanks, Greg. Yes, I mean, probably unsurprisingly, I'm kind of on the same page as Damon. I think a small team could be helpful. I was struck on the last meeting where, you know, the registrar position was expressed and, you

know, that included sort of statements to, you know, such as, you know, not convinced of the evidence that there's a problem with accuracy, not convinced that any changes to the accuracy requirements would make a difference. We can differ as much as we want on the statements themselves. But it sort of struck me as, well, then isn't it worth us at least seeing if there's a way to get some of that evidence one way or the other?

And I haven't looked at the operating procedures in the last week or two, but, you know, I think we can even seek legal advice if we need to, can we not? Which doesn't necessarily have to be from ICANN Legal. You know, that might be something that a small team could at least think about. So I'm not seeing a small team as a solutioning place, but more of, as Greg mentioned, similar to the DNS abuse one, it's sort of a discussion of options and perhaps surfacing of issues.

GREG DIBIASE:

Great, thank you, Susan. Kurt, you're next in the queue.

KURT PRITZ:

A couple of points. One is I think Stephanie did an excellent job of describing why this is a really difficult problem. Two, I think a small team, rather than discussing the reforming and maybe the reformation of the scoping team, its remit might be broader than that, because what we're looking for are viable options. And many of us, anyway, are under the opinion that the scoping team had trouble succeeding. And so I think we want to discuss other options rather than reforming the scoping team. So I think the remit of the small teams should be larger.

Three, two weeks ago, we all decided we'd go back to our own stakeholder groups and have our stakeholder groups work on options so we could present them to the council. And at the registry level, although we've had discussions about that, in two weeks, we haven't come up with options. So, you know, maybe the recommendations of the different stakeholder groups could feed into this

small team if we decide to create one. So, yeah, I think that's kind of a two-step thing, because getting some concrete propositions from stakeholder groups would sort of jumpstart the work of the small team. Thank you.

GREG DIBIASE: Thank you, Kurt. Tomslin?

TOMSLIN SAMME-NLAR: Thanks, Greg. Mine is a question rather than a comment, and directed to the contracted parties. And I remember the statement that came out of the contracted party meeting said that they'll continue their efforts related to registration data. And I was wondering whether there are some things that are related specifically to accuracy that the council might be aware of, could be told about, so that we see if there are things there that we could bring into this conversation. Thanks.

GREG DIBIASE: Thanks, Tomslin. I don't know off the top of my head, but, again, possibly a question from a small team or otherwise to get clear answers on what efforts are underway. Thomas, you're next in the queue.

THOMAS RICKERT: Yeah, thanks so much. Now, everybody, I think that we clearly, at least looking at the language on the screen in front of us, indicates that those who are asking for more work to be done to come up with proposals. And, you know, I've been on the scoping team, and I think we made a good faith attempt to come up with meaningful options. And obviously, you know, there were limitations there, as we found out later that, you know, ICANN can't centrally audit the quality of data. So, you know, I'm running out of ideas as to what we can do beyond maybe even taking a reactive approach and calling upon the contracted parties to make sure that the data is as accurate as possible.

But maybe another thought, at least in terms of timing, you know, I think that it would probably be not the best use of the community's resources to formalize another team or group or whatever, whatever shape or form to continue with this effort. But we recently saw the contract amendment for the contracted parties going live. And a few days back, the first breach notice to a registry was issued. So I'm wondering whether we want to solve the accuracy issue for the sake of solving the accuracy issue, or whether we want to solve real life problems. And it looks like ICANN Compliance is digging its heels into this and identifying actors that don't act as they should. And where there's a problem, they act and call the parties concerned to action. And maybe that gets us closer to a solution, because, you know, I'm not that much concerned with a registrant forgetting to update its postal address when he or she has moved, you know, if there's no issue with the domain name itself. So we want to fix issues where domain names are used for bad purposes. And I think that maybe the contract changes are a great step into the right direction. So maybe we should wait for data to come out as this pays out. Also, NIS2, which was made reference to earlier during this call, will become effective in the next couple of months or the national transpositions thereof. And then maybe we should talk again in a year or two to see how these measures have helped. And then maybe we can come up with more informed decisions on potential way forward if needed.

GREG DIBIASE:

Thank you, Thomas. Other thoughts about a path forward here? So what I'm hearing, at least, is a new idea of a potential small team. But also some, I guess, rationale that we may have more data in the not-too-distant future with NIS2 and or the amendments as Thomas described. I'm not sure if that gives us a clear direction. Maybe we can consider the efficacy of a small team, whether that makes sense. But I'm not hearing, I guess, an additional concrete thing that we can do. I'm not hearing a lot of support for the proposal alternatives or a restart of the scoping team. So maybe we can start thinking about whether a small group makes sense. Susan, I see your hand.

SUSAN PAYNE: Yeah, sorry. It's more of a, if you would permit me, just a request to Thomas for a bit of a clarification. Because the contract amendment was about DNS abuse, correct? Not about accuracy. And so I'm just wondering if you're suggesting that that contract amendment itself will give us more data on accuracy, or was it more that your suggestion that we should be not wasting our time on this issue because there are other issues in play that are more important? I'm just not quite clear what you were saying, sorry.

THOMAS RICKERT: Yeah, thank you so much. Susan, sorry for not having been sufficiently clear, but I think that we're not trying to get accurate data for the sake of the data being accurate, if there's no problem with a given domain name. I think that the entire discussion surrounding the accuracy of data came up because we saw problems with domain names that have been registered for bad purposes, you know. And if the data is not accurate, in those instances, it's difficult for law enforcement and other players to hold the people behind that to account. And I think if we reduce the possibility for DNS abuse by making the non-responsive contracted parties responsive or sanctioning them, that will lower contracted parties to be prone to being abused by bad actors. And it will also, I guess, but I have no proof for that to be true, maybe increase the accuracy if those players then, you know, ask their customers for data as to whether the registration data is accurate or not. I think that we will see, as we saw with the first breach notice issued to a registry that has been, you know, where there's been a lot of phishing using that extension, that that will help reduce the level of abuse and that therefore the pressure to get the accuracy question resolved might be lower.

GREG DIBIASE: Thank you, Thomas. Any follow-up questions, Susan, or can I move to Kurt? Go ahead, Susan.

SUSAN PAYNE: Well, it wasn't really a follow-up question. I guess it was just a comment back, if that's okay. Thank you for the explanation. I'm sorry for being so slow. I was going to say it's late for me, but actually it's later for you. So that's not even a good excuse. I take your point, and I can see that that may have some beneficial impact, for sure. But of course, you know, given what the definition of DNS abuse is in the contract amendment, that isn't the whole of the issue that we have with domain names and abuse in the wider sense. You know, the definition of DNS abuse, as per the contract amendment, is narrow to what used to be called technical abuse. So I don't think it solves the issue entirely, but I take your point that perhaps it may improve the issue.

GREG DIBIASE: Thank you, Susan. Kurt.

KURT PRITZ: So as sort of a corollary to what Thomas said, I wonder if we redefine the problem, because it's so difficult to obtain data and then measure its accuracy. Maybe we can redefine the issue in terms of trying to stem the abuse and redefine it as, you know, is the registrant reachable? So we want accurate data so we can find the registrant and hold her or him accountable. And maybe there's a way to determine reachability rates without having to obtain data that we can't obtain.

GREG DIBIASE: Thanks, Kurt. And before going to Damon, I guess I'll comment on, I think this conversation is illustrating that perhaps there is a divergence of views on what is the importance of accuracy or what we're trying to achieve. Maybe that's worth noting. Damon?

DAMON ASHCRAFT: Sure. Yeah, I'm hearing lots of different viewpoints out there. And maybe a lot of these things could probably be addressed with a smaller group. I mean, we've now spent 15 or 20 minutes talking about it and don't really have any clear answers here. I don't have really a specific remit for a small team other than start looking at it, identifying what the problem is. Can it be solved? Maybe it can't be solved. I mean, you know, Stephanie, you brought that up, and maybe it's not ours to solve. But there's certainly a lot of different opinions out there. And, you know, I think we ought to take a harder look at it. I think a smaller group could do that more effectively than us just kind of discussing it as a larger group month after month. So.

GREG DIBIASE: Thanks, Damon. I have Paul and then Mark.

PAUL MCGRADY: Thanks, Greg. So I wonder if part of it's branding. Small team has started to mean something. And I think what Damon is talking about really is a team to try to ideate around this issue, right? Because we're caught between the very reasonable sounding, you know, gee whiz, we can't get the data. ICANN Legal says we can't do it, all the things on one side and the very reasonable sounding, what do you mean we can't figure out whether or not the bad guys lie about who they are? Right? And there's a big gap. And as I think Damon mentioned earlier, I think the GAC'S getting grumpy. So I agree with Thomas that sort of redoing the same thing probably won't get us anywhere. But if we could do something new where we go in and just try to take it down to the studs, right? Try to come up with ideas rather than, you know, a formal work plan and just give that team three or four meetings and see if they can come up with anything interesting or new. That makes sense to me. And it makes sense to me that that group would be put together after NIS 2 is implemented this fall in the first states, right? Because that's a factual change that may or may not affect things. And so, you know, I think that's worth doing. I think empaneling a new small team that goes on forever and ever probably doesn't make any sense. But who knows? Maybe if

we, you know, try to get creative around it and try to instead of trying to solve it in all the old ways that we haven't been able to solve it yet, that it might work. If it doesn't, then we can wrap it up. Get t-shirts and move on. So for what it's worth, I think that's probably worth doing and probably worth doing in a few months. Thanks.

GREG DIBIASE: Thanks, Paul. And I'll note that I see Paul is trying to invent a new type of team, a discussion team, I think is what I heard with shirts and everything. Always innovating. So I have Mark next in the queue, and then I'm going to draw a line because we're over on this topic.

MARK DATYSGELD: Thank you. The more I think about what Kurt said, the smarter that sounds, actually, because ever since I joined the council, it's been over four years now, this has been an issue. It's been circulating. It's been discussed in every way you can conceive. And just the idea of reframing the problem does sound like something that makes a lot of sense because why do we want accuracy? Is it just because we want to have accurate data and that's somehow ICANN's mission? No. It's because, in the case of an incident, we want to be able to reach someone in some way, right? So this is more of a cybersecurity question than it is a data question per se. We want to be able to reach someone. So I really like that concept. I don't know how it is implementable, but I see it as a way forward, a strong way forward. Thank you.

GREG DIBIASE: Thanks, Mark. Okay. So I think we have to end this conversation for time, but we really appreciate the discussion. Leadership will consider this and propose a path forward. In the meantime, maybe bring back to your groups the idea of a small team or some variation thereof to discuss the issue and potentially get on the

same page. And we'll follow up before next meeting. Any objections to that path forward? Great. Okay. Thanks for that. Let's move to the next one.

The small team plus on singulars and plurals. As you recall, we have one outstanding recommendation from SubPro that we are considering a supplemental recommendation for or in place of. I'm not sure the exact term. So that's why I will ask Paul to come on and provide an update on this topic.

PAUL MCGRADY:

Thanks, Greg. Paul McGrady here again. Yeah. So we have a small team plus that's been meeting to try to sort out this issue. You may recall that the SubPro put together a recommendation basically saying that there shouldn't be singulars and plurals of the same word in the same language approved in the next round, unless we could show different uses. The board pushed back on that and said they didn't want to get involved in different uses because that would raise content. And so the small team plus came up with some additional proposed changes to try to deal with that issue. And council was just about to vote on those. Those went through the entire community process and were kicked around in Puerto Rico. And the staff and board came up with a proposal that basically shifted, sort of outsourced the work of identifying singulars and plurals of the same word in the same language to the community so that only the ones that were flagged by community members would have problems. The other ones would proceed through without issues. And the small team plus was tasked with looking at that proposal.

The small team plus really doesn't seem to have a problem with the idea of the outsourcing, but there was, I think, strong support for the idea of an exceptions process. And an exception process that was more than just dot brands. And that is sort of what we've been up to. So we've been thoroughly considering that staff proposal, the one that says anyone can identify singulars and plurals for the same word in the same language. And like I said, there's largely an agreement on that. Where we are struggling is we have not reached agreement on an exceptions mechanism that allows a pair of singular plurals to both be delegated.

Some on the team believe the exceptions mechanism needs to be narrow or else it undermines the underlying rationale for disallowing singulars and plurals, which some believe is reducing end user confusion. Others on the team believe that the exception mechanism needs to be broader so that it doesn't diminish options for new entrants or give existing registry operators an unfair advantage.

We have tried to work through a number of different strawmen to approach this in different ways and have done some level setting exercises, but we have struggled to reach alignment since there is a misalignment on the fundamental principle of what we should be out there to achieve. So I can tell you that the split on the small team is not 50-50. It seems like a slightly larger group support the more narrow exception procedure, but those that support a broader exception procedure are not de minimis either. Everybody has been working very hard and has made concessions to try to get there. We are just at that point where we have different points of views.

And so we have a situation where the issue over the exceptions process may end up sinking all the supplemental recommendations on singulars and plurals, which means that singulars and plurals will be treated in the next round subject to the same inconsistent outcomes experience. So it won't be as predictable as SubPro wanted to fix that. I have been pushing for the idea that we should be making high-level policy statements and allowing some of the details around the exceptions process to be worked out in the IRT, but the folks who are looking for a more narrow approach have pushed back on that, and actually some folks are looking for a more broader approach and push back on that with folks thinking that it is not good enough to send that to the IRT, that it's more than implementation, it's policy.

So, you know, hey, we had a good run. Lots of stuff happened in this one. We're just kind of stuck. So what I'm hoping I can get from council today is guidance about how much runway we have left to keep trying on this before the council determines that we might end up messing up the entire implementation timeline for the next round. We don't want that to happen, basically. And then maybe

some guidance from council on how to treat the misalignment within the group. You know, at some point, do we just say, well, these folks are speaking more loudly than the other folks, and so we'll take it to council and have a vote at council, and that will settle it, because, you know, council does vote and everybody sends representatives to Council? Or are you guys looking for us to bring back something where we can say, you know, without hesitation, the entire small team plus is for this? Because I think if it's the entire small team plus is for this, I don't know how we get there any time soon. And, you know, that has all kinds of timeline issues. So that's a bit of a word salad. I will invite others in the small team plus who are council members or, in Jeff's case, a liaison, and Justine too, if they have other ways of looking at this. You know, Jeff and I have respectfully not always seen this the same way, and so he may have some things to say. And so I encourage him to hop in the queue if you're going to run a queue, Greg. I think you are. And I'm happy to try to answer any questions. I think if this was a working group and we had two more years, we could solve it. But I don't think that's what we are, and I don't think that's the timeframe we have. So thanks, guys. Happy to answer any questions.

GREG DIBIASE:

Paul, can I ask just a real preliminary question to make sure I understood? So assuming that the runway is short, that's my opinion, but I'll defer to the rest of council. Assuming that the runway is short, like next meeting or at the latest the meeting after that, would the choice then be between adopting a supplemental recommendation that does not have full consent or not sending any supplemental recommendation?

PAUL MCGRADY:

So yeah, so we could either bring back to council a supplemental recommendation that does not have the full support of the small team plus, and the council could either vote that up or down. And depending on how that vote went, we might send something on to the board. We could not do that and vote on the supplemental recommendation that went through the entire small team

plus and community process ending in Puerto Rico. But I think that the board's already signaled they're going to vote no. So that's the same thing as doing nothing. Or we could do nothing. We could just say, hey, you know, the board non-adopted SubPro work and we couldn't get there from here. And this one is just, you know, dead on the floor.

GREG DIBIASE: Okay. All right. Let's start the queue, Jeff.

JEFF NEUMAN: Yeah, thanks. And I could speak to this because there are some GAC members that participate in the group. I think the best help from council is to have someone who has not been involved in the discussions to date help the group understand what is in and out of scope in the small team discussions. There are some members of the small team plus that have tried to introduce things that were either addressed specifically by SubPro or things that you take the discussion, I think a little bit, I say off the rails. I don't know if Paul would agree with that assumption.

But there's a couple things that I think we have to do. And now comes the personal opinion. I think one of the biggest mistakes that the council made after the SubPro final report was done was to only send the parts of the report and recommendations that had full consensus or consensus. And therefore the board never got to really see or pay attention to, yeah, there were other parts that had a majority, but yes, had some significant opposition but still had a majority. And the board never got to consider that.

So whatever happens with the small team, wherever we end up, I think we have to let the board know the discussions that took place, what kind of support each additional supplemental recommendation or whatever we call it that comes out of it has so that even if we don't have consensus, the board still gets a flavor of okay, there were 13 people in the small team. I don't know how many there are.

Yes, 10 of them supported this particular thing, three of them vehemently objected to it. But at least the board then gets the information it can make informed decisions and can help either balance it as opposed to either we ban singulars and plurals completely or we do nothing. Those are like the two edge scenarios and there are in between places the board could go. And I just think whatever this group does, we need to provide the board with options and not just well, we couldn't come to consensus and therefore we're sending you nothing.

GREG DIBIASE:

So Jeff, am I taking that to mean that you would support a vote on a supplemental recommendation that did not have full support, that had whatever majority support but some dissent, explaining the rationale between each side to the Board?

JEFF NEUMAN:

Yeah, so what I would support is giving the small team a short amount of time to put this together. And even for items that don't have consensus, to give an accurate picture of what the recommendations were and the different positions that were expressed in the group. Because we didn't do that for the auction topic, as an example. We didn't do that with SubPro for closed generics, which I think is one of the biggest mistakes, because there were certain things, at least with respect to auctions, that we did have a significant majority voting in favor of a particular proposal. But yes, there was a big enough minority that it couldn't be classified as consensus. But the council took the approach of well, then we shouldn't send anything about it to the board. And I think that's a mistake. So just to sum up, I would get the small team to do that and give that to the council and the council forwards it to the board.

GREG DIBIASE:

Okay. Justine.

JUSTINE CHEW:

Yes, thanks, Greg. So I'm speaking as a member of the small team as well. I would say I completely agree with what Jeff has said. But I would make a few qualifications. One is that we talked about a possibility of not throwing the baby out with the bathwater, that whole baby, but carve out what we think are parts of the baby that did receive some kind of strong consensus, if not full consensus. So I think he missed out the word full, which I noted in the chat, right? So I think we need to distinguish what is considered as full consensus and what is considered as having sufficient consensus to at least consider or step forward for consideration.

The second thing I want to point out is that, yes, I also agree that we need some way of telling the small team what is within scope and what is out of scope, okay? Because there have been continuous attempts to introduce new things, which I would consider out of scope, as Jeff says, right? And I give you the example of acronyms and abbreviations that are not in the dictionary, right? The recommendations and the rationale that supported the recommendations clearly says that we need to consider singulars or plurals of words in the same language in a dictionary. We can't have all sorts of abbreviations and acronyms just thrown about which don't appear in the dictionary because there's no reference to it, right? And there's no authority to that, right?

So those kinds of things, I think someone needs to tell the group that this is out of scope and that's the end of story, stop introducing things that we shouldn't be introducing and work with what the, as Jeff tried to put, what the consensus out of SubPro had, right? And not re-litigate parts of it or substantive parts of it anyway, and work with what we're supposed to work with in the narrow set. Thank you.

GREG DIBIASE:

Thanks, Justine. I guess my follow-up question there is, are we at a stage where we can pursue more substantive work now? It feels like we have to come close to a decision, right? Or are we still on the stage where we can consider new proposals?

JUSTINE CHEW: Well, I don't think it's new proposals. I think it's a question of looking back at all the work that we've done so far in terms of the small team and finding out which parts enjoy sufficient consensus to be considered as an option, right? And establishing which parts should not be part of the proposal that goes forward. That is what I'm suggesting.

GREG DIBIASE: Okay. Thank you. Tomslin.

TOMSLIN SAMME-NLAR: Thanks, Jeff. That conclusion that Justine gave really summarizes what I was going to say. I think we have to also be careful with the procedural aspect of it. I agree on making sure that the small team stays on scope and making sure that we follow the assignment form that was given to the small team as well, even when it comes to what comes out of the small team back to Council. Thanks.

GREG DIBIASE: Thanks, Tomslin. Paul?

PAUL MCGRADY: So in terms of the acronyms and things like that, I don't think we need a third party to come in and tell people that that's out of scope. I've been very clear with the person who was attempting to introduce that and that's not making it into the work. So I would set that issue aside. Kurt asked the question, and I think Justine sort of hinted at it as well, of whether or not everybody, there's consensus around putting singulars and plurals in the same word and same language in contention, even if there's not consensus around the—

GREG DIBIASE: Paul, we lost you.

PAUL MCGRADY: So the issue of whether or not there's a general consensus around putting the singulars and plurals in the contention sets, but not on the exceptions process, I think it's tempting to say, yes, that that's the case, and to say that those who are pushing for a more broad exception are somehow re-litigating something. But the SubPro work had exception baked into it. And some folks who have in the small team plus who have essentially given a concession on putting these into contention sets, that's with the understanding that they would be able to continue to negotiate the exception that they want to see. And so I have grave hesitations to say to folks, thank you for giving us your concession. And now we're not going to consider further what you are trying to get out of giving your concession, right?

And so if we go back and say, and essentially try to split this baby down the middle, we will have more defections on the issue of putting singulars and plural in the contention set in the first place, right? It's going to appear to be less cohesive than we have now. And so I'm hesitant to do that. And so I think we're at a point where we have to sort of say, okay, here's how much time you have left. If you don't bring us back something that everybody is in support of, then we will take the thing that the most people are in support of and the council will consider it. Council, unlike small team pluses who don't vote, council does vote and council can vote up or down, right? So that's the sort of Jeff Neuman path forward. And at least there's something concrete there. And it may motivate the people in the minority to move towards a centrist position. It doesn't necessarily motivate the people in the majority unless they're worried that the council vote won't go their way. Does that make sense? And so in terms of trying to get people to keep giving concessions to where we can meet in the middle, everybody needs to feel like they may not win at a council vote, right? But if that's the path we want to go down, that seems sensible to me. And more importantly, it puts a sell by date on this entire process because tempers are starting to flare up a little bit. People are starting to get a little bit sharp edged. And frankly, this

issue, from my point of view, is not as important as the getting along with each other issue that we have. So I really would like for us to draw a line under it one way or the other. Thanks.

GREG DIBIASE: Okay. So I'm just checking, Jeff, that aligns with what you're saying is that we do vote on a proposal that doesn't necessarily have consensus as long as we document what the positions are and all of that goes to the board with the recommendation or with the supplemental recommendation.

JEFF NEUMAN: [Yeah, that's what I'm saying.] Not doing that, not sending things to the board simply because they don't get a certain percentage of the council vote is the mistake we made with SubPro that I don't think we should make again. In other words, voting something down doesn't mean the board is shielded from seeing that.

GREG DIBIASE: Right. Thank you. Tomslin.

TOMSLIN SAMME-NLAR: Thanks, Greg. The council has traditionally voted on how the work is done rather than the substance of the work. And that concerns me a lot that if something comes that does not enjoy consensus from the small team to the council, we certainly have to be forced to go into the substance. And if we end up voting down or up something that is not ideal, it concerns me. I'm probably not articulating this correctly, but it concerns me that we have to vote based on the substance this time but we might be getting some recommendation that does not enjoy consensus. I don't know if that makes any sense.

GREG DIBIASE: Interesting. Thanks, Tomslin. Paul.

PAUL MCGRADY: Thanks, Tomslin and Greg, Paul McGrady again. I'm not worried about that in this case because this isn't a PDP and there's not a well-defined process for a small team plus. The small team plus was always a drafting team for the council. Council was always going to vote on the substantive outcome. There was never going to be a vote on the process. And so I'm less concerned about it in this case if that's helpful to anybody, thanks.

GREG DIBIASE: Right, but Paul, this is a small team working on amending or supplementing a recommendation that was made in a PDP. So there's, I mean, at least some relation, right?

PAUL MCGRADY: Yeah, there is some relation but what the PDP did is on the cutting floor, right? And so I'm not saying that we have no process and that people aren't listened to. In fact, we've spent a lot of time with everybody being listened to. But at some point, this is not a pure PDP where the goal is to say, yes, all the right PDP manual rules were followed. This is essentially, it's a drafting team. This team is meant to come back with an idea that council either chooses to adopt or not. So yeah, we should be worried about it. I think Tomlin's concern is well-founded. But it doesn't rise in my mind to the same level of concern as if this was an EPDP and we have a 40 page rule book that we either followed or didn't follow. Thanks.

GREG DIBIASE: Understood. Thanks, Paul. Stephanie.

STEPHANIE PERRIN: Yeah, I'm just a little concerned with, and it may be just false analogies there but there's a difference between something being on the cutting room floor referring to actual film, something we don't have anymore. We have video where you can make it up as you go along. And that's what I'm worried about, is the small team that should be doing some editing and should be coming up with recommendations to council as to how to move forward past an impasse but not do drafting. They're not supposed to be doing drafting, right? So I'm confused. Thanks.

GREG DIBIASE: Thanks, Stephanie. Okay, going back to Paul's original two questions. The first one was how much runway do we have? And I think the consensus is very little. I think we need to say that whatever the output is that's going to go to council should come in the August meeting. That should at least be the goal from my perspective. I'm happy to hear opinions otherwise. I haven't heard a different proposal than Jeff's on how to go about this. So maybe that could be the default to consider. Sorry. Thanks, Jeff. We're in August now, September. The default should be the runway stops in September. Yeah. Are people okay with using Jeff's opinion as a default to consider whether we'd vote and document on where there was not consensus if consensus cannot be achieved? Tomslin?

TOMSLIN SAMME-NLAR: I'll say I support the idea of documenting and sending to the board, certainly, but I do not support the idea of voting if consensus is not achieved.

GREG DIBIASE: Kurt?

KURT PRITZ: I think it's dependent on what we get. So it depends on how cogent the recommendations are, meaning how well formed and understandable and

implementable by the board and what items have consensus and what doesn't. So I'm more inclined to support voting because I'm for an active council role, but, you know, we don't want to get stuck voting on a pile of stuff we can't, that's difficult. So I think it's content dependent. And I don't know if we can make our decision at this stage. But we're going to have to do something in September.

GREG DIBIASE: Right, at a minimum, we're going to have to lay out what the discussion was, because people seem to at least agree with Jeff that that would be helpful to the board for their understanding. Susan?

SUSAN PAYNE: Thanks, yeah. I agree with Kurt to some extent. I agree in the sense that, yes, it may depend what we get. But I do think that if that small team plus has an outcome that has, I can't remember what the terminology is, strong support but significant opposition, I think that's the level, if there is a recommendation outcome that has that level of support, even if it's not consensus, then I think that should come to council and the councilors will take instructions and vote on it. And if we were to vote, you know, and pass it through, then we'd send it to the board and the board would see it on that basis.

Now, whether we pass it, if it's only at that level of support, maybe we do, maybe we don't. But, you know, then the board gets it, they can make their own mind up then, whether they think that's good enough or not. I mean, that's how it's supposed to work. And I do agree with what Jeff was saying about, we should have done that on the rest of the handful of SubPro recommendations that had that kind of level of support that we didn't vote on and we didn't send to the board. And it caused confusion afterwards because they didn't have all of the information. Obviously, we're not really in that situation here, but I think we've been asked to come up with the supplemental recommendation. We're trying to do so. We may come up with something that has a good level of support, even if

not everyone agrees with it. And then the board can decide whether they think they want to take that forward or whether they don't.

GREG DIBIASE: Thanks, Susan. That makes sense to me. So I think, Paul, is it sufficient feedback from council to say the runway stops at the September meeting? If the small team is tasked with documenting the positions, and we will consider whether we're going to vote or how we're going to vote on the recommendations that are brought forward?

PAUL MCGRADY: Yes.

GREG DIBIASE: Okay. Well, then I notice we're over on this item. Thanks all for the discussion. Hopefully, Paul, that helped. And if you need someone that has, I guess I've been technically a member of that team, but I haven't been very active, I will volunteer as tribute to play that role. But thanks to everyone for continuing to push here. And hopefully we can get something to work with in that September meeting. Does that sound good to everyone? Manju?

MANJU CHEN: Yes, it sounds good, but I just wanted to mention what I mentioned in chat. I think we have a longer time between this meeting and the next meeting in September, and it will be awesome if we can get a document earlier than later, because for this task, for the small team of SubPro, we've been getting a lot of placeholders, and then we see a document, I don't know, two or three days before the council meeting, we don't really have time to read through the text and discuss with our stakeholder groups. I know we should have with our representatives or whatsoever, but still, I think it's wiser and it's better if we can, as councilors, read the text ourselves and have the time to discuss and have a longer time to discuss

before we can vote on certain things. So please, I will urge the small team to deliver the text earlier, and I would really hate to see any placeholders anymore. Thank you.

GREG DIBIASE:

Thanks, Manju. And I'm sure that the small team has been endeavoring to do that. But as Paul exclaimed, it's been difficult. I know in the chat that the motion deadline is September 9th. I think the actual meeting is until September 19th. So yes, 19th. So we'll set a goal of getting that in September 9th for proper review. And thank you, Manju, for highlighting that. Okay. Anything else before moving on to the next topic? Great.

Let's go on to transfer review initial report format. As you may recall, the transfer PDP working group has been developing recommendations for the last three years, I believe, and they are rounding the corner to initial report that is seeking public comment. And we've invited Roger here to provide some background and helpful information on how our respective groups should look at this report.

ROGER CARNEY:

Great, thanks, Greg. First off, probably, yeah, we went to public comment last Thursday, so a week ago. And I'll give a kudos to the working group and staff here because they've done such great work and collaboration over, as you said, Greg, a little more than three years now. And we actually got the initial report out three weeks early from our plans from three years ago. So that's pretty good. But all due to the collaboration from the working group and staff stepping up and doing a lot of the behind the scenes work there.

So why I'm here, though, is we did make a couple of changes to the report format that everyone's kind of used to. And we did that mostly because it's a long report. There's 150 some pages in the report covering 47 recommendations from the group. And we thought it would be pretty daunting for everyone to read through 150 pages if they're not interested in pieces of it. So what we did was we split it

up and we put the recommendations first with some other details, but put the deliberations and everything, linked them into the bottom of the report. So the first 50, 60 pages is all recommendations. So the 47 recommendations are detailed in the first 50, 60 pages. And the remaining 90 pages are the supporting documents. And there's links from the recommendations to those supporting discussions and everything else. But it does make for a much cleaner read when you go through it. And if you're not interested in the deliberations on something, you just go to the next recommendation. If you want to drive into something in a little more detail, you click on the links and it gets you into the detailed discussions and deliberations the working group had. Again, mostly this was done for readability. It takes the report from 150 down to 60 pages. So hopefully that helps.

One of the other big things we did, and it shows on the screen here, the policy impact. So each recommendation also includes a policy impact rating, I will say. And this is for everyone. And the document does describe what the policy impact means and everything. A low is maybe it's just terminology or something like that. A medium is maybe there was a change to a current policy or maybe an ad or not. And a high is maybe where something was removed from the current policy. A recommendation is removing something from the policy. And this policy impact was really something I believe, and maybe Berry or Caitlin can correct me, came from one of the prior PDP suggestions, is providing this ahead of time. And hopefully it helps the Board get through it, but it hopefully helps any reader see what we're doing here.

Those were the big changes to the report that we made. And again, the reasons being just to make it more readable, but also make it maybe a little more board friendly when we get to that time. And we did also include in our public comments a section four commenting on the changes. So if people don't like the new format, we're asking for input or if they do like it or if they want, you know, something different. We are asking in our public comment about the structure of the report. Again, all the details here are included in the report. I just wanted council to know so that if any councilors get asked by their groups, hey, why is

this so different? At least you have a clear understanding before. I know everyone here reads this. So before you get that chance, if anyone asks that.

And maybe two other things. We did include a visualization document. Again, not part of the recommendations, but a way to visualize the changes and how transfers actually work and function. Staff did a great job creating this visualization that the working group used constantly over the last three years. And it grew with it. So that's included in this document. And again, it's not part of the recommendations, but it just hopefully helps the readers as they go through.

And the other two things or the other thing that we did or are planning to do is early September, September 4th and 9th, we're going to hold webinars to answer any questions. So that's about halfway through the comment period. So we'll be open comment until the end of September. And we thought it would be useful to hold some webinars to answer any questions that any readers have. Anyone that wants to provide comments can ask and maybe then take that into account when they do their comments. But we're planning to hold two webinars to cover the whole report. The first one is just going through the first 27 recommendations. And then the second part is the remainder of the recommendation. So I think that's about it, Greg. I think that's all I needed to share, wanted to share.

GREG DIBIASE:

Thank you, Roger. Personally, I love this. At Council, we're constantly talking about how to make things more accessible, more comprehensible to the board. So it's some really interesting ideas here. Does anyone have questions for Roger? Seeing none, also note in the chat a lot of encouragement for Roger and appreciation for this update and the innovative approach used here. So great. Thank you so much, Roger.

Okay, let's move on to our next item, which was a letter regarding the dismissal of IPC's RFR. So as you recall, the IPC filed an RFR that was ultimately dismissed, among other reasons, for standing. There were a number of people on council that addressed concerns about this dismissal that it didn't look at the

merits, but rather dismissed on standing in a situation where it seemed to many like it would be difficult to meet the standing requirements because the application process hadn't opened. I sent out a letter that was worked on by a couple of people.

Usually, we just ask for, I guess, consent to send these out because this is kind of a sensitive topic. I wanted to allow groups to take this back and kind of answer two questions. A, does your stakeholder group support this being sent from council as a whole? And then B, the second question on my mind is whether we would invite other SOs and ACs to join it. Because at its heart, I think it's really a question of whether constituencies and organizations within ICANN have automatic standing, for lack of a better term, to challenge perceived violations of the bylaws.

So if people have comments now, I'm happy to hear them. If not, please take this back to your groups with those questions. And I will maybe be sending a follow up if you can send feedback on the list within a week, or maybe leadership will send out a reminder with a due date for feedback or objections on whether to send this forward. So I'll stop there and see if there's initial comments. I know we sent this out, I think, only two days ago. So if people have to review with their groups, I know the registrars do. That's understood. Kurt?

KURT PRITZ:

Thanks, Greg, and nice job on the letter. Without commenting on support of our stakeholder group, although we did discuss it briefly, I'd be more for giving birth rather than socializing it with other SOs and ACs. I see that as a multi-month process that might dilute the message. And by sending it out, it'll allow others to climb on board maybe with modification. I'd rather get it out. Thanks.

GREG DIBIASE:

Interesting point. Thanks, Kurt. Damon?

DAMON ASHCRAFT: Yeah, I mean, Greg, thanks so much for all your hard work on that letter. I really share Kurt's viewpoint. I mean, I'd love to have everybody in the whole world, sign on to this letter. But I think from a practical standpoint, it would be difficult to get people to sign on it. So I think the approach would be, you know, once everybody's comfortable with it, we send it and then we encourage other SOs and ACs to send a similar letter, provided that they share the concern.

GREG DIBIASE: That makes a lot of sense, to me at least. Okay. Any other questions or comments on this letter? Then let's move on. Okay. Any other business? So item one, flagging the deadline for public comment for the independent review process implementation oversight team. Susan, I think you had a short update to share with council on this.

SUSAN PAYNE: Yes, definitely. Thanks. Thanks, Greg. The group has a long name, but it's basically the group that's been working on the proposed updated rules for the independent review procedure. We've got in place at the moment what are called the interim supplementary procedures or interim rules. They've been interim actually since 2018, end of, if I think correctly. There was a period of time to reconstitute the group looking at this. And then we've been working for quite some time. Much of the time has been spent on the most kind of problematic or challenging issue, I would say, which is around the time limit that you have for bringing an IRP and particularly whether there should be any kind of outright time limit after the date of the decision from the board or the action or inaction you're challenging, after which you cannot bring an IRP at all. And I think that's been the hardest issue for the group to come to proposals on.

We're not in full consensus on the proposals that we've come to. We're in enough agreement that we are happy to put them out, but I wouldn't say that everyone is on board with them. That's the hardest one. And I think in terms of if council were to consider whether there should be a GNSO-wide comment on these rules, that

might be the area in particular where it's hard perhaps for council to come to a unified view.

We've also updated and made suggestions on improvements to how the panel selection process works or clarifications to make the rules clearer. And we've given some clarifications on kind of initiation of an IRP where the current rules are a bit vague, frankly, in some areas. We've also, I think, on initiation given some kind of implementation guidance because it's not really updates to rules, but there are various things that we want to say, which will include things like, we think that all the information that you need should be gathered in one place on the ICANN website or at a minimum there should be really clear links to where you can find the information in one place. At the moment, if you try and find information on how to file an IRP, you have to go to all sorts of different places and I think it's quite hard, especially for an outsider.

We've also updated the rules on seeking translation and ICANN support for translation and on consolidation intervention and participation as an amicus into an IRP process if you're a kind of not the original claimant. And those areas, we certainly want input on those as well, but I hope would be less contentious and maybe there's more chance that the GNSO, if it was minded to put in a comment, there might be some agreement and alignment there. It's not essential that the GNSO comments, but certainly, I think it would be helpful. I'd certainly, I think, encourage your groups to comment please.

GREG DIBIASE:

Thanks Susan. So following up encouraging everyone's groups to comment. I guess I'm not opposed to a council comment, Susan, but it sounded like at least in some issues there may be divergence. Do people have thoughts on whether we should attempt to get a comment from council together, and if so, is there a volunteer? And if there's no volunteer, I guess this answers the question.

SUSAN PAYNE:

Yeah, actually, I could just add, Greg, maybe. I think there have been a couple of, well, I know there have been a couple of comment periods on previous versions of rules that have gone out. I don't think, off the top of my head, that council did comment on either of them, but the different stakeholder groups and constituencies and I think that ALAC probably did comment separately.

GREG DIBIASE:

Okay. Well, if after reading this report, and someone thinks there may be a place for a council comment, feel free to volunteer. Otherwise, we'll use this update as a notice to send out to your various stakeholder groups and constituencies. Thank you, Susan. The next comment we have is on ICANN's draft five-year strategic plan is out for public comment, and the public comment is due September 17th. One note here, council may wish to review strategic objective number one, which is evolve and promote ICANN's multi-stakeholder model. This is obviously relevant to us as people that are working on this. And it is designated as something that is categorized as a strategic intensity or heightened attention, basically an area where the report thinks a lot of attention is warranted. So I think I'd urge council to take a look at that and see whether we have comments, at least on that part, as a council. I haven't read in depth yet, so I cannot provide more than that, but I wanted to flag it for council's attention. Does anyone have any questions or comments on the five-year strategic plan? And there it is on screen. Okay.

Then I'll move to the next AOB item, the continuous improvement program. And we have an update that I think Damon is going to provide.

DAMON ASHCRAFT:

Sure. Basically, I think with the continuous improvement program, we have met with the other group that's part of council. It's a long acronym. I apologize. I think it's CCOICI. And we went over various different criteria and different factors that are designed to analyze continuous improvement. That group has met. There have been some suggestions that have gone through within that group, and then

that's going to be taken back for the continuous improvement group. And then we'll have a further update for you. So that's the status of it. So basically, we have met internally, and it's going to go back. Does anybody have any questions?

GREG DIBIASE:

Love that efficient update, Damon. Nailed the acronym, gave the information, efficient style. Okay, great. Next item is a reminder on the publication of the preliminary issue support for Latin script diacritics. The deadline for public comments is August 27th. So please review with your stakeholder groups and constituencies, and then we will consider this report after the comments are received. Does anyone have any questions or comments on the diacritics issues report? Oh, sorry, Steve or John, did you have additional background to provide here?

STEVE CHAN:

This is Steve. Thanks, Greg. No, actually, I don't think so. Nothing to add.

GREG DIBIASE:

Okay. And then maybe Steve, did you have something on the next one? ICANN board seeks input on applicant support program use of auction proceeds, the recent blog post.

STEVE CHAN:

I can't call myself an expert on this topic, but there's a recent blog post from Tripti, which you see on your screen. And if I can trouble Saewon to add the link in the chat. There is obviously a request for input on this topic. The gist of it is essentially that the board is suggesting and seeking input on whether or not the auction proceeds funds from the 2012 round, a portion of it can be utilized for the applicant support program for the next round of the new gTLD program. So it could be something that the council might want to provide feedback or maybe it's

more appropriate for the stakeholder groups and constituencies instead, or perhaps both. So I think that's about the summary of it. Thanks.

GREG DIBIASE: Okay. Does anyone have a strong opinion that there should be a council letter on this at this point, or a volunteer to draft something? Okay, well, as you review further. Oh, wait, is there none? Is there even a public comment? No, there's not a public comment. So we just be writing a letter if we had an opinion. Steve?

STEVE CHAN: Thanks, Greg. It actually specifically references submitting correspondence to the board. So, correct. There is no public comment.

GREG DIBIASE: Okay. If any councilors think correspondence is warranted, please indicate so now or on list after you've had a chance to review. Any other comments on this item? Lawrence?

LAWRENCE OLAWALE ROBERTS: So I just wanted to add a bit of context to this. It is the understanding that by policy, which is developed by our council, applicant support is supposed to be is supposed to be self-funded by the round for which it occurs. In other words, for this particular round that we're looking at, the funding, it's supposed to come out of the applications for the future round. I think the board is trying to work around the question that might have been posed by some aspects of the community with regards funding the applicant support program itself. So I know the time is short. I think the deadline for the board letter is for the 12th of August. But because it touches on policy that definitely emanates from the GNSO council, it might be worth the salt to, at least in my opinion, give some kind of support towards this, except if there are contrary views in terms of the Council supporting the Board in that direction. Otherwise, as we are basically, in my thoughts, the process

holders in terms of policy development, and this touches on one, it'd be worth the while to send a letter affirming support to the Board.

GREG DIBIASE: Thank you, Lawrence. Does anyone have comments or concerns with Lawrence's suggestion? Okay, I'm seeing some support in the chat. Lawrence, would you be willing to draft something, or perhaps we can send out a letter after this meeting asking for volunteers? I think it can be rather short.

LAWRENCE OLAWALE ROBERTS: I can take a stab at it, but definitely we need help from other members of council with whatever drafts I push forward.

GREG DIBIASE: Okay, thank you, Lawrence. Okay, moving on to 11.6. Leadership sent a draft Board letter on urgent requests, requesting initial meeting with the Board and the GAC to discuss the potential paths forward on the urgent request issue. We have not seen any feedback on the list. We plan to send that unless there are objections, and maybe we can send one more reminder to list before we do that. So we'll stop there and see if there were concerns with that approach and the letter that was sent before moving on to the next part of this.

Okay. And then the RrSG also sent a letter to Council expressing some of their views on the subject for Council's edification. And I think, Prudence, were you able to provide any background on this letter?

PRUDENCE MALINKI: Hi. I really want to do a Damon and just be really efficient and pithy and to the point with my response, but I'm the queen of waffling, so forgive me in advance. This is probably going to be long-winded and not as concise. So Damon, you've

set such a wonderful bar. I just hope to, I've already gone over, I'm already gone over.

So basically, the registrars were able to get together and formulate our thoughts with regards to urgent requests. In short, we did agree with a lot of the substantive concerns that were raised by the board's letter. However, one of the things, and I'm just going to try and get straight to the main bits. One of the things we wanted to throw out there was that what we believe as a group is that the solution should be to have the law enforcement agencies to come together to develop their own kind of process or cross-border process, right? In order to help them with WHOIS disclosure requests. Now, we're thinking that that would be something that would really help with regards to the issues relating to obtaining the data in a timely manner. And we kind of put that out there.

And also, we kind of focused as a group on the four areas, well, actually, no, it was five areas to do with the board's letter. And we agreed with regards to the whole conceptual idea that when it comes to threat to life, we do need to have like a fast response. And I know that sounds like pretty self-explanatory, but we do agree and understand that if a response does come after a couple of days, then it's not going to necessarily be able to mitigate the harm that's happened. However, we also kind of think that we should be authenticating requesters to make sure that we are receiving legitimate requests and that that authentication process requires time. And at the moment, there isn't an actual current system to do this. And with regards to the different law enforcement agencies that are located all across the globe, this kind of becomes quite complex, especially with regards to the volume of individuals who will need to be authenticated.

And then, with regards to the board's idea of the creation and maintenance of an authentication system, we know that that's going to require assistance of law enforcement and governments as well in order to create it and make it operate and make it work. But ultimately, to try and wrap this up in a nice bow, we actually really want to work alongside the GAC and other members of the community to try and resolve the issues relating to urgent requests. And it is

something that is genuinely of a high priority for us as a registrar group. And I'm going to end it there.

GREG DIBIASE: Great, thank you. I'm not going to ask for comments on Prudence's letter. We only have two minutes and we have one AOB left. Queries regarding the IDN EPDP. I wanted to call everyone's attention to a letter that Manju sent out to the council for feedback. And Manju, I'm giving you such a short time, but are you able to provide some feedback on the request and what the council can provide back to you?

MANJU CHEN: Hi, thank you, Greg. So we have sent this query because there's this request from the GDS to kind of do something. I'm not going to [inaudible] because it's going to take too long, but it's because it's procedurally unprecedented. So the working group actually really have no idea what we should do about this. This is, we think, a council decision to make. That's why we're seeking guidance from the council. So please read the letter and please let us know what we should do. Thank you.

GREG DIBIASE: Thanks, Manju. And this is something we can support your request. I can ask if there's objections to this request and maybe we can support this request through email. Yes, Manju says yes. Okay, great. Thank you, Manju, and sorry for rushing you. We are exactly at time. Thanks, everyone. I feel like we covered a whole lot of ground today. Hopefully Paul has what he needs with the rest of the small team. And thanks everyone. And I will see you all in September.

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, everyone. Bye.

[END OF TRANSCRIPTION]