ICANN Transcription
GNSO Council
Thursday, 18 September 2025 at 05:00 UTC
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The recordings and transcriptions are posted on the GNSO Master Calendar Page:
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List of attendees:
Nominating Committee Appointee (NCA): – Non-Voting – Anne Aikman Scalese
Contracted Parties House
Registrar Stakeholder Group: Hong-Fu Meng, Ashley Heineman, Prudence Malinki
gTLD Registries Stakeholder Group: Nacho Amadoz, Samantha Demetriou (apologies, proxy to Jennifer Chung), Jennifer Chung
Nominating Committee Appointee (NCA): Desiree Zeljka Miloshevic Evans (joined late)
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts (joined late), Vivek Goyal, Osvaldo Novoa, Thomas Rickert, Damon Ashcraft, Susan Payne
Non-Commercial Stakeholder Group (NCSG): Farzaneh Badii (apologies, proxy to Manju Chen), Bruna Martins dos Santos (joined late, after vote), Julf Helsingius,Tomslin Samme-Nlar (apologies, proxy to Julf Helsingius), 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

Guests:

Kurt Pritz, Board Readiness Small Team Lead
Lars Hoffmann - VP, New gTLD Program Management and Deputy Program Lead, ICANN org

ICANN Staff:
Mary Wong - Vice President, Strategic Policy Management (apology)
Steve Chan – Vice President, Policy Development Support & GNSO Relations
Julie Hedlund - Policy Development Support Director (GNSO) (apology)
Berry Cobb - Senior Program Manager, Policy Development Support (apology)

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.

Caitlin Tubergen - Policy Development Support Director (GNSO)
Saewon Lee - Policy Development Support Manager (GNSO)
Feodora Hamza - Policy Development Support Manager (GNSO) (apology)
John Emery - Policy Development Support Senior Specialist (GNSO)
Terri Agnew - Policy Operations Senior Specialist (GNSO)
Julie Bisland - Policy Operations Analyst (GNSO) (apology)
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 18th of September 2025.

Would you please acknowledge your name when I call it? Nacho Amadoz?

NACHO AMADOZ: Present and awake. Thank you, Terri.

TERRI AGNEW: Thank you. Jennifer Chung?

JENNIFER CHUNG: Present. Thank you, Terri.

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

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

TERRI AGNEW: You're welcome. Samantha Demetriou sends in her apology. The proxy goes to Jennifer Chung. Ashley Heineman?

ASHLEY HEINEMAN: Wrong, but you did not need to see that. Ashley Heineman, present, not awake.

TERRI AGNEW: Hi, Ashley. Prudence Malinki?

PRUDENCE MALINKI: Present. Thank you, Terri. And also happy belated birthday to Farzi.

TERRI AGNEW: Aww. Desiree Miloshevic? I don't see where we have Desiree on yet, but we will attempt to get her. Lawrence Olawale-Roberts? I don't see where we have Lawrence on, but we are attempting to get a hold of him as well. The Vivek Goyal?

VIVEK GOYAL: Right here.

TERRI AGNEW: Damon Ashcraft?

DAMON ASHCRAFT: I'm present.

TERRI AGNEW: Susan Payne?

SUSAN PAYNE: Present. Thanks, Terri.

TERRI AGNEW: You are welcome. Osvaldo Novoa?

OSVALDO NOVOA: Present. Thank you, Terri.

TERRI AGNEW: You are welcome. Thomas Rickert?

THOMAS RICKERT: Present.

TERRI AGNEW: Julf Helsingius?

JULF HELSINGIUS: Present, although I don't turn on my camera because you don't want to see me eating breakfast.

TERRI AGNEW: I hope it's a good one, at least. Farzaneh Badii?

FARZANEH BADII: Slightly present after a huge birthday celebration.

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TERRI AGNEW: Oh, yep. There you go. And I hopefully you heard your birthday greetings earlier, but happy birthday. Anyway, we did get her tentative apologies, and if by chance celebration continues, the proxy will go to Manju Chen. Peter Akinremi?

PETER AKINREMI: Here, Terri.

TERRI AGNEW: Tomslin Samme-Nlar sends in his apologies, and the proxy go to Julf Helsingius. Manju Chen?

MANJU CHEN: Here. Thank you, Terri.

TERRI AGNEW: You are welcome. Bruna Martins Dos Santos? I don't see where Bruna is on, and we will try to get her connected. Paul McGrady?

PAUL MCGRADY: Here.

TERRI AGNEW: Anne Aikman Scalese?

ANNE AIKMAN SCALESE: Present.

TERRI AGNEW:	Sebastien Ducos?
SEBASTIEN DUCOS:	I'm here, Terri.
TERRI AGNEW:	Justine Chew?
JUSTINE CHEW:	I'm here. Thanks, Terri.
TERRI AGNEW:	You are welcome. Antonia Chu?
ANTONIA CHU:	I'm here. Thank you, Terri.
TERRI AGNEW:	You are welcome. All right, we have guests joining today: Kurt Pritz, Board Readiness Small Team lead and Lars Hoffmann, VP New gTLD Program Management and Deputy Program lead from ICANN Org. You have your Policy Team supporting the GNSO, so you have Steve Chan, Caitlin Tubergen, Saewon Lee, John Emery, 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 are in a Zoom webinar room. Councilors are panelists and can activate their microphones and participate in the chat once you have set your chat to Everyone. So once again, please, panelists, councilors, please adjust your chat to Everyone

for all to be able to read the exchanges. A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor the chat.

As a reminder, those who take part in ICANN multistakeholder process are to comply with the Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. With that, I will turn it over to Nacho Amadoz, the interim co-chair. Please begin.

NACHO AMADOZ: The only one you have left from leadership. Thank you very much, Terri, and welcome all to the Council meeting today, September 25. As you saw, Tomslin is unable to attend today's call, so I will be leading us through the meeting with the help of staff, of course, as always. So to begin with Susan, does anyone have any updates to the Statement of Interest?

SUSAN PAYNE: Thank you, Nacho. Yes. I have a brief update. Just to mention for completeness, really, my company recently acquired another company in the same industry, and as a result of that, we will now have an interest in a gTLD registry because FAIRWINDS has a .brand.

NACHO AMADOZ: Thank you very much for the update, Susan. Now, before we move on to the agenda as such, the minutes of the previous meeting and the one before that have been published. So I just wanted to note that.

Now moving on to our agenda, there are two updates that we need to highlight. There's a message from the staff that the preliminary issue report on the PDP on DNS Abuse has been published for public comment, and the deadline for that one is October 18. And there's also a

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Draft Findings Report published by the RDRS Standing Committee, and the deadline for that one is September 29. We thought it was worth mentioning so that you could ensure that your groups are aware of those Public Comment Proceedings, if they're interested in submitting a public comment.

Good. Next item is the Consent Agenda. We have—sorry about my voice—two items here, which is the confirmation of the GNSO members to the Review of Reviews Cross-Community Group, which are Sophie and Nosvaldo, and the approval of the 2025 Customer Standing Committee is late. And being this big Consent Agenda, we don't need to read through the clauses and we can immediately move to the votes. So, Terri?

TERRI AGNEW: Thank you very much. We'll go ahead and vote on the Consent Agenda. So here we go. Would anyone like—oh, so sorry. Before we begin, I just want to acknowledge we still do not have Desiree, Lawrence, or Bruna on for the meeting. 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. And with Councilors holding proxies, please say aye. So that's Jen for Sam and Julf for Tomslin.

JULF HELSINGIUS:	Aye.

JENNIFER CHUNG:	Aye.

TERRI AGNEW:	Thank you. With no abstention nor objection, the motion passes. Back to you.

NACHO AMADOZ:	Thank you very much, Terri. The next item in the agenda is a discussion on the prioritization of upcoming work, and that is something that we've been discussing for a while. Staff led by Steve, I think, put out a document indicating all the various efforts that would be undertaken, and it was added a level of effort to make everyone understand that when all these various projects are currently being undertaken, this takes a lot of effort from staff, and that there will be some inputs and dependencies that could occur. Past experience—and this is something that we've been discussing also for a while—indicates that three large scale projects are too demanding, and maybe that's what we have to have in mind in order to consider how to go ahead with all this prioritization discussion. I think I have Steve to take the lead here, right? Steve?

STEVE CHAN:	Hi, Nacho. I can provide some introductory remarks to build on what you said, if that helps. Saewon, do you mind moving to the document? Perfect. Thank you.
	So just building on what Nacho said, what we added in this latest version is hopefully something—well, it's definitely some things that the Council asked for. We know it was a little bit difficult to add level of effort,

because in order to do that, you have to have a pretty good sense of what the next steps are. So that's why we were a little resistant to doing it. But nevertheless, you can see that we've tried to add in what we think is the best guess for next steps for each of the different projects, and then based on those expected next steps, the level of effort.

Then the part that the Council didn't ask for but we thought was going to be helpful is to try to overlay all the different projects that are—well, I guess it's just one. The current is the Latin Diacritics, but also the ones that are fairly certain to be coming down the pipeline, so the DNS Abuse PDP, and then likely Supplemental Recs for the SSAD, assuming that public comment doesn't discourage strongly otherwise. The other things that we add into the timeline are essentially relevant timelines for projects like how long the New gTLD Program is expected to run for. I'll go ahead and say the caveat now, which is all these dates are strong guesswork at best, so definitely do not hold us to the conclusion of the SubPro and run out and shout that from the mountains. But we thought all of these things were helpful to be able to understand essentially where there might be space in the schedule. Because, as Nacho noted, once you get to three large scale projects, that is when you run into essentially a bottleneck for both the community resources and then also staff resources. So, like I said, this was not asked for the Council, but it seemed like a natural thing to try to add to make this a more productive conversation for the Council. So with that, I think I'll stop there. Thanks.

NACHO AMADOZ: Thank you very much, Steve. That really helps frame or at least it helps me understand how to convey the situation to the Registries, in my case, to help you understand how to navigate what are interests and how can they be transformed in reality to then efforts at the GNSO Council level.

We have a queue already. Farzi and Seb next. Farzi, please go ahead.

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FARZANEH BADII: Thank you, Nacho. This is my personal view. We haven't discussed this at NCSG. I think that on the other slide, I saw that forming a PDP on DNS Abuse is almost certain, and I have to caution us against caving into what the Government Advisory Committee wants and how they got us to agree to this in the first place. And I have to say we are very concerned about there's nothing that they emphasize more than having DNS abuse mitigation, but they do not emphasize the due process and the remedies that should be available to the domain name registrants. And this is not only about domain name registrants, it's about people's access to vital online services that could be hampered because of this DNS abuse mitigation. And pushing forward with the PDP just because— and this is my opinion, NCSG has not given me a mandate on this, and we are not against the PDP, but saying that it's almost certain, and for the large part of it is because GAC is telling us that you have to do something about this.

I personally object to caving into GAC's request to come up with a PDP. However, the NCSG has supported this. We're also preparing public comments on how the PDP should be done. It's just a word of caution from Farzaneh Badii, not representing NCSG, because we haven't talked about it. We are not against the PDP or a DNS Abuse formulating a DNS Abuse PDP, but I find the whole process very much caving into pressure. Thank you.

NACHO AMADOZ: Thanks , Farzi. I think that word of advice is going to be present in the evolution of the PDP or in any other effort to tackle DNS abuse. Again, that is also my personal opinion. I don't think that this is something that the GAC is pushing for only. So let me rephrase that. I don't think that this is something that only the GAC is pushing for. I think that the Registries level, for example, and this has also been an issue where

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many different people are doing different things, and I think that Jen is also trying to compile all the situations. But again, during the evolution of the PDP, this needs to be taken into account very presently so that this is not just a juggler now that can trample every registration just because there is this demand, if that is the case. And I think that connects also with some of the discussions about law enforcement authentication, and how to assess what you get from the law enforcement authentication when you are a registry or registrar, and assess its value and if it's legal in your jurisdiction to do that and so on. Seb, please go ahead.

SEBASTIEN DUCOS: I'm sorry. Noting that I'm not speaking my quality as a liaison to the GAC, but rather as chair of the SSAD or RDRS Standing Committee. I think your timeline, the start of the timeline is okay. I think it's wishful thinking short, given the amount of the discussion that we had over the prior recommendations and how much of it is needed or did not have to change. I feel that this is going to be a much longer endeavor and possibly a PDP. I don't want to preempt anything. We're still in public comments, and let's wait to see what the public says, and then the Council and the Board and so on. But I feel like it might be a longer endeavor. Thanks.

NACHO AMADOZ: Thank you, Seb. I see no other comments. There's some in the chat, and they refer specifically to the DNS Abuse PDP, and that's okay, but not to the general discussion about the prioritization. I don't think there's any other comment that asks for a response, so if we're good to go, then we can finish this item with those provisions in mind.

I think that what derives from this document is that maybe for 2026, which is still far away but we need to take that into account when planning, there is not that much more capacity to put any additional work

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to one that is being considered, more so if we take into account what Seb said about the timeline for the DNS Abuse. And if that additional work is then needed, then we have to keep on improving in something that I think that we've been doing well, which is narrowing the scope to be on target on what we need to do.

So with that, I'll give the word to Susan, and then Steve and Vivek. Susan, please go first. Susan, I think you're on mute.

SUSAN PAYNE: Sorry. Sorry, I thought it was Steve first, and I've just realized he put his hand down and back up again. Sorry for being really slow raising my hand. I think I just wanted to note that when we talked about this previously, the IPC had supported the following as being priorities and I don't think that that's really changed. So that would have been DNS Abuse, the RDRS work, and also that sort of small piece of work on Accuracy. And to some extent, RPMs. Obviously, this is the review of the UDRP and ensuring that it is conducted in a sort of responsible manner is important to the IPC. We do note that there have been many deferrals, and also that we in the interim have had that very useful piece of work, which I think is still being finalized from WIPO and the ICA. Although obviously there's a great deal of concern within my constituency about ensuring that the UDRP is safeguarded, it does seem to us that this is something which has been deferred multiple times, and what's most important is that when we do come to do that, it gets sort of set up for success and with the necessary narrow chartering and so on.

NACHO AMADOZ: Thank you very much, Susan. I see Vivek next. I thought it was Steve, but further somehow changed for me. So, Vivek, you go ahead.

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VIVEK GOYAL:	Thank you, Nacho. Steve, if you want to answer to something that has been said, I'm happy to wait and go after you.
STEVE CHAN:	No, but thanks, Vivek. I'm happy for you to go. Thanks.
VIVEK GOYAL:	Okay, cool. My question is that, do we now go back with all the list of items that have been discussed or have been put in e-mail by the staff and go to our constituencies, and in the next meeting, come back and say, based on our constituency, "These are the priorities"? We look at the priorities of everybody, and then decide what the GNSO Council will work next. Is that the plan after this discussion?
	Second question. Nacho, I'll just finish the second question. I do not believe the Council has to do anything on the New gTLD Program, but if there is, then I'm happy to be corrected and informed about it. Thank you.
NACHO AMADOZ:	Thank you. I think the first one is a good idea, is to reassess jointly what you think deserve a higher order in the priorities, to see if that's manageable going on to 2026.
	As for the second question, I'm not sure. I don't think I've seen anything, but I'm going to request Steve's help. I'm seeing that he's in the queue already.
STEVE CHAN:	Sure. Thanks, Nacho. I'll take the second question first, which is the work that is contemplated is something the Council had actually committed to,

at least top having a discussion with the Board and the broader community, and I think it took place in the context of developing the supplemental recommendations, I want to say, or maybe it was the clarifying statements, I don't quite remember. But the Board had expressed some concerns about a specific recommendation that locked the next round of New gTLD Program into a set of rounds, rather than allowing it for it to convert into an ongoing program. So that is essentially what that line item is about, is changing from rounds to an ongoing open process, sort of like how you might be able to apply to become a registrar. Hopefully that helps.

Then the comment I want to make is maybe some helpful context for the councilors in taking back the homework that Vivek suggested, which seems like a really good homework. Saewon, do you mind scrolling up to the timeline, please? So I think it's been kind of strongly hinted, but I'll say it explicitly here, which is, if you take a look at 2026 and if all these projects come to fruition, what you're looking at those first three lines is three, I wouldn't say huge, but relatively meaningful pieces of work. They probably don't measure up to say something like SubPro, which was its main working group plus five sub teams, which was an absolute monster compared to these. But it does push up against what we were suggesting is sort of the upper bound. So I don't want to say that there's not necessarily capacity to maybe add something here, but I would suggest that the Council should be very mindful about what it actually adds to its portfolio of work that it commits to for 2026. Just keeping in mind that if there is work added on, it should be narrowly scoped, of course, which I think is the goal always, but also that it may actually have an impact on other work, potentially slowing down or taking attention away from it. Like I said, just putting a finer point that 2026 is already sort of crowded-looking. So as you take the question back about what work is to be pursued next by the Council, please, just to keep that in mind. Thanks.

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NACHO AMADOZ: Thank you very much, Steve. Before going back to you, Vivek, adding something to the homework that you indicated, Vivek, and the context that Steve provided, I think that part of the homework is also to help set the expectations on what's feasible, so that the groups understand that, yeah, things can be added, but we have to put an extra focus on setting them well from the beginning with a narrow focus because we are already undertaking a huge amount of effort. We, meaning staff, us, and the community. Please, Vivek.

VIVEK GOYAL: Thank you. And thank you, Steve. I did read what you had provided, which was very helpful. I was just confused because the work about the continuation of rounds of gTLD has nothing to do with the current round, which is starting on April 26, right? So when you put it like that, I was confused that everything is set for this round, hopefully, fingers crossed, and then we don't have to do anything for this round. Whatever we have to do is to decide when the next round opens and how it opens and everything. So my question was for that. So thank you for clarifying.

I believe the way we should go about is we should go back to our individual constituencies, prioritize the work that we believe will best serve our constituents. Come back, see where we have commonalities, list them priority-wise, and then decide whether we need to cut off after priority one because we don't have bandwidth, or cut off after priority five because that's what we can do. But we should not limit our prioritization based on bandwidth constraints to start with. First, we should prioritize and then see where we need to cut off based on what the recommendations are. I mean, we don't want another SubPro, but you can't stop discussions because it will take longer or something. If it needs longer, it will take longer to get it done right. So we should

prioritize first and then draw a line on what is doable or not based on that bit. Thanks.

NACHO AMADOZ: Thank you for that, Vivek. I think that's it. Yeah. Peter, please go ahead.

PETER AKINREMI: Thank you, Nacho. Just sort of a clarification as well in that line, the prioritization is based on constraint of resources or capacity limitation based on staff or the community or based on the Council. I just wanted to know because we need to know what we're looking in terms of— because I see on the agenda a kind of notes on that, this prioritization is based on the resources limitation. I just wanted to clarify that and understand the things, the resources that are needed for this work in terms of whether they're support from staff or the Council's capacity or the community. That's it.

NACHO AMADOZ: Thank you, Peter. I think that this has been provided as an educated guess from start and the past experience in managing these processes and seeing, okay, this takes this amount of time, and when there are these current projects, they can interfere/not interfere, but they can not depend on the progress on each other. So we should try to avoid bottlenecks. We should try to avoid the noise that too many things going on at the same time. I'm adding that, but I think that everybody will agree. And then manage expectations so that there is not the perception that the Council is not doing its job, because there might be too many things going on at the same time without them progressing adequately. So I think that's what we need to consider. Also the community resources, because as we are putting our free time on this, so is the

community, and that has a limit. That needs to be contained within the kind of efforts that we need to do.

Good. I think that sums up the discussion. I would insist on the management of expectations because I understand that the prioritization comes first. I agree with that. And then we can see what's feasible. But then setting from the beginning the expectations about what's possible also helps, not create any frustration down the road. Good. If there are no more comments or suggestions, we can move on to the next item which is the Urgent Request Timeline and Some Related Topics. This is something that we scheduled for discussion during the August meeting, but then we moved it to September to give it adequate time. So think we are all familiar with this issue, right?

Thomas, you raised some of the concerns about jurisdiction when we need to approach, what needs to be done here. So I think that we could just go straight to you so that you can provide the context on the proposition you sent to the list and see how we move this forward.

THOMAS RICKERT: Thank you so much, Nacho. Good morning, good afternoon, good evening, everybody. This item number five is called Urgent Request Timeline and Related Topics, and I think it's important to point out that I'm going to discuss two issues. One, I'm going to give you a brief update on where we are in the IRT at the moment, but then I'm going to dive into a broader topic, namely the topic or the issue of liaising with law enforcement authorities at the global level. This discussion is not limited to the IRT. We've seen it in the Expedited Policy Development Process. We see it in the RDRS Standing Committee coming up. It will likely be an issue that will haunt us in the DNS Abuse discussions. So it's something that's popping up every now and then in different places, and it has been discussed, I think, not in a satisfactory manner over and over again in past years. This is an attempt to drive or start the discussion in a

productive and constructive way. But it's also about a point that was mentioned during the previous segment, and that is to manage expectations of the things that are coming out of the GNSO and out of ICANN more generally.

Now, let's start with the first point. I will not reread the things that you already know about the genesis of the urgent request discussion. At the moment, we are still trying to find the right set of words with respect to how to deal with urgent requests, the definition of what makes an urgent request, who is an authenticated requestor, what is the process so that we get authenticated requesters? Anne will surely chime in with her knowledge about the discussions that are taking place with the law enforcement community on the authentication of law enforcement, but we're not yet there.

So everything that we're discussing at the moment in terms of proposed language is not finalized yet. But it turns out that we're still revolving around the issue of how much can the contracted parties accept in terms of binding timelines to deal with a topic that is pretty challenging from a legal point of view. And I think this is a nice such way to the second point, because the contracted parties are struggling with the fact that they might be required and ultimately exposed to being sanctioned by ICANN Compliance if they now accept language that requires them to respond to on substance urgent request coming from law enforcement authorities that are not within their jurisdiction, and they are claiming that they don't have the required expertise on standby, particularly during holidays and weekends. And that puts them between a rock and a hard place. If they don't disclose, they might get in trouble with ICANN Compliance. If they do disclose wrongfully, they might get in hot water with data subject whose data have been provided to the authorities.

I'm not here to make the case for contracted parties. I think they can speak for themselves, but the issue in general is that we have different

scenarios. We have a scenario where a local law enforcement authority is sending a request to a domestic contracted party, and that is so both are in the same jurisdiction, that's pretty easy to deal with. Then we have the scenario where contracted parties and law enforcement authorities are in different jurisdictions, but a legal framework exists, such as an MLAT treaty. And then we have the situation where contracted parties and law enforcement authorities are in different jurisdictions but no such international agreements exist.

I would like to point you to a recently published guideline from the European Data Protection Board. And when I'm making reference to the GDPR, that is just to illustrate the complexity of these matters. Certainly we're dealing with the global environment, and GDPR is only one law that is applicable. There are other laws that have other or similar constraints. The European Data Protection Board said that if there is an MLAT in place between the country where the requesting law enforcement authority is based and the country where the contracted party is based, then companies should refuse direct requests and refer requests to the MLAT system, i.e., the request towards jurisdictions law enforcement authority needs to talk to the law enforcement authorities in the jurisdiction where the contracted party is sitting, and then the domestic law enforcement authority can then request the data from the contracted party. That is guideline 02/24. It was issued on June 4, for those who want to look it up.

The European Data Protection Board also clarifies that there are other legal basis for disclosure. So there are international agreements that are being negotiated where foreign law enforcement authorities can directly talk to companies in a third country. One example for that would be the second protocol to the Cybercrime convention or the Budapest convention, as you may recall. But they also say that, absent that, you can still find a legal basis for transmitting the data in Article 6, and I'm quoting here, but due to a large number of possible situations, general

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statements on the applicability of Article 6—that's the catalog of legal basis for processing data—can only be made to a very limited extent. And they also say that matters where no legal obligations exist, so no MLAT treaty is in place, for example, careful examination on a case-by-case basis is warranted. And that comes from the European Data Protection Board. That's the committee consisting of all the member state data protection offices. And if they see this as a very challenging matter to be dealt with, it poses an even bigger challenge to contracted parties.

But what we see—or at least that's my observation, so this is not like an IRT team's position that I'm presenting here, it's just a discussion starter. What we see is that we're currently working or the law enforcement authorities are working on authentication mechanisms so that the contracted party knows for sure that a requestor is a law enforcement authority. But then there is this assumption that if only we did properly authenticate, that then disclosure of data to the requesting law enforcement authority would be okay. And when there has been pointed out during the discussion, then the response is, well, nobody is forced to do something that's illegal under the local law. So that's a given, and we don't need to put that in writing. Yet, the issue is that if we come up with a policy that suggests that there is a process in place for contracted parties to liaise with law enforcement authorities at the global level and deal with those requests that suggest that a disclosure is possible. And we've heard members of the IRT claim that once the authentication bit is done and dusted, that then disclosure can be automized. That can be true in certain jurisdictions, but certainly that's not true for everyone.

So I think what's required in order to manage expectations is that we have a discussion around the legal frameworks in place, maybe map out who can disclose to whom. You know, that domestic disclosure is in order, but that when it comes to the international dimension, that things are more complex. Because the issue is that if we allow for this situation

to continue without a nuanced discussion about what's possible and what the limitations are, we find ourselves in the situation where ICANN and its contracted parties appear to be stubborn and unwilling to cooperate with law enforcement authorities. But ICANN has, number one, no means to obligate law enforcement authorities or other third parties with its policies. And also, we can't fix the issues of an MLAT system that is not fast enough for all circumstances where you need swift interaction between law enforcement and the private sector.

So this is not to say or solidify the impression that ICANN is unwilling or that we can't help with this. I think it's quite the opposite. I think we should have a discussion maybe with the Public Safety Working Group, with the GAC, with the Board. We can talk about the correct format for that. And I see that Anne has raised her hand and I'm sure that she would chime in on that. But I think we can't afford to let this discussion continue as is without setting the record straight about the limitations of what ICANN can facilitate, about the limitations of what the contracted parties can do, because otherwise we will look dysfunctional and the multistakeholder model as such will not look good.

That's the main outline. Again, I leave it up for councilors to chime in on how we can facilitate this, but I think that it would be good for Council to stimulate this discussion. I'm more than happy to help facilitate that, even beyond my tenure on the Council. But main takeaway is it's okay to talk about legal basis for transfers, but at least for those under the GDPR, we always need an additional ground for the international transfer, and that's something that I think we're not discussing enough. Nacho, back over to you to manage the queue.

NACHO AMADOZ: Thank you, Thomas. I have a guest, so you will hear about it—

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THOMAS RICKERT: That's great.

NACHO AMADOZ: Legal basis is family, so nothing to say about it. But seeing—

THOMAS RICKERT: Nacho, it's great to see that even the younger generation takes interest in these legal topics.

NACHO AMADOZ: Yeah. He's the next GDPR ninja. He's following on your steps. Anne, with your hand and the comment, which I think is what the discussion should be about, you just go ahead.

ANNE AIKMAN SCALESE: Great. Thank you. I think I've made remarks in the past supportive of Thomas's desire to clarify certain jurisdictional issues. But I will also say that I think ultimately that that decision is, of course, up to the contracted parties. Because one area where I disagree with Thomas is that he says there's some kind of obligation to disclose if the law enforcement authority is authenticated, and that's actually clearly not true. It's already been acknowledged by the GAC in the joint meeting between the GAC and the GNSO Council when we wrote to them. And I recall this in part because I remember making changes to the draft letter in advance of that meeting, and I said, "Council needs to clarify with the GAC that this is a two-step process that always it's up to the parties who incur the risk of noncompliance to determine whether they're legally obligated to disclose or not." And the authentication thing is it's separate. And I'm on the PSWG, as is Farzi, I think also Lawrence, and I don't know, maybe Seb has been participating. I don't know how many times we have

reiterated this principle that authentication does not equal disclosure, and that is not at issue here.

I think that the other thing we need to understand is that urgent requests really is the result of a PDP process that we cannot relitigate here. Let's not be saying that, "No, the urgent request thing, well, we need to throw that out now." No, that's not really what happened. The timeline issue is the issue that the IRT is dealing with. Now, the problem as I see it, and another point of disagreement, and I think actually urgent requests are defined, but a this point of disagreement with Thomas, although there are areas I certainly acknowledge, especially on the jurisdictional issues and the need to help the PSWG to understand those, the point of disagreement is this is not nearly ripe to go to the Board. These two groups need to be talking with each other. Many times in our PSWG authentication talks, as a couple other councilors will remember, we have said, "Hey, we know this is a two-step process. We want to know how you make sure if you're Interpol or Europol or your various law enforcement authorities in various regions know that your e-mail lists are verifiable and that they are not in any way false and not misleading to contracted parties." And so we've asked numerous questions, and we understand from the update from PSWG that they are trying to figure out how that they can establish that in order to be helpful to contracted parties. The issues that are related to that and to how contracted parties make decisions about responding to timelines, these are things that need to be discussed and clarified between the PSWG authentication group and the IRT. These two groups need to be talking to each other. It is very premature to force this back up to the Board when they cannot really resolve the issues or should not be resolving the issues because they're the ones to reopen the IRT, and we asked them to do that. Council asked them to do that. And so the two groups definitely need to be talking with each other, clarifying issues, including clarifying jurisdictional issues. In no way is this ready for the Board. Thanks.

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NACHO AMADOZ: Thomas, before giving you the floor for the answer or any other comment, just one thing I think needs to be commented now, which is that we've been discussing the topics, we will come back to that later to raise with our meeting with the GAC, and this was one of them. So I think that we will all be in agreement when we say, "Okay, we need to flag what's the concerns about this," raise them with the GAC, discussing with the GAC, so that then we turn this into a trilateral dialogue or trialogue or whatever we call it with the Board. So we can prepare for that too leading up to Dublin.

THOMAS RICKERT: May I, Nacho? Okay. Now, I think, Anne, we are mostly aligned, and I appreciate that you refreshed our memory that there has been acknowledgement that authentication does not automatically lead to disclosure. Yet, this point is being brought up over and over again. So my attempt was—and maybe this can steer the discussions into a slightly different direction. I mentioned at the outset that my aim is to broaden the discussion beyond the question of the urgency, and I'm not disputing or challenging that. It is what it is. We need to find a solution for what goes into the policy. My issue is the jurisdictional issue, and that we need to discuss that more. So whilst I try to broaden the discussion, you and your remarks have very much focused on the urgent request discussion. So maybe we can use the remaining seconds or minutes of this discussion to talk about the broader issue.

Nacho, I think maybe your idea of using the discussion with the GAC as a starting point to kick this off is a great one. But let's just be clear, this is not only about urgent requests, it's about every communication whatsoever between the law enforcement community and ICANN and its contracted parties. So I think we need a broader discussion. So it's not about getting some results up to the Board, but it's about keeping all

relevant parties appraised that this is an overarching issue that we need to manage expectation-wise, but also results-wise. Thank you.

NACHO AMADOZ: Thank you, Thomas, trying to summarize this as we're getting to the end of the time allocated for this item. So then we may need to make a distinction between what's that specific topic and what could be discussed more broadly. I see the comments from Farzi and Susan, and that they should be integrated in how we frame this discussion, both in terms of our communication with the GAC, but also in the wider scope that we need to take for the whole discussion, not to make sense or to affect other areas that go beyond that specific issue. Farzi, you have one minute, okay?

FARZANEH BADII: I can totally say this in one minute. I think that when they sent a letter to have the PSWG CPH Task Force, that task force, I don't think it was turned into, but we had this group that we would have meetings to talk about the like how they verified and authenticated internally, and stuff like that. And I think those meetings were very useful. And I think we should pick those meetings back up and continue doing them. But also I think Thomas is making relevant points that we also need to consider other jurisdictional issues.

NACHO AMADOZ: Thank you, Farzi. We will keep working with you guys, Thomas and Anne, maybe on how to grow this discussion in general, and then how to narrow what needs to be discussed on this specific issue, and we'll get back together for this. Okay. Thank you very much. I think this was a very, very good discussion.

Next item is the Board Readiness Small Team Recommendation, and for that, Kurt is going to provide us an update. But before going to that, I think it needs to be said, even though I think we all know that this was a great effort that was led and suggested by Kurt, that the people dedicated to this have committed many, many hours to the interviews and the meetings. Also in this case, while the staff usually prepares drafts for the report, I think that in this case, Kurt also took upon himself to do the draft report and commit even more time to that. So I think that that is an effort to be praised. Now, the time allotted for this has had to be reduced just a bit for the addition to the agenda. But then there was an exchange, how could we take this? And therefore we are using some of the time in the working sessions for this topic, too. So we will get back to this in Dublin. With that, Kurt, the floor is all yours.

KURT PRITZ: Thanks very much, Nacho. We'll wait and see if—can you guys see my screen?

TERRI AGNEW: Hi, Kurt, it's Terri. It was up for a brief moment, and then it came down. So we're just seeing your video.

KURT PRITZ: All right, that's fairly scary. How's that?

TERRI AGNEW: It is back—thank you—the presentation. Nope, now it's down again. It clicked back down—

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KURT PRITZ: When I go to full screen… We'll try it one more time. All right, how's that?

TERRI AGNEW: Full screen and we see your presentation.

KURT PRITZ: All right, terrific. Thanks for that generous introduction, Nacho. I'll wait to see if everybody thinks it's a worthwhile effort, or we will. And as you said, this is sort of a truncated presentation, and it's more about how to read the report, what to look for, those sorts of things, some high-level conclusions, and then we'll reconvene in Dublin where we can talk about it in detail, take questions, and maybe make implementation plans.

So this is the team. It's a really small team, but sadly, we're really geographically disadvantaged. So it was exciting having teams the UTC plus 10 by my name means every meeting was after 10:00 p.m., and minus four by Jennifer's name means every meeting attended by me was before 4:00 a.m. And I also want to comment that each of the team members contributed with taking notes during the session and reviewing the notes and those sorts of things, so we were all in on the writing. There's a couple of slides here that are repetitive, so I'm going to fly by then, but you'll remember, in our earlier presentations, we defined the mission and the scope of the study. So I've given you probably time enough to read that there. Then this is the general scheme, which you will also already seen. But the thing I want to point out here is that we developed separate sets of questions for each type of interviewee. So whether they were Board members, policy staff report, PDP chairs, or participants, they got different sorts of questions. And also there were some pauses in the process so that we could see how we were doing, look at the upcoming PDP, see if changes were made. So there were checks and balances in the system.

Some of the program notes. The team was open to anyone on Council who wanted to volunteer, so anybody who volunteered for the team became a member. There were 22 interviewees. Each one received an information packet that helped them refresh their memory after many years, in some cases, an introduction to our program, a summary of the PDP, a summary of the Board's reasoning for rejecting recommendations, and a list of questions to be asked during the interview, although we, not often, but always strayed from that list. And the interviews became more of interesting and enjoyable conversation amongst colleagues rather than an interview. And as I alluded to earlier, there were several controls incorporated into the program. So we took notes during the interviews, but we let the interviewee review them for accuracy before they became part of the record. We set up trial interviews to test questions for each of the PDPs. And as I said earlier, the questions were tailored not only to groups, but also to each PDP. We covered the Registration Data Phase 1 and 2 EPDPs and the SubPro PDP, and also had an interview on the IDN PDP. But also brought up during the interviews were other PDPs, so that was included in our studies. So where the IGO-INGO PDP was mentioned, we included that, and also the WHOIS PDP a few years ago, or many years ago now. So the discussions were fairly wide-ranging. And I also want to say we just didn't take what everybody said and write it down and accept it. But we looked for repeated comments and critically reviewed the findings of the study. So we have some confidence that our findings are sort of agreed across the community and not just random comments. The report's organized in a standard way so the management summary, or executive summary, is just that.

The introduction describes the methodology and provides some user notes. And by user notes, I mean like clarification. So we admit that we used ICANN lingo in this report to try to keep it brief and advised the new coming reader to Google things or search for things that they don't understand. But also we took some liberties and shortcuts in our

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language. So rather than use the appropriate Board non-adoption of certain recommendations, we just call that rejections because that's what they were and it reads a lot better. So we tried to make the report more readable.

The findings are the reports of the facts and opinions of the interviewees, and they're grouped by topic. So, our interview questions were meant to address certain topics. So they're sort of sorted by the interview questions. The findings are kind of fun to read because they're blunter than the recommendations because they're the statements of those participating, including their successes and frustrations.

Then the recommendations are derived, obviously, from the findings. So there's a link for each recommendation. You can find something in the findings that supports them. You'll also note that many recommendations are interrelated and overlap. And in fact, putting this brief presentation together made me realize the report could be organized a little better. So I'll probably do that to make it more readable. But don't let that stop you from reading it right now, if you haven't yet. Then, really importantly, every recommendation is followed by rationale which establishes the links to the findings, so you can see where the recommendation came from and their reasoning or benefits for each recommendation. So the rationale is a very important part of the recommendations.

So I'm going to talk a bit about the—let's see where I'm in my notes. I've kind of left ahead. I'm going to talk a little bit about findings and recommendations, but these are high-level findings and recommendations, not necessarily the most important, but to give you a taste of some of the overarching issues in the report where the real work is maybe done in the detail. So by describing some findings and recommendations later, I'm not giving you the full picture at all, and it's tough to draw conclusions just from this presentation, although there will be time, I hope, for questions at the end.

So there are two major findings. One is recommendations occur because the PDP team objectives differ from the Board objectives. We heard that became evident time and again during our interviews, that the PDP team is very concerned with reaching community consensus, and up until very recently has not been so concerned with compliance with the ICANN Bylaws or recognizing the Board's fiduciary duty. So that's one.

The second one is PDP teams and the Board often based their decisions on different sets of information. So operational cost details are not always available to PDP teams or staff reports that go to the Board. The Board also receives input from the GAC and ALAC as they are required to. And also, the Board receives legal advice that the PDP teams don't receive. And you'll see in the finding specific examples of each of these—well, never mind, I'm going to stop that sentence there, it wasn't going anywhere.

So, while there are many other findings, nearly all the recommendations go to solving these two big problems. If we could solve these two big problems, we'd learn a lot. I'm going to pause and just say I can't see the chat, so I'm not going to respond to questions on the fly. So I'm really sorry. I also didn't do a better job of acknowledging my team members at the start, and I will at the end, but they're welcome to barge in and correct me or add information that they think is important for you to know right now.

So those are two major findings. The findings here, some are revelatory and some are we already knew and said, "Aha." So it's a kind of combination of both those things, but that's that.

There's another finding of note, at least for me, that Board rejection of recommendations in the subsequent constructive back-and-forth discussion with the community is the sign of a healthy organization, and that the poster child example of this is the small team the Council formed to resolve the rejections of the SubPro recommendations. However,

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rejection of hard fought consensus can come across as antithetical and ultimately harmful to the well-being of the stakeholder model, especially in areas where the community is not convinced the Board was correct in its position. Many of the interviewees expressed frustration that the Board rejected recommendations, and also many, many times did not buy into the Board argument for its rejections. The punchline here is I think while we've got better at the post rejection process, as I just mentioned, we might be creating this affected portion of our targeted community. I was surprised in some of the interviews at the—I'll call a level of disappointment with what happened. So I think while we not only want to become efficient at our policy-making process by creating Board-ready recommendations, but we also want to empower our PDP participants to create Board acceptable recommendations and not clean up the rejections after an efficient process. So I think that was important here.

Other findings have to do with there's a lot on the Board liaison role in the findings, how the Board receives information. So that's kind of a corollary to what's above and how it differs from information with the PDP team. Expertise, what the PDP teams have and lack, when we asked if teams had sufficient expertise, there were two answers. One was no, and the other was, "We thought we did but we didn't."

Then implementability as a factor for consideration is sort of a new introduction into the PDP thinking. We discussed at length representative versus open models and the population and skillsets of the participants. A lot about charters and charter from the foundation, and then how to better handle GAC and ALAC advice. We all agree the Board is required to listen to but comes in after the PDP. The Board considers it after the PDP is finished and the team is disbanded.

With recommendations—I just want to check my notes here. Our recommendations don't only recommend changes to how PDP teams

operated, but also voice some additional obligations if they're willing to accept it on the Board in the spirit of making ICANN a more efficient place. And so the way this is put, this is at a very high level, but the Board and the PDP team should walk in each other's shoes. So clearly, for the PDP, it's to take on the Board's duties or at least understand the Board's duties to ensure compliance with the Bylaws and its fiduciary duty to the organization, which means implemented abilities, not spending too much money or getting good value for the money spent.

And in this presentation, I just wrote, "The Board must pay due deference to hard won results." There's maybe a concern that rejection of recommendations has become routinized now, and maybe we need to take a step back and say it's serious business and is there a way to work through this without rejecting recommendations? But that's a very general recommendation, and as you'll read in the report, there are some very specific things we've asked the Board to take on in order to help us improve our GNSO Policy Development Process.

So we're getting near the end there. I don't know what time it is. Oh, this is good. The recommendations also cover ensuring the PDP team has the same legal and operational advice as the Board. So I think information comes out of ODPs and Bylaws. Timely Board determination, so understanding early on what the Board opinion of recommendations are and access to identical sets of information. So that's probably the most important. These recommendations, I think, are listed in order of importance and effectiveness. The recommendations cover the role of the Board and the Board liaison to deliver information, etc. Handling of GAC advice. So we have a recommendation for how the Council might enable the Board to act more quickly on GAC advice. It may or may not be effective, but the Board is obligated to consider it, and we want to give them all the tools we can. There's a quite a bit about charters but we all know how charters should be written and the pitfalls with them, and we

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kind of agreed it's really difficult. There's a number of recommendations but charters are still going to be tough.

So will team composition where there was difference of opinion on the form of a team, and who should be on the team, and training for the team and especially for the chairs. The best we could come up with there is some guidelines for carefully thinking this through and making sure there's the right expertise on the team.

So that's the overview. What are the next steps? Maybe we'll have time to do a deeper dive and take questions in more depth in Dublin. Of course, we want to discuss the implementation of these recommendations and/or a strategy for implementing them. Listening to the first part of this meeting, why can't we get some of this done in time for the upcoming PDP on Abuse and see how that works, because that's over the horizon, but I think it'd be a great place to start these improvements. So I'm going to stop talking and turn it over to Nacho who will either say there's time for questions or we're out of time.

NACHO AMADOZ: Thank you very much. We have limited time for questions, but I think we could have a couple of them. Now, remember what Kurt just said at the end of the report is this is something we are going to go deeper in Dublin. So, please, when we go into there, take a look at the report. I think it was circulated one week ago, and that will be the basis for the discussion. Anne, I see your hand. So please go ahead there.

ANNE AIKMAN SCALESE: Thank you, Nacho, and thanks much, Kurt, for all the hard work that your group has done. I just had a very quick question, and I apologize I have not read the report yet, but it's about ICANN staff role in the readiness exercise and the changes in—we used to call it global domains, I don't

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know what it's called now, but the liaison from ICANN staff has an important role here. And I wonder, I didn't see them specifically mentioned in this slides just now. So could you comment on that?

KURT PRITZ: We held an interview, three ICANN policy staff support members. That was very instructive. And I think that what we want is—I don't want to put this the wrong way, but I think it's up for the Board to instruct the staff that you'll share these sorts of information with the PDP in a timely manner or the decision-making where the Board has a role is for the Board, and then the staff will carry out some of those instructions, I think. So, the staff will have a role but we want to get the Board on board agreeing with us that these need to be done. I hope that's helpful. I don't know if Jennifer has a better answer.

JENNIFER CHUNG: I didn't put my hand up to answer, so I'm not really going to… I think your answer was perfectly great. I actually put my hand up just to kind of tee up a little bit of us thinking about it more when we talk about this in Dublin. We were quite silent in our recommendation report and also Kurt's slide about the role of the Council liaison to all of this. The expectation, really, is once we walk through all of these recommendations, that then, of course, as councilors, as those who are liaisons through all of these processes, will then take it on and, I guess, improve the process. So that's my two cents on that. And of course, as I have the mic, thank you again, Kurt, for leading the merry band. It was an extremely interesting and informative exercise. Thanks.

NACHO AMADOZ: Thank you, Jen. Thank you, Kurt. Thank you to all the members of the team. That said, let's finish the discussion here to keep on track with the

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agenda, but we will get back to this. So the word of the day is homework. Do your homework and read the report because we will have an exam in Dublin.

So next item connects somehow with what we were discussing before the proposed agenda for GAC and GNSO bilateral meeting. So we are going to have Seb as the natural person to lead this, being the liaison. Just one quick comment. We discussed a call with GAC leadership. I can't remember, one week ago, I don't know, what would be the topics. Topics are hardly going to be any surprise. We discussed accuracy, DNS abuse, urgent requests, and law enforcement authentication. So that is in the agenda as well, and not RDRS. So the idea here is that we provide an update to them, but that they also put something into it, so that we are not reporting to them, but we are having an exchange. Of course, that exchange has to have a component on reporting what we are doing, but we are also asking them, and we did in the call, what they were doing or how are they going there. Being Seb much more knowledgeable than me on anything, but especially on this, I'll shut up and I'll let him do the talking.

SEBASTIEN DUCOS: Thank you, Nacho. I'm not sure about that last statement. Next slide. And thank you, first off, for preparing those slides for me unprompted. I was on leave last weekend, and they did a fantastic job. I would, for the sake of diversity, have added a little character with white hair on the right. But we'll do that for next time.

As Nacho said, the topics are no surprise. It's the same that we've been discussing for the last few meetings, the ones that we're working on, the ones that are our discussion. What I wanted to discuss more is possibly the way we go about it. So as a reminder for those that don't know how that process works, about a month and a half, two months before in ICANN, during our regular monthly meeting with my peers on the GAC

side—and I believe that Manal is on the call as an observer—we discussed the topics. We discussed what could be a topic of discussion between the three of us, and then present that to leadership and have a preliminary discussion with leadership on the topics, agree on those. And then on the GAC side, they go to their topic leads and ask them to formulate the questions that we receive, and we usually receive about three weeks before in ICANN.

What I'd like to try to pivot here is the way that process is engaged. Because what very often happens is that whilst the topics are broad and high level, the questions that we get are very much from the GAC to us puts us in a position of reporting to the GAC on our activity, which is part of what the discussion should be. But as Nacho said, I'd like it to be a two-way discussion. I'd like for the GAC to get involved in our work early. The earlier the better so that we don't find ourselves in a situation where we've done work and then get their comments at the 11ᵗʰ hour, God forbid, possibly an advice on those. And I'd like a lot more participation early on.

Now, personally, in my work, for example, on RDRS, I've very much enjoyed the early, constant, and very active presence of the PSWG, namely in the person of Gabe Andrews. So when these things happen, work, there's no gotcha. There's no surprises, there's no last-minute ask. We know exactly where we're going. And I think that that's what we should have for all those topics. Now, taking, for example, Accuracy and DNS Abuse, these were small teams within the Council. It was voluntarily small teams within the Council to make sure that we could get through the topics as quickly as possible and not make it a big community consultation. And those links have been established. As you know, they have groups thinking about these topics too, and those are the groups that are going to come up with the questions to us. So what I would like to do is to make sure that our topic leads, our champions on those topics go and reach out to their champions. I'm here to help the communication,

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if you've forgotten who you should be talking to, and try to discuss pre-hand what those questions are going to be, to make sure that there's no gotchas, to make sure that they're fully up to date with what you're going to say, so that there is no miscommunication or questions that just talk past each other, and just make the whole bilateral—I don't want to call it a show, but the more so the communication aspect of that bilateral—a lot smoother that we look like both teams are working together. Then beyond that, I'd love for the GAC to be involved in our work, as I said, as early as possible, again, to make sure that we're going in directions that work together and that the work is more efficient. That's a second step.

So right now, the takeaway for this part in the next slide is going to ask if you see other topics that we should be discussing, and I'm happy to engage on that. But I think the takeaway is for each lead, and I'm personally the lead on the last topic, to go and reach out to their peers on the other side at the GAC and make sure that we have the discussion on what those questions might be, what the early updates they might need that we don't need to surprise them with during the meeting and make sure that to the whole world, but also within their group, to those that may indeed just walk into the room to discover what has been done in the last six months, to make sure that that communication is a lot smoother.

I see Susan's hand up.

SUSAN PAYNE: Nacho is ahead of me.

NACHO AMADOZ: Just to give context, when we discussed with the GAC leadership about what topics we were discussing during Dublin, we explicitly discussed that we were going to raise this during our Council so that councilors

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could flag what issues should be brought to the table, and that there would be an option for us to include them in the Any Other Business section. So while these four are going to be the main topics and they are in the program, any other thing that we are in agreement that needs to be raised can be raised and we will let the GAC leadership know beforehand, just to give you the context. I think you can go ahead, Susan.

SUSAN PAYNE: Okay. Thanks, Nacho. It's kind of super quick question, and I'm guessing, since you've brought this to us, Seb, that the answer is yes. But I'm hoping the GAC topic leads themselves are kind of on board with that idea of being communicated with and having a slightly more collaborative process on coming up with the questions, and that there won't be any sort of surprise from their part or feeling that we're trying to tell them what they can talk to us about. But I'm assuming the answer is yes, but it was just a quick question.

SEBASTIEN DUCOS: The answer is yes in a way. For example, the first two topics, we discussed that, but we discussed that four months ago, before Prague. I haven't specifically spoken with them about it. I've suggested, as Nacho said on the call, or to leadership, or actually, possibly even to Manal before—sorry, it was during my leave, and it's a bit fuzzy there. But no, it won't come as a surprise. Obviously, let's not come and tell them what they should ask us. It won't come as a surprise.

NACHO AMADOZ: Quick point of order from me. We draw the line now, hands raised. So we have Farzi, Jen, and Anne. And now Prudence. But we have to be quick if we want to keep on track. Thank you.

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FARZANEH BADII: I just had a question about—because we have this informal group at the Council and we are also a part of the GNSO on the WSIS+20 something, like that. So that has to be an issue for at least the next meeting. And I would like to suggest that Internet governance be an issue, that the GNSO Council puts it as a topic to discuss. Another thing that I would like to suggest is for the Council to decide if human rights is something that we would like to see to be discussed regularly, as regularly as the DNS abuse with the GAC. Thank you.

SEBASTIEN DUCOS: Would you suggest adding that as an AOB?

FARZANEH BADII: AOB to what?

SEBASTIEN DUCOS: So those four agreed topics. And as Nacho said, we could add topics as additional topics to the list.

FARZANEH BADII: It's additional topics. They are as important as these four topics. I just want to add it as an AOB to mean that these are prioritized and those are not. Because we have to also talk about these cold facts are being sent to Ireland, and we need to discuss how we should meet with them, and it's better to talk to GAC.

SEBASTIEN DUCOS: Okay. We can add this. There is very limited time in those discussions, it's usually 45 minutes, and effectively probably no more than 35 with the

intros and everything. So, sure, let's add it. But I can't guarantee how much time we will be able to get. But if we do, then we also need to reach out on their side to make sure that they know that it's added and that the topic leads on their side might have questions. And if you want to put a few bullet points, I'll add that to the topics. I don't know if I'm managing the queue, but I see that Jen is the next hand up.

JENNIFER CHUNG: Thanks, Seb. I originally put my hand up for asking about getting questions in advance, so I think you and Nacho have answered. Only one more little bit of that is hopefully—I mean, I don't know our final schedule yet, so let's make sure we get a time during our working session to work through all of that.

The second thing is really a kudos to you, Seb. You've actually connected me with the GAC topic leads on DNS Abuse. So I've been using that channel to give them information on, I guess, the progress of what the small team was doing, and also the progress of the public comment, and now, of course, the GNSO working session on DNS Abuse. So if there is a collaborative way to create those questions or at least frame those questions, I'm happy to be part of at least that topic. Thanks.

SEBASTIEN DUCOS: Again, there is no way today. So far, they've been doing it on their own. I would suggest to reach out to them and offer the help to make sure that we do it collaboratively. Anne, I see your hand up.

ANNE AIKMAN SCALESE: Great. Thanks, Seb. I think an urgent request for the third item where it says that Thomas will provide the update on the Council meeting. I would like to suggest to Council that Thomas and I agree on the points to be

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covered in that update. And I also think that we have to separate the two issues that Thomas talked about. There's the urgent request process that has already been initiated, and then there is the broader concern that Thomas has communicated today. And so what we can see also from the chat is it's not as though we have one very cohesive point of view from Council on how this should be handled. So I'd like to suggest that Thomas and I work together as to the points to be covered for Council to state to the Board.

SEBASTIEN DUCOS: Thanks, Anne, that would be super useful. The other thing I might ask is, I don't know who the topic leads are on their side on those, or if multiple topic leads depending on the aspect. If we could communicate and see how we reach out to these people for the same exercise on the question, that would be fantastic. Prudence?

PRUDENCE MALINKI: Hi, there. I'll be super brief, super quick. I love the idea of the enhanced discussions and the questions in advance. It makes perfect sense. I think this is a great list of topics. I like the suggestions for the additional topics. I just want to add an additional context, and it's that of temperature checks and expectations. I just want to add that, in conjunction to providing questions in advance and having this great dialogue and conversational flow, I think it's going to be incredibly important that we understand what the temperature of the GAC is on all of these topics and we understand what their expectation is for these discussions on all of these topics. I think the temperature is one of the most important elements of these discussions that we have with GAC. And it seems to be something that as a Council, we just don't really talk about. And sometimes, the temperature can greatly adversely affect the impact of the discussion and also the productivity level of the discussion. And the overarching objective of these discussions is for us to be productive and

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not either competitive or just unproductive. Please pay attention to temperature for these. And also please, do pay attention to what is that the GAC is expecting of us so we can manage everyone's expectation. Thanks.

SEBASTIEN DUCOS: Thank you, Prudence. That's an excellent point. Over the last three ICANNs, we had two ICANNs where they sent the communiqué without advice, and the last one, indeed, there was an advice specifically on DNS abuse. And that was one of my questions to leadership, but a question to ask to the group to their topic leads also. The work that we're proposing on DNS abuse—just an example because of their GAC advice. Will that suffice? Is that a step that they see as proactive enough, for example, to be able to alleviate the concerns that were raised in the GAC advice two months ago? It's very important and should be part of the discussion with those topic leads because they're the ones that are going to set the temperature on their different topics.

Nacho, there was other slides with the questions, but we've covered those questions pretty much. Farzaneh, I might give back to you on exactly how to formulate the topic that you're suggesting. And with this, I'll just give you the hand back, Nacho.

NACHO AMADOZ: Thank you very much, Seb. We can keep working also with the comments that Thomas and Anne were providing in the chatroom to see how we take this discussion and any other point that anybody would want to raise. This doesn't need to finish here but we need to have a clear agreement on how we are going to frame the discussion. And also, of course, considering Prudence's point, we'll work with that. Sorry to wrap it up so quickly but we need to move on and we need to go to the next item, which is something that I have to confess I haven't had the

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time to look at. It's the disagreement between ICANN staff and the IRT and implementation. And the introduction is going to be provided by either Anne or Susan, so you two let us know who's going to speak. Susan?

SUSAN PAYNE: Thanks, Nacho. I'm very happy to kick this off. I'm sure Anne will also have thoughts to raise. I hope that's okay with you, Anne.

ANNE AIKMAN SCALESE: Sure. Go ahead. I want to get to Lars.

SUSAN PAYNE: Yes. I think we have Lars from staff either joining or having joined us as well.

NACHO AMADOZ: He just joined as a guest.

SUSAN PAYNE: This is an issue that's arisen quite late on in the implementation in SubPro. It is complex and it does raise sort of political issues but I think it is important to also remember that it's a relatively small narrow issue applying to a relatively small number of strings and this isn't blowing up the whole AGB. But it essentially relates to whether a certain group of non-delegated names are assessed against for the purposes of string similarity when someone files a new application. I'm going to use the terminology from the 2012 round because I think the fact that the terminology for these groups of names has shifted for this round is not helping in the confusability of this issue. In the 2012 round, there were

some names which were reserved, and they were essentially sort of iSTAR organizations, ICANN internal names, that kind of thing. Reserved meant they couldn't be available for delegation, but it meant that if an application was filed, it would be assessed against those terms on that list to make sure it wasn't confusingly similar, so that string similarity evaluation. There would also, of course, have been a string similarity evaluation on any existing TLDs that existed at that point.

There was a separate set of names which I think was probably a last-minute effort where concerns were raised by groups like the Red Cross and the International Olympic Organization. And those names were put on the list called strings ineligible for delegation. And again, I think at the time, it was a sort of temporary measure to kind of safeguard them so that no one could register them. And it was expressly stated in the Applicant Guidebook that those names, the ineligible for delegation ones, weren't going to be assessed against from the string similarity review. I cannot answer why that decision was made, but that is the status of them and that was expressed in the Applicant Guidebook.

Then around about the same time, then a PDP was kicked off, it's got a really long name, but I'm going to basically call it the IGO-INGO PDP. In about 2012, it issued its recommendations in end of 2013 and agreed to keep those Red Cross and IOC names on that ineligible for delegation list and added some extra IGO and INGO names to that list as well. Then it also made a recommendation that there should be an exception process so that if Red Cross, for example, actually wanted .redcross, they could put an application in. Because in the first round, they were just excluded from being able to register, and there wasn't a process whereby Red Cross could actually apply themselves. That's where we were at the end of that 2013 PDP. We then had SubPro and we also had the IDN EPDP, which that one in particular added all sorts of complications around variant names, but essentially neither of those subsequent PDPs changed what the IGO-INGO PDP had said.

Now, when we've come then into the implementation and drafting the Applicant Guidebook, a question came up about how those—I'll call them Red Cross names, it's wider than that—but how those Red Cross names should be treated this time around. And the proposal was that they should be assessed against when a third party files an application for whether the string confusingly similar to those Red Cross names even though that wasn't the case in the last round. That was staff's proposal. There was some pushback on that, and staff put together an issue paper, discussion paper, which you hopefully some of you will have had time to read, suggesting two options.

The first being option one, that those names wouldn't be subject to the string similarity evaluation against. In which the outcome of that potentially could mean that if someone else replied for something in the next round that was considered confusingly similar to Red Cross. And that's a pretty narrow assessment as we understand it based on the last round. Then if that were the case, it wouldn't be checked against the list that Red Cross is on, and so theoretically, an application could go forward. And then if two rounds down the line, Red Cross wanted to reply for Red Cross, theoretically they may not be able to do so because it might be too confusingly similar. That was option one. Option two was essentially ensuring that if Red Cross, however far down the line, wanted to apply, that they would be able to, because there would be that string similarity evaluation. Those are the two options.

I would say staff, and as we've now seen from the Board, the Board is pushing very hard for the option two to be the option. My understanding, the majority of those who expressed a view in the IRT from the community members felt strongly that option one was the one that mirrored or matched the policy recommendations. There was also a suggestion of is there a third path whereby if someone else got a similar string, it wouldn't matter down the line, Red Cross could still have their string as well. But I think there was generally a feeling that that would be

a policy change. The IRT community members generally felt that option two is a policy change.

That's where we are. With that disagreement between staff and the IRT members, it's now been brought back to Council for some guidance. I'm going to stop there. I think Anne's got her hand up. I know Lars is probably here as well. I don't know to what extent you all will have had time to look into this and talk to your constituencies about it. There is a certain urgency because we know the Board wishes to approve the AGB when we get to Dublin, and this is our last meeting before Dublin unless we were to have a follow-up meeting where we talk about this again. I'm going to stop talking.

NACHO AMADOZ: Thank you, Susan. Anne had her hand raised, and then Lars and then Paul.

ANNE AIKMAN SCALESE: Thanks. Just very quickly, the only thing I would add there is that although I was in the meeting when this was discussed in the IRT and there were differing opinions as to whether option two actually constitutes a policy change, some felt that it did, there were those who expressed their opinion did not, that both options were implementation, I would also say that I think the Board letter is relevant here. But let's hear from Lars.

NACHO AMADOZ: Lars, please.

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LARS HOFFMANN: Thank you, Anne. I see Paul is in the queue as well. I might take a minute or two. I'm just wondering whether you want to have Paul speak first or otherwise. I have to go, obviously. Nacho, do you want me to go or do you want to—

NACHO AMADOZ: I don't mind. Paul, do you want to go first or let Lars reply?

LARS HOFFMANN: We couldn't hear you, Paul. We can't hear you.

PAUL MCGRADY: Thanks, Lars and Nacho. I guess my question to Lars is why does staff think this is not a change in policy? Because if it's a change in policy, this is an IRT, and IRTs can't change policy, right? Believe it or not, it's the topic of that discussion on the PPSAI questions. But that's not what IRTs do. Question number one to Lars is why does staff think this is not a change in policy?

I guess I have a follow-up question for Susan, which is, is there a policy? Because I remember the policy recommendations coming for the first round out of Paris, and they were very high level. And then we have an Applicant Guidebook that is implementation. And then we have the SubPro PDP that, if I remember this particular topic was there were affirmation statements about the Applicant Guidebook, but I don't know if those affirmation statements are policy recommendations or more akin to implementation guidance. And I know that we had the IGO-INGO PDP, but I don't know if they look at this particular SubPro question or if it was just an issue of identifying which names fell within which category. I don't remember the IGO-INGO being that closely related to SubPro. I guess my question is are we disturbing implementation that's been around so long that it feels like policy? Or is this a policy? And if it's policy, can I

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see it in a recommendation somewhere that's been adopted by the Board? I'm just trying to understand what it is we're really talking about because I don't know. Thanks.

LARS HOFFMANN: I think I can answer probably both of that, if that is okay. I have a couple of slides, if you could put them up, please. Saewon is sharing, I think. Thank you.

I think we agree, first of all. Paul, to your question about the Guidebook and what came out of Paris, the first PDP 2008, I think, '09, that led to the AGB, I think the SubPro PDP has stated—and I'm just repeating that, not verbatim but loosely—that the procedures and the policies that applied in 2012 and kind of documented in the Guidebook should be repeated in the next round, unless there is any changes that are recommended in the report. That's how staff and the IRT, I think, have been working together over the past two and a half years by now. Therefore, as Susan lays it out, I completely agree with that. This is how it was done in 2012. By any new policy, that's how it should be repeated in the next round. And you see that in the first point here as well on the slide, there's no disagreement. I think without the IGO-INGO recommendations, there is no update in the SubPro. The IDN EPDP also dealt with string similarity. Again, there was no policy recommendation that would require any changes to the string similarity.

Paul, to your point, where's the new policy? That's exactly I think where the IRT and the staff disagree for the time being. And I will say I also agree with Susan completely. Personally, it's not my role to call this but from what I've seen in the discussion, there seems to be a clear consensus that in the IRT from the IRT members that they do not agree with the staff interpretation of the IGO-INGO recommendation, so I think that is absolutely fair to say. If I can see the next slide, please.

This is I think where the disagreement kind of centers around or the different interpretation. I want to say there's been a lot of exchanges on the mailing list. But I'm very confident also in the light of the Board letter that we'll find a productive way forward here. The difference, really, in the recommendations 3.1.1., 3.2.1, 3.3.1, you see this here there's one recommendation for each. That's why there are three, the wording is the same. There's one for the records request and one for the IOC and one for the International Governmental Organizations. They talk about a protection of the exact match. And that's where essentially the difference comes in. The majority of the IRT, the consensus, I should say, in the ICANN context believes that exact match means exact match. Therefore, .redcross is protected. But anything else that may be confusingly similar is not protected.

If somebody were to apply for a string that's in future rounds were to be found to be confusingly similar, then in this round, they could get it. The other applicant who's not the Red Cross. Then in future rounds, the string however may not be available for the Red Cross anymore because the confusingly similar string has already been delegated and delegated strings form part of the group of strings against which applied-for strings are evaluated against for string similarity. It's a lot of strings here in that sentence, but I hope that makes sense. If I can see the next slide, please. I see the hands but I'll brush through.

You see this here what I just pointed out. If the strings are not part of the string similarity review, then a string that would otherwise been found confusingly similar could be delegated. If they are part of the review, then essentially, a string that is confusingly similar against Red Cross could not be delegated. If you think the protection is on just the exact match, and that's the intention of the recommendation, then the IRT option one in the paper that Susan referred to is the way forward. If you think that the Red Cross should be able to apply for a string, the protection means that they can apply for their string at any point in the future, that means

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we kind of have to include them in the string similarity so that the confusingly similar string can be delegated before that. The next slide, please.

There's some input as well at the time from the Red Cross. Jeff Neuman kindly pointed out on the call that they were part of the PDP. So we looked into this a little bit. They raised concerns about string similarity. This is context. It is not in the recommendation, I hasten to add. This is just additional context. The next slide, please.

The Board, as Susan said, has written to the Council on this. I think, Susan, you say that they press hard. I think what they say is that they believe that those names should be ideally be protected. But I think there's a way out here. Yes, Susan. Very good context, I apologize, the previous slide. So the input that was given here was given on the initial report. That was presumably part of the discussions. I do not know. I did not listen to the recordings, but Susan makes a good point at that.

The Board essentially says, look, if this is a Council question, this is why we're here, giving input on the intent of the recommendation. And just saying if they were not to be included, then the Board has some concerns about confusingly similar strings being delegated, and so then there's other mechanisms that are already established that could be kind of—I'm using this word loosely here—"protect" those strings for future delegation. If I see the next slide, please. Thank you.

NACHO AMADOZ: Lars, sorry to interrupt. I'm not going to ask you not to give the slides. I just want to say that we have seven minutes left and we need to go through AOB. This is a great point.

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LARS HOFFMANN: Just a few things. I think what a way forward here could be is that the Council takes its time to get back to us. And I think if there's an intersessional meeting, I think nobody's going to be on our side. But if it is Dublin, it is Dublin, or if it's beyond that, it's beyond that. In the meantime, we could discuss with the IRT that we keep option one, which not seems to be the support that we have in the IRT for that. And then if the Council comes back and disagrees as they should be part of the string similarity, then we can go back and change the AGB if we need to. I don't think we would need another Board resolution for that. I cannot promise that but that's my understanding for now. In any case, we would work then with the SPIRT to make that change. The language we already have, so it should be a very, very straightforward thing. I think from their perspective, maybe that gives, on the one hand, the Council the time to reflect. On the other hand, maintains it on the timeline. And I'm out. Thanks.

NACHO AMADOZ: Thank you so much, Lars. Again, sorry for the interruption. Jen and Osvaldo, super quick, please.

JENNIFER CHUNG: Okay, I'll be as concise as possible. I wanted to understand the timeline. I'm hearing from Lars Council take our time to do this. I don't know what the timeline really is. I don't know who's going to hamper the process at the IRT level.

The second thing is I need some clarification on what the Council is being asked to do. Are we supposed to be the arbiters of whether or not this is a new policy? Because I certainly don't think we have the expertise at Council level. I don't have it. Maybe other councilors have been participating in the IGO-INGO working group's PDP processes. But I just have these questions. Sorry, I'm going to stop here.

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NACHO AMADOZ: Thank you. Please, Lars.

LARS HOFFMAN: I'll be quick. Jennifer, ideally, I think we would want the Board to approve the Guidebook and having not to need to make any changes afterwards as few as possible. From that perspective, it would be good if the Council could come back before Dublin. Your meeting's on the Wednesday, the Board meeting is on the Thursday, so that would be a very quick turnaround. If that is not possible, I appreciate then we'll make it work. Otherwise, it would have to be before the end of December when the Guidebook has to be finalized. That is the ultimate deadline, is December. I hope that helps.

Then on the policy, I think the Council is being asked because I know that few people were on the Council back then, what the protection entails in the IGO-INGO recommendations. Thanks.

NACHO AMADOZ: Thank you, Lars. The idea that we would consider, also, if we could all be clear on what's the topic and what's the implications, we could conduct an e-mail vote in order to have all this ready, but we will see. Osvaldo and Anne, super, super quick, please. Osvaldo was super quick.

ANNE AIKMAN SCALESE: Thanks. Susan and I had an exchange as well prior to the meeting. Very quickly, I really think councilors need time to consult with their Cs and SGs. And I think it would be helpful for some additional written material from Lars perhaps regarding this possible path forward. I think we have a couple of options. I mean, one would be Susan and I previously

communicated with each other possibility with special meeting before Dublin. If we're trying to expedite the resolution of the issue and give instructions to Lars and ICANN staff on this. Or do we want to wait as long as Dublin? I personally think it would be a good idea to get all our thoughts together and have a short special meeting on it before Dublin. Thanks.

NACHO AMADOZ: I agree, Anne. I agree. Osvaldo?

OSVALDO NOVOA: Sorry, I pushed the wrong button. Just background information. I participated in the IGO-INGO working group for several years. When we decided on the exact matches, we never considered confusingly similar strings. The discussion was between exact matches of the whole name or acronyms. Because if we included their acronym, the list would be enormous. That's why it was exact matches. We never discussed confusingly similar strings. Thank you.

NACHO AMADOZ: Thank you, Osvaldo, for the information. Good. We are clear that we maybe need some materials, right, and that we may discuss if this is something that we could subject to a vote if we are all clear on the information before Dublin, but we will have to reassess. I don't think we can make a decision now about what to do. Thank you, Lars. And thank you, Anne, and Susan too.

I'm really sorry to rush it but we have one minute. AOBs have been sorted out in the meantime. Most of them will be communicated via an e-mail. I know I'm jumping order but let me just say for my item, the Prep Week webinar is you have to be there. But we all know it by now. Please, Terri, in this for ICANN84 planning, we should spend a minute on this.

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TERRI AGNEW: Thank you very much. I'll be super quick because I know we need to get to Paul's Item 9.6 as well. Very quickly, the Prep Week schedule is published. I popped the link in the chat very quickly. The main schedule will be published on the 29th of September. Most of our funded travelers are registered, but if you're not a funded traveler, please go to the main page and register. One, so you can see the schedule, and two, if you are attending in person, that you can get actually into the venue. Take a look at the schedule that Saewon has up on screen. Thank you very much, Saewon.

A few things had changed around. The geopolitical form will now take place on Monday and the exact Q&A will now take place on Thursday. That was a change. Hopefully, your groups had communicated that to you. I just kind of wanted to point that out very quickly.

And then also our two sessions for Sunday, our GNSO working sessions, leadership and staff are now starting to work on the agendas. If you have something you would like put forward on them, please send us a message and we can make sure to do that. But we are working on those now, including to talk more about our joint GAC and GNSO session as well.

I also want to point out, Wednesday is our Council dinner. Desiree has been working on that. We still owe you a price per person but that's a work in progress so more information will be sent to you. That's what I have at this time. Back to you, Nacho.

NACHO AMADOZ: Thank you so much, Terri, and thank you for the speed. Vivek, five seconds.

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VIVEK GOYAL:	Just requesting that a staff can send out an e-mail to everybody saying, "These are the topics that needs to be prioritized to each constituency," and by when would you like it so that can be included in Dublin. Thank you.

NACHO AMADOZ:	Thank you so much, Vivek. That's good. All right. Yes, [inaudible] being elected in Dublin. I see the question. Sorry, we are taking one more minute on the allocated time. Thank you to all for coming. Thank you to the speakers and the presenters. I think that we can just get the meeting to end. Thank you so much.

TERRI AGNEW:	Thank you, everyone. I will stop the recordings and disconnect all remaining lines. Take care. Bye.

[END OF TRANSCRIPTION]