
**ICANN Transcription
GNSO Council Meeting
Thursday, 19 December 2024 at 21:00 UTC**

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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

Contracted Parties House

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

gTLD Registries Stakeholder Group: Nacho Amadoz, Samantha Demetriou, Jennifer Chung

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Vivek Goyal, Osvaldo Novoa, Thomas Rickert (apologies, proxy to Osvaldo Novoa), Damon Ashcraft, Susan Payne

Non-Commercial Stakeholder Group (NCSG): Farzaneh Badii, Bruna Martins dos Santos (apologies, proxy to Farzaneh Badii), Julf Helsingius, Tomslin Samme-Nlar (connectivity issue, joined after first vote), Peter Akinremi (apologies, proxy to Julf Helsingius), Manju Chen

Nominating Committee Appointee (NCA): Paul McGrady

GNSO Council Liaisons/Observers :

Justine Chew : ALAC Liaison

Sebastien Ducos: GNSO liaison to the GAC

Antonia Chu: ccNSO observer

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 (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
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)
Julie Bisland – Policy Operations Sr. Coordinator (GNSO)

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

NACHO AMADOZ: Present Terri, thank you.

TERRI AGNEW: You're welcome. Jennifer Chung?

JENNIFER CHUNG: Present Terri, thank you.

TERRI AGNEW: You're welcome. Hong-Fu Meng?

HONG-FU MENG: Present Terri, thank you.

TERRI AGNEW: You are welcome. Samantha Demetrio?

SAMANTHA DEMETRIOU: Present. Thanks, Terri.

TERRI AGNEW: You're welcome. Greg DiBiase?

GREG DIBIASE: Present.

TERRI AGNEW: Prudence Malinki?

PRUDENCE MALINKI: Present. Thanks, Terri.

TERRI AGNEW: You're welcome. Desiree Milosevic?

DESIREE MILOSHEVIC: Present. Thank you.

TERRI AGNEW: You're welcome. Lawrence Awali-Roberts?

LAWRENCE OLAWALE-ROBERTS: Present. Thank you.

TERRI AGNEW: You're welcome. Vivek Goyal?

VIVEK GOYAL: Present. Thank you.

TERRI AGNEW: You're welcome. Damon Ashcraft?

DAMON ASHCRAFT: I'm present.

TERRI AGNEW: Susan Payne?

SUSAN PAYNE: Present, Terri.

TERRI AGNEW: Osvaldo Novoa? I don't see where Osvaldo has joined. Also, he does hold a proxy for Thomas, so we will try all means to get a

hold of Osvaldo to get him on. Thomas Rickert sent his apologies. Again, proxy goes to Osvaldo Nova. Julf Helsingius?

JULF HELSINGIUS: Present, Terri. Thanks.

TERRI AGNEW: You're welcome. Farzaneh Badii?

FARZANEH BADI: I am not absent. I'm present.

TERRI AGNEW: Thank you. Peter Akinremi sends in his apologies, and the proxy will go to Julf Helsingius. Tomslin Samme-Nlar. So, we do know Tomslin is trying to join. He is having some audio issues, so staff will continue to try to reach him as well. Manju Chen?

MANJU CHEN: I'm here. Thank you.

TERRI AGNEW: You're welcome. Bruna Martins-Dosantos sends in her apologies, and the proxy goes to Farzaneh Badi. Paul McGrady?

PAUL MCGRADY: Here.

TERRI AGNEW: Anne Eichmann-Skaliz?

ANNE AIKMAN SCALESE: Present.

TERRI AGNEW: Sebastien Ducos?

SEBASTIEN DUCOS: Present.

TERRI AGNEW: Justine Chew?

JUSTINE CHEW: Present. Thank you, Terri.

TERRI AGNEW: You are welcome. And Antonia Chu?

ANTONIA CHU: Present. Thank you.

TERRI AGNEW: You are welcome. We don't have any additional guests for today's meeting, but the policy team supporting the GNSO is on. So, we

have Steve Chan, Julie Hedlund, Caitlin Tubergen, Saewon Lee, Feodora Hamza, John Emery, Berry Cobb, Julie Bisland, 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 a Zoom webinar room. Councilors are panelists and can activate their microphones and participants in the chat once you've set your chat to everyone. So, again, councilors, please adjust your chat to everyone 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 their microphone 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.

OSVALDO NOVOA: Excuse me, Terri. Sorry. Just to let you know that I'm here.

TERRI AGNEW: Hey, you made it. And just as a reminder, everybody, Osvaldo holds the proxy for Thomas. Greg, back over to you.

GREG DIBIASE: Thank you, Terri. Nice to see you, Osvaldo. Welcome, everybody, to our December meeting, our last of the year, right up on holiday time. So thanks to everyone for making time in their busy

schedule. A pretty busy agenda today, so we'll dive right in. I will start with asking if anyone has an update to their statement of interest. Seeing none, I'll ask if anyone has any amendments they'd like to make to the agenda. Hearing none, I'll note that the minutes of the last GNSO Council meeting for 13th November were posted on the 2nd of December. So those are available for review. So diving right in, was Tomslin able to join the call?

TERRI AGNEW: No, we are still working on the connection for Tomslin. Thank you.

GREG DIBIASE: Okay. Then maybe I'll go straight to the consent agenda. Or do we think Tomslin will be on soon?

TERRI AGNEW: I do not think he'll be on in time for us for the vote.

GREG DIBIASE: Okay. Our consent agenda is pretty straightforward. We have the GNSO review of the GAC communique, which I believe was sent out on list. The recommendations report for the EPDP on IDNs Phase 2, which will forward the recommendations to the board as part of that report. And confirmation of the GNSO empowered community representative who will remain Tomslin Samme Nlar. So I think those are straightforward, but I'll pause to see if anyone has questions on these items before moving to a vote on them.

Seeing none, Terri, can we proceed with the consent agenda vote?

TERRI AGNEW: We certainly can. And I'm just pausing for one moment, just in case we got Tomslin on. Okay, no. So for this vote, only because of audio issues, Tomslin is trying to join. I just want to be very clear, but he will not be present for the vote. 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 the motion, please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Would councilors holding proxies, so Osvaldo for Thomas, Farzane for Bruna, and Julf for Peter, please say aye.

PARTICIPANTS: Aye.

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

GREG DIBIASE:

Thank you so much, Terri. Then let's move on to the council vote, which regards empowered community approval action on the fundamental bylaw amendments to article four, accountability review, section 4.2. So if you recall, this bylaw amendment was presented to the board, was proposed by the board in response to a recommendation from the CCWG on auctions proceeds, and it concerned applicant support, and it carved out an exception to the accountability mechanisms in which applicants that apply for applicant support and do not receive applicant support cannot use accountability mechanisms to challenge that decision. And the rationale behind that was to make sure that money allocated to applicant support was going to applicants as opposed to things like legal fees.

So we had a couple back and forth with the board on this, but I think we eventually settled with the board proposing something that is scoped narrowly to the original CCWG recommendations. So I think we can go to the motion, and I'll read the motion before voting, and maybe I'll stop there to see if anyone has questions before I do so on that. Okay.

Resolved. Number one, the GNSO council supports the approval action. Number two, the GNSO council requests the GNSO representative on the BC administration to promptly inform the BC administration, the other decisional participants, and the ICANN corporate secretary about the GNSO's council's decision with respect to the approval action. Okay. I don't see any hands, so I think we can move to a vote, Terri.

TERRI AGNEW: All right. We'll go ahead and move to a vote on this. One moment, please. And this one will be a roll call vote. So here we go. Desiree Milosevic.

DESIREE MILOSHEVIC: Yes, I vote yes. Thank you.

TERRI AGNEW: You're welcome. Farzaneh Badi.

FARZANEH BADI: Yes.

TERRI AGNEW: All right. And Farzaneh for Bruna.

FARZANEH BADI: Yes.

TERRI AGNEW: Prudence Malinki.

PRUDENCE MALINKI: Yes, I vote yes. Thank you.

TERRI AGNEW: Thank you. Damon Ashcraft.

DAMON ASHCRAFT: I vote yes.

TERRI AGNEW: Paul McGrady.

PAUL MCGRADY: Yes.

TERRI AGNEW: Greg DiBiase.

GREG DIBIASE: Yes.

TERRI AGNEW: Julf Helsingius.

JULF HELSINGIUS: Oh, well, yes.

TERRI AGNEW: And Julf for Peter.

JULF HELSINGIUS: Yes.

TERRI AGNEW: Hong-Fu Meng.

HONG-FU MENG: Yes.

TERRI AGNEW: Osvaldo Novoa.

OSVALDO NOVOA: Yes.

TERRI AGNEW: And Osvaldo for Thomas.

OSVALDO NOVOA: Yes.

TERRI AGNEW: Jennifer Chung.

JENNIFER CHUNG: Yes.

TERRI AGNEW: Vivek Goyal.

VIVEK GOYAL: Yes.

TERRI AGNEW: Samantha Demetrio.

SAMANTHA DEMETRIOU: Yes.

TERRI AGNEW: Tomslin Salmonlar.

TOMSLIN SAMME-NLAR: Yes.

TERRI AGNEW: Susan Payne.

SUSAN PAYNE: Yes.

TERRI AGNEW: Lawrence Olawale-Roberts.

LAWRENCE OLAWALE-ROBERTS: Yes.

TERRI AGNEW: Nacho Amadoz.

NACHO AMADOZ: In favor.

TERRI AGNEW: Thank you. And Manju Chen.

MANJU CHEN: Yes.

TERRI AGNEW: Thank you. For the Contracted Party House, we had seven votes in favor and no votes against. And no abstentions or absence. For the Non-Contracted Party House, we had 13 votes in favor, none against, no abstentions. The motion passes with 100% in the Contracted Party House and 100% in the Non-Contracted Party House. Thank you. Back over to you, Greg.

GREG DIBIASE: Thanks, Terri. Thanks, everyone. And I want to echo what Paul said in the chat. I think we worked hard to make sure that this amendment reflected what the CCWG had in its intent and nothing beyond that. So, yeah, happy about how this ended and thanks to everyone. Justine, I see your hand.

JUSTINE CHEW: Yes. Thanks, Greg. This is Justine for the record. I just wanted to note that, you know, a round of congratulations to Council for getting this done. In a related matter associated with this issue, you recall that, Greg, you sent a letter to the ICANN Board or Tripti, ICANN Board Chair, expressing concern about how they had approached this particular issue to begin with. I just wanted to note that the ALAC also sent a letter of support to the GNSO letter in reference to the same issue. And I will put the links in the chat for you. Thank you.

GREG DIBIASE: Great. Thank you so much, Justine. Yeah, and I think the GNSO letter, as well as support from other parts of the community like ALAC, really got our point across. So thank you for that. Okay. Moving on, I will move to the next vote. And this is a vote regarding the charter for the policy development process on the Latin script diacritics. If you recall, we voted last time to initiate work, policy work on this topic, but we wanted to take a closer look at the charter. There are a couple of details that Jen and Mark, among others, had identified. Jen graciously took the pen to kind of work through the motion to make sure it was correct. And I think she will be presenting this motion for a vote. Jen, over to you.

JENNIFER CHUNG: Thanks, Greg. This is Jen for the record. I have never done this before, so I guess you probably should walk me through this. Do I go straight there? Do I describe the differences, changes?

GREG DIBIASE:

Yeah, I don't know if you have just kind of a really high level of what the changes might have been. And then staff will put up the resolve clause or the motion, and then you just read the resolve clauses before we vote.

JENNIFER CHUNG:

Okay, and do that. Okay, so if councilors recall, we did have a discussion during our working sessions in Istanbul about this. We're happy that we voted to start the Latin Diacritics PDP, but in the discussions that we've had, we kind of teased out some changes we'd like to see in the charter. When I sent this over to council list, I highlighted three main key highlighted changes that I made to the charter with help with staff, of course. The first being the addition of the language referencing the Latin RZLGR, specifically Section 3 variants to clarify the scope of this PDP.

The second highlighted change is the addition of the global public interest and the reference to the checklist. And then the third and last key highlighted change is the adjustment of the working group membership structure to make it an open model structure. So these three are the main changes to the charter. I believe there was some discussion on list as well, and hopefully I have answered and clarified a little better. I'm happy to take any additional questions, but if there aren't any, I will leave it to staff to walk me through presenting the motion.

GREG DIBIASE: Thanks, Jen. I think you just need to read the resolve clauses now. Is that right, staff? Because she presented the motion, she'll read the resolve clauses, and then we can take a vote.

TERRI AGNEW: You are correct.

JENNIFER CHUNG: Thank you, Terri. Thank you, Greg. Okay, resolved. The GNSO Council adopts the PDP Working Group Charter for Latin script diacritics and requests that the PDP Working Group be convened as soon as possible. Two, the GNSO Council requests that the GNSO Secretariat publish the call for volunteers for members, observers, and relevant liaisons per the membership structure within the PDP Working Group Charter.

TERRI AGNEW: Okay, with that, are we good to roll into the vote then?

GREG DIBIASE: Yes.

TERRI AGNEW: Wonderful. And this will be a voice vote. Would anyone like to abstain from this motion? Please say aye. Hearing no one, would anyone like to vote against this motion? Please say aye. Hearing none, would all those in favor of the motion, please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Councilors holding proxies, so Osvaldo for Thomas, Farzaneh for Bruna, and Julf for Peter, please say aye.

PARTICIPANTS: Aye.

TERRI AGNEW: Thank you. And no abstention, no objection. The motion passes. Please continue.

GREG DIBIASE: Thank you, Terri. Thanks, everyone. Thank you, Jen. Moving on to our next topic, which is just a discussion regarding the EPDP temporary specification phase one recommendation 18, which concerned urgent requests. And more specifically, we're discussing a response to a letter that will be received from the GAC. The letter noted or cited an earlier letter from the ICANN board that noted an issue with this recommendation in that it recommended urgent requests, which would imply likely one business day or less or a shorter time frame. But that seemed difficult or maybe impossible if the requests could not be authenticated as coming from law enforcement. So the board kind of cited the problems or difficulty with this recommendation. The GAC letter proposed that they could start working on an

authentication method, which could solve part of this problem. And at the same time asked if council could start work or continue work on the policy side of this recommendation.

So in our last meeting, we had a request to councilors to review this with your respective stakeholder groups and give feedback on what if any policy should continue or restart Leadership also took a look at this and wanted to note one other detail that there is a timeline and related work. So EPDP phase two, which regarded the asset that has not been adopted yet, or has not been adopted, had a timeline of one business day not to exceed three calendar days. And we just think it's worth noting that The IRT had considered this, but had not gone adopted it for among other reasons. There was we were there were lacking an authentication mechanism. So possibly there is an authentication mechanisms that can be developed by GAC that could serve our purposes here. So one, I guess, possible route just throwing out a straw man is to return to GAC. Noting that starting policy work all over again for lack of a better term might not be necessary. And maybe we could start with this timeline as an example. But I will stop there and open it up to discussion to see if people have thoughts on a response to the letter from the GAC. Anne, I see your hand.

ANNE AIKMAN SCALESE: Oh, thank you, Greg. And you may have already responded on list. I recall some sort of discussion that there's a related issue here that I recall some sort of discussion that there's a related issue here that registrars, for example, would actually have to determine in addition to having law enforcement authenticated

that there was not a risk to infrastructure. Am I dreaming? Is there a two-step process here?

GREG DIBIASE:

So I'm not sure if I have the answer to that. I know that, you know, there was concern that even if there is an authentication method, there might be additional steps that there might be additional steps to determine if the request is valid. And I'll note that I think what they're looking for is a timeline for a response. So the response is not necessarily disclosure. But I think that is maybe what you're referring to.

ANNE AIKMAN SCALESE:

Yeah, thank you, Greg. It's Anne. I remember being on a call where it kind of seemed to me as though GAC members were assuming that once the law enforcement was authenticated, that information would be disclosed. And a few contracted parties commenting, well, it's not quite that simple. But so I think I think that, you know, developing an authentication process certainly makes sense. And we would want to encourage the GAC to do that. But I don't think we should, you know, necessarily [inaudible] mislead anyone to think that that automatically results in disclosure.

GREG DIBIASE:

Right. So I agree that's accurate. And I think that's a good point that we need to make sure is crystal clear that the timeline is in response and not necessarily that data will be disclosed. Okay, I have a queue. Sam, you're first.

SAMANTHA DEMETRIOU: Thanks, Greg. This is Sam for the record. My understanding of this issue, I just wanted to kind of put my hand up to echo that I share Anne's understanding on this one, too, that it's not solely a matter of ensuring that the requester is authenticated. That is a key aspect here. But the other question is understanding if the request truly does meet the definition of urgent. However, that's defined. I know there was one definition that was put forth from the EPDP recommendations. But when the urgent request language got stripped out, I think it got removed. So I think it becomes a question of where does that policy question get answered if it's on the policy side of the timeline for response or if it becomes somehow wrapped up in the work that's going to be done in accreditation. I don't know if that if or how that could work. But I think the issue of knowing that a request is coming from who they say it's coming from, but also that it truly does meet the definition of urgent and taking that off of the plate of the registrar who receives the request that will impact what the timeline is potentially. So I think it's to be decided how that question gets answered.

GREG DIBIASE: Right. I think the timeline, and certainly anyone can jump in to correct me. I think the timeline is to respond to a request. That response could be that we do not classify this as urgent. Or there's some other issue with the request itself, if that helps clarify. So I'm not sure if policy is required there, but that's my understanding. Does that help clarify, Sam? Or did I muddle things even more?

SAMANTHA DEMETRIOU: I think you raise a valid point, right? That one outcome of this is just that a response gets sent. I'm wondering if that is the satisfactory resolution of this issue, right? And that's where I'm just throwing it out there as a question. I could be totally wrong.

GREG DIBIASE: Got it. Thanks, Sam. Farzaneh, you're next in the queue.

FARZANEH BADI: Yeah, thank you, Greg. So I totally support what Sam said. I think those are valid questions, also Anne's point. Because in their letter on October 15, they said that they are going to work on authentication in a parallel process. I wanted to know what sort of process that would be, who is going to be involved, what is the GNSO Council role, and whether they are going to involve the GNSO or how that's going to play out. So if you have any clarification on that, maybe I misread the whole issue, but that was my impression that they were going to start a process and have meetings. So if we can clarify that.

Another thing that NCSG truly cares about is that the matter of urgent requests like authentication should not lead to automatic disclosure of the domain name registrant's private and sensitive data to the law enforcement. And as others said, we need to look at it, look at what they really want. And if it's just a response to the request, we can look at that. But generally, that should be a red line for us because the registrar also has to do a balancing act of fundamental rights and legitimate purpose. Even when their

request is urgent and by automatically authenticating every law enforcement, that's not going to happen.

And one more thing that I wanted to say, I am a little bit uneasy about the fact that they want to come up with the authentication process themselves and they're telling us to go and work on urgent requests because I think that both are very much related to each other. And so that's about it.

GREG DIBIASE:

Thanks, Farzaneh. So to respond to those points regarding what is their process, we don't know yet. What is their process and are we involved? I don't think we know yet. So I think that's a great question that we can raise in the trilateral that we'll have. And then I think your point I was building on Sam's point that we want to clarify that the timeline that we're talking about is not for an automatic disclosure, but rather a response evaluating the request after an authentication mechanism has been established. So I think those are both questions for the trilateral. I think the more immediate question for us is if there is additional policy work to be done by council at this time. I'm not sure there is. I mean, I think there's clarifications like what Farzaneh and Sam have raised. But that's kind of the other discussion question I'm posing to the group is, are we starting policy here or do we already have a foundation based on what's in the recommendations that we could work with? So I'll stop there and go to Susan.

SUSAN PAYNE:

Thanks. I don't feel that the questions Sam and Farzaneh have raised are really questions. I don't feel they're necessary questions. I think it's my understanding of what the GAC were asking us, taking into account the kind of meeting we had and also the letter was that that's exactly what they're saying. They're saying like we know we know that fixing the authentication process isn't an automatic disclosure, but we're going to take on ourselves that task of doing the authentication, working out how to authenticate. But there's other work needs doing still, which is on the other part, which is kind of what the timing should be for the decision and absolutely the decision or the communication back could be, you know, sorry, no, you know, we don't feel this is a situation where we can disclose, but obviously equally it could be, yes, you know, and here is the disclosure. But I think all they're saying is we want you guys to work on that part and we'll work on the authentication. So I definitely think we can have a conversation with them about what the process is for the authentication, what they think their timeline is, can we be involved? But they're just asking us to do the other piece of the puzzle. And I don't feel it's that ambiguous what they were asking of us. I think this is something that clearly up until relatively recently the IRT felt was within their remit to deal with. They came up with a recommendation and put it out to public comment and then this obviously got sort of derailed a bit over the discussions about how do you authenticate and how much time does that take? Given the IRT previously has felt perfectly capable and sort of empowered to look at this issue, I think I and the IPC colleagues who have given us instructions would favor, you know,

giving this back to the IRT and asking them to start work again on this issue.

I think the only other thing I would say is, and I totally understand the comments about, you know, who's going to be doing it and is the GNSO involved and so on, but I would just kind of point out that I think, you know, we've all been in conversations where people have gone, you know, authentication of law enforcement is needed, there's no lists, you know, how are we registrars meant to be able to do this? You know, there have been calls for the GAC to help out with this and assist in developing a process. I think they've picked up the task that they've been asked to pick up and so I don't think we should be critical of them for doing so, albeit that, yeah, we may well want to have some place in the room while the conversation is going on. But I think we should be supporting this. This seems to me to be the GAC and the PSWG attempting to be proactive to solve a kind of thorny issue that we know we can't solve.

GREG DIBIASE:

Thanks, Susan. So that all makes sense to me. One follow-up question. You mentioned continuing the policy work and the IRT beyond the timeline. Is there work or can we point to, hey, the IRT can continue to consider the timeline with the understanding that the GAC is developing an authentication mechanism?

SUSAN PAYNE: So I think the latter. If we assume the law enforcement requester is being authenticated, then what is the timeline then for the response?

GREG DIBIASE: Got it. Okay. Thanks, Susan. Damon?

DAMON ASHCRAFT: Sure, Greg. I support what Susan says, and I think kind of to answer your question is, no, I don't think there's a whole lot of need to do more policy work here. Sounds to me like restarting the IRT makes the most sense. And let's remember these urgent requests, these come, these are very serious issues, typically involving, you know, criminal acts. And, you know, we shouldn't put this matter into the weeds and get too bureaucratic about it. I mean, let's do what we can to, you know, support things. I echo a lot of what Susan says, that makes a lot of sense. And let's not bog this down in bureaucracy for these types of things. So those are my thoughts.

GREG DIBIASE: Thanks, Damon. That makes sense to me as well. Manju?

MANJU CHEN: Thank you, Greg. So I agree with Susan that I think it's a simple ask from the GAC, and they picked up their task when they're asked to do the authentication. But I think there's one thing missing in Susan's comment, which is, their ask is, we do this

thing with the assumption that they already developed an authentication mechanism, which is not the case. They haven't developed everything. They haven't even started the work. So I don't think it's reasonable for us to assume that they'll get this done in time or whatsoever. So that's why I think we should really wait it out. We definitely support their work, and we're very pleased that they're picking up the tasks. But as long as we don't know how it looks like, I don't think there's a basis for any further discussion of this that could be done. Thank you.

GREG DIBIASE:

Thanks, Manju. Yeah, I mean, it would be interesting work, right? I think the timeline would be agreed to dependent on an authentication mechanism that is being developed. So it would be like a unique, I guess, determination by the IRT. There would be a dependency on something that is still being developed, possibly. But yeah, I understand that point. Farzaneh, back to you.

FARZANEH BADI:

Yeah, I just wanted to support whatever Manju said. And so we are not supporting their work. It's great that they want to start it. But I think the impression that I had, and I was not on the council at the time, that they had a meeting with you. And then they told you, like, I mean, with the council, and then they told you what they were going to do. And I think we have a few questions that we need more clarification on that. And we need to also decide internally what we should do with the process of discussing urgent requests. So I think that I'm going to suggest, and I'm a council member, so correct me if I'm wrong, but I suggest that maybe we

can have another meeting with them, ask these clarifying questions, ask the question about how the process works and stuff like that, and then take it from them.

GREG DIBIASE: Thanks, Farzaneh. Anne?

ANNE AIKMAN SCALESE: Yeah, thanks, Greg. And I support the idea of having another meeting. I note that at the beginning of this, you introduced saying that in the PDP, the timeline was provided, I'm sorry about the airport noise here, as, you know, 24 hours or not longer than three days or something like that. But I think we do need to clarify, what is the GAC really asking us to do? I mean, was it in the PDP that, as long as the law enforcement authority was authenticated, that the request would, in fact, be treated as urgent? Is that what they're trying to get us to do as a policy matter? Because I think, as you pointed out, the 24 hours and the three days thing was already there. So yeah, what policy work do they actually want? What questions do they want deliberated on? So I support what Farzaneh just suggested. And I also support what Susan and Damon said about, well, hey, let's try to, yeah, everybody move forward together and collaborate, and maybe they will produce an authentication process, and that would be very helpful to everyone.

GREG DIBIASE: Thanks, Anne. Okay, so, trying to kind of bring some of these ideas together. We have an upcoming trilateral with the board and

the GAC where we'll have the opportunity to ask questions. We're interested in learning more about what the process would be, the process for creating an authentication method and whether the GNSO could be involved. I think there's an open question on what the policy development would be. It seems like it could go back to the IRT, but I guess that's not technically policy development, right? The IRT could consider a timeline after an authentication method was established or pursuant to an authentication method, but maybe, I guess in my mind, those are the follow-ups that we need. So I'm seeing some questions or some suggestions of a letter in the chat, or maybe to try to write this out and kind of organize our thoughts based on the conversation here. I think we have one more meeting before the proposed trilateral with the GAC and the board, so we could kind of write out our thoughts on what, to Farzaneh's point, on what questions about the authentication method, questions about what does policy work mean, right? Is there something beyond bringing an issue back to the IRT and whether it's the right time to do that? So those are some of the potential issues we could put in a letter or start to draft that's what I have so far. Damon?

DAMON ASHCRAFT:

No, Greg, that makes a lot of sense, and I think Farzaneh's questions, I think, is fairly straightforward. So I think a simple letter, ask the question, get it out there, and again, let's try to fast track this process and move on with it.

GREG DIBIASE: Okay, then maybe my proposal to council is council leadership will take this feedback, try to organize our thoughts, see if a letter identifying some of these questions makes sense, and perhaps that can clarify our thinking on what would be the subject of a trilateral between the GAC and the board. How does that sound to folks? I'll take silence as acceptance. All right. Great. Okay. I think we identified some issues here, and like I said, we'll have time to discuss this in our January meeting, but I think we'll try to circulate something before then too. Okay. Any other comments on that before we move to the next item? Manju?

MANJU CHEN: Sorry, Greg. I just wanted to ask, when is that thing that we're going to have?

GREG DIBIASE: I don't think it's scheduled yet. The initial suggestion, I think, was the end of January, but staff can correct me. I don't think we're set in stone here. I think we were aiming for late January, early February. If I'm wrong, staff jump in, but I think that's my understanding.

TERRI AGNEW: You are correct, Greg.

GREG DIBIASE: Okay. I think we have some flexibility there, in other words, Manju. Cool. Great question, Manju. Okay. Let's move on to the next

topic, which is request for guidance from the new gTLD Subsequent Procedures IDNs EPDP Phase 1 IRT. We're having our first fun issues coming out of the IRT, and I think we have Susan to tee this up and explain what the issue is.

SUSAN PAYNE:

You do indeed. Yeah. And I'm sure Anne will chip in and correct me if I go wrong, but Anne is the other liaison, so we obviously discussed this before we brought this to council. And so basically, this is an issue to do with Han script, single character TLDs, or the possibility of having single character Han script as TLDs. In ASCII, we're all very familiar with the idea that you can't have a letter TLD, but obviously, SubPro was aware of the fact that there are other scripts where a single character isn't just a single letter, it's not the same form of writing. And so, Subsequent Procedures made a recommendation, 25.4, I think it says there, that it could be possible to have single character gTLDs for ideographic scripts in the next round, provided they do not introduce confusion risks that rise above commonplace similarities. And then the IDNs EPDP Phase 1 picked up this work and looked at it further. And so they put some more detail onto this. And in particular, they identified that the only script where this was really appropriate would be Han script, which is used in Chinese, Japanese, and Korean language. And then having spoken to the Label Generation Panel for the Chinese, Japanese, and Korean scripts, the recommendation that the IDN Phase 1 EPDP made was that applications must not be accepted for single character Han script TLDs until relevant guidelines were developed and put in place by that Chinese, Japanese, and Korean Generation Panel Group. Or

alternatively, if those panels determined that additional guidance wasn't necessary, then the single character applications should proceed.

So, as we understand it from staff that brought this to, brought it up within the IRT, those CJK Generation Panels issued responses which were gathered together and put out to public comment. But essentially, the three groups concluded that they felt that they didn't intend to put out additional guidance beyond what's already in the root zone label generation rules, which they felt, or they appeared to be saying they felt sufficiently addressed the concerns. But then when that was put out to public comment, there were really quite a large number of comments, relatively speaking, from the Chinese community, pretty much, expressing concern about this and about sort of that it doesn't align with China's linguistic laws and regulations, that there are complexities about Chinese character ideographs that aren't really taken into consideration, and that there are significant end user confusion risks.

And I would say those comments came from kind of some who appear to be individuals, some companies, some in the domain name space, or sort of adjacent to, and also sort of organizations like educational establishments and the like. So, it's quite a sort of wide response. In total, I think there were 16 comments and 14 of them were opposed. One was kind of on a sort of different issue. And then one was kind of supportive, saying, oh, I'm really pleased to see this issue seems to have been fixed. But basically, a lot of pushback from the Chinese community saying that this would cause confusion.

And so this system was brought to the to the IRT, initially to the subgroup that has been implementing the IDNs recommendations, who then referred it back to the sort of main IRT. And we discussed it. And certainly, staff were saying to us or are saying to us that they don't feel they can proceed with implementation to allow for the single character Han scripts in light of this feedback. And of course, it's not the IRT's decision that we won't proceed with implementation, because that's not really our remit. So, Anne and I thought we needed to bring this back and have the discussion here in council.

And I'm just noting what Manju has said, that it's not the whole Chinese community she's talking about. It's a particular jurisdiction where its population speaks Chinese. And I think, you know, certainly, you know, I don't know who all of the comments are from in the sense of I wouldn't know where they come from specifically. I think they probably—I'm sure she's correct. But nevertheless, we you know, there's a significant pushback from a part of the community for whom Chinese and this Han script is the language and the script that they use. It may well be that there are others who use that script who feel differently. But one of the things that came across from the comments was really this belief that more work needs to be done, that there is this risk of confusion, and that it's unwise for this to go forward until additional work has been done. And I think that's really the kind of takeaway that we are sort of bringing back to Council, is that there is this public comment input. One could say that in terms of the IDN EPDP recommendation, you could argue that it's been met because the label generation panels have said they're not going to do any guidelines and so you could say, what's the problem? But I think

we still have the SubPro recommendation which says that they should be implemented provided that they don't introduce confusion risks that rise above the commonplace similarities. And at a minimum, we seem to be having some people say it's giving rise to that kind of confusion risk.

So we feel probably it's right that some more work needs to be done. Anne and I sort of tossed around what would be the appropriate vehicle for that. We think a GNSO guidance process would work for this. And particularly because that is quite a sort of flexible process. Under the GGP procedure, it's possible to take advantage of expert input, for example. And speaking personally, I absolutely think that this is one which is crying out for expert input. You know, the IDN EPDP themselves, when they were looking at this issue, didn't feel they had the expertise to come up with guidelines. And so we need, you know, this is something that really needs experts. But we think the GGP vehicle allows for that and therefore would allow this to remain within the kind of GNSO's control and remit, because obviously it is the GNSO's responsibility to be setting the policy and implementing the policy for gTLDs. And so we do think it should stay with the GNSO, but we do think it needs proper expert support.

And so that's what our suggestion is, but we're really open to hearing from others. There are obviously others on this call who've been in the IDN EPDP or for whom they've got maybe more hands on experience of this. But this is the issue. And we feel that we feel that there's enough doubt about this, that we can't just we can't just proceed with implementation to allow these single character TLDs to go forward. But we feel that we should allow for

this additional work to be done. And then, you know, as and when we've got the necessary guidelines that would ensure that there isn't the confusion, if indeed they can be developed, then at that point in the next available round or application window, then these single characters could be accepted. So I'm going to stop there. I know there's a ton of stuff in the chat that I haven't been following, but just really, you know, keen to hear from council and whether they agree with that approach or whether there are other thoughts on how we how we take this forward.

GREG DIBIASE:

Thanks, Susan. One thing I'd just note for the newer councilors, GGP means GNSO guidance process. And it's a process in which, you know, there's something that needs to be worked on, but it doesn't rise to the level of policymaking. And so the council can use what's called a GGP, a guidance process to kind of clarify policy recommendations or rules, issues that come up in the IRT, such as the one that Susan described. So that's, I think, where we are. And please correct me if I misstated that, Susan, but I just wanted to give a little bit of background to make sure we're on the same page. Okay. Okay. So does anyone have thoughts on this topic? Manju.

MANJU CHEN:

Thank you, Greg. So as someone who speaks Chinese as their native language, of course, I have a lot of thoughts on this topic. I've already pointed out in chat, I don't think the opposition is from a wide array of whatsoever because it's from one jurisdiction. And under that jurisdiction, of course, there are some ...

Well, anyways, so I think for the GGP, I actually feel like there is an alternative to solve this issue other than the GGP, which is because GGP might lack the expertise, technical expertise to deal with such issue that's so narrow because, you know, not everybody speaks Chinese and not everybody knows what is confusing or not. And it will be probably better if we do expert working group. And I understand that this will be not in the council's remit to initiate expert working group. We will be having to ask the board to initiate that. But I feel like GGP, it's a guidance process that will allow all the interested parties from the GNSO or other wider than GNSO community to join. But this is, as I said, a very technical and very language specific topics. I think this only really requires technical and language expertise. And for expertise, I think it's better to rely on expert working groups. And also, well, there's also I think—this is an alternative that I propose for us to consider. And that will be my suggestion. Thank you.

GREG DIBIASE: Great. Thank you, Manju.

JENNIFER CHUNG: Thanks, Greg. Thanks, Manju. This is Jen for the record. I'm finding myself agreeing with many of the points that Manju did raise. As another person whose native language is Chinese, I also have many thoughts, particularly on this, but I'm going to concentrate a little bit more on something that I think was mentioned as well. Maybe some clarity as well. I am or was, well, when they reconstitute, I'm still a member of the CJK coordination. And also, I was part of the Chinese language generation panel

who put together parts of the RZLGR that you can see right now. We were chartered, we were convened to do one very specific task, and that was to produce the RZLGR and not give policy advice on other matters. We're not chartered to do that.

So just giving some context, color, and background on why that there was this refusal to kind of, you know, do more than just say here, you know, look at this. This is what we did. This is what we can produce. And this is how it is for this particular matter or the single character Han script.

Now, if we have this, and it looks like we're going to have to choose a way to resolve this implementation issue, I would not be surprised. In fact, I'm actually pretty certain we will have very much of the same community coming forward to try to resolve this, of course, convened and chartered under a scope that will allow them to work on this particular part. I know that both SubPro and the IDN EPDP did refer this back to CJK or I guess, you know, each of the language generation panels specifically, but I hope this gives councilors and also people who are not really eyeballs deep in all of this some more color and context.

Now picking up also on a point that Manju raised as well, I think this does require a lot of linguistic and very technical expertise. Perhaps a way to go is to go for the expert working group. I mean, I'm happy to hear other councilors also opine on it a bit more, but I'm just going to stop here right now. Thank you.

GREG DIBIASE:

Thanks, Jen. Sam.

SAMANTHA DEMETRIOU: Yeah, thanks, Greg. This is Sam. It's a really hard act to follow Jen and Manju on this, especially as I will admit not a native Chinese speaker that might come as a surprise to some of you guys with the last name Demetriou. But having kind of reviewed this topic and tried to wrap my arms around it. You know, I think we have a couple of options here. I think if the decision is to try to get more expertise to weigh in on this, I think we do have to be just very careful to balance the approach for the reasons that Jen mentioned, right? That like, this shouldn't necessarily just be an opportunity for the same voices to come through and make the same points over to kind of gum this process up.

I also just want to point out that like, generally speaking, if this is an issue of semantic confusability, that I don't know that there really is a place for ICANN to be putting prohibitions on that, because there already exists tools via the applicant guidebook for the community, other TLD operators, linguistic groups, what have you, to raise objections in the event that strings are applied for that could create some type of user confusion, right? So I just want to also kind of put that into the consideration as we're thinking about what the next steps are here, because it's not really something that the new gTLD program in the past has tried to preempt or tried to adjudicate, right? It's kind of left that to the objection mechanisms. Like I'll pick on my colleague Nacho here, right? Like .cat means something very specific when they applied for it, right? But obviously cat means something different in other languages, right? But that is managed by the goals of the registry operator, the way it's marketed, things like that. And that's not

something that necessarily needs to fall under the realm of ICANN policy. So I just want to throw that also into the mix for consideration as we're thinking about what the work here is to do. Sorry to muddy the waters a bit more.

GREG DIBIASE: Thanks Sam. Justine?

JUSTINE CHEW: Thanks Greg. This is Justine. So yeah, Manju, Jen and Sam have actually raised a lot of things that I wanted to say as well. But adding to the mix also, and I guess I should bring the elephant into the room, is that both the SubPro recommendation 25.4 and IDNs EPDP, I think it's 3.17, went through processes of public comment when it was put up by GNSO, also went through public comment proceedings put up by ICANN board, and these concerns weren't raised at that point, right? GNSO council went on to adopt those, so did the board, and that's why it went to implementation. And only during implementation has this issue been raised. So I'm not sure, and I stand to be corrected, whether it is something that GNSO wants to deal with or whether it is actually for something that ICANN Org could take up with the board because it's gone to implementation. I have no bones about either ways. The other thing is if council chooses to go by the GGP, the way of the GGP, then I would really like to know how we would address the issue of just limiting membership of the GGP to experts, and as Sam has already said, not facilitating the same old people and re-litigating things again. Thanks.

GREG DIBIASE: Thank you, Justine. Susan?

SUSAN PAYNE: Yeah. Thanks. So, like Sam, I'm not in any way an expert on this, and I've tried when this was brought up in the IRT to understand the concerns that were being raised and also to understand how we got to where we got to. I would say my initial reaction when this came up was very much along the cat example that in ASCII script, there are multiple meanings that may be across the language or whatever, and either it's just that's how it is, there's a first mover advantage and or there are objection processes, and I get that, I've got a huge amount of sympathy for that argument. But I also have been led to understand that the kind of principles and discussions and issues being taken into account in relation to the IDN space, particularly when they've been talking about variants, has been very much steeped in what's the meaning, and so it, you know, for whatever reason, it feels like it's not quite the same issue, but I do also feel like that's exactly the kind of conversation that could be had in a GGP from, you know, amongst people who know what they're talking about, and I'm not saying Sam doesn't, don't get me wrong, but I mean, I don't know, you know, I'm not a Chinese speaker, I don't use Han script, but this feels like the kind of discussion that needs to happen amongst people who do use those scripts and do understand the kind of linguistic arguments and so on, and that was one of the reasons why we were arguing, you know, we were suggesting a GGP because it feels like it needs a bit more kind of, you know, it needs a bit more digging into.

And in terms of the public comments, again, I have made all of those sort of same arguments myself. Yes, there were previous public comments, but I do think also both the recommendation from SubPro and the one from the IDNs EPDP had a kind of conditionality element to them. And so it may well be that people didn't feel they needed to comment, didn't feel they needed to put in a comment at that point because both of those recommendations said, you know, we might go forward with this but there needs to be some more done, and so this is the more done, which is finally there's a document gets put out for comment which says, actually, we don't think we need any more guidelines, we're going to go forward, and that's the point where they go, no, hang on a minute, that's not what we were expecting, we think you do need to do more work, and so they put the comments in at the point where they think, you know, the decision has been made. Again, I don't know, there could be all sorts of reasons why the comments have only been made now and they weren't made a year ago or two years ago. I don't know. But if this document saying that there are not going to be guidelines gets put out to public comment, and then we just don't do anything with the public comment, why did it get put out? I don't have the answer to that, I don't know why it was put out for public comment, but there has to be, surely, having done so, a reaction to it.

GREG DIBIASE:

Thanks, Susan. Anne?

ANNE AIKMAN SCALESE: Thank you. Susan and I did have quite a bit of conversation and exchange and also a bit with Jen on this topic. I've been listening carefully to the concerns that have been expressed about the potential lack of expertise [inaudible] the fact that there could just be a lobbying effort in the GGP, but I also have to look at, you know, the procedural context, which is we have a final report recommendation that was adopted by the board, we have 3.17 from IDN EPDP, which was adopted by the board, and we an implementation issue, certainly, I think it's pretty clear, as Jen says, that the LGR panels really wasn't within their scope, in a way, to make this determination about risk of confusion. And even those who opposed moving forward with this said that further work was in order, and that ICANN should, I think, that specific language from the co-chair, one of the panels who opposed moving forward was that there should be new introduction of mechanisms to avoid risk of confusion.

Now, maybe I don't understand the expert advisory group terribly well, but I believe that that is an avenue that would be under supervision of the board, rather than under the supervision of the GNSO. I also believe that the GGP mechanism for looking at this issue is quite flexible, and that you could strictly limit the members to those having expertise, and that you could prevent just a big lobbying group. A GGP is not the same thing as, hey, what's the working group? And it can be tailored, as I understand the mechanism, and I don't know. I think the concerns that have been expressed, certainly by Jen and Manchu and Sam in particular, and some by Justine, could be addressed to provide that it's an expert GGP group, and that the council would be well advised, I think, to be, if you will, in charge of these policies that have been

adopted. And that's why we have an IRT. And that's why staff did bring this question to the full IRT and say, what do you think about how this should move forward. And on the IRT call it was this needs to be presented to Council. So I guess I would encourage, again, after some pretty thorough discussions with Susan, that we go in the direction of GGP but that restrictions be put on membership and the required expertise.

GREG DIBIASE:

So we're up against time on this topic. Maybe as a next step, we could ask for a volunteer group of councilors to try to establish the scope of the work without deciding which group. And then maybe staff and leadership could put together summaries of what these two options, EWG or GGP are or how that would work. And then maybe we could figure out a more educated approach here. Justine.

JUSTINE CHEW:

Thanks, Greg. This is Justine. So I'm looking at the chat and I'm trying to address Tomslin's question in terms of whether the argument for GGP against EWG is just flexibility. And I wanted to clarify with Susan and or Anne, when we talk about EWG expert working group, is that still something within GNSO's jurisdiction or would that fall under the board?

SUSAN PAYNE:

My understanding just from the looking at the bylaws is that the board has the power to convene an expert working group. And so that's, I think, the difference. But I feel that this might be a matter

of semantics. I think the GGP definitely, the procedure talks about it basically being up to the kind of the GNSO and to the GGP once it's put together as to like whether they want to seek expertise, for example. So I think if we want to say that the GGP has to put together the equivalent of an expert working group, I don't see why we can't. I think it has that flexibility.

JUSTINE CHEW: Okay, thanks for that clarification, Susan.

GREG DIBIASE: Yeah, so it seems like we could do with some more work around clarifying, you know, the GGP and the EWG and the difference between the two. And then maybe work on like defining the scope of the problem to be solved. And then come back to council now that we've talked through this and maybe we can drill down on a little more specificity on what the issue is and what the two or if there's a hybrid, three options are for resolution. Sound okay, Susan?

SUSAN PAYNE: Sounds good.

GREG DIBIASE: Okay. Okay, Jennifer?

JENNIFER CHUNG: Sorry, it must be the late hour where I am, but I wasn't quite clear on the next steps. Could you just repeat?

GREG DIBIASE: Well, this is open to comments, but the next steps could be a group of councilors maybe summarizing what the issue is to be solved. And then I think staff or council leadership maybe could work to better define what the two options are for resolution so the council is better understanding what an EWG would look like, what a GGP would look like, and if there's some hybrid option. Jen, makes sense? Okay. Great. Thank you for that complicated topic. Very grateful for the experts we have on council here.

Okay, let's move into our next topic. Meaty issues this week. Our next topic is regarding the billing contacts, and this was an issue that Thomas raised as the GNSO liaison to the EPDP phase one on registration data. So this policy concerned registration data, what fields must be collected and what fields must be passed on to registries and escrow providers. The policy did not include billing contact. And so, the IRT believes this was an oversight. The issue is that the policy is silent on billing contact, but the 2013 RAA says that billing contacts are still required. So, basically what the IRT is bringing before us saying, hey, we believe that the billing contact was inadvertently left out of this policy, and we would like to bring this to council to kind of ask the questions to make sure we're aligned.

So, the following questions went out to council this last month. Do you believe billing contact was in scope for this policy development? In other words, this policy on registration data, was

that in scope of billing contact? And does your group believe there was a drafting error in the EPDP phase one that left out the billing contact and billing contact should be optional, not mandatory? So the IRT's consensus at the moment was that this was a drafting error and the billing contact should be optional. And so, but we wanted to bring it back to council to see if others had an opposing view here or a different opinion. Farzaneh, you're first.

FARZANEH BADI:

Hello, Greg. So basically, we discussed this with the non-commercial stakeholder group, and we were of the opinion that that billing contact data was intentionally removed from the scope of EPDP and temporary spec. We need to do more research on that. We do not recall that at any point the registration data that could be potentially accessible and disclosed to third party could include billing contact. So we would like to ask for clarification on that. And when we have that clarification, then we can respond to the second question. We believe that the billing contact is not a part of the registration data that ICANN policy should govern.

GREG DIBIASE:

So, sorry, Farzaneh, I might have misunderstood. You're waiting for confirmation from who exactly?

FARZANEH BADI:

So we need to clarify this. We were of this position throughout the EPDP phase one that billing contact was not a part of the registration data. And we don't believe that this was not included in error. So we would like to ask for a little bit of research on this.

We can help with that. We can also go back. And we have talked to our other NCSG representatives that were part of the EPDP phase one. And they have also, so we need to discuss this a little bit further, but we don't believe that it was in error that it was not included.

GREG DIBIASE: Okay, I guess I'm just trying to understand who we're asking this question to. Is it a question back to the IRT that was working on this issue?

FARZANEH BADI: So we can work in parallel. NCSG can go and look at the history of EPDP and our comments. And also if I may ask, I don't know, please shut me down if I'm suggesting something that is out of process, but if the staff could help with bringing us, like sending us the relevant resources about billing contact, if they have the handy, that would be great.

GREG DIBIASE: Okay, so we can see if staff has information on this. Staff, does that sound like background you'd be able to provide? Caitlin?

CAITLIN TUBERGEN: Thanks, Greg. This is Caitlin Tubergen from ICANN org. And certainly that is something we can provide. Also with more information.

GREG DIBIASE: Okay, great. Thanks, Caitlin. Lawrence, you're next in the queue.

LAWRENCE OLAWALE-ROBERTS: Thanks, Greg. So the BC had an opportunity to discuss this at our last meeting. And one question that I think there needs to be some clarity around is how are we defining a billing contact? This is essential because up till now, we still have this as a requirement in the RAA. And if we are going by the definition of what [inaudible]

GREG DIBIASE: Sorry, Lawrence, I'm losing you a little bit.

LAWRENCE OLAWALE-ROBERTS: Yes. So I'll just go for it again. Going by the definition of a billing contact, [inaudible]

GREG DIBIASE: Lawrence, I'm sorry that you're cutting out. We can't hear you. That's better.

LAWRENCE OLAWALE-ROBERTS: Okay. I just had to get off the headphone. So to just recap for time, we've discussed this extensively and we still, and the BC are of the view that where we still have the billing contact maintained in the contracts, contracts now referring to the RAA. It definitely is, and by the definition, we presume to draw from the RAA. This is not just an identity field, it's quite an important field.

And so we are of the view that we should look at means to having this cured in any way possible. We are open to options, but we think that this needs to be maintained and aligned with the data collection processes that we have, that we're trying to mitigate here.

GREG DIBIASE: So Lawrence, the BC's position was that it should be... the intent was it was intentionally left out because the billing contact is mandatory to collect?

LAWRENCE OLAWALE-ROBERTS: Not intentionally left out. We believe that leaving it out is an error that needs to be cured.

GREG DIBIASE: Okay. Okay. Thanks, Lawrence. I thought I saw another hand, Damon?

DAMON ASHCRAFT: Yeah, thanks. Yeah, I would support what Lawrence says. I mean, it doesn't make a whole lot of sense that they would have all this discussion over registration data and billing contact would be omitted like that. So I support what Lawrence is saying.

GREG DIBIASE: Is this based on what they... so you believe that it... sorry, I'm going a little slow here. Okay. So you believe it was intentionally left out because it...

DAMON ASHCRAFT: Yeah, I believe it was inadvertently left out and it should be addressed.

GREG DIBIASE: Okay. Sam?

SAMANTHA DEMETRIOU: Thanks, Greg. Just raising my hand to share what the registry stakeholder group discussed on this matter. The registry stakeholder group, reviewed the charter for the initial phase of the EPDP. And considering that one of the charter questions, I think it was B1, asked what data should registrants be required to collect for each of the following contacts, registrant, tech, admin, and billing. So the charter itself asked the question, the EPDP went through the process of answering the question and the EPDP developed recommendations that answered the question of what data should registrars require to be collected. Sorry, what data should registrars be required to collect? I think I misstated that. So from the registry stakeholder group point of view, we support, I think the suggestion that Thomas shared initially when we were back in Istanbul, which was to treat this as a drafting error. So just sharing our viewpoint on this.

GREG DIBIASE: Thanks, Sam. So, Damon, can I go back to you for a second? I want to make sure I'm understanding. So you believe this was a drafting error—was a drafting error or was not a drafting error? What does inadvertent mean? A drafting error or something else?

DAMON ASHCRAFT: I guess I would believe it was inadvertently left out, which was a drafting error.

GREG DIBIASE: Okay. So if it was a drafting error, but then the next question—sorry, I'm doing a bad job of channeling Thomas as the liaison. So if we believe it is a drafting error, should we communicate, is council of the decision that we should communicate that back to the IRT that we believe it was a drafting error and they can make a note of that, or is more work required in the IRT? Susan, go ahead.

SUSAN PAYNE: I may have misunderstood, but I thought I heard Farzaneh asking for a bit more background and Caitlin was going to provide it. I think I might find that quite helpful too, if I'm honest.

GREG DIBIASE: Okay. Let's do that then because I'm also not describing this well. So let's table that and per Farzaneh's original suggestion, we'll get some more background with the input that we got on this call. Vivek.

VIVEK GOYAL: Thank you, Greg. I have been reading the second point. It says, if yes, does your group ... I have read it a number of times. Is there a comma here, which is misplaced, which is throwing the whole sentence and I'm not able to get it? Like, I'll read it out to you again. If yes, does your group believe that there was a drafting error in the PDP phase one final report because the intention of the recommendations, comma, and then should that comma come after just before was? Because the second comma comes after collection and then the intention of the recommendation, escrow, etc, of billing contact data. I have read it so many times. Maybe I'm a new councilor so I don't understand the intricacies, but it kind of pulls me off a little bit there. Is it just me or do you think the sentence can be better framed?

GREG DIBIASE: I think so as well. Caitlin, can you help us out here?

CAITLIN TUBERGEN: Thanks, Greg. And I did take the action to provide some more background information. So I'll work with my colleagues to do that. But I think in essence, what ICANN org is looking for from the council is a response to two questions. And we keep using the term drafting error. I think what they're looking for is there is an interpretation with some IRT members that billing contact should not be required. Billing contact is currently a data element that registrars are required to collect and transfer to data escrow agents. And the current registration data policy doesn't say

anything about that, removing that requirement or making billing contact optional.

So what ICANN org is looking for from the council or what Thomas was asking based on the IRT is, does the council believe that billing contact should no longer be required, it's optional in spite of the fact that the EPDP phase one report makes no mention of billing contact being optional or required? And so that's what we're looking for. We can try to work on making that more clear. I apologize if the question to the council wasn't clear. But is this something that the council believes was in scope for the EPDP team to address? If the answer to that question is yes, does the council as a whole believe that billing contact should be optional, even though there's no mention of that in the final report? Hopefully makes it more clear.

GREG DIBIASE:

Thanks, Caitlin. And yeah, I got a little tripped up there myself. Paul?

PAUL MCGRADY:

Thanks. And I always hate asking questions to which I don't know the answer because you run the risk of being stupid or being viewed as stupid. I guess you're either stupid or you're not. But won't all this just be overtaken by RDAP? And the RDAP profile sets out, it's section 2.7.3 if anybody's interested, makes reference to registrant, administrative and technical and other contacts and says that those are—and I think those are essentially mandatory within RDAP. There's no mention of billing contact within that

document. And so when WHOIS finally goes away and we are only left with RDAP, isn't this question solved? Or am I missing a chunk of this? Because it seems like if there is a list of mandatory fields and billing contact isn't mentioned, then it implies that it's not mandatory, right? And not mandatory things then are optional. So I guess, and I'm sorry for not knowing the answer to this and asking it in public instead of just asking it privately later. Hopefully I'm not asking a dumb question. Thanks.

GREG DIBIASE: Thanks, Paul. Caitlin?

CAITLIN TUBERGEN: Thanks, Paul. Caitlin Tubergen from ICANN org. And that's not a dumb question, Paul. That's kind of the crux of the question, which is billing contact is not something that is transferred as part of RDDS or RDAP. Billing contact was a separate collected data element that's part of the registration data escrow specification. So it's not going to be included in a response to RDAP or an RDDS request. It's something that registrars transfer to registrar data escrow agents and can be used in the case of when a registrar goes out of business. That would be a contact element that would be transferred to the gaining registrar to reconstitute the registrar. And I can say that that has been an element that's been used in the past when it comes to billing registrars. But I think that's part of the confusion, is this is something that's part of the registration data escrow specification. And per the registration data policy, that wasn't updated because there was no mention of billing contact being optional. There are mentions of other data contact elements

being optional. So that's part of the scoping issue. Was this in scope for this group to address or change? Clearly some IRT members believe yes, and this was a mistake. But what we're looking for is, does the council agree with this IRT interpretation that this was a mistake, that billing contact was supposed to be optional even though there's no mention of it? And it's technically a data element that's transferred to registrar data escrow agents, not as part of our DDS or our DAP. I know it's complicated. I hope I'm clarifying and not making it even more confusing.

GREG DIBIASE: Thanks, Caitlin. Sam?

SAMANTHA DEMETRIOU: I wanted to just put my hand up to clarify the registries' position on this, which is just to reiterate, one, that given the charter question, we do believe that the billing contact was within the scope in terms of what data elements registrars should collect from the registrant. And then to answer the question number two, because it was not called out as mandatory to collect, the registry stakeholder group agrees with the IRT that it should be optional for the registrars to collect. Just wanted to make that crystal clear.

GREG DIBIASE: Thanks. That's the registrar position as well. Vivek?

VIVEK GOYAL: I think the answer, Paul, and what Caitlin's just shared brings up another point that if billing information is required if a registrar fails and is needed to put it back again properly, and if it is not collected in RDAP, then is there some policy or something written in RDAP that what will be used instead of the billing? If a registrar fails and the process which was done using the billing will be done using which field now?

GREG DIBIASE: I don't have the answer to that off the top of my head, and I think maybe this topic requires a little more clarification because I think there's some confusion in the chat. We're over on this topic, so I think I'm going to propose that we provide more information and we revisit this again to make sure everyone's on the same page about what the issue is here. I think we're, mostly my fault, a little off track here. Does anyone object to taking a second stab at a summary here to make sure we're all on the same page on the issue? Okay. Seeing none.

Let's move to the next session, or the next topic, which is an update on the strategic planning session. And I think Steve, are you up for that?

STEVE CHAN: Thanks, Greg. This is Steve from Staff. I think the idea here was just really to make, number one, make sure that you're all aware that the SPS is coming up relatively soon, in January. And then having sent out the draft agenda just, I think, a handful of days ago to see if there is understanding of what the agenda is seeking

to accomplish, whether or not there's any questions or comments or suggestions on any other ways to restructure it or reframe it or organize it in a more productive manner. I guess it wouldn't hurt to put up the draft agenda, if you don't mind, Fedora. But at a high level, the way that the agenda for this particular SPS is organized, and I say this particular SPS just because the agenda and the focus of the SPS over the years has shifted here and there, based on where the Council is at that point in time.

But the way this one is organized and progression that it takes is it starts with the foundation, the role of the Council, and of course the counselors that sit on the Council. It then moves to where we are, not we, but where the Council is at that point, so the tools that the Council has at its disposal to be able to manage its work, and then also here's a comprehensive but yet targeted look at the Council's work that it's currently committed to, and then also a forecast of the work that's envisioned for the upcoming year for the Council. And then it starts looking at two specific use cases of challenging things that the Council has dealt with. I think for a couple reasons. One is that it worked well for the last SPS to look at specific use cases, but then also to make sure that the Council feels like it took the right directions in these two challenging cases, and then also to try to tease out if there's any gaps in the Council's toolkit. And if so, then of course to try to close those gaps.

On the second day, you'll see that there's time allotted to trying to solve gaps, some of which may be identified through the course of looking at those use cases. But it will also have some time dedicated to the known gap, which is about there not being a specific mechanism for the Board to non-adopt or reverse

adoption of an accepted or adopted genus recommendation. So the agenda will definitely focus on that, but then also may be supplemented by other gaps as identified from the previous day. And then there will also be a focus on the efforts at the Council level, and I think more specifically within the context of the Standing Committee on Continuous Improvement, or the SCCI, about the Council's efforts for continuous improvement. And then wrap up and things like that. That's the high level. Hopefully the flow of the session makes sense, but like I said, the idea here was to bring awareness to what is on the agenda, how it's framed, and then to seek any input about how it might be optimized further.

GREG DIBIASE: Thanks. And to Farzaneh's question in the chat, do we have a link or can we email that out shortly thereafter?

STEVE CHAN: Yep, of course. I think it was originally sent by Terri, but we'll definitely send it around again.

GREG DIBIASE: I think it was sent by Terri. Great. Thanks, Steve. Any other questions on SBS? Okay. Oh, Farzaneh.

FARZANEH BADII: Did you come up with this all on your own? The agenda.

GREG DIBIASE: No, as a group effort with Council leadership and staff.

FARZANEH BADII: Oh, great. Oh, so probably before my time then. Okay, this looks great. I look forward to it.

GREG DIBIASE: Okay. Thanks, Farzaneh. Okay, next on the agenda is a GNSO Council PR Officer Update. And Lawrence, I think we have you for this item.

LAWRENCE OLAWALE-ROBERTS: Thank you for providing the opportunity to do this. So just as a way of an update, sometime in August, I had an opportunity to start working around the assignments of the PR officer. I'm trying to share a link in the chat. Please bear with my sloppiness. Okay. Yeah, so the GNSO Council now has a presence on LinkedIn and able to share a link with you. I've been careful not to do anything around just, aside just creating the page until when there is further guidance through this kind of an opportunity on the type of contents and what to do going forward. The URL of the page can be shared with people around our networks, aside from the Council, we the Councilors ourselves, liking and following activities around the page. And so with Council's approval, I would want to ask that that be one of the recommendations coming out of today's meeting. The LinkedIn page was created sometime in August, so it might look a bit stale by now. I've been working, I've had an opportunity over the last couple of months to work with staff assigned to help with the PR role in person of John Emery.

He's been very helpful, have staged meetings over the last couple of months. We've had at least a meeting every month and basically just looked around the idea of creating the page and agreeing on how it should be managed.

So we have a Gmail account that was created. It's GNSO Council PR officer at gmail.com. This was done so that no personal email of some sort, of any sort is used in creating the LinkedIn page for Council. And we'll make it easy to hand over whatever is done to the next PR officer going forward. The Gmail account is maintained by ICANN staff, and it's easy to onboard other people in terms of access, as well as passing its control on to other parties. There is an archive. There's some information, so to say, in terms of for the new, excuse me, it's quite late, so I might be rambling a bit.

For the new Council members, just to backtrack a bit, there was identified after a working group had done some, a small team had done some work. There was a need identified in terms of a PR officer for the Council. The remit of this particular role, I will also, I know some of us, a good number of us have that, but I'm also pasting that in the charts for review. But by and large, one of the key responsibilities for the PR officer for the GNSO Council is to ensure that the policymaking process, such as PDP milestones, key Council decisions, and not positions of any stakeholder constituency are highlighted on the LinkedIn page.

So, aside from being a neutral party in terms of what positions are posted on the page, my role as the PR officer also has a few other responsibilities tied to it, which will be to identify the kind of content that should go to the page. So, one guidance that I will be

seeking after this meeting is to be guided with the kind of content that we think should go to the GNSO Council LinkedIn page, which I now have the responsibility of primarily managing what kind of content during the prep week, the ICANN prep weeks, or after a GNSO call of this nature, or after we have had during, before, during, and after public meetings should be considered neutral and good enough to be showcased on the LinkedIn page. We have, if you visit, if any of us are reviewing the page right now, the picture there, all the information there were clued from the GNSO page, the GNSO Council page, to be precise, and we now have an updated picture of the new council members, but that is yet to be shared, because basically also seeking some form of guidance.

There is what is known as a content calendar that John Jeffrey and staff have been kind enough to help put together. And it's the intention that that will be populated over a period of time, so that whatever information that needs to go out to the public through the LinkedIn page can be scheduled in that particular calendar. And I would want to basically say that I am conscious of the fact that time is going, so to say, and we'll really need some clarity and guidance as much as possible on what kinds of content we should push out going forward. It is very essential to note that one key takeaway and decision is that for the LinkedIn page, we cannot, and no moderator or administrator of the page can use that, I mean, can follow, like, or comment on any article from any other SO, even where they are within the GNSO block itself. We believe that by maintaining such a rule, it will help in terms of neutrality, and it will not, it cannot be explained to mean endorsement for whatever message that any other group might be trying to pass

which might be of importance to the GNSO, but just to be able to maintain some kind of balance. So I would want to pause at this point, just in case anyone has any question and also to be able to listen out to your guidance in terms of the kind of contents that we should be looking at promoting from our LinkedIn page.

GREG DIBIASE:

Great. Thank you so much for that, Lawrence. Great update. And I think regarding guidance, I don't think we have time for that in this meeting, but we have the links, and I think we can be more proactive about prompting counselors to help you out now that we've set up this page. So that's great. Really appreciate the work there. We're short on time. I think if anyone has one question for Lawrence, we could probably fit it in before moving on. Okay. Thanks, Lawrence. We'll follow up with input on the page that you and John have set up. Next, we have AOB and Sebastien Ducos has an update for us from the GAC.

SEBASTIEN DUCOS:

Thank you, Greg. Good evening, everyone. It's getting late here. I just wanted to update very briefly, I don't need much time. Just to update on the fact that I may have mentioned this in the previous meeting, but the GAC is changing their liaison, the point of contact that I have. We've had an initial meeting with Jorge Cancio, who's the outgoing, he was still there, but with Manal Ismail, who you all know, I guess because she was the previous GAC chair from Egypt. And Rida Tahir, who I personally didn't know until then, but he's one of the GAC representatives from Canada, who will be transitioning, taking over after Jorge. I think that Jorge will stay for

another two or three months just to make sure that the handover is smooth, and will be transitioning out before the next ICANN meeting as he's stepping in as one of the vice chairs. Otherwise, thank you very much for accepting the response to the GAC communique. I guess that will go out to them tomorrow or before the break in any case. And that's about it. Thank you very much.

GREG DIBIASE: Thanks, Seb. I see a hand from Farzaneh.

FARZANEH BADI: Yeah, I'm sorry, Seb, I know that you want to send a letter tomorrow, but we just discussed that we are going to send a letter with questions about the authentication process. And I can't remember if we acknowledged in our response that we acknowledge their effort on authentication process. Do you need to relay to them that there will be a letter going to them?

SEBASTIEN DUCOS: Sorry, I was listening, but I didn't get all the minutiae of these decisions. My understanding was that the response to the communique was going tomorrow, and then there might be a letter extra. But in any case, I'm not sending these anyway. These go out from staff. I won't be sending anything myself.

GREG DIBIASE: Farzaneh, I think these would be separate letters. So that one is in response to the GAC communique, which the team worked on,

and then we'll work further on follow-ups for the GAC on that more specific topic.

FARZANEH BADI: Okay, great. Yes, I know that. It's just my question was that whether we want to say that there will be a letter from us in the future or not.

GREG DIBIASE: So I think they know that an update is coming from us. So I guess my personal opinion is that we don't need to specify that in the communique, but...

FARZANEH BADI: Okay, great. Thank you. I have an AOB,

GREG DIBIASE: Sure. Yep. Anything else from you, Seb?

SEBASTIEN DUCOS: All good.

GREG DIBIASE: All right, great. Farzaneh, AOB.

FARZANEH BADI: Yeah. Desiree raised this during our last council call. I want the group to think about having at least an informal internet

governance group that can provide some kind of feedback to the council, not at this point to develop any kind of formal position, but to just let the council know what is going on in these various ... Like WSIS+20 or 100 or whatever. Just something for the group to think about. And of course, if there are oppositions, then no. But if you want, I can also develop this idea a little bit further and send it out to mailing list.

GREG DIBIASE: That'd be great, Farzaneh. Thank you. Maybe this is something we can discuss at the SPS as well.

FARZANEH BADI: Yes, great.

GREG DIBIASE: Great. Does anybody else have... Hopefully not WSIS+100. Does anyone else have AOBs? Okay. I have one last one. ICANN 82 funded traveler emails have been sent out. The deadline for responses passed. The deadline was December 2nd and we still have a fair amount of funded travelers yet to book. Please, please, please do that as soon as possible. As we go closer to the date, the costs go up considerably, as do headaches for ICANN staff. So yeah, that's my call out on that. Okay. That's all I have. I'll see if anyone has any other further questions or comments before we close. Okay. Well, I wish all of you a happy holiday season. Thank you for a productive meeting, and we will talk again in January.

[END OF TRANSCRIPTION]