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**ICANN Transcription**

**GNSO Council Meeting**

**Thursday, 18 July 2024 at 13:00 UTC**

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

Audio is available at:

[https://icann.zoom.us/rec/play/lcKZm\\_EEJk45Us5QZqpbrVzXcevbJhj25lJVJPb7fmtPAyiXS6juP-62SOkXy0oNeGO707sDgQEdXMHL.wP36tSLMeaVgguPz](https://icann.zoom.us/rec/play/lcKZm_EEJk45Us5QZqpbrVzXcevbJhj25lJVJPb7fmtPAyiXS6juP-62SOkXy0oNeGO707sDgQEdXMHL.wP36tSLMeaVgguPz)

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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 (first meeting, replaces Antonia Chu), Greg DiBiase, Prudence Malinki

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

Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans

**Non-Contracted Parties House**

Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Mark Datysgeld (joined after vote), Osvaldo Novoa, 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 - absent

**Guests:** none

**ICANN Staff:**

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*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.*

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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)  
Devan Reed – Policy Operations Coordinator

TERRI AGNEW: The recording has started, and this is Terri Agnew. Good morning, good afternoon, and good evening, and welcome to the GNSO Council meeting on Thursday, the 18th of July 2024. Would you please acknowledge your name when I call it? Thank you. Nacho Amadoz?

NACHO AMADOZ: Hi, Terri. Present.

TERRI AGNEW: Thank you. Jennifer Chung?

JENNIFER CHUNG: Present. Thank you, Terri.

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

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

TERRI AGNEW: You are welcome. And just to note, this is Hong-Fu's first meeting as he replaces Antonia Chu. Kurt Pritz?

KURT PRITZ: Here, Terri. Thank you.

TERRI AGNEW: You are welcome. Greg DiBiase?

GREG DIBIASE: I'm here.

TERRI AGNEW: Prudence Malinki?

PRUDENCE MALINKI: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Desiree Milosevic? I don't see where Desiree has joined yet. Lawrence Olawale Roberts?

DESIREE MILOSHEVIC: I'm here, Terri. Thank you.

TERRI AGNEW: Oh, good. Welcome, Desiree. And Lawrence?

LAWRENCE OLAWALE ROBERTS: Yes, I'm here.

TERRI AGNEW: Wonderful. Mark Datysegld? I don't see where Mark has joined yet. Damon Ashcraft?

DAMON ASHCRAFT: I'm present.

TERRI AGNEW: Susan Payne?

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

TERRI AGNEW: You are welcome. Osvaldo Novoa?

OSVALDO NOVOA: Here, Terri. Thank you.

TERRI AGNEW: You are welcome. Thomas Rickert?

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THOMAS RICKERT: I'm here. Thank you, Terri.

TERRI AGNEW: You are welcome. Wisdom Donkor?

WISDOM DONKOR: Present.

TERRI AGNEW: Stephanie Perrin?

STEPHANIE PERRIN: I'm here. Thanks, Terri.

TERRI AGNEW: You are welcome. Peter Akinremi?

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

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

TOMSLIN SAMME-NLAR: Present. Manju Chen?

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MANJU CHEN: Here.

TERRI AGNEW: Bruna Martins Dos Santos sends in her apologies, and the proxy goes to Manju Chen. Paul McGrady?

PAUL MCGRADY: Hey, Terri. I'm here.

TERRI AGNEW: Hi, Paul. Thank you. Anne Aikman-Scalese?

ANNE AIKMAN-SCALESE: Present.

TERRI AGNEW: Thank you. Jeff Neuman?

JEFF NEUMAN: Present.

TERRI AGNEW: Justine Chew?

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

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TERRI AGNEW: You are welcome. Everton Rodriguez? I don't see where Everton has joined yet. We have the policy team supporting the GNSO. We have 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 a Zoom webinar room. Councilors are panelists and can activate their microphones and participate in the chat once they have set their chat to everyone for all to be able to read the exchanges. A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor the chat. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior. 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 July meeting. Welcome, Hong-Fu in particular, to your first meeting. I see some welcomes in the chat, which is nice. A fairly busy meeting today, so let's start right off with any updates to statements of interest. Seeing none, I'll ask if anyone has any proposed amendments to our agenda. Wonderful. And then I would just note that the minutes of the previous council meetings have been posted. Our May meeting was posted on June 1st. The minutes from our June meeting were posted on July 1st. And with that, I think we can move straight into the consent agenda, which I'll hand over to my Vice Chair, Tomslin.

TOMSLIN SAMME-NLAR: Thanks, Greg. Happy to take this one. We do have two items on the consent agenda. And the first being a motion to adopt the GNSO Public Relations Officer roles and responsibilities. I'm sure you're tired of hearing me talk about the work that a small team on communications did already. So I will not go into that. But that's a role that Lawrence has kindly volunteered to take as well. So that's the first.

The second is a motion to confirm the nominees, the GNSO nominees for the pilot holistic review team. And the names were shared on the list, and I believe you all must have seen them. So I believe being a consent agenda, I don't have to read the results forward, and we can just go straight into voting. So with that, I'll ask Terri to help us with that.

TERRI AGNEW: Thank you very much. We'll go ahead and go into the voting then. 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 this motion, please say aye.

PARTICIPANTS: Aye.

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TERRI AGNEW: Would councilors holding proxies, so Manju Chen for Bruno Martins Dos Santos, please say aye.

MANJU CHEN: Aye.

TERRI AGNEW: Wonderful. And just to note, I don't see Mark Datysgeld on the meeting yet. But even with that, with no abstentions nor objection, the motion passes. Back to you.

TOMSLIN SAMME-NLAR: Awesome. Over to you, Greg.

GREG DIBIASE: Thank you, Tomslin. Great. Let's move into our first discussion item, which is the letter regarding a recommendation on the EPDP on the temporary specification phase one urgent requests. So we began this discussion in ICANN 80. We received a letter from the board regarding recommendation 18 of the EPDP phase two. This recommendation had in part language about urgent requests. And I'll just quote it. A separate timeline of less than X business days will be considered for the response to urgent reasonable request disclosures. The IRT considered this, but at the time of I think the board's intervention, did not reach consensus on the number of days. The board's letter notes kind of two concerns. First, they note that a timeframe measured in business days may not be fit for purpose for a truly urgent request, one where there is life at

risk. But they also noted that there is not a verification procedure for law enforcement for registrars, and that verification would almost certainly take time. So they kind of noted their concerns with this recommendation and kind of sent the question back to us on our thoughts on what the next steps should be regarding this recommendation.

So I think there's two steps to address this. I think the first step is to gather consensus on whether we agree with the board's concerns, or at least think their concerns are valid. And if so, what do we do procedurally? I think leadership has a couple suggestions, a couple possible paths forward. These are not exclusive. If others have other ideas, please share them.

One idea is the council could agree with the board, but allow impacted stakeholders such as the GAC and PSWG the opportunity to provide a potential solution, like an authentication measure. Another option would be looking at the language of the recommendation, it says that the IRT will consider a timeline. The IRT did in fact consider a timeline but was unable to reach the consensus. So one argument is we can consider this recommendation has been implemented and move on.

Another recommendation is to support new policy effort on this specific area, such as a PDP or EPDP. And then the last option would be to somehow reconsider this recommendation. Noting, however, that there is not an established mechanism for, for lack of a better term, unadopting a recommendation that has been adopted by the board.

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So I think I'll pause there because we've already discussed this, at least the backgrounds, and I'll open up the queue for thoughts from councilors on the best way to proceed here. Kurt, I see your hand.

KURT PRITZ:

Yeah, thanks, Greg. So I would support revisiting the policy recommendation in some way if we can. Because I don't think it has been completed. I think the board position is essentially sound. You know, we should be aspiring to a response time of hours, not days, or minutes even in life threatening circumstances. But a contractual requirement, a requirement has to take into account the worst-case scenario for review times, verifications, and decision making. And that takes days. So it seems to me that an effectual contractual requirement for urgent request response time is not really tenable. But the goal of responding immediately to an urgent request, a life threatening request, is laudable. So I don't know if this is in our purview, but is there a way to take it out of the realm of contractual requirement, and rather that the contracted party house, the PSWG, other law enforcement agencies work constructively somehow to continually hone the procedural aspects of responding to urgent requests, and eliminate delays and roadblocks, and develop best practices and a continual improvement program? I think everybody wants to respond to a life threatening request right away. And maybe the best way to make progress and go faster isn't to try to determine what number goes into the contract, but rather work amongst the ICANN community to create practices where registrars and registries where necessary get better and better at responding to

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urgent requests or verifying who's calling them in. I hope that's clear. Thanks.

GREG DIBIASE: Thanks, Kurt. So, if I'm understanding you, making sure we still work on the issue, but that work isn't necessarily on this specific recommendation that would go on a contract, perhaps something more informal or in a different venue between registrars and GAC PSWG? Am I hearing that correctly?

KURT PRITZ: I think so. If by informal, you mean it doesn't become a contractual requirement, but certainly formal in that we develop groups and teams to continually improve response times to urgent requests and measure that.

GREG DIBIASE: Great. Thank you, Kurt. Susan.

SUSAN PAYNE: Yeah, thanks for that. I started off in agreement with Kurt. I do think there would be that this is something where we should perhaps look at this recommendation again. But I don't agree with removing this entirely from the contract itself.

I think there are two different issues. There's the issue of the timing that everyone should aspire to. And as Kurt was rightly saying, one would hope that that might be hours rather than days. But there is a separate timing, which is at a minimum, you should

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respond by a certain time. And I think that second one is the one that should be a contractual obligation. That was the intent. And the intent of that is, frankly, to be able to give ICANN compliance something to hang enforcement on. If there's no time limit at all or it's only in some kind of voluntary process document, then ICANN compliance can't enforce. And this is the whole basis on which the conversations about the DNS abuse amendments hung, was that the idea of giving ICANN compliance some tools in order to go after the worst operators, the people who just don't do anything, have no intention of responding, aren't even attempting to get back within a reasonable time period. So unless we have some kind of date day limit or time hour limit or whatever in a contract, we're removing ICANN compliance's opportunity to actually handle it when there's a real egregious behavior on the part of a contracted party.

GREG DIBIASE:

Thanks, Susan. So I guess my follow up question would be there, and I certainly understand the logic of having some type of backstop of a time period, but I guess the concern from the board was this shouldn't be in business days. Are you potentially disagreeing with that statement from the board that maybe while not ideal to have it in business days, there needs to be something in writing, right? Like what you said.

SUSAN PAYNE:

I guess I'm not really opining on the merits of what the board said or what the specific timing should be. But I don't agree that this should get taken out of the contract altogether. And I don't believe

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that the fact that there was some discussion in the IRT is sufficient to meet what that recommendation said, albeit that maybe the recommendation needs to be redrafted in a manner that can be implemented. But I don't believe that it's been addressed at present.

GREG DIBIASE: Got it. Understood. Sorry, that was a weird question. Manju.

MANJU CHEN: Thank you, Greg. After hearing the three options, at first I thought the first option sound nice, but I don't think it's really doable because I think it's better rely on us ourselves than the GAC, I guess, in a sense. And then I guess option two is not ideal in the sense that, well, that's what we're trying to solve here. So I guess at first I agree with Kurt when he was saying that, oh, he thinks this needs more policy effort. I thought we're talking about probably initiating a super tiny narrow scope EPDP thing to deal with this issue, which I think probably will be a nice idea because we've been dreaming of doing this extremely narrow scope EPDP thing, right? Probably this is the time for us to test if it's going to be super efficient if we have an extremely narrow scope EPDP. But then it turns out somebody's envisioning this only between contract parties and the GAC or PSWG. I don't think it's going to be a great idea. I think if we're talking about policy effort, it's definitely going to be like ICANN thing, which like a traditional, well, PDP where everybody, it's a multi-stakeholder PDP. I would definitely refrain from having another bilateral conversation whatsoever while only two parties are involved trying to solve

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problems and others are not privy to whatever was discussed between those two parties. So I thought probably the third option would be a good idea. But I think if we were starting this EPDP, I really would appreciate if this request comes from the board because they are the one who wanted to retract their adoption of this recommendation. And it only really makes sense they made the move. And I think they should have the gut to do this. Thank you.

GREG DIBIASE: Thank you, Manju. Damon, then Thomas, then I'll put myself in the queue and then Stephanie. Damon?

DAMON ASHCRAFT: Sure. Thank you very much, Greg. I mean, I agree with a lot of the points made here. I think there should be more policy development on this. But I also agree with the notion that this really shouldn't be limited to business days. It should be in hours in the most severe cases. And I think there's kind of a bigger thing at play here. I mean, the most relevant urgent requests are really going to involve people's safety and in many cases, preventing crimes. And if ICANN can't sort of figure this out and come up with a policy and it becomes a hindrance to law enforcement and hindrance to the public safety, we're all going to look really bad. I think ICANN is going to look bad. So that's sort of my gut take on it.

GREG DIBIASE: Thanks, Damon. Thomas?

THOMAS RICKERT: Thanks very much, Greg. I hope that the background noise is not too bad because I'm in a public space. I think we need to discuss this at two levels. Previously, the contracted parties have primarily raised the issue of not having the appropriate staff members get extra fees over the weekend, in particular, because the requests require legal review. And I think that shall not be underestimated. I'd like to put on the record again that due to the contractual requirements, both registrars and registries need to have abuse point of contact and emergency points of contact compiled through which contact with the contracted parties can be established, including disclosure requests that can be sent to those contacts. But leaving that aside, we don't seem to discuss a lot to whom these disclosures are being made. I understand that it's urgent and certainly whenever somebody's life is threatened, the contracted parties should act as quickly as possible. But an urgent request can have other reasons. And particularly internationally, when requests come from non-competent law enforcement authorities, this creates an issue. And therefore, I think it would be great to have the PSWG or other government representatives or other experts would be preferred that can speak to the international dimension of disclosing to law enforcement authorities that otherwise would not be able to lawfully request data from a given contracted party. And I think that's a conundrum that we can't resolve in policy because that's law. So we need to make sure that we don't implement anything that would be at odds with applicable laws. And if the PSWG could help with that, that would be great. But I think without the PSWG, what we're doing is more or less second guessing. And I think that

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I've made a suggestion in the IRT, which I think has some beauty to it. And that would basically say that the contracted parties need to respond, let's say, within 24 hours with a response, even if it is that they need more time, that they can't exhaust the 72 hours fully. So maybe having a small team along the lines of what Kurt suggested with government representatives or GAC representatives at the table would be a good starting point. Thank you.

GREG DIBIASE:

Thanks, Thomas. So real quickly, I just wanted to kind of say some points from the registrar perspective. So first, kind of reiterating that concern Thomas touched upon and the concern from the board's letter in that we need to be able to authenticate law enforcement from around the world. And that takes time. And from my perspective, the struggle here is I'm not sure ICANN policy can bridge that gap, right? I don't know if there can be an ICANN managed law enforcement authentication system. So that's kind of one challenge I'm grappling with.

One other thing I did want to note is that there is a separate law enforcement contact for all registrars that does have an SLA of, I believe, 24 hours for urgent requests about abuse and related things, right? So this is not the only method by which law enforcement can contact registrars. This is specifically to ask for data. And to Thomas's point, when data is being requested, that often requires review from the legal staff of a registrar. So that's kind of some background on why the IRT was kind of grappling with the business day decision. But yeah, I mean, I'm definitely hearing more work is needed. I'm struggling with what that more

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work could be. If it wasn't EPDP, I agree with Manju, it should come from the board, given they raised this concern. Yeah, interesting question. I'll move on to Stephanie.

STEPHANIE PERRIN: Thanks very much. And Manju and Thomas have both said much of what I wanted to say. But I'd just like to pinpoint that whenever we have talked about this, from the time I started at ICANN, nobody has been willing to grasp that nettle and take accountability for authenticating a law enforcement request. Back in the EWGG days, we tried to get Interpol to do something, because it's not as if this urgent request question is a new one. And I don't see ... I understand that there are doubtless registrars who ignore requests and are bad actors, but there are also, regrettably, law enforcement agencies that are not giving clear authenticated responses to who the heck are you and is this a lawful request. So, absent a third party willing to take on that accountability, I don't see how we can do this. So, any PDP we strike has to come up with requirements on the other side that have some kind of outside authentication, in my opinion, either that or they have to figure out how small operators are going to do the legal work on an urgent basis. And we should make this accountability explicit when we take up this problem. ICANN itself sidestepped and refused to have a role to play here. So, we're back chasing this again. Thanks.

GREG DIBIASE: Thank you, Stephanie. I see Peter next.

PETER AKINREMI TAIWO: Yeah, thank you, Greg. So, just to not repeat what others have said, actually, I just wanted to say that this is not new. Right. And it's just taken from a new way of coming back to us and dealing with this. But the first things that we need to actually look and define is what is the scope, because this can actually be interpreted in different forms. So, we need to constitute a mini-PDP to be able to look at this and scope what this urgent request actually means to different stakeholders and how to handle that. Because for us to be able to define the timeline, we must know the scope of things and be able to say, oh, this has to be responded to in 24 hours or less than 24 hours and thereabout. And we just don't want a situation where, under the scope of urgent request, we'll be giving [inaudible] to law enforcement agency or stakeholders that need those information. So, we just need to be careful and scope this very well to be able to come up with a timeline that's appropriate. Thank you.

GREG DIBIASE: Thank you, Peter. Desiree.

DESIREE MILOSHEVIC: Thank you, Greg. Yeah, just to add to what Thomas was saying, I think that it is important for some process to be further worked on and whether that's the board and PSWG, including registrars. I think we are seeing the difficulty in authentication, but also in addition to authentication, setting up this verification system. And those closest to the operations should try to be more outspoken in

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terms of whether any other procedure would help. But we do need to understand also that there are these limits. And in terms of staffing with registrars and legal offices and what is the level that one could set that is realistic, or at least write down something that would say, well, this is an effort and the mechanism we suggest, but it's not a silver bullet. So I think we need to manage expectations with these things.

GREG DIBIASE:

Thank you, Desiree. So that is the last hand. Maybe I'll kind of summarize what I'm hearing. I'm hearing that our work is not done here, right? We're not saying that this recommendation has been implemented. There's more work here, whether that is a PDP or something else may still be something to grapple with. And then I think the last thing I heard was this request probably should come from the board for more work, given that it had their letter. So maybe leadership can, unless someone believes I'm misstating something here, maybe leadership will take this back and think about a path forward. Maybe the initial response is a letter to the board acknowledging their concerns, but noting that the work is not done here and thinking about what next steps could be. So leave that open to see how people feel about those next steps or potential next steps. Okay, thank you everyone for the very robust discussions. I feel like we really highlighted concerns on every side of that issue.

Okay, going on to arguably the even more complicated topic of accuracy. Can we put the agenda back on the screen? In the meantime, this is something we have been discussing. The scoping team on data accuracy had been paused. They had noted

the challenge of a lack of data and being able to assess and frame the issue of data accuracy. In other words, looking at data to determine what the issues may be that may be suited for policy development. Another input we received from ICANN staff was there was not a legal basis for using registrant data for the sole purpose of assessing accuracy. So we need to kind of consider next steps.

Leadership sent out an email with a couple of questions. The first is evaluation of proposed alternatives. One of the alternatives proposed by ICANN staff was to look at historical audit data, and this is audit data concerning the verification and validation processes currently in the registrar accreditation agreement. And then the second was engagement with contracted parties on ccTLD practices and whether verification practices by those registries may inform our work here.

The second question is, given the limitations with respect to access to data, and I think there are some kind of outstanding questions, for example, on the definition of accuracy that the scoping team was still grappling with. Would there be value in restarting the scoping team at this time?

And then the last question is kind of advancing the topic. If we do decide that restarting the scoping team would not be the best option at this time, how should we carry on this very important work?

So I won't go any further into options, just to see what people have, initial thoughts people have on what our path forward here. I see Prudence's hand.

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PRUDENCE MALINKI: Hi there, Prudence for the record, Prudence McKee for the record. So registrar group leadership came together to address the three questions. And we had some quite lively chat, and I just wanted to kind of bring some of those thoughts and comments to you guys, so we had that for discussion.

So with regards to the first question about the evaluation of the proposed alternatives, specifically about the validation or using the compliance data or the registrar compliance audit information, the idea was that it sounds like it's good, but it's not so great. So if we were using analysis, using that data, one of the things that's been flagged up as registrars is that using analysis on that basis may not show the overall accuracy rate of gTLD domains, as it's not a complete representative sample. And it could be helpful to review the data gathered from past audits, because that will allow us to understand the compliance landscape. But it has limitations, right, because it's not going to be as comprehensive and it won't represent the overall activities of a registrar necessarily. So I just wanted to kind of flag that.

And then also as well, the other part of the first question relating to using ccTLD practices. So, as you know, there's the dreaded four letters, well, no, well, NIS2, which I didn't want to say, but I've now said, feeling like I've mentioned Voldemort. The process at the moment to validate using identity documentation raises a number of kind of issues, because we know that this is a trend that's happening across CCs at the moment, especially in Europe.

One of the things that we have, like, not necessarily as strong as a concern, but registrars shouldn't be placed in a position to evaluate the legitimacy of ID documents, because it raises lots of questions, such as who checks the ID? How do they know how to do it? Who's going to be doing the training to make sure there's a standardized approach to this across the board?

And also as well, is it too soon? And we're not sure right now whether there is any clear evidence that the current state of registration data accuracy is actually a genuine significant problem, or a genuine contributor to DNS abuse or other problems. And we're not entirely sure either whether there's any evidence that improved registration data or accuracy of the registration data will solve the problems such as preventing DNS abuse or providing that layer of internet security that's being asserted. So we're still trying to mull over those high level questions first to try and even understand whether we do need to take action and what action we do need to take.

And then with regards to the scoping team restart, again, if there is a plan, if there is like a definition of data accuracy, that has to be a prerequisite of restarting the scoping team. That was one of the salient points to come out from the registrar group, and that we should only really restart if there's a plan to take a new approach, or pursue new ideas for addressing the topic. And our current practices for ensuring registration data accuracy is accurate, should be accurate and appropriate for the nature of the data. So the current practices are appropriate at the moment. Well, that's the kind of common consensus view. So yes, I've said a lot with regards to the questions out there, but we've been

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having some pretty lively discussions as a registrar group. And I'm not sure if any of the other groups have had similar discussions, but it'd be great to get some of the thoughts as well. Thanks.

GREG DIBIASE:

Thank you, Prudence. Jeff, you're next in the queue.

JEFF NEUMAN:

Yeah, thanks. I want to take us up a little bit of a level, and this relates to the next item as well, which is the review of the communiqué. But I think it's probably best discussed here. One thing I've noticed in this discussion that's happened, and I'm not sure how it happened, but there's one more step that I think that needs to happen. And the issue has somehow gotten confused and intertwined with the DPS, with the data processing specification. So I think one thing that needs to happen is we need to, as the GNSO, clarify this issue with the GAC. And really, the GAC said in its communiqué, in issues of importance, they said that their belief is that the GNSO put this conversation on pause primarily because of the fact that the DPS was not complete. But I think that it's important for the GNSO to send a message to the GAC that that is not the reason for the pause, just to clarify first that there are these other issues, as Prudence and I'm sure others will relate.

So from a GAC-GNSO perspective, I think we should, as a very first item, clarify that with the GAC, that this is not really about the DPS, but it's much more complicated. So at least we can throw that issue away. And I know it doesn't address these three

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options, and my job is not to comment on these three options, but it's more to just get the GAC and the GNSO on the same page. Does that make sense?

GREG DIBIASE: Yeah, that makes sense. And to be clear, these options are straw men, right? Some questions to think about, but any and all ideas are welcome. But yeah, I think some type of level setting with the GAC does seem like a good idea. Damon.

DAMON ASHCRAFT: Sure, Greg. Thanks so much. The IPC has formed a group to look at this, and Susan and I have had some discussions with them. And I think the initial thoughts we were having is that we should take a look at some of these proposed alternatives. Apparently, the scoping team, despite some really good efforts, did have some struggles, but it's a new day, and I think it probably makes sense to go ahead and take a look at these proposed alternatives. And data accuracy, I personally think it's a huge issue. It is curious the amount of time we spend on access to data when so much of the data with respect to DNS abuse is inaccurate. I don't have an official study in front of me, but I can tell you just my own practice of looking at sham websites and things like that. The data is fake probably 99% of the time, just clearly erroneous, just garbage data. So that's sort of our initial thoughts on it. Thank you.

GREG DIBIASE: Thanks, Damon. So, sorry, Damon, I misunderstood one thing. I heard interest in working on potential proposed alternatives and

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definitely other work, but what about the question of the scoping team restart specifically?

DAMON ASHCRAFT: Sure. I would say, I think our general thought would be let's take a look at the proposed alternatives first, kind of as an initial approach on this one, and not necessarily restart up the scoping team. That could change. But I think that was sort of our initial thoughts.

GREG DIBIASE: Got it. Thank you. Thanks, Damon. Kurt?

KURT PRITZ: The Registries Stakeholder Group also had a good discussion about that. We also believe that the scoping team should not be restarted at this time. I think that if I recall our conversations about this earlier, and I could be wrong, but I thought we had gone back to, we had made a statement somehow to go back to our stakeholder groups or constituency groups and solicit ideas from them, and what alternatives were there or what alternative proposals might there be? think the registries have taken up that charge, and I think Prudence can talk better than me and you too, but I think the registrars have done so too.

And I remember during the ICANN meeting in Kigali, there was a CPH meeting where we discussed working together to develop some alternatives for this. Given that, and given the discussion so far, we acknowledge that it's really a sticky problem. The scoping

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team worked laboriously and came up with alternatives that really didn't pan out. So what I would suggest, and I think it's in line with what Damon just said, is let's look at these two alternatives, but let's give our stakeholder groups a little more time to discuss this internally and come up with something. Maybe suggestions, maybe proposals. Like I said, it's a hard problem, but I think let's start a little more bottom up and ask our stakeholder groups to take a look at it and give them time to come back to us.

GREG DIBIASE:

Thanks, Kurt. And putting myself in the queue, I think I had some similar thoughts to what was shared before. Kind of related to what Jeff said about the GAC, I feel like there might even be some level setting within the GNSO as well as to what the issue is and what the challenges are now. And maybe a scoping team is perhaps premature at this point, given that maybe there's a reset of, like Kurt said, different ideas, looking at alternatives, like Damon said. So we have to think about what that is. And one thing that just comes to mind, I'm not proposing this, but when we brought together the DNS abuse small team however many months ago, the primary function of that team was soliciting input. That team went to all the stakeholder groups and said, what problems in this area are of most concern to you? Help us understand what this problem means to you. I don't know. So maybe some type of similar exercise might be worthwhile here. So those are my thoughts. Does anyone else have comments for this meeting on next steps?

Okay. So I'll try to recap here in that I think everyone's in agreement more work is needed. I think to Damon's point, we

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can't have anything too amorphous where we'll just think about it. We need some type of deadline and structure, but maybe let's take this back to our groups, continue to think of ideas. And yeah, I see Damon's recommendation that we put this on our agenda for next month. I think that's right. I think maybe this should stay on our agenda till we have a set plan, whether it's level setting, gathering ideas, things like that. Okay. Well, we didn't solve this issue, but I think we're in the right direction. Jeff, I see your hand.

JEFF NEUMAN:

Yeah. Can I just, at least with respect to the level setting, can we have an action item to essentially respond to the GAC in a way that at least says this issue—still discussing it and whatever the action plan is, but make it clear that it's not about the DPS. I think that's going to be important, especially with what the GAC included in their communique.

GREG DIBIASE:

I do not have an objection to that. Do any other councilors have any objection to potentially start working on a letter to the GAC in the interim before our next meeting? Susan?

SUSAN PAYNE:

No, no objection. And I do think it's necessary because I think we've probably all found it, although incredibly helpful, the kind of staff evaluation document that we got, I don't know, back in October or whenever it was, but I think we can feel fairly confident that the GAC haven't read it. So they think that the only road bump

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is the DPS. And I think that's what Jeff is saying. It's like, let's make it clear to them that it's not the only road bump.

GREG DIBIASE: Great. Okay, well then maybe we'll send out a call for volunteers to work on that letter as well before our next August meeting. Great. Thanks all. We are running slightly behind here. So let's move on to the review of the GAC communique. And I think I can hand this over to you, Jeff, to introduce it.

JEFF NEUMAN: Yeah, thanks. And first an apology, because it took a long time for us to get this to the council, primarily because I think of good news that ICANN Org and the board have been dealing with a lot of these issues more quickly. So things have moved beyond the communique. So I just wanted to put that out there. So I believe, and the link's not here on this agenda, but there was a response sent by the small team to the GAC a couple of days ago and an acknowledgement, I think, yesterday from the board thanking us for the small team response. But of course, we made it clear that it was just a small team response and the council hasn't reviewed it yet. And that is on their, just the items of advice and follow up advice.

As with all responses, the communique response was really just, for the most part, stating nothing new. Just things that have already been done. I'm wondering if someone can post that up there just to quickly scroll through it. So essentially the response, without going into any sort of detail, was on the issue of applicant

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support, just to remind the GAC on the work that was done in the GGP and the public comments that were considered during that process and pretty much reiterated what the board said to the GAC in a very recent letter in early July, that the GAC's advice seems to be contrary to what they had initially agreed to during the GGP.

With respect to the second item, auctions and mechanisms of last resort, which starts on page five. Thank you. So really on this one, we didn't really have any kind of response to this one, but because it's really just setting forth what they had before. And really all we did on this one is to just remind the GAC of the adopted recommendations and what the board has done on this. And then urgent requests, which is the third item, we kind of discussed this issue a little bit earlier and we said it was on this agenda. I don't know if we're going to update this based on the discussions today during the council meeting, but we can do that and discuss that within the small team and then make the recommendation to the council if we feel like it needs to be updated based on the discussions.

That's it on the advice and the follow-up advice. What the small team is doing now is to look at the issues of importance that the GAC has raised. And the small team is still working their way through that. Like I said, I wish we could have already had something to show the council on this, but the small team, just because of a lot of different reasons, just doesn't really have a response yet on these items that is ready to be viewed by the council. And of course, this hasn't been submitted to the board, so it's not like anyone's seen anything on this. But those are topics

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including the transparency issue of statements of interest. It includes the registry voluntary commitments, public interest commitments, and the work that's ongoing on that. The work on the IRT. And one of the items I just mentioned that we just have an action item now on, which is to clarify what the issue of accuracy really entails or does not entail the DPS because of just the level setting of that.

And I think that's most of it. Like I said, we're still kind of working our way through as a small team on the issues of importance. But I just want to open it up to see if there's any questions or comments from the council on what the small team has already sent. And if there are any clarifications the council thinks we need to send to that, to the board.

GREG DIBIASE:

Thank you for that update, Jeff. Does anyone have questions or comments for Jeff? Jennifer.

JENNIFER CHUNG:

Thanks, Greg. So Jeff, I know that we are still as a small team working through the issues of importance. Regarding the DPS, that is going to be part of our response. So you did note that you will, or I guess someone will be volunteering to write a letter regarding this specifically. So would this be attached to our response there? Or did you mean for this to go directly to the GAC? Because this issue of importance response will be going to the board, I am assuming.

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JEFF NEUMAN: Yeah, I would say that, at least my opinion, of course, subject to the council, would be that the letter be a separate letter to the GAC. And then we can refer to the letter in a response to the board. But I think direct communication with the GAC is probably better, but would love thoughts on that.

JENNIFER CHUNG: Thanks, Jeff. That's clear now, thank you.

GREG DIBIASE: Thanks, Jeff. I would agree with that. So in other words, we'd reference the letter and the issues of importance, but it would be a separate letter on accuracy. Great. Okay. Thank you, Jeff. Let's move on to our next item. If we could put the agenda back up. We are on to an update from Small Team Plus on Singulars and Plurals. And I think we have our trustee SubPro leader, Paul McGrady, to provide this update.

PAUL MCGRADY: Thank you. Thanks, Greg. Paul McGrady for the record. So, yes, we are going to talk about singulars and plurals and how the small team plus work is going. Just by way of background, you may recall that the council was about to vote on a proposed supplemental recommendation on this issue. And that was in April. We received sort of last minute a proposal from staff related to how singulars and plurals would be reported. So we set aside that other work that had been done and had walked through the community process to take a look at that staff straw person to see if we could get some buy-in on that issue.

So the small team plus has been looking at this staff straw person. Basically, the main idea behind that is that the identification of singulars and plurals of the same word and the same language would be in essence crowdsourced to anybody in the world who might have an interest in that. And that if they came across an application that was a singular or plural of the same word and the same language that either corresponded to another application or to a pre-existing top-level domain name, they could report that to staff. That would be validated in some way. And then it would be acted on however things would be acted on.

As an update, I think for the majority of the Small Team Plus, there's buy-in on the main idea of the staff straw person, namely that it should be crowdsourced, like I discussed. I believe there are some on the small team plus who have sort of set aside some hesitancy about that approach in order to try to get to the end. I can't tell you that there's a unanimous belief in the crowdsourcing idea, but folks have at least set aside concerns enough to engage in dialogue.

But coming out of this process where these would be crowdsourced, there is hesitancy about not having an exceptions process. So we are sort of debating what that exception process would look like, what would be the criteria for two applications or more that are singulars and plurals of each other, or an application that is a singular or plural of an existing TLD to be able to get out of sort of singular and plural contention. And we've kicked around various ideas. We started back with looking at what SubPro did in this space, which was essentially to create an exceptions process that had to do with the intent to use of the TLD. The board has

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made it very clear that they're not for intent to use because that brings up content concerns.

So we then started to dig around in the idea of maybe we could solve this through registrant restrictions. Some of these may be by way of argumentation, perhaps. It seems to me like mice and mouse would be a good example of one that may be able to get out by way of argumentation rather than registrant restrictions.

So all that work continues. We've had some great additional strawmen or straw people that have popped up, including a really interesting one from Jeff and Susan with regard to perhaps instead of setting up an exceptions process that has its own panel and all that, that it might be run through the extended evaluation process for your average gTLD application.

We are getting some informal rumblings from the board that whatever we do needs to be pretty simple and implementable. And also some rumblings, I think, that implementation staff is getting concerned about our timeline. So I think that we do need to come to a conclusion about whether or not we want to incorporate the staff straw man and any exceptions process either back into the work of what the council was about to vote on or a standalone supplemental recommendation. My concern is that we've given quite a bit of time. We are not necessarily, we're making progress, but several weeks and not congealing around anything sort of in a concrete way.

So that's the update. I guess the question I have for council is how much apron string do we have? We don't want this to, at least I don't, I should be careful, I don't want this to affect the new gTLD

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program timeline. So it would be good to hear from council, what's your expectation of this small team? So I can go back and say, we have two weeks, we have two months, we have two years, whatever it is. I think it's most likely in weeks, not months, certainly not years. But I would like to see what we could accomplish within a set timeframe so that we can come back to council and say, we did it or we couldn't do it. And then the council can decide what if anything to do with this particular supplemental recommendation fairly quickly so that implementation staff can get on with it. So I hope I did a good job of summarizing where we are and sort of being respectful of all the positions that are out there. I've not been able to read the chat as I've talked, but that's the update. And Greg, if you want to have questions, I'm happy to field them. Thanks.

GREG DIBIASE: I see Anne's hand. Then I'll put myself in the queue.

ANNE AIKMAN-SCALESE: thanks, Paul, for your summary and also for your leadership on this team. I think that we are currently headed in the right direction with the supplemental recommendation that you're urging and that there's wordsmithing that still needs to occur on that. I think there's somewhat active dialogue going on right now. And my guess is that we will know the answer within three weeks of meetings of whether we can get this supplemental recommendation off the ground and agreed on. It's a guess, but I think we have distilled it down to something that's workable. And I thank you for leading us in that direction. And I especially appreciate the straw man that

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Susan and Jeff proposed because I think it was really helpful to get to the thoughts in the group to gel.

GREG DIBIASE:

Thanks, Anne. I think I was just going to respond to some of Paul's questions. Maybe in my capacity as leadership, making sure that things are moving along, I would be very concerned if this work were in any way to push the deadline for new gTLDs. Perhaps that's a personal opinion, but I definitely think this needs to be in the order of weeks and not months. I'm, I guess, slightly concerned and this is perhaps ignorance of mentions that are a trend towards a more complicated process, just because given our interactions with the board thus far, it seems when things get more complicated that leads to more conversations and possibly slows us down. That's kind of just a gut reaction. But I guess from a leadership perspective, I would encourage erring on the side of simplicity and trying to resolve this in the order of weeks instead of months. I hope that is a fair assessment.

PAUL MCGRADY:

Thanks, Greg. I think that's right. I think that as we look over what recommendations from SubPro were non-adopted, it was the more prescriptive the recommendation was, the more trouble it had. I do think that simplicity is key here and resisting the temptation to engage in lots of implementation work when we're policy council, I think is key. I hear that message loud and clear and I'll take it back. Anne, thank you for your optimism. I think that's great. It would be nice to be able to have this wrapped up by

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the document deadline for the next council call. We'll maybe just set that goal and strive to make it.

GREG DIBIASE:

Great. Thank you, Paul. And thank you to all this team for your ongoing work. This has really been a lot of effort. the small team has been putting into this. Thanks. Let's move to the next one, which I think is also Paul, on the supplemental recommendations that were not adopted by the board.

PAUL MCGRADY:

Thanks, Greg. We had several of our supplemental recommendations go through. That was good. We had several that were non-adopted. And I'll just walk through them, if that's okay. One was on topic nine, registry commitments. That recommendation created an exemption for Dot brands for certain elements of the code of conduct and specification nine and those specifically related to DNS abuse. That one was non-adopted, essentially. The request was that dot brands be exempted from some of that stuff. And the board signaled very early that that was a big ask and that they were probably not likely to go along with that. So that wasn't a surprise. We could kick around whether or not we want to keep pushing on that or let that go. It seems like a fairly narrow thing for a smaller group of folks. And spinning up a section 16 on that one doesn't seem likely to me. I'm not the council. I'm just one guy. But anyways, that's topic nine.

For topic 18, there were two. Let me talk about the second one first. The second one is 18.3. There was a conditional

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recommendation related to the covenant not to sue. And in terms of conditions, that would only be included if there was no challenge and appeals mechanism. The board adopted the challenge and appeals mechanism. That was topic 32 for those of you playing along at home. So that conditional recommendation of 18.3 was not adopted, but it was essentially expected to be non-adopted because the board gave us what we wanted on the challenge and appeals mechanism. So while a non-adoption, it is a victory masquerading as a non-adoption. So I think that for that one, we should declare a victory and retreat. So that's good.

For 18.1, this is the other one that was not adopted. This was the one where we tried to establish some reasonable boundaries where I can or can reject an application. And this came out of the concerns from the last round that it wasn't always clear why applications were being rejected. What was the basis? A lot of things seem to be outside the four corners of the guidebook. So this particular supplemental recommendation gave the board a lot of room. It was basically if the exceptions to not following the applicant guidebook were if it violated your fiduciary duties to do so, or if it violated the bylaws or violated the law. So from my perspective, at least, it was not just a road that was big enough to drive through a truck. It was like a super freeway with many lanes. But ultimately, the Board, they just weren't willing to accept that. They were concerned that even with those exceptions, it might restrict their ability to reject an application and basically pointed us back to the bylaws provisions that requires fairness, transparency and a rationale for all decisions.

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So that's where that sits. I don't know what the council wants to do with that, if we want to do anything else with that. I see a note in the chat from Jeff about the other part of the recommendation was that ICANN cite with specificity the reasons for the denial. I don't want to speak for the board, but I expect that they would say that that's part of the rationale for decisions that they have to do whenever they make a decision. So, again, I wish they had accepted this supplemental recommendation, but they didn't. So now we have to decide, are we going to spin up a section 16 process to try again at something that the boards made pretty clear they're not interested in? Or do we just let it go? Or do we do something else that maybe isn't a supplemental recommendation but put something on the record that we're just saying we're dissatisfied with the outcome and leave it there?

So I don't want to ideate about what to do next because others may have opinions and I don't have a strong one on this one. You know, this one, again, not a surprise. We had plenty of warning that the board wasn't in love with it. So I don't think anybody should be shocked that they didn't adopt 18.1. So I'm happy to field any questions, Greg, if anybody has any.

GREG DIBIASE: I see Susan's hand.

SUSAN PAYNE: Thanks very much, Greg. Not a question, just a comment. I personally just think we're at the end of the line. At the most, I think maybe we would send some kind of a letter saying terribly

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disappointed to put something on the record, although it's on the record that we sent them those recommendations and they rejected them. So I don't feel hugely strongly, but I just cannot see the point in spinning up a Section 16 process. It's kind of that definition of madness, isn't it? To keep doing the same thing and hoping for a different outcome. We know what the org appetite for risk is and they are not going to shift on this.

GREG DIBIASE:

Thanks, Susan. I guess I'll put myself in the queue with, I think I had similar thoughts. I think from a manager, managers of the policy perspective to keep moving things along, I don't want to distract effort with something that will ultimately prove unsuccessful. Maybe a letter on 18.1 or there is documentation, this is something we can raise in our meeting with the Board at the next ICANN meeting saying, for the most part, thank you for your collaboration, but we want to note our disappointment in this specific area.

The other side of this is Paul was focusing on what was not adopted, but I want to focus on what was adopted and I think we should be thinking about celebrating this work in some way because this process was unique and on a lot of these supplemental recommendations ended in success. So just putting a note there that let's think about that, whether it's through the outreach, maybe it's premature, we'll wait to see what happens on singular and plurals, but I don't want to let these go by without lauding the work that the council has done here. Does anyone have any other questions or comments? Does anyone think actions such as a section 16 effort are worthwhile or are we

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aligned as I am with Susan's point that we should keep moving? Manju says nah. That does it. Great. Okay. Thank you, Paul.

Let's move on. An update on the IPC request for consideration. I think this one will be short, and I am going to have to admit some fault here in that there was a team of volunteers to draft the letter. I'm on that team right now, and I said to those volunteers I would start a draft, and I have not done that. So I don't think there's anything to share with council, and it is 100% my fault. However, this team is still working, and I think the update is—thanks, Damon. Damon says I never said when. But I'm saying now that I will work on this, and we will work on this, and try to have something by next meeting for the council to consider. Okay. Any questions on the IPC letter or the letter regarding the IPC's RFR?

Hearing none, let's move to other business. So everyone's favorite topic, the aspirational statement. I just wanted to clarify that I think I am recommending that we put this in the category of a nice idea that didn't pan out. We've been having drafts of this thing for several months open to edits, and when it gets back to council, new concerns keep being found. So while this might be a nice thing to have, I would not like to slow our progress in other areas with continued work on that. So maybe we can revisit in the next SPS and talk about it more, but for the moment, I think we can let the aspirational statement go. Unless anyone has strong objections. Actually, no. Even if there are strong objections, I'm saying that. Let's put it back into the SPS.

Okay. Next are other SPS action items, and I think we have staff helping with the first one. Steve, are you working on the recommendations report?

STEVE CHAN:

Sure. Thanks, Greg. I think the way we are intending to handle this one, the councilors will have seen a couple of emails that Greg had sent to try to get in writing where we are on both the recommendation support item and then also the public comment and review item. So I think the intention was to make sure that where we stand right now, or I guess where the council stands right now is easily apparent and in writing and then try to solicit opinions on whether or not there needs to be further work done. I guess we can go into detail on either of these ones, but like I said, I think the idea was to try to get the positions or I guess the status in writing on the list and to better allow the councilors to come to this meeting prepared and ready to determine whether or not there needs to be further work done. That's just a very brief intro and if we need to go into details, I think we can.

GREG DIBIASE:

Yeah, and following up on the letter leadership sent out to councilors on the recommendations report, this is something required in the bylaws. There was an agreement or there was a [inaudible] of the format, unless there are specific amendments someone would propose to the format, I think we can consider this closed. And I think something similar on the public comment review for PDPs, at least staff went through and documented all the ways in which public comments are considered and we consider this review closed from the SPS unless people have raised specific gaps that they see after reviewing staff's work here. Is that a fair summary, Steve?

STEVE HAN: That's a fantastic summary, Greg, thanks.

GREG DIBIASE: Great, any questions or concerns before we move on to the more general topic of board readiness? Okay, let's do that. And I think Caitlin, maybe you had an introduction to the topic before we hand it over to Kurt.

CAITLIN TUBERGEN: Yes, thank you, Greg. So just to quickly introduce the topic, the topic of board readiness came up during the SPS and the council talked about it quite a bit about how we can ensure as a council that recommendations are board ready before they go to the board to avoid a situation where the council approves recommendations and the board is unable to adopt them. And there was an agreement among the council and some specific volunteers to draft a one-page document explaining what does board readiness mean and some factors that the council engages in to contribute to the topic of board readiness.

So staff put together a document, which I just wanted to quickly go over before Kurt talks about his ideas about board readiness. But the document in short explains in brief what board readiness means, which you'll see in this green shaded box. Simply it means that the recommendations are likely to achieve board adoption. They've been approved by the GNSO supermajority vote and will most likely be considered by the board to be in the best interest of the ICANN community and ICANN org.

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As you scroll down in the document, you may remember that during ICANN 78, Julie Hedlund presented on the factors in the PDP continuum that contribute to board readiness. Some of the council was able to talk about some of the gaps there. So we've documented some of the current things that are in the PDP continuum that contribute to board readiness. And then lastly, you'll see another bolded question about given some of the recent issues with respect to the council approving recommendations that are ultimately not adopted by the board, which we've seen in a few PDPs, what are some things that the council has already done to prevent this from happening in the future?

And one of the things I'd like to note here is that following the SPS, there was this discussion, an idea that the council engage in more informal discussions with the board where issues can be discussed in a more informal setting, pragmatic solutions can be put forward to avoid the situation where the council and board are writing letters back and forth to one another without really talking about the issues and maybe finding an easier way to deal with the issues in real time.

So we put this together. Obviously, councilors have not seen this. And we would welcome input on this from the small team of councilors that came forward. But I know Kurt has some ideas that he'd like to discuss about how to improve board readiness. So I'm going to turn it over to him to present some slides.

KURT PRITZ:

Thanks, Caitlin. So I guess to try to segue from what Caitlin just presented to this, it's that we have a number of measures in place

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to help ensure that the board's gonna adopt our recommendations, but often as recently demonstrated by Paul's presentation, our recommendations are sometimes dashed against the rocks of the board refusal. And I think sometimes we're surprised or uncertain or don't know why those things happen. So as you might recall, I flapped my gum and said at the end of the last meeting with an idea for a study. And after that, Caitlin sent out a request for volunteers for that. And then Greg suggested that we review the idea of this one more time to see if it's something we wanna go ahead with. So here's a few slides to kind of outline the methodology of the study.

So I have a suggested definition for board readiness here. And I'll pause at the end of any slides to see if there are questions or off the cuff improvements to what I suggest here. Although I think most recommendations would come after some time to consider all this, but I have a definition here that's remarkably similar to the one Caitlin just put up, I think. So I need not read it.

And then the idea of the study is to inform the creation of a set of policy development practices that will improve board readiness, improve the likelihood that GNSO policy recommendations are adopted by the board. So I'll pause for a second and then hit the next slide. So the idea would be to develop questionnaires for interviews with PDP chairs, PDP working group members, ICANN staff and board members to develop information for understanding information gaps in the policy development process. So the questionnaires will be based on some things I'll talk about in the next slide, but it's to develop the information we need to identify a new set of practices in the policy development process. And then

having developed those questionnaires, the idea is to conduct one-on-one interviews with the same sets of people, the working group members and chairs, and board members and staff members. And the members of this small team will conduct those interviews. And then the idea is to synthesize the interview materials into a set of findings and then a set of recommendations to inform council work on improving board readiness.

So what are the targets of these questions? What kind of information are we looking for in this study? And these are a set of questions that are fairly obvious and I'm sure there are more and I'm sure that this can be improved, but were PDP working group members surprised or unsurprised by board's rejection of specific policy recommendations? I read some policy recommendations and I'm surprised that the board rejected some, not surprised at others and the converse of that. You know, to what extent do the working group members consider the board reactions to these? Is that an active part of the consideration when they're making the policy recommendations concrete? Did the PDP members think they had sufficient or insufficient information to develop a board set of ready, board ready set of recommendations?

And I'll tell you, as I read each one of these considerations, I could pick out three examples of policy recommendations that were rejected for each one of these considerations. And then what are the expectations of the board liaison role? As Caitlin pointed out, this is a sort of a new role and there's a balancing, right? The board's not supposed to inject itself into the policy development process. So what's the just right amount of inner information that the board members, the board liaisons give and what's the role of

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the board liaison in going back to the board and checking on potential board disagreement with them while the policy is still being baked? That's sort of a really tricky question.

And then another question is how do board members receive information regarding the PDP? Did they read the full report? Did they read the summary? Did they read the staff distillation of it? Did they receive information during the process? How does that work? And what surprised board members in the policy recommendation, either positively or negatively? And again, how did they receive the information?

So these are sort of the questions we'd want answered and we build our questionnaires for the interviews based on these considerations. So that's that. So that's kind of it. And the scope and schedule and [inaudible]. So I think we could study these recent policy development processes, the registration data policy development. There were three phases to that. The subsequent procedures, IDNs and transfer policy. If you have other recommendations, I'd appreciate that. I'm leaving the council once we leave Istanbul. So I'd like to make this sort of a fast-paced project and get in, get out and get something positive out of it. And on the right are the people, I think, that raised their hand to be part of this. So if I have your name up there and it doesn't belong up there, I apologize. And if I've missed someone, I apologize also. So that's kind of the whole big idea. And that's it. So I'll stop for questions or comments and thanks for taking the time to listen to this.

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GREG DIBIASE: Thanks, Kurt. I have a couple of questions unless anyone would like to go first. I'll let Manju go first.

MANJU CHEN: Thank you, Greg. Thank you for the presentation, Kurt. I think there were very good slides. I'm just wondering, so when you say the working group, well, the follow up questionnaire and they will do interviews. The working group here, you're actually referring to the small team, which the names you listed on the final slide, correct?

KURT PRITZ: Yes, that's exactly right. I use the words working group too often, but you're right.

MANJU CHEN: But also, I guess another question is, how many people are you planning to interview? Because from the list, it seems like a lot of people and you are quite ambitious to be able to interview them in one month, I'm guessing because of different time zones, because of how many people you're planning to interview, it might be a huge task. And in a sense, how do you quality control the interviews and how do you make sure, because if it's different people conducting interviews with different people, how, I mean, yeah, exactly. How quality control you plan to kind of do with the interviews to make sure that the answers are usable to present a result, that will be my second and final question. Thank you.

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KURT PRITZ: Yeah, so your second and final question are all good questions, and that has to be very carefully managed. I mean, certainly we don't plan to interview all working group members and all board members, but to do a sampling of each. And how to control quality and perform the study with some alacrity is exactly the right question and where we need to be careful. At the Walt Disney Company, we used to say, you can't schedule inspiration, but you can make inspirational schedules. I didn't really answer your question, but I certainly recognize the importance of your issue.

GREG DIBIASE: Thank you, Kurt. Thank you, Manju. Peter?

PETER AKINREMI TAIWO: Thank you, Greg. And thank you, Kurt, for the detailed methodology that you just presented to us. So I had the same concern about the sampling and the timeline of completion of the project. So we might need to look at the timeline and the sampling so we'll be able to get that done on time. The second part is the questions that the group came up with. It will be good to find a way to streamline that question in such a way that we'll be able to get response from the sample, because some of the questions actually have two questions within it in such a way that the sample or the peoples that will be the participant might be lost in between just a kind of clarity in those questions and make it simple in such a way that there will be a response. And I could see that there is other part of the questions that is asking a kind of a direct question. So that is another part that we want them to be able to

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get us those insight and be able to come up with good outcome from these.

So the other part is, I don't know if it's possible within the timeline, if possible, that you can consider other documents rather than just only the interview to be able to review existing documents to see how board members actually respond to some of the recommendations or reports. So thanks for the wonderful work.

KURT PRITZ:

Yeah, thanks Peter. So we've all written some surveys in our life and we know that each respondent to a survey is willing to give about seven minutes or something like that as the optimal amount of time. So I think you're exactly right in making the questions that we develop out of that list of considerations concise and straightforward. So I appreciate that comment. And I also think that's an excellent idea to examine the record. So there's board minutes and meeting minutes of the various discussions. So I think that would be a valuable source of information here. So thanks for that suggestion.

GREG DIBIASE:

Thanks, Peter. So Kurt, my question is, so those, the names you listed, those are people that volunteered to work on the document regarding board readiness or you've talked to them about joining a small team?

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KURT PRITZ: Yeah, Caitlin, I think sent out a request for volunteers for this small team and they responded.

GREG DIBIASE: But the original small team was drafting the document on board readiness.

KURT PRITZ: No, I don't think so. I don't know, Caitlin, can you help me out?

CAITLIN TUBERGEN: Thanks, Kurt. And thanks, Greg. So I think that's part of the reason that we wanted Kurt to present his idea to the full council, is because support staff walked away with a different understanding. I think that the volunteers from the council wrap up were interested in the topic of board readiness and support staff's interpretation was this was the action item coming out of the SPS, which was to work on a document about what board readiness means and identify gaps if there are any. But Kurt, you had a different idea of what that was, which you just presented.

KURT PRITZ: Well, I'm not surprised.

GREG DIBIASE: Yeah, so I think these are great questions, Kurt. I guess my only concern is, I mean, this is more work, right? This feels like an actual small team that may even need a vote, or it just feels like a

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lot of work to start a small team down this path. And I just wanna make sure we're aligned that this is worthwhile of our resources, which it may be. I guess my other comment was in regards to the paper that staff presented, I'm wondering if a starting point is to first look at what staff has put together and identify potential gaps before moving on to this larger effort. So those are my thoughts. Jen, your hand.

JENNIFER CCHCCUNG: I actually just put my hand down as you were speaking because when I was listening to Kurt's presentation and also looking at it further, I had questions on where the results of his proposals or the proposed efforts will land. It says that we're looking into having recommendations on how—or informing council work on board readiness. But if we are going to be, I guess, putting together a small team on this, where will the eventual efforts of this land? And I think that kind of was dovetailing into your final questions, which is why I put my hand down, but I took the mic anyway, thanks.

GREG DIBIASE: Right. Thank you, Jen. So I guess maybe I'll ask my question more directly, Kurt. Do you think it's reasonable for this team to first look at the document that staff has drafted since they put together, I think, trying to address potential gaps before we undertake this larger effort?

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KURT PRITZ:

Well, I certainly think we should take a look. We should look at the staff document very carefully and go through it and look for changes or actions we might take to improve board readiness. But also, like Caitlin said, we've talked about board readiness, used that term quite a bit since our strategic planning session. And I look at the history of our PDPs and there was the one I chaired where I was surprised that the board rejected a couple of recommendations after the ICANN outside counsel said the recommendations were illegal. And then I looked at the PDP phase two where they said, we don't have enough information to really make a conclusion here. So not surprised that the board didn't adopt those. And then I looked at the SubPro with so many recommendations that were developed with really painful consensus building and not surprised at all that a few of those were rejected by the board. But the council in each case looked at the process that was undertaken and approved all the policy recommendations and sent them onto the board and they were rejected.

So I think it's sort of urgent that we look into, what the council should be doing either during the PDP process or the review of the PDP to mitigate or reduce the number of policy recommendations that are rejected by the board. I think it's an important issue and we won't get to—to bring up one issue where, the staff report mentions that the board liaison role is new, how do we get to making that role as effective as we want it to be? Well, we do that by talking to the PDP participants and saying, what do you expect out of it? The board members that are liaisons, what do you expect out of it? And the other people supporting this process in the periphery and sit down, ask them questions. What

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do you think you get out of it? And mesh that all together so you can synthesize some sort of conclusions about what the role is and how it's managed. And I don't know how to do that without the sort of interaction with each set of the parties. So that sort of methodology to me is sort of obvious. So how we meter our approach and how we go through it, that's a TBD because as many people in the chat and verbally have said, this could be a lot of work that has to occur in a short period of time. And that is a difficult management problem. Sorry for talking so long.

GREG DIBIASE: No, that's really helpful, Kurt. Okay, thank you, Kurt. I see some support in the chat for this small team starting their work, looking at the board paper, but also perhaps starting to gather information along the lines Kurt has identified. So yeah, I guess I'd ask council to consider Kurt's proposal and then maybe, I mean, I think the small team for working on the board document, I mean, you already have the volunteers, right? So Godspeed, I guess.

KURT PRITZ: I think I was taking volunteers on the wrong list. So if people wanna reconsider, that's fine.

GREG DIBIASE: Okay, great. Thank you, Kurt. Any other questions or comments for Kurt? Manju?

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MANJU CHEN: Sorry, this is not a question for Kurt. I raised it in our chat. I'm very sorry. I couldn't find the board paper, like the one staff has drafted. I could only find Kurt's presentation from our agenda. Can anyone be so nice to tell me where to find that paper? Have you already sent it out or wherever can I find it? Thank you.

GREG DIBIASE: Great, and Caitlin says she will post it shortly. It has not been sent out yet. Okay, sounds like we have a starting point. Steve, I see your hand.

STEVE CHAN: Thanks, great. This is Steve from staff. And I guess just maybe to help connect some dots, that document that staff prepared on board readiness, which was an output or I guess a result of an action item collected from the strategic planning session. At least from the staff perspective, why we think it's probably a good starting point is that it helps identify some of the problems that resulted in changes that had been deployed by the council. So what that might mean is that by carefully reviewing that document, it might actually impact the design of the survey that is then subsequently designed. So, at least from where we sit, why that might be important is, you might want to design the survey so that you're not just validating things that we or the council has already discovered, or maybe that could be a purpose of the survey to actually validate things that we think were problems and we put solutions in place. I guess the general point is that the work that we've done so far, it might serve as a good platform to help design the survey in a meaningful way. Thanks.

GREG DIBIASE: Great, thank you, Steve. You said more articulately what I was trying to say earlier in this conversation. Okay, thank you so much, Kurt, for moving this forward and for all volunteers willing to join Kurt in this work. Any other questions or comments on this topic? Okay. And my last AOB is a reminder that we are looking for feedback on the how we meet discussion paper that ICANN sent out. And I forwarded to councilors as well as SGC leaders. I think that the deadline I put in the email is rapidly approaching. I can't remember what it was. Does staff know? July 24th, end of July?

STEVE CHAN: Yeah, I was gonna say it's the 24th.

GREG DIBIASE: So I understand that is a tight turnaround. But please know that's based on ICANN's deadline, not mine. So if you can urge your SGs and Cs to provide feedback, if they have it, and to send it back to me to collect it, that would be great. Stephanie, I see your hand.

STEPHANIE PERRIN: Yes, thanks, Stephanie Perrin for the record. When we were discussing it in our policy meeting the other day, we were very curious. We don't have the actual financial picture clear. It seems obvious to anybody who's traveled, costs are up, but just how much are they up? What costs are we comparing here? Because we're doing a cost benefit ratio analysis. For many of our activities,

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clearly, it's better to get together. We certainly feel this way in the non-commercial stakeholders house. It's good for us to get together and actually be face to face every now and then. Personally, I find the PDPs, when we get together, we make more progress. I do sometimes wonder about the bigger meetings, but if we don't have the actual costs to compare, we can't sort of make judgments about which we prefer. So some financial stuff from Xavier would be great here, or from ICANN travel or from the meetings folks. I don't suppose that's been pulled into a document for us.

GREG DIBIASE:

Thanks, Stephanie. I see Damon shared some information that's available on ICANN's budget. So perhaps that could be helpful. Julie? Julie, you may be on mute. We lost Julie. Okay. That brings us to the end of our agenda. Does anyone have any other business questions, concerns to raise before we close for the day? Seeing none, thank you all for a very productive meeting and we will see you again in August. Thanks all.

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]**