
ICANN Transcription

GNSO Council

Thursday, 15 May 2025 at 05:00 UTC

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

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Zoom Recording: https://icann.zoom.us/rec/share/77AwYBuAhUAn9tCm66yJ_WI_0fB7oh-QyckMKQfIPzosiehzHDuofn-4s6NaVHpY.6GDbj6K7W8PDWbc8?startTime=1747285236000

The recordings and transcriptions are posted on the GNSO Master Calendar

Page: <https://gns0.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 (joined after the votes)

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, Damon Ashcraft, Susan Payne

Non-Commercial Stakeholder Group (NCSG): Farzaneh Badii, Bruna Martins dos Santos, Julf

Helsingius, Tomslin Samme-Nlar, Peter Akinremi, 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.

Guests:

Chris Buckridge (ICANN Board)

Chris Disspain and Sophie Hey (Co-Chairs PHR)

ICANN Staff:

Mary Wong - Vice President, Strategic Policy Management

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

Julie Hedlund - Policy Development Support Director (GNSO)

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

Caitlin Tubergen - Policy Development Support Director (GNSO) (apologies)

Saewon Lee - Policy Development Support Manager (GNSO) (apologies)

Feodora Hamza - Policy Development Support Manager (GNSO)

John Emery - Policy Development Support Senior Specialist (GNSO)

Terri Agnew - Policy Operations Senior Specialist (GNSO)

Devan Reed – Policy Operations Coordinator (GNSO)

TERRI AGNEW:

Good morning, good afternoon, and good evening, and welcome to the GNSO Council meeting taking place on Thursday, the 15th of May, 2025. Would you please acknowledge your name when I call it? Thank you. Nacho Amadoz?

NACHO AMADOZ:

Present, Terri, thank you.

TERRI AGNEW:

You are welcome. Jennifer Chung? I don't see where Jen is on, but we'll try to locate her. Hong-Fu Meng?

HONG-FU MENG:

Present, Terri, thank you.

TERRI AGNEW: You're welcome. Samantha Demetriou?

SAMANTHA DEMETRIOU: Hi, Terri, I'm here, thanks.

TERRI AGNEW: You are welcome. Greg DiBiase?

GREG DIBIASE: Here.

TERRI AGNEW: Prudence Malinki?

PRUDENCE MALINKI: Present, thanks, Terri.

TERRI AGNEW: You are welcome. Desiree Milosevic?

DESIREE MILOSHEVIC: I'm present here, thanks, Terri.

TERRI AGNEW: You are welcome. Lawrence Olawale-Roberts?

LAWRENCE OLAWALE-ROBERTS: I'm here, thank you.

TERRI AGNEW: Vivek Goyal?

VIVEK GOYAL: Here, thank you.

TERRI AGNEW: You're welcome. Damon Ashcraft?

DAMON ASHCRAFT: I'm here, Terri.

TERRI AGNEW: Susan Payne?

SUSAN PAYNE: Here, Terri, thanks.

TERRI AGNEW: You're welcome. Osvaldo Novoa?

OSVALDO NOVOA: Here, thank you.

TERRI AGNEW: Welcome. Thomas Rickert?

THOMAS RICKERT: Yes.

TERRI AGNEW: Julf Helsingius?

JULF HELSINGIUS: Present, thank you, Terri.

TERRI AGNEW: You are welcome. Farzaneh Badii?

FARZANEH BADI: I'm here, thanks, Terri.

TERRI AGNEW: You are welcome. Peter Akinremi?

PETER AKINREMI: Here, Terri, thank you.

TERRI AGNEW: Welcome. Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR: Here.

TERRI AGNEW: Manju Chen?

MANJU CHEN: Here, thank you.

TERRI AGNEW: Most welcome. Bruna Santos?

BRUNA SANTOS: Also here, thanks, Terri.

TERRI AGNEW: You are welcome. Paul McGrady?

PAUL MCGRADY: I'm here.

TERRI AGNEW: Anne Aikman Scalese?

ANNE AIKMAN SCALESE: Present, Terri.

TERRI AGNEW: Sebastien Ducos?

SEBASTIEN DUCOS: Present.

TERRI AGNEW: Justine Chew?

JUSTINE CHEW: I'm here too. Thanks, Terri.

TERRI AGNEW: Hi, you're welcome. Antonia Chu?

ANTONIA CHU: Present.

TERRI AGNEW: Great. Our guests today will be Becky Burr and Chris Buckridge, both from ICANN Board, and then Chris Disspain and Sophie Hey, co-chairs of the PHR. We do have the policy team supporting the GNSO on the call, so Steve Chan, Julie Hedlund, Saewon Lee, Feodora Hamza, John Emery, Devan Reed, and myself, Terri Agnew, and we do have a couple apologies from staff today as well. 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 you've set your chat to everyone. So please at this time change your Zoom chat and select it to everyone. That way our observers can read the exchanges. A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor the chat. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior and the ICANN community anti-harassment policy. With this, I'll turn it back over to the GNSO chair, Greg DiBiase. Please begin.

GREG DIBIASE:

Thank you so much, Terri. Welcome everyone to our May meeting, our last meeting before ICANN 83 in Prague, which is a mere couple weeks away. I'll start by asking if anyone has updates to their statements of interest. Hong-Fu?

HONG-FU MENG:

Hi, Greg. I've updated my statement of interest, just updating some of the working groups I've participated and also some of the conflict of interest updates. Thank you.

GREG DIBIASE:

Thank you, Hong-Fu. Anybody else? Seeing no one, I'll move on and ask if anyone would like to make any changes to our agenda that was sent out last week. Farzi?

FARZANEH BADI:

Yeah, I don't want to make changes. I just want to make a request about the small teams to accept observers when we have meetings.

GREG DIBIASE:

Okay. I think... Okay, we'll take that back. I know they're recorded. I guess I don't know if we have official observers, but noted. Okay. Then I will note that the minutes of our council meeting in April were posted on April 24th, if you'd like to go back and reference those. No remarks on the projects in action list because nothing has changed status for this particular month. And that brings us to the consent agenda, which I think Tomslin is going to help us out with.

TOMSLIN SAMME-NLAR:

That's correct, Greg. Thanks. So, like you mentioned, consent agenda is around the council's operational statement, which was shared on the list and someone helped us put it together. There were a few suggested changes, just grammatical, to the actual statement by Anne, and that was adopted. So we'll go straight to the voting. So I'll request Terri to help us with that.

TERRI AGNEW:

Thank you. We'll go ahead and conduct the vote now for that. And I'm just taking one final look. We are not able to reach Jenn at this time, so she will be absent 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: Thank you. No abstentions, no objections. The motion passes. Back to you.

TOMSLIN SAMME-NLAR: Thanks. Back to you, Greg.

GREG DIBIASE: Thanks, Tomslin. I think you're also helping with the council vote as well. Do I have that right?

TOMSLIN SAMME-NLAR: Didn't realize that.

GREG DIBIASE: Oh, sorry. Maybe I'm misreading. Yeah. So we have a council vote on a deferral of phase two of RPMs. And I think we have Susan to kind of introduce what the status here is and what the small group that's been working on this issue has in the way of updates.

SUSAN PAYNE: Yeah. Thanks, Greg. Hi, everyone. It's Susan here. [inaudible] review. This is the review of the UDRP. This is something that we've deferred

previously. So it's not a sort of unfamiliar topic, but just sort of at a high level. Basically, once the ICANN Board approved the phase one recommendations in January 2022, then council discuss delaying phase two, starting work on that until key milestones on implementing phase one were reached. And then in October last year, so 2024, we were given a new timeline for that implementation on the RPMs phase one work. And that will finish or is likely to finish towards the end of this year.

And so we, in January, convened a small team to consider whether we ought to have a further referral on this phase two commencement and also to look at whether there was a need for any additional data to be gathered in order to inform the charter for phase two. So we've [inaudible] some meetings of that [inaudible] have suggested from the small team that we should consider deferring the phase two launch again for a further six months, which can be shortened. We can always choose to bring that timeline forward should Council feel that something changes.

And I think the main reason for that, obviously, there's still that sort of completion of the implementation work on phase one, but I think one of our main drivers on suggesting just a further six months was that in, I think it was our Seattle meeting, we had quite a good session in Council looking at all of the various sort of different kind of pillars of work that we have outstanding and might potentially take forward as a GNSO. And a discussion about the need for a sort of holistic phase two is definitely one of those pieces that we feel is in the mix with our overall

prioritization. And so it seems a sensible point at which just to add a further short deferral while we carry out that exercise.

As I said, in the small team, we did also talk about additional data. And after the motion was originally sort of circulated to the mailing list, we have had a bit of feedback on that. So it seems to us that perhaps we need to do a bit more discussion on that. And so although we had originally included some suggested additional data gathering in our motion, we did amend that to take that off the table for the time being. And we'll potentially bring that back at a future date. So I think I probably should just pause in case there's any questions. And if not, would you like me to read the resolve the resolved clauses, Greg?

GREG DIBIASE: Yeah, that would be great. Thank you, Susan.

SUSAN PAYNE: Okay, so resolved. The GNSO Council adopts the motion to defer next steps on phase two of the RPMs PDP, specifically the launch of a charter drafting team for an additional six month period beginning on 15th May 2025. Number two, the GNSO Council may revise the deferral period depending on the progress of RPM phase one IRT and or the outcome of Council's prioritization exercise by our own adopted motion. Three, the GNSO Council leadership directs GNSO policy support staff to notify ICANN org global domains and strategy of deferral. Thank you.

GREG DIBIASE: Thanks, Susan. Let's go ahead with the vote. Thanks, Terri.

TERRI AGNEW: You're welcome. Just to note, we're still unsuccessful in reaching Jenn. I'm giving it one final look over. No, no Jenn. Yes. So she will be absent for the vote. And this will be a voice 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: Thank you. With no abstention or objection, the motion passes. Back to you.

GREG DIBIASE: Thank you, Terri. Thank you, Susan. Glad to hear that update and glad to hear that the, I guess, blocker or consideration of RPM 1 phase work may be wrapping up. And now we're on to more of a prioritization exercise. So we can think about when to start that important work. The next on our list is our continuing conversation around Han script character gTLDs and a discussion of a path forward. Steve sent around a discussion paper to council to give us a head start on this. And I think, Tomslin and Steve, you're going to run through the options here.

TOMSLIN SAMME-NLAR: That's correct. I think maybe we should go with Steve first since he wrote the paper.

STEVE CHAN: Sure. Thanks, Tomslin. This is Steve from staff and I can help set the scene and hopefully start the council off on a good discussion. This is a carryover topic from last meeting. So I wasn't planning to go into too much of the detail of how we got here, but more about maybe how we got to the paper that's on the screen now, which is after some discussion at the council level, there is an identification of a potential other option, which is the external expert advisor or something like that. I forgot the name exactly. I don't know why that one does not stick in my brain, but it's a mechanism that's identified in the ICANN bylaws and it is intended to help provide outside expertise to policy development processes. So that is now included with the two options that were identified previously. So the other two were the DGP and then also the expert working group. So before, I guess, we go into the details of what is in the paper and the discussion of those different options, on the staff side, we thought it might be helpful to take a step back. And I tried to do this last meeting, but I'll try to maybe be a little more clear this time.

What might be helpful to do is take another look at what the council is trying to answer. And so in doing so, identifying better what the question is, maybe that actually helps guide which mechanism makes the most sense. And so there's really only a small section in the briefing dedicated to the idea of trying to isolate the issue, since that's not what the council asked staff to do. But nevertheless, we think it's important

enough to bring to the forefront to at least help set up the discussion here. So in brief, the issue that was encountered in implementation is that the Chinese, Japanese, Korean generation panels, who were designated specifically in the recommendation from the IDN to EPDP, determined that they were not scoped to have already performed the work or to perform the work in the future. So essentially, the party identified was not in a position to actually perform the work, which was to develop a set of guidelines to allow for a single-character Han script gTLDs. And so I mentioned, there's a paragraph at the very end, the second to last, and it basically says if the goal is to identify, to simply identify an alternative party to the CJK generation panels to develop the guidelines, perhaps all three mechanisms may be too unwieldy and lengthy. And so for instance, instead, the council could advise that ICANN Org and community experts may be able to identify an alternative party to do the work in place of the CJK GPs.

And so from the staff perspective, we think there's probably two forks in the road here for the council to consider. One is the path that we are talking about right now, which is council either doing the work themselves or simply asking the staff that's performing implementation to find an alternative party to the CJK generation panels, and then essentially just carry on the implementation work as it was with just a different set of experts performing the work. And then the second path is that instead, one of these mechanisms, the GGP or expert working group or the external expert advisor, they would not only identify the experts to develop the guidelines, they would also develop the guidelines essentially in a wholly separate mechanism. So I think I'll stop there to see if that makes sense.

TOMSLIN SAMME-NLAR: Thanks, Steve, for covering that. And from my personal perspective as well, while I was reading this, it occurred to me that I might have been looking at this issue from the assumption that our council just couldn't tell the IRT to identify an alternative party to the CJK GPs to develop these guidelines. And if that is a possibility, then that probably opens us up to many more options than actually putting together a GGP or EWG or that thing that you mentioned. But I see a queue forming, so I'll pass them to Anne.

ANNE AIKMAN SCALESE: Thanks, Tomslin, and thank you to Steve. What I'm wondering is if the idea is that we identify I have this vague recollection that 3.17 says that CJKGP should do the work. Do we have a method for revising the policy recommendation in 3.17? Can we get to that? How do we pursue this option procedurally? Thanks.

TOMSLIN SAMME-NLAR: Thanks. And that's a really good question. I'll pass on to Greg for now since I don't have an answer to that.

GREG DIBIASE: Yeah, I suppose I don't have an answer to that, but I didn't read 3.17 as that the panels couldn't be assisted with this work. I don't think that's necessarily we need to revise, but I'm not an expert there. What I raised my hand is just to kind of echo what Tomslin said. If we do have a path where we can ask ICANN to find or try to find the party that can do this

evaluation, I think I'd lean to that because I guess the alternative, and whether it's a GGP or an EWG, is having council try to find an expert in some capacity. And I just don't know if we're going to be able to do that. Perhaps that's an oversimplification, but if we have the option to ask ICANN to try to evaluate or find a party that can do this evaluation, that's what I would lean towards.

TOMSLIN SAMME-NLAR: Thanks, Greg. Manju.

MANJU CHEN: Thank you, Tomslin. I just wanted to kind of reflect on how to revise the organization if needed. I think what we, and here we means probably most Han script users, what we were thinking is more like there's no need to revise the recommendation because it is all right. Recommendation, we think it should be implemented. And now, you know, apparently IRT is having problem because they felt like they are sufficient objections, which that's what we were trying to solve. We're trying to prove that, you know, after research or after whatever expert will be reviewing that, the objections has less ground than the recommendations.

So that's why I think there has been this misunderstanding that the CJK panel couldn't do it because they didn't have the expertise. That's why we need to find a new group of people or identify a new group of expert. I just wanted to clarify that here. It's not that they didn't have the ability. They refrained from doing it because it's been out of their scope the whole time. They were not able to kind of review this and

solve this problem because they haven't been given the scope or task for them to kind of have for them to feel entitled to carry on this work. And I think that's why GGP might not be the best option. We are leaning to external expert advice if we, you know, really want to stop this problem because understanding that EWG is like a made up process and has not been recorded anywhere. And GGP is kind of like open to the community, which in a sense we don't want because we only want experts to solve this issue because it's the issue only experts can solve. So, yeah, I guess for me and I've suggested NCSG too, that we lean towards the external expert advice and think we are willing to support that. Thank you.

TOMSLIN SAMME-NLAR:

Thanks, Manju. You mentioned the external expert advice option, which is in staff's report. Just want to also note that I believe in the report it says council cannot initiate that. It has to be the board that initiates it. So it will mean the council requesting that the board look for that external expert advice.

DAMON ASHCRAFT:

Yeah, thank you so much, Tomlin. I just want to echo what others are saying. I mean, this really is from outside of council's wheelhouse to be able to do this. And so we do need a subject matter expert to help us out.

MANJU CHEN: I guess just a quick point that I forgot to point out and thanks to you, Tomlin, that about the board thing that reminds me, since you were saying this advice can only be initiated by the board. And I think that's one of the reasons also why we're leaning towards this option, because the board has already accepted this recommendation. Recommendation 3.17. And actually it makes more sense for them to kind of add this request to the expert advice, because apparently the board, in a sense, process wise, it's in their court now. So I think for the council to request the board to do this, it's like makes more sense procedurally, too. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Manju. I just wanted to put the question to staff whether outside the external expert advice option is another path where we could request the ICANN staff to get that group together, or we must use one of these three options.

STEVE CHAN: Thanks, Tomslin, this is Steve. I think the direct path could be something as simple as the council sending, say, correspondence to the ICANN board staff that's doing the implementation for the IDN EPDP recommendations. That could be one mechanism, or it could be what Manju and others have suggested, which is the council making a request to the board to initiate this external expert advice process. And then whether or not they do it is subject to board determination. I hope that answers your question.

TOMSLIN SAMME-NLAR: It does, thank you. Peter.

PETER AKINREMI: Yeah, thanks, Tomslin. It's just a comment from what Steve imputed, like, we need to clarify what we want before we know what mechanisms to use to address this. Like, we need to have a clarity on what exact things that we want for us to know what method mechanism then is to, that we can use to address this. I guess some of the conversations that we're currently having is clarifying that scope, that this is actually implementation issue, is not an issue policy-wise, and that sort of narrowed down what sort of mechanisms that we need to look at. Thanks.

TOMSLIN SAMME-NLAR: Thank you, Peter. Anne?

ANNE AIKMAN SCALESE: Many thanks. I think I wanted to just comment that in terms of trying to find the experts, however we go about it, that the issue, as I understand it, is what is the risk of confusion in connection with the single-character Han script? And kind of also just the question of, is this implementable? I agree with everyone who says it's not policy, it's implementation. But the assignment is about experts, now that we kind of all agree of, it's about that experts determining whether, you know, the degree of the risk of confusion. And so that's a very specific, if you will, statement of work that's required. And so I'm not sure how we as council formulate that as everybody has said, hey, you know, council are not too good at

doing that. So, I guess Susan and I had thought that with GGP that, you know, we'd formulate a statement of work and get an expert. But if that's too cumbersome, I'm just wondering if we should actually ask this CJK panel to formulate the statement of work that's required. I don't know, but it's correct, of course, as Peter says, we've got to figure out what it is we really want because it's implementation. Maybe that, you know, maybe again, based on what Justine is saying, I can formulate the statement of work, but the reason they brought it to the IRT at all, staff brought it to the IRT, was because they weren't quite sure what to do with this notion that somebody has got to determine the risk of confusion. Thank you.

TOMSLIN SAMME-NLAR: Thanks, and I think that question on what is it we are trying to address is relevant then to the point you're making. Well, I'll first pass to Sam, then Justine.

SAMANTHA DEMETRIOU: Thanks so much, Tomslin. This is Sam. I think the more that we talk about this, the clearer it becomes to me that we as council should send this back to ICANN org, at least as like a preliminary step here, because as others have articulated, this is very clearly an implementation question. The body within ICANN, like the community body who is charged with developing like the technical requirements about how labels would be generated, that's the generation panel, the CJK generation panel, has been consulted and they have done their part. Like they've weighed in on how the label should be generated. They

don't have a purview to comment on potential user confusion. Potential user confusion doesn't exist in a vacuum. Like user confusion exists in relation to other things. And so I think the idea that like we as council could scope a question or a problem statement for any group of experts to be able to objectively determine criteria for confusion doesn't make a lot of sense. I think that puts us down a path that we can't successfully complete.

So I would favor, I think what others have started to endorse, which is sending this back to staff and noting that it is an implementation issue and that if staff needs to convene experts to be able to review potential applications for confusability, that should be part of the way that the next round of, or future rounds, right, of the new gTLD program should be developed. But I just, the more we talk about this and the more detail we dig into, and I really appreciate the work that staff has put into uncovering all the possible options in front of us, the less I think there's really a role for the council here because this is so squarely an implementation issue.

JUSTINE CHEW:

I was trying to find the wording regarding the phrase of user confusion risk beyond the commonplace level, I think of something along those lines. So if you look at the actual recommendation 3.17, there is no mention of this risk at all. So the first time the risk was mentioned is actually, I think, through the public comments. So if we just, if council would just consider writing back to the IRT staff and saying, you know, could you do something about this, but make sure that the work scope addresses this issue about making sure that there is no risk of user

confusion beyond the commonplace level or whatever, just take the words exactly from the public comment. Then I think that's fine because then you leave it up to whoever who's chartering the expert group to deal with that issue and write up the problem statement and what have you. And I think that would absolve council from any further responsibility to that end, thanks.

TOMSLIN SAMME-NLAR: Thanks, Justine. So I think what I'm getting is that there is generous support for us to just write back to the IRT staff and mention that this is an implementation issue. And if they need to get an alternative body of experts to look at it, they can. So council staff will, sorry, leadership staff will look at this and write to that. I see Jen's hand up, last one.

JENNIFER CHUNG: Thanks, Tomslin. This is Jenn for the record. Apologies for coming at the end. I was listening to most of the discussion on this particular topic. And as council know, I've weighed in already, so I'm not going to rehash any of this. I do want to say that it is full support, especially with how Sam has described it and all the considerations from Manju and also Justine really do apply here. My question now is if we're taking this back, I guess leadership is going to talk to staff and what it is, what are our next steps? Because I do understand we have to get this right, but I also understand that this issue has been marinating for a little bit of time. So I'd like a little more clarity on how this work can start. So it seems like if it is a period of implementation issue, it should not be so difficult, but I would like to know a little more. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Jen. I believe for starters, we will put together, leadership and staff will put together that letter to the IRT and instructing them about moving forward with identifying that that group is required and also mentioning what Justine said earlier. I think that's all that could be within our ability to do, but I see Thomas has a hand up as well.

THOMAS RICKERT: Thank you so much. I think it was Jennifer who mentioned that, you know, common level or common sense level of avoiding confusion is required. I think that's a very important point. Some of you might remember 10, 15 years back, ICANN had the so-called [inaudible] a lot of money that was meant to determine the level of confusion between two strings. And I think it was a complete failure. So I think whilst this is an implementation issue we could probably include a sentence or two in our response saying that this should be determined by internal or external experts to the degree of, you know, you find the right word, common sense or the [inaudible] risk of confusion. So that we're not trying to come up with something totally binary or 100% bulletproof because that will never be possible. So maybe that sort of could be our policy advice to help the IRT navigate this. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Thomas. So I think we have a way forward on this one, I believe. And leadership and staff will take this back and see what we come up with in terms of the draft and share it with council. With that, I'll pass it back to you, Greg. Thanks everyone.

GREG DIBIASE:

Thanks, Tomslin. I think we have good direction there. We'll work on a letter to send out to the group, try to get that ball moving. Okay. Next is a discussion on council alignment on the future reviews. We're going to have Paul dive into this. And I believe we have Sophie and Chris and even Becky and Chris on the call as well for feedback. As a reminder, people working on the holistic reviews and others are determining what is the right path forward here. This is ultimately a board decision. But they've said that our input here would be helpful. So we're going to get a summary of kind of where this group is, what are potential options forward and if possible, provide feedback on what the Council thinks is the right direction here. And then the board can use that feedback in their determination. Paul, are you with us and ready to jump on?

PAUL MCGRADY:

Hi, Greg, appreciate it. It's always nice to, especially on what is a later night meeting, to have special guest stars. So I'm really glad that Sophie and Chris Disspain are here. Becky is here, and also Chris Buckridge. So we'll just run through some quick background, pick out some potential options, open. The microphone is Sophie, Chris, Becky, and Chris. Hear from them. And then we'll run a little queue on where we think we might land on this, so that we might be able to get back to the board on their questions.

By way of background, many of us will remember that ICANN created specific reviews back in 2009 as a way to measure how well it was doing in meeting its commitments. The four areas looked at were

accountability and transparency, security, stability, resilience, registration, directory service, and competition, consumer trust, and consumer choice. And the reviews were all baked into the ICANN bylaws in 2016 during the Obama administration spinoff of ICANN.

So with the exception of the consumer trust and choice review that was conducted after a new round has been in operation for a year, all the rest of the specific reviews are to be conducted no less frequently than five years. And that's measured from the day the previous review effort was convened. So essentially a perpetually rolling process.

The accountability and transparency review team three, or as we say ATRT3, which sounds a bit like a robot to me, recommended the establishment of a new specific review. And that has become known as the holistic review, which is meant to examine continuous improvement, effectiveness, and accountability of the ICANN community structures. And the pilot holistic review team kicked off its work to develop guidelines, methodologies for the future holistic review. It's not the holistic review itself. Its title's kind of weird.

And so that's sort of the background. The problem statement is, is that a lot of these reviews are getting sort of, you know, in traffic jams with each other. Implementation's taking sometimes longer than the time period for kicking off the next thing. And the board and the community, I think, to a certain extent, too, is a little frustrated with all of that and has come to us to ask for our thoughts on how to resolve it.

Along with Sophie, Chris, Becky, and Chris, we came up with a few different ideas about options going forward. I'll just throw them out so

that they're percolating in your head as Sophie and Chris and Becky and Chris talk to us about their thoughts on this. But option number one is a status quo, which is we just can suggest to the board that we continue on the current path, kick off ATRT4 and bifurcate out the pilot holistic review, which would be essentially a structural review of the structure of the ICANN parts, and bifurcate that out from the continuing improvement process.

Change option one is repurpose the ATRT4 to have it undertake the structural review and as a result, wind down the pilot holistic review, but keep the continuing improvement process sort of underway, independent and functioning.

Change option two would be to suspend all reviews and kick off a review of reviews to determine what reviews are necessary at this time.

Or lastly, this is other question marks. So other people on this call are real smart and have maybe have other opinions or other views of all that. As Greg mentioned, ultimately, the desired outcome is for council to consider options and determine which, if any of these it can suggest as guidance to the ICANN board. So now to our special guest stars, Sophie, Chris. Maybe you guys can jump in, tell us where you are in the pilot holistic review work. Any other background comments about options? And then maybe we'll hear from Becky and Chris a bit after that. And then, like I said, I'll open a queue then. So Sophie and Chris.

SOPHIE HEY:

Thanks very much, Paul. You covered a lot of what we've been covering. Most of you know that I've been going around the GNSO, making sure

that your groups have some background for the pilot holistic review and what's been going on there. But again, appreciating that that's been all over the place. I'll give a little bit more context. Terri, could you go back to slide three, please? Thank you.

So again. This holistic review that Paul mentioned, essentially the pilot holistic review, as Paul also said, the name of it is a bit of a misnomer from my perspective and not wanting to put words in Chris's mouth. It's essentially an implementation for designing team for how to actually implement the holistic review. When the board accepted, it was almost a conditional acceptance to introduce a holistic review back in 2020 from ATRT3 saying, well, actually, we need a bit more information. And so the purpose of the pilot holistic review was to go through and try and gather this information and actually scope out what an eventual holistic review would look like.

So as you can see from the objectives of the desired holistic review, they're quite broad. They go from reviewing continuous improvement of different SOs, ACs and NomCom and the collaboration between those groups, but also looking and seeing within the whole of SOAC NomCom structure, if the groups still have that purpose as they're currently constituted or if changes need to be made. So it's quite broad, this vision. Next slide, please, Terri.

So again, as I just said, addressing information gaps. Next slide, please. And again, so the main objectives as it was given to us were to meet the requirement defined of a holistic review from the ATRT3 final report and also address those gaps by the board. I feel like I'm really hammering that home. Next slide, please.

And then in terms of challenges that we had in the group. This is where we started. Well, this is where challenges really started to come up because there's two key tasks. First of all, it was the effectiveness and the continuous improvement side and then the structure. Now, the challenge with this here is that effectively you're relying on two contradictory assumptions. On the one hand, when you're doing continuous improvement, you're assuming the setup and status quo structure is fine. It's all good. However, when you're reviewing the structure, you're not starting from that same point of assumption. You've got two very distinct tasks in there and that's where the problems. Yeah, I think it's fair to say that's where the problem started and actually understanding what we're doing, how much empowered the group is. Next slide, please.

And so that led us to Chris and I sending a letter to the ICANN board essentially going, please clarify our terms of references. Here's our suggestion for how to do so. And this is where we see the status quo options that Paul presented earlier. Chris, is there anything that you wanted to add?

CHRIS DISSPAIN:

Is that the last slide, Sophie?

SOPHIE HEY:

The last slide has a question on there, but yeah.

CHRIS DISSPAIN:

Okay, we'll go back to the other slide then. There's a couple of things I just want to add, if I may. Can we go back once? Thank you. So just to give you one final piece of the jigsaw as to why we're basically here. When we met in Seattle, we had effectively told everybody that we had a problem. We thought that there were some issues. And we met with the board in various different places. And we met with the leaders of the SOs and ACs and the nominating committee to discuss the issues. That led to this suggestion as a way forward.

However, in a couple of SOAC meetings with the board, the board suggested that one other alternative would be to actually stop everything, to take, I think, I can't remember whether it was I said it or Tripti said it, the brave stance that, look, we did all these, we started these reviews way back when they were invented effectively by Larry Strickling and Paul Evans when ICANN signed its Affirmation of Commitment with the US government. And they were effectively pulled out of thin air. And it may be sensible for a review to be done of all of those reviews and also to look at the fact that there was no, at that point, real structural review and whether the holistic review would be the right way to do it. So there is effectively an added alternative.

So our suggestion originally was, we think the continuous improvement program work is developing the continuous improvement thing is nearly finished, therefore, in essence, take that out, run that separately, let that run and create a review team for reviewing that every three years or however many years it needs to be done. That is not hard work, it's pretty easy to do. And you would build the review team once each SO&AC had set out how they were going to do their CIP. Because part of the problem with the continuous improvement stuff is each SO&AC

being fundamentally different in structure is going to find its own way of doing its continuous improvement program. So quite clearly, the review mechanism needs to be built once you know what way each SO&AC is going to do it.

And then the second step would be to take, to first of all, check that there is consensus in favor of a specific review of ICANN structure. And that's a question. And then if there is, to empower a structural review drafting team to design a specific review structure. And what we said was, we believe that we could do all of that. But if the board believes that actually what we should do is carve out the CIP, because I think that's a given, that work is already done and it seems a bit daft, stop that, carve that out and then stop. Go back, look at all of the reviews and make a decision about what the reviews should be and how they should be run. So I think that effectively just provides a little bit more background to the overarching structure that you gave, Paul. And I'll stop there. And obviously we'll be happy to answer any questions.

PAUL MCGRADY:

Thanks, Chris. Thanks, Sophie. Let's hear from Becky and Chris Buckridge and just get their thoughts on what the board is thinking. And then we will open a queue for councilors to contribute their thoughts on where we might land on this one. So Becky or Chris.

CHRIS BUCKRIDGE:

Do we have Becky? It might just be me at this point. Yeah, I think this is not a good time for Becky as it turned out. So the Board obviously discussed this in quite considerable depth at the workshop in Hanoi the

other weekend. And a lot of the basis of that, obviously the letter that Chris and Sophie shared and the ideas on that, the Organizational Effectiveness Committee has also discussed it. Where we've come down, I think, although I think this needs to be confirmed by the whole board, we haven't had, what we didn't do was have any resolution coming out of the board meeting in Hanoi, which I think had been the original intent. And I think we got to the discussion in the workshop and realized we weren't quite there at the point where the board was happy with the language, happy with the sort of concepts we were taking to the community. So what I can tell you is sort of a more informal position on where we are, which I think will be made more formal in the coming days. And certainly I think before we get to Prague is the intent.

First, there was obviously a huge appreciation for the work that the pilot holistic team, pilot holistic review team have done. And I think [inaudible] says it well in the comment, there has been a huge amount of work already done here. We very much appreciate all that work and don't want to see it come to nothing, but there may be, there is a need obviously to pivot, reconsider where we're at. The board is absolutely, we do see that status quo is not really an option that we're seriously considering. There is a need to maintain accountability, transparency and effectiveness of these review processes, but there seem with some exceptions, but it seems to be a relatively strong consensus that the current approach is not fulfilling those needs in the way that the community wants them to and in the way that we believe the world needs to see them. So we're certainly looking at continuing the process to evolve this towards something different.

The main thing I think we wanted to be upfront about and sort of say, first off is we feel that there's a need for a community dialogue process to be initiated to further consider the options that we have here. And I think the idea here of a specific review to look at ICANN structure is one thing where there needs to be more of a discussion with the community to see is this where we're at, where we want to move forward. I think the decision will probably be to discontinue the pilot holistic review in its current form. I think that's aligning with the spirit of what [Chris and Sophie's] letter gave to us. There is certainly an intent to continue the work in the continuous improvement program. That's, I think, done good work so far and it is sort of well into its, to working towards an outcome. And it would, I think, not be productive to discontinue that. I think it sort of is going forward well. So I think the idea would be that organizational reviews should continue to be deferred until the first cycle of that continuous improvement program, which will be defined by the group currently working, is complete.

In looking to that community dialogue, which will essentially step into the place of the pilot holistic review, in a sense, the idea, I think, would be at this stage to defer ATRT4 pending what comes out of that dialogue. We certainly considered very strongly whether it would make sense to initiate an ATRT at this time. And we're very much aware of the bylaws requirements in that regard, but also aware that we're over the line in terms of what the bylaws would require of us at this point in any case. And doing this simply to fulfill the bylaws requirement, and achieve a sub-ideal outcome would not really help us in the long run. So I think we're willing to bite the bullet a little and keep that process going to get to something where we can have a more ideal outcome. The SSR

and RDS specific reviews will also be deferred until community dialogue can inform those next steps.

So the idea would be that the board would, in its meeting, I believe before Prague, look to direct the preparation of a community dialogue. I believe we'd be looking to Oman for that to take place, but obviously with a lot of preparation in the lead up, I don't think it will be a sort of something we can do in a day, but certainly looking to have some quite specific attention to this in the Oman meeting, and make sure that we can move forward at that point with a bit more consensus or idea of what the community is agreed on and how they want to see this develop. I'll stop there and again with the caveat that this is still under discussion by the board so please don't take any of this as gospel. I'm trying to give a sense of where the board's head is at but we will certainly have a slightly more solid position by the time we get to Prague. Thank you.

PAUL MCGRADY:

Thanks, Chris. I think that that's all super helpful background. It sounds like there's no, if I'm understanding you correctly, no appetite for continuing on the same path so status quo won't work. No appetite for an immediate call for a review of reviews but rather a discussion about what needs to take place over the next couple of months. So, and in the meantime, pilot holistic review winds down and continuing improvement process keeps moving forward. That's, did I encapsulate it? Okay.

CHRIS BUCKRIDGE: That's very much more concise than me.

PAUL MCGRADY: I have the benefit of hearing your summary. You had to be in all those meetings. So that's where the board's landing. I don't think there's anything in there that's inconsistent with some of the sentiments that Chris and Sophie raised in terms of the viability of the pilot holistic review or anything else. So let's open a queue.

CHRIS BUCKRIDGE: Yeah. Just, can I very quickly respond to Farzi's question as to are we getting rid of reviews? Because I think that would not be a good summary to take away from this. I don't think we are getting rid of reviews. I think we absolutely see the importance and necessity of reviews. So it's more about evolving the model under which we conduct those reviews to get something which is closer to what the community wants. And part of this is ascertaining exactly what it is the community wants and sees as necessary and sees as the most appropriate model for doing this. But no, not getting rid of, not getting rid of reviews.

PAUL MCGRADY: Thanks, Chris. I'm going to exercise my discretion as micro chair and let Chris jump ahead of Anne. So go ahead, Chris.

CHRIS DISSPAIN: Thank you, micro chair. Great expression. I shall shamelessly plagiarize that. Just to address what Farzi said and Chris's response, I think it's not

getting rid of reviews. I think it's two things. It's, it's accepting that the, what we used to call organizational reviews or the, you know, the independent review of the ccNSO, GNSO, blah, blah, blah, is being replaced by a continuous improvement program. So those are going to, so what they did is going to become part of the CIP. And then there's going to be a review mechanism for the work of the CIP. What we're talking about now is that the other reviews, the name for which escapes me at the moment, are going to be, what was that, Chris?

CHRIS BUCKRIDGE: I said specific, I think.

CHRIS DISSPAIN: That's the one specific reviews. I can never remember that. So those are going to be sort of like left alone for the moment with the ATRT 4 suspended. And we will start a dialogue to talk about how we should do with the reviews, what they should be. And that will hopefully lead to a new set of reviews or a review, depending on where we get to. So I just wanted to make sure that everyone was clear that we're not stop, the organizational review side of it is effectively encapsulated in the CIP. Thanks, Paul. Great. All right.

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

ANNE AIKMAN SCALESE: Yeah, great. Thanks. This is Anne. I'm mindful that this is the WSIS plus 20 year, trying to figure out how this is all couched in an outward facing manner. I do recall that there was a need to make a decision on postponing ATRT 4. And maybe that's already been done, and I've somehow missed it. And I also recall, Chris, maybe it was in Seattle, he suggested the possibility of just also like refashioning ATRT 4. And I'm understanding from this discussion that that fell by the wayside. And so those are just the two, I guess, outward facing type questions that I have. Thanks.

PAUL MCGRADY: Thanks, Anne. Chris, if you don't mind.

CHRIS BUCKRIDGE: In terms of the WSIS plus 20, this is absolutely part of the conversation. I think there is a real awareness that we're under the microscope here. But the implication of that is that we need to get it right. I think sort of doing something that will not lead to the best outcome is not going to be particularly helpful in building confidence in ICANN, or maintaining confidence in ICANN as we go through this year and the scrutiny that entails.

In terms of the refashioning of ATR 4, that was indeed something that had been considered and discussed at length. I think I'll be speaking a bit off the cuff here, probably my own interpretation. I think it was felt to be a possibility, but not really in the spirit of what ATRs are intended to be. To go into an ATR already curtailing and saying, we just wanted to look at this specific area, I think seemed not necessarily the right

approach. That's why we've sort of retreated from that possibility a little and looked to this other more bespoke community dialogue, let's say.

CHRIS DISSPAIN:

I have the luxury of being able to speak entirely off the cuff and not having to worry about the board. I think part of the issue with the ATRT is that there's the bylaw issue, but you can deal with that by saying there are extenuating circumstances that mean that we don't believe that we can continue on this basis, blah, blah, blah. But if you get into ATRT 4, there are some challenges around scope. One interpretation of the way that the ATRT bylaw is drafted is that the ATRT can set its own scope. And therefore, it's actually not possible really to say we'd like to run ATRT 4, and we'd only like you to look at whether the wall should be green or not. So there are challenges on that side of things as well. But I think from my own personal point of view, I think the right outcome is for us to accept that we have issues with reviews. Farzaneh mentioned earlier on in the chat that there's an awful lot of work, and there is an awful lot of work. And there's an awful lot of work in running all of these reviews. And actually having a look at it and saying, let's look at the structure of the reviews and set up, amongst other things, a structure that reviews ICANN makes perfect sense. Thanks, Paul.

PAUL MCGRADY:

Thanks, Chris. All right. Well, that takes us to the end of the queue. So what I would propose, since we've not heard any major outcry to Chris's update on where the board seems to be heading on this, which I then re-summarized, is that we capture those points in what sounds like

maybe a one or two paragraph. And then we can send it back to council leadership to consider next steps. But it seems like it would be reasonable for the council to communicate to the board our understanding of where they seem to be landing and sort of our non-objection and our willingness to participate in the community process that the board is considering. So I will hold the queue open briefly for anybody that wants to react to that. And absent that, I will turn it back to Greg. All right. Thank you, everybody. Appreciate it.

CHRIS DISSPAIN: There's a couple of comments in the chat that I just wanted to – if it's all right with you, I just wanted to react.

PAUL MCGRADY: Oh, sure. Go ahead. Yep.

CHRIS DISSPAIN: Because Justine is saying ATRT4 could be scoped narrowly so that it could still proceed. And I think there is a view that actually, no, you can't do that. You can say to ATRT4, we'd like you to look at X. You can certainly say that. We'd like you to look at X. But what you can't do is say to ATRT4 or any ATRT, we'd like you to look at X, but nothing else. And so there is a real challenge there about setting, it goes against the fundamental, I think Chris basically said it, it goes against the fundamental principle of the way that an ATRT is supposed to work, to say we'd only like you to look at this one particular thing. So that is the challenge of doing that and doing it simply for the sake of bylaw

compliance, when in fact you can pass resolutions that say for a number of reasons we have decided that complying with this bylaw at this stage is problematic for us. And it sort of answers the question. So that's, I did want to respond to that because of what was said in the chat. Thanks, Paul.

PAUL MCGRADY:

Thanks, Chris. All right, Greg, back to you.

GREG DIBIASE:

Thanks, Paul. Yeah, and I guess I just want to reiterate what Paul said. If there are councilors that strongly object to this proposed approach to the board, please let us know and we'll respond to that. If not, we will continue on as Paul suggested and write up a summary of the council's position here. Okay, all right. Thanks, Paul. Thanks, Chris. Thanks, Sophie. All right, let's move on.

Okay. Next on our list, we have a council update on subsequent procedures implementation review of recommendation 36.4. There was an issue that arose in the IRT regarding staff's implementation of this recommendation. I think things may have changed slightly since this was first brought on to council's agenda. But we have Anne and Susan. I don't know which of you would like to give us some background on the issue here and maybe what to look out for going forward.

SUSAN PAYNE:

Thanks, Greg. So I'm happy to kick this off. I'm sure Anne will weigh in as well. So yes, I mean, hopefully you all have seen the background that I

shared on the council list. This essentially relates to a SubPro recommendation at the highest level. There's a SubPro recommendation 36.4, which makes some specific recommendations about having something in the next round registry agreement to address fraudulent and deceptive practices in the operation of the registry by a registry operator and to close a perceived gap in the current registry agreement that were identified during a particular PIC DRP dispute finding by a panel where the panel considered the particular behavior of a registry operator and said, to paraphrase, this registry operator was operating in a fraudulent and deceptive manner, but there is nothing in the contract where they promised not to do that. And therefore, we can't make a particular finding or impose a particular sanction in relation to that particular aspect of the PIC DRP dispute. And I think everyone felt that that was a very unsatisfactory outcome. And so after quite a lot of discussion in SubPro about how best to approach this, there was the particular recommendation that 36.4 was made.

Within the IRT group where this has been implementing, staff have been bringing to us the sort of draft updates to the next round registry agreement that they're planning to put in place to address various policy recommendations, including those coming out of SubPro, obviously. And in relation to this particular recommendation, 36.4, what was being proposed by staff was, I think, very widely viewed by the IRT as not meeting what the recommendation said. And so the IRT pushed back. You know, we've had a bit of toing and froing over, as I say, some months. And it culminated in Anne and I feeling that as liaisons, we needed to escalate this up to council because there appeared to be pretty much a stalemate. And there also appeared to be, at a minimum,

strong consensus. I think we felt we had full consensus. I'm not sure if there is any pushback, but we definitely felt there was very strong consensus in the IRT that what was being proposed from staff wasn't meeting recommendation 36.4.

So as of yesterday, ICANN staff have shared a new proposal, a proposed text with the IRT mailing list, which is incorporating a public interest commitment into specification 11 that is, so it's basically additional language in specification 11 around the concept of fraudulent and deceptive practices. As I said, it was only shared yesterday. There hasn't really, there hasn't been any opportunity for the IRT to have that actually sort of presented and explained by staff yet in a meeting. And so no opportunity in a meeting for the IRT to consider and discuss. And to be honest, there's not really been an opportunity for us to see much traffic on the mailing list in response to this proposal either. And so I think given that that's the case, it's difficult for us to, it's not Anne and I's job to make an assessment of whether we think the language is now good enough and now meets recommendation 36.4. And honestly, I don't think it's the council's job either to do that. I mean, that is the job of the IRT. And so the IRT hasn't had any opportunity to do that yet.

And so, you know, with a sort of slight disappointment at the kind of timing that which this has all played out, you know, we've come into this council meeting where we don't really have clear marching orders now from the IRT. The language that was previously on the table, there was a lot of pushback on, as I said, this current language, we don't know where we'll end up in the IRT in relation to this current language. And so, and this is kind of my comments rather than sort of Anne and I, an agreed comment, because we haven't really had the chance to discuss

this fully either. But I think probably that at the moment, what we can do is just flag this, that it's an issue, that it was enough of an issue that we wanted to bring it to council, because the IRT was very concerned about it. But probably we're not really in a position to ask anything specific of council at the moment, because we now have this new language. And so flagging that, depending on where the discussion on that comes in the next sort of week or so, or week or two weeks, we may or may not be bringing this matter back, but in relation to a different proposal of text or not, you know, it may be that the IRT and staff together come to a point where there's comfort that Recommendation 36.4 is being implemented after all. And I'll stop there. Anne's got her hand up. So I'll hand over to Anne. Thanks, Anne.

ANNE AIKMAN SCALESE:

Great. Thank you, Susan. It's Anne, and I appreciate all the work. And I agree with everything you said. I think one of the reasons that, of course, we wanted to raise the visibility level here is we've been previously advised that the new base RA language would be going out for public comment at the same time that the AGB goes out for public comment at the end of May. And so one reason I believe personally for raising this is just in the event that ICANN elect that they are going to send out the base RA for public comment, even if the IRT doesn't agree with this latest proposal, we believe that you need to alert your constituents and stakeholder groups to this current inconsistency, at least, between the recommendation as approved by the board and the base RA language. So we don't know if ICANN is proposing to delay putting out the base RA for public comment. Again, all of this was very last-minute when we received some new language that Susan asked be

posted from Jamie Hedlund to be posted on the IRT list. And so we do not know I think what we know, and Susan correct me if I'm wrong, is that there will be a discussion in the IRT next week with respect to base RA language, maybe a week from today. Is that your understanding, Susan?

SUSAN PAYNE:

Yes, I think we've been told it will be on the 22nd of May, that they will put that on the agenda for the meeting then for a discussion. And if I had to guess, I think we'll probably get to a point where there is some language in the registry agreement. It may end up being language that's in square brackets or something like that. But I think, and absolutely agree with Anne that, you know, this is one to hopefully kind of take back to your groups and flag to them that, you know, input on this point may well be something that they want to consider when they're looking at that public comment period.

GREG DIBIASE:

Great. Thanks, Susan and Anne. So I understand, I guess we don't have a clear decision point here, but maybe I'll flag as something that's helpful to newer councilors that are learning procedures that, you know, this is within the role of IRT liaisons, they can bring issues back to council. And council has some tools in our tool belt to deal with this. So, for example, if I can did not budge or change the language and there was a disagreement, we could write a letter, for example. Noting council's discomfort with the language that staff had provided. So I guess to be determined if such a step would be necessary or if all council would

agree, but appreciate Susan and Anne raising this and we'll wait on the edge of our seats to see how the next draft is received. Does anyone have any comments or questions on this topic? Okay, great. Let's move on to any other business. First, we have ICANN 83 planning. Terri, do you have any updates for us there?

TERRI AGNEW:

I do, and I'll try to be brief, everyone. Reminder, the pre-ICANN 83 GNSO Council webinar is scheduled on the 20th of May at 05:00 UTC. As a reminder, the GNSO Council members are expected to join unless apologies are given in advance. During that meeting, we will be hearing about the Latin script diacritics, the SCCI, known as SCI. Also, really important, we'll also be discussing the prep for ICANN 83 for the joint GAC and GNSO meeting taking place during ICANN 83. So again, our prep will take place during the webinar, so I just want to make sure to flag that and I'll drop the link in Zoom chat to the agenda wiki page for that. Please make sure you've registered for ICANN 83 funded travelers. A link was in your ICANN travel email. Please make sure to follow that link. If you're a non-funded traveler, please use the general link and that can be found on the ICANN 83 webpage. There are about a dozen still funded travelers from the GNSO not registered. We've been trying to track them down, give them a heads up, so we're trying to get everybody on the same page. Also, the schedule will be published on Monday, the 19th of May. And a reminder that prep week will take place on the 27th and 28th of May, which the prep week schedule is already published, so you can go out there and find what meetings you'd like to join for those two days. Council dinner is still a work in progress. Sebastien is working on that. We don't have a date nailed

down quite yet. But as soon as he shares, we will go ahead and get that in everybody's calendar, because I'm sure everybody is already booking dinners for ICANN 83. That is about it for my update. Back to you.

GREG DIBIASE: Thanks, Terri. And I'll just reiterate that if you're a funded traveler, please book your travel today or tomorrow. We've been talking about ICANN's budget and stress on ICANN's budget. The further out it goes, the more expensive it is for the whole community. So please pay attention to that. Next, we have a placeholder for GAC liaison updates. Seb, did you have anything here?

SEBASTIEN DUCOS: No, I didn't prepare anything.

GREG DIBIASE: Great. Sorry. Yeah. Yeah, I guess I'll just add that leadership and Seb met with GAC to talk over what they'd like to discuss and we'd like to discuss at our bilateral, and we'll be sharing that at the prep session, as Terri described. Okay. 8.3, update on WSIS Plus 20 work. And I think Desiree would like to give a quick update here.

DESIREE MILOSHEVIC: Yes. Thank you, Greg. Just a brief update on our informal group activities and what we've been working on since the last update. There are four points, really. One is the SOAC informal discussion group on WSIS Plus 20 engagement. Farzana and I have been actively

participating in these coordination meetings, and the group has been working on a few core messages for the WSIS Plus 20 session at ICANN 83. Some of the core things and messages that the multi-stakeholder model works and that the internet fragmentation is a real concern. And our GNSO mapping was highlighted as a practical and positive example, and the group asked that we publish the mapping well ahead of the Prague meeting, so I'll come back to that. So, yes, the key messages are being shaped around how well the MSM model works and what must be preserved. So the other item I'd like to report on is the positive feedback that we received from the GAC IG leads when we shared the mapping exercise. So they thanked us for the excellent mapping, and they said it was both insightful and extremely helpful in clarifying what was at stake, particularly regarding the WSIS action lines. And they shared it with their GAC team, which currently includes 48 members from 30 countries. And they also expressed a strong interest in continuing collaboration with us and building on this work. With regards to this proposed ICANN Prague engagement, the ICANN.org has also published a blog post with regards to the WSIS Plus 20 and what's at stake. I can share the link there, but we suggested that myself present the GNSO mapping work, the ICANN panel. We don't know yet in which form, so it would be possibly a slide presentation, which would reinforce how GNSO processes contribute to broader governance efforts. So I'd like to ask to see if there is an agreement or any objections from the Council for us to do that.

GREG DIBIASE:

Thanks, Desiree. I'll also point to Justine's question in the chat. Is that mapping document ready to share? Should councilors feel free to share

it with whoever may be interested in it at this point, or does it still need further work?

DESIREE MILOSHEVIC:

The document is ready to be shared. So this is really an ask to the Council, like a final ask, because we have been asked by the SOAC group to publish it and we said we'll wait for the Council call. So thanks Justine for the question. If the Council says yes, then we can share it with other groups as well. And hearing no objection, we could ask perhaps the staff to change the mapping document, because it's in a Word format, to put it in a slide presentation. So we'd welcome that help from staff, and then we'd be happy to share it. And the last point is about our planned IGF participation. As you know, it's taking place in Norway at the end of June. ahead of it. There's more than three and a half thousand registered participants. ICANN org has a lot of sessions there as well, but both Jennifer and I plan to attend in person. And while we're not speaking formally at stage, we aim to provide some constructive, supportive comments from the floor in the sessions that are touching on WSIS plus 20 review to reinforce the value of GNSO's contribution and multi-stakeholder model more broadly. Happy to answer any questions if there are any. Thank you.

GREG DIBIASE:

I see a hand from Susan.

SUSAN PAYNE:

Thanks Desiree for that. That's really interesting. I had just kind of a couple of questions that came up. One was on that mapping document. That sounds, you know, very interesting. And apologies if I've missed it. Is this something that we in council have seen? I know you were just talking now about whether you can publish it. I'm not sure. Farzaneh is saying yes, so I'm not sure if that's to me or in response to something else. Aha. Okay, thank you. In which case I have missed it. So maybe I'll ask, would anyone pretty please mind recirculating it? Thank you.

And then the second question, again, not wanting to give you huge amounts of work or anything, but you mentioned that there are a number of sort of sessions at the IGF that are of relevance and that you'll be making comments from the floor. Is it possible when you have a moment to share also those so that some of us who maybe are going in person or planning to attend remotely might be able to prioritize those ones? That would be super helpful as well. Thank you.

DESIREE MILOSHEVIC:

Thank you, Susan, for that. And thank you for learning that you might participate virtually at the IGF. Absolutely. We'd like to coordinate that. It's a great suggestion. So we'll have some call bullet point messages from the document. And yet we shared it a couple of times, but happy to send it again. And thanks for the interest. Thank you.

ANNE AIKMAN SCALESE:

Yeah, thank you so much. Yeah, I'm in this group. And I just in terms of action items, wanted to highlight, you know, two requests and hopefully get confirmation. And one is that staff can prepare that slide

presentation. You know, the current format that you were all asked to approve or reject by April 18, after the last meeting. It's fine. It was shared, I think, at some level there with the internet governance leads from the GAC. They were very excited about it. But really, for purposes of going forward, we need something that's a little more user friendly and pretty. And so hopefully we can get a little bit of support from policy staff here to create that slide presentation. And I think we're actually quite hopeful that Desiree will be asked, you know, to be on a panel in Prague. And that would be very helpful to her as well.

GREG DIBIASE:

Okay. I think that would be helpful. I will note that we're probably asking staff to do something beyond their traditional policy role. I'm guessing they'll say they're happy to do so. But I'm just going to flag that. Great. Any other...

DESIREE MILOSHEVIC:

I'll put the link in the chat and to the document. But yeah, if there's a problem with that, I think we can also work on the slides. Thank you, Greg.

GREG DIBIASE:

Okay, great. Okay. Thanks, Desiree. A lot of great work there. I'm excited to hear the feedback from the internet governance leads is positive. And yeah, I guess Norway IGF will be here very soon.

Okay. Next on our list is WHOIS implementation advisory group. We raised this in council last time. And we sent the question out to our

various groups on whether we need to start work on this again. The general consensus that has been received on list is that this work can be suspended indefinitely until a specific need arises. So I think that's where we are on this work as reflected in several emails from constituencies. But I'll pause there to see if any others have a different opinion here. Hearing none, we'll add that to the consent agenda for our June meeting to formalize an indefinite deferral. Okay.

And next, another question that went out to the various groups, the RDRS standing committee, an open question on whether there should be a public comment. This was kind of a unique animal in that it's not policy per se. It was more supposed to be a reflection of the facts of experiences that people had on RDRS that will inform a board decision. So from that perspective, public comment is not strictly necessary. I also note that we have the option to receive the RDRS report first and then decide as council whether we need public comment as opposed to getting a public comment before it comes to council. So I'll pause there and open up the queue to see if people have opinions on this determination. I see Susan and then I'll put myself in the queue and Lawrence, I'll put myself in the queue after them. Susan, go ahead.

SUSAN PAYNE:

Yeah, thanks, Greg. So we sought the views of our constituency and the IPC feedback generally was a strong desire for there to be some opportunity for public comment and probably that would make sense that it would be the kind of in the sort of usual form of a kind of, you know, effectively a kind of initial report, opportunity for feedback, you know, chance for the RDRS standing committee to review that feedback

and take it on board as needed and then a final report. And so that would, I think I'm right in saying that was kind of where the IPC was coming out on this. We definitely were supportive of having that opportunity for the public to comment on the report. Yeah, thanks.

GREG DIBIASE: Great, Susan. And so using that parallel, that would be upon the comment before the report goes to council for consideration. I'm understanding that correctly.

SUSAN PAYNE: Yeah, I would assume that that was the case that given that kind of initial final kind of thinking. Yeah.

GREG DIBIASE: Okay, thanks, Lawrence.

LAWRENCE OLAWALE-ROBERTS: Yeah, so the BC's position, I mean, we also discussed this at the BC meeting and the BC's position is very similar to that of the IPC, that there should be some public comments before council at any point considers the report so that we have a broader community view of what the perception is regarding that report. Thank you.

GREG DIBIASE: Thanks, Lawrence. Yeah, I have my hand up. The registrar stakeholder group had a different opinion that public comment was possibly not

necessary as this is not policy, but rather a factual report. However, that said, if there are folks that believe a public comment is required, I think we'd probably defer to that opinion. Farzi?

FARZANEH BADII:

Yeah, for NCSG, we always uphold the consultative nature of things. And as a result, we don't object to opening the public comment. But one of the things that—I have also raised this with RDRS. One of the things that I encourage the constituencies and others to do is to raise awareness about what this report is for. It is not a piece of policy. It is not so that they can actually provide public comments that the RDRS SC can consider or like whoever needs to consider it. That's about it. Thank you.

GREG DIBIASE:

Thanks Farzi, and that's a great point. I was, I guess, trying to make a similar point when I introduced this, that this is different, right, than policy work. And so if there's a public comment, we should be clear about, you know, what the intent of the work is here. Susan.

SUSAN PAYNE:

Yeah, thanks. Just briefly, Greg, and just to react to a couple of those things. I think, appreciate that this has a kind of unusual status. It's not policy work per se, but obviously it is a piece of work that's been undertaken over a quite a period of time to deal with a policy issue, let's put it, let's call it, you know, where we do have recommendations. They haven't been adopted. They're kind of in limbo. And at least I think part

of the role of this group is kind of, you know, what more information can we gather and what can we say back to the board to help them make a decision what to do about that? And I think if I were to understand that the RDRS report would literally be just a factual restating of we've done this, the following data's been gathered, I'm not sure, you know, maybe there is less need for input, but I feel my understanding is it goes beyond the purely factual of we have done the following. And there are some conclusions being drawn and some recommendations. So hence that's the feeling why it kind of needs, you know, the community ought to have the opportunity to review and feed in.

GREG DIBIASE:

Sure. Thanks, Susan. Good points. But yeah, I still don't think those conflict with what Farzi said, is that we just need to be clear on what the purpose of the report is. Damon.

DAMON ASHCRAFT:

Yeah, I mean, the RDRS has been, frankly speaking, a fairly controversial program. It's generated quite a bit of comments and discussions and meetings and there absolutely should be public comment on it. And it does relate to, the outcomes of it will relate to policy. So I certainly joined Susan in the IPC in supporting a comment for this.

GREG DIBIASE:

Great. Okay. Thanks all. I'm hearing support for a public comment with the caveat that we will be very clear on the scope of what the work is.

And I see Susan, I don't think you were contradicting Farzi's comment. I think you're contradicting my incorrect comment that said it was purely factual, which I think it's perhaps slightly broader than that. Okay. Great. Thanks all. I think we can agree that some form of public comment is warranted there. Next, we have the human rights impact assessment on the transfer policy review that Farzi took the initiative to do with Roger. And I think you have an update for the group on that work.

FARZANEH BADII:

Yes, thank you, Greg. As you remember last council session in Seattle, when we approved the transfer policy review recommendations, we, NCSG councilors asked the council to agree to retroactively do a lightweight human rights impact assessments on the TPR. The PDPs from now on are a subject to those human rights impact assessment, the HR checklist, but we wanted to do this for the TPR. So on the council I agreed, and what you asked us to, asked NCSG to lead this work. And I was the editor of the human rights impact assessment on the transfer policy review. And I had a meeting with Roger, who was the chair of the TPR. And then we came up, we went through the checklist. We used the council approved HR human rights checklist. And instead of using all of the 47 transfer policy recommendations, we kind of like categorize them. So if we can go down a bit, can we go down? I have a few slides. Okay, great. And yeah, so there is also like a recording of my meeting with Roger that you can go and have a look.

So the checklist, the issues that we discussed, there's privacy and data protection. There is, you can see the transfer policy relevance and what

is the expected impact, groups that are impacted, whether this policy piece was a necessary action and whether it was proportionate and whether it was legitimate. I want to go through all of this because I really want to get your opinion on this about how we want to proceed. But in the interest of time, I'm just gonna like give two examples that you can see here. So for example, what we see is that the protection of privacy and transferring is in place, but they do not fully address the reseller flows. Like for example, if the registrant has an agreement with the reseller and they are doing the transfer, they are not subject to this policy. And this is what I gathered from what Roger was saying. And we also like checked with Roger again after we wrote it. Then there is the freedom of expression, the policies and change of registrants that happens during transfer are needed, but they could affect freedom of expression. For example, in case of hijacking, it can affect a domain control. And current scope of the policy was not, so the transfer policy review found hijacking out of scope. So this is something that we believe the severity is high on freedom of expression and registrants of compromised accounts and users of affected websites can be impacted. It is necessary for the control to be transferred, but it needs to be expanded to hijacked domain. So, and if we can go to the other page and you can also like look at non-discrimination, access to remedy and transparency and accountability. And this is kind of like a method that we are still working with. So it's not quite straightforward. So if you have any feedback, but we have also used some of the recommendations done by the CCWP on human rights, which was a cross community thing. And so non-discrimination and access to remedy. And as a result of this exercise, we came up with a few recommendations. If we can go to the other page. Yeah, yeah.

So recommendation for future consideration, we believe that it would be good to expand access to remedies for hijacked domains. Not for hijacking, for hijacked domains. Current dispute resolution mechanism do not adequately address domain hijacking, particularly in cases that technically comply with the transfer policy, but are clearly abusive. And then improve transparency in transfer policy, lack of clear accessible user-friendly documentation may prevent registrants from fully understanding their rights. And then recommendation is to streamline processes must be complemented with improved education, guidance, multilingual support. And clarify and review abuse related transfer restrictions, which, means that currently registrants may face difficulty challenging registrar decision to deny transfers based on alleged abuse.

So those are our recommendations. And then the last one which is very important and we really care about it at NCSG and we wanted to discuss it with you and see how we can incorporate this is promote human rights impact assessment in PDP scoping. And this when we discuss this with Roger he mentioned that he would have found this really useful had we done this in PDP scoping and during the PDP and then after the PDP so that also—he mentioned that it helps standardization of processes also help a lot with providing consistency and that's something that also uphold human rights. So this is a recommendation that we believe that maybe the council can have a look at it and see where we can how we can have the HRIA throughout the process, scoping, during the discussions and then afterwards. And I have shared this on the mailing list and we really recommend that we collaboratively and collectively look at the recommendations and see what the council can do to also address some of the shortcomings that we mentioned

GREG DIBIASE: Thank you so much for that. Councilors, please find this on the list, read it, be thinking about how we can incorporate these lessons going forward and what we can do with recommendations regarding the transfer policy specifically. So thank you so much for this Farzi. Jenn.

JENNIFER CHUNG: Thanks Greg. Thanks Farzi for that. Very comprehensive. I'm sorry to belabor a little bit. So now we've included this as a checklist or something in the charter of the Latin Diacritics PDP. So I will assume that they will do this in the normal course of their discussions and we don't need to have anything extra afterwards. Please correct me if I'm wrong.

FARZANEH BADII: No you will need to consider this process during the PDP when you are coming up with the recommendations. And then when you are done, then you have to go through the checklist when you come up with the recommendation before submitting it to the council. And I'm sorry, I'm not a process person so I don't ... But I think that you need to do the checklist and then with the recommendations hand it to the council. But we are all learning. What we also wanted to know was that what the council thinks about the next steps with this checklist. So if you can provide us with feedback, if you can tell us, oh, let's send it to the board at some point or something like that. I know that the recommendations were sent to the board already but yes

JENNIFER CHUNG: Thanks Farzi. That gives me more clarity.

GREG DIBIASE: : Great, thanks Farzi. And I'll note what Steve is noting, that as Jenn notes, the checklist is a part of Latin Diacritics PDP, so indeed the analysis would take place prior to the PDP concluding as Farzi explained. Then we're to the last update, update from the chair, myself. A bittersweet news to share that I'm leaving council slightly early as onboarding for the ICANN board is starting at the end of August. So I'm going to resign from council on August 1st. I've spoken with Tomslin and Nacho. Their idea is to lead as very capable co-chairs until the election in October. I'm seeing really positive reactions in the chat here. I appreciate the support everybody. So yes, bittersweet news, but I thought I'd let you all know as soon as possible so we can plan for the future. And yes, Desiree, you can borrow me back anytime. And these are really great emojis everyone in the chat. So let the record show that the emoji usage is very impressive. Okay. Any other questions and comments before we bring this meeting to a close? All right, thanks everyone for a productive meeting. I look forward to seeing everyone in Prague for ICANN 83. Thanks a lot. Bye

TERRI AGNEW: Thank you all. I will go ahead and stop the recordings and disconnect all remaining lines since the meeting has been adjourned. Take care. Bye.

[END OF TRANSCRIPTION]