
**ICANN Transcription
GNSO Council Meeting
Thursday, 15 January 2026 at 05:00 UTC**

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Zoom recording is available at:
https://icann.zoom.us/rec/share/pxbEmj58ZXFwpAVmaTNv8lZtyTIKQ_34ZbYFOoZ5kacZslli6T7wXfe5177rBDmM.uu8sSVXTNRWvfk0r?startTime=1768453317000

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<https://gnso.icann.org/en/group-activities/calendar/2026>

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, Jennifer Chung

Nominating Committee Appointee (NCA): Gaurav Vedi

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Lawrence Olawale-Roberts, Vivek Goyal, Osvaldo

Novoa (apology, proxy to Susan Mohr), Damon Ashcraft, Susan Payne, Susan Mohr

Non-Commercial Stakeholder Group (NCSG): Farzaneh Badii, Bruna Martins dos Santos, Julf Helsingius, Peter Akinremi, Tapani Tarvainen, Benjamin Akinmoyeje

Nominating Committee Appointee (NCA): Christian Dawson

GNSO Council Liaisons/Observers:

Justine Chew: ALAC Liaison

Sebastien Ducos: GNSO liaison to the GAC

Antonia Chu: ccNSO observer

Guests:

Manju Chen, Chair of SCCI

Sophie Hey GNSO Rep from CCG

ICANN Staff:

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

Caitlin Tubergen - Policy Development Support Director (GNSO)

Feodora Hamza - Policy Development Support Manager (GNSO)

John Emery - Policy Development Support Senior Specialist (GNSO)

Andrew Chen - Policy Development Support Senior Specialist, Policy Development Support

Terri Agnew - Policy Operations Senior Specialist (GNSO)

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.

TERRI AGNEW: The recording has started, and this is Terri Agnew. Good morning, good afternoon, and good evening, and welcome to the GNSO Council meeting, taking place on the 15th of January 2026. Would you please acknowledge your name when I call it. Nacho Amadoz.

NACHO AMADOZ: Good morning, Terri. Thank you.

TERRI AGNEW: Good morning. Jennifer Chung.

JENNIFER CHUNG: Present. Thank you, Terri.

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

HONG-FU MENG: Yeah, thank you. Terri.

TERRI AGNEW: You are welcome. Samantha Demetriou.

SAMANTHA DEMETRIOU: Present. Thanks, Terri.

TERRI AGNEW: Most welcome. Ashley Heineman.

ASHLEY HEINEMAN: Here. Thank you.

TERRI AGNEW: You're welcome. I do want to make a note that Prudence Malinki has stepped down and at this time we do not have a replacement name. And she's with the registrars. Gaurav Vedi.

GAURAV VEDI: Present, Terri.

TERRI AGNEW: Lawrence Olawale-Roberts

LAWRENCE OLAWALE-ROBERTS: Present, Terri.

TERRI AGNEW: Vivek Goyal.

VIVEK GOYAL: Present, Terri. Thank you.

TERRI AGNEW: You are welcome. Damon Ashcraft.

DAMON ASHCRAFT: I'm here, Terri. Good evening.

TERRI AGNEW: Good evening. Susan Payne.

SUSAN PAYNE: Here, thanks.

TERRI AGNEW: Osvaldo Novoa has sent in his apology and the proxy will go to Susan Mohr. Susan Mohr.

SUSAN MOHR: I'm here. Thank you.

TERRI AGNEW: Most welcome. Julf Helsingius.

JULF HELSINGIUS: Here, Terri.

TERRI AGNEW: Farzaneh Badiel. I do believe -- Farzi, I see that you're -- there you are.

FARZANEH BADIEI: Yes, I'm here. Thank you very much.

TERRI AGNEW: You're welcome. Peter Akinremi. I don't see where Peter has joined, and we will try to get him on. Tapani Tarvainen. Tapani, are you on? Oh, I see that you're unmuted, but we are not hearing. Okay, I see where he has typed that. There seems to be an audio problem. So, if I will circle back to you when we finish and see if that is resolved. Benjamin Akinmoyeje.

BENJAMIN AKINMOYEJE: Present. Thank you.

TERRI AGNEW: You are welcome. Bruna Martins dos Santos. I don't see where Bruna is on, and we'll see if we can get her on. Christian Dawson.

CHRISTIAN DAWSON: Good evening, Terri. I'm present.

TERRI AGNEW: Good evening. Anne Aikman-Scalese.

ANNE AIKMAN-SCALESE: Hi, Terri. I'm present.

TERRI AGNEW: Wonderful. Sebastien Ducos. I don't see where Sebastien is on. We will see if we can get him. Justine Chew.

JUSTINE CHEW: I am here. Thank you, Terri.

TERRI AGNEW: You are welcome. Antonia Chu.

ANTONIA CHU: Present. Thank you, Terri.

TERRI AGNEW: You are welcome. Tapani, did you want to go ahead and see if your audio is working yet?

TAPANI TARVAINEN: Hello. Does this work?

TERRI AGNEW: Oh, there you are. It works. All fixed. Perfect. Thank you. We do have guests joining, Manju Chen, Chair of SI, and Sophie Hey, GNSO rep from CCG. You do have the Policy Team supporting the GNSO, so Steve Chan, Caitlin Tubergen, Saewon Lee, Feodora Hamza, John Emery, Andrew Chen, and myself, Terri Agnew.

May I please remind everyone here to state your name before speaking as this call is being recorded, a reminder that we're in a Zoom webinar room. Councilors are panelists and can activate their microphones and participate in the chat. Please set your chat now and select everyone, not host and panelist, councilors.

Again, on your Zoom chat, please select everyone. A warm welcome to attendees on the call who are silent observers, meaning they do not have access to their microphones nor the chat. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standard of behavior, the ICANN Community Anti-Harassment Policy, and the Community Participant Code of Conduct concerning statements of interest. With this, I'll turn the call over to GNSO Chair, Susan Payne, please begin.

SUSAN PAYNE:

Thank you very much, Terri. Okay, everyone, happy New Year for those for whom it is New Year, and just welcome to everyone. This is our January 2026 meeting of the GNSO Council. Our first order of business as always is just checking in on whether anyone has an update to their statement of interest. Oh, we never get a hand at this point. Jennifer, please let me know what your update is.

JENNIFER CHUNG:

Thank you, Susan. This is Jen Chung for the record. I am just going through the motions because I had a learning experience on how to subscribe for the newest mailing lists that all of the different

working groups need to go on. And in that aspect, I updated my statement of interest just to include all the items that I currently am in charge of at least heading or leading in the Council. So, nothing crazy, but just an updated statement of interest regarding my Council.

SUSAN PAYNE: Thank you so much, Jennifer. Julf, again, this is unprecedented, two updates to statements of interest.

JULF HELSINGIUS: Right. Just a small formality. I just wanted to declare that as of the beginning of the year, I'm the chair of the finished chapter of the ISOC. So, just a small addition.

SUSAN PAYNE: Thank you very much. Okay. All right. Next up, are there any proposed amendments to today's agenda? None. So, we can move on. The next item that we always do is to just refer to the minutes of our previous meeting. So, just to note for everyone that the minutes of the GNSO Council meeting on the 13th of November were posted on the 27th of November, as it says in our agenda.

And then the minutes from the Council meeting of the 11th of December were posted on the 5th of January. So, we can now move on to agenda item two, which is our review of the projects and action list. Okay. And I am sorry, I'm noticing some of the chat and thinking, I would very much like Farzi to update her SOI

regarding her very impressive red belt. Okay, back to the action list.

So, you may remember that we've heard from GNSO Support Staff about the background and the purpose of the tools, the projects list and the action decision radar, at our last meeting. We were all given a very sort of useful reminder of those tools. We discussed our councilors are expected to have reviewed the documents to prep for the meetings.

And I should also say that I've been reminded that when we are at our upcoming Strategic Planning Session next week, Caitlin, I think has devised a nifty little quiz on these tools. So, just to encourage everyone to brush up on them and make sure that next week you get a hundred percent in the quiz and I realize I will need to do the same.

And I understand also there are going to be some prizes for winners. So, really just the regular reminder to everyone that there's an expectation, we'll look at these. And then we will also spend a moment or two just pausing and seeing whether there are any of the Council liaisons to either working groups or implementation review teams who have any updates from the groups that they are the liaison to that they feel would be useful to bring to Council's attention, either because they're not in the tools at the moment or just for some additional context.

So, this is that opportunity here now. And again, I'm not seeing anyone. That's not a surprise, but we'll have this regular opportunity at each of our meetings. All right. Reminder again to

be sure to revise on the tools before next week. Oh, and I see a hand, Christian.

CHRISTIAN DAWSON: It was a very late hand. I was, since the last meeting, tapped to be Latin Diacritic PDP liaison, and I wanted to note that the initial report went out of public comment. Is that the type of thing you're supposed to relay? I'm not certain. I just figured that since now I'm a liaison, I have to mention that since you're asking for updates.

SUSAN PAYNE: Thanks, Christian. That's wonderful. I think for all of us, so that's out for public comment now. I think that it's more an opportunity for raising things that maybe Council needs to be concerned about or take note of, but actually the publication of an initial report, which is going out for public comment is absolutely the kind of thing that is good to bring to everyone's attention. So, thank you so much.

CHRISTIAN DAWSON: Okay. Thank you.

SUSAN PAYNE: And thank you also for volunteering to be the liaison to that group. We do actually have a mention at the end of the agenda, so I won't labor that, but really pleased that you have taken this on. Okay. All right. Our agenda item three then is the Council vote on

the first policy development process for DNS abuse mitigation charter. And I am going to hand this over to Jennifer Chung.

JENNIFER CHUNG:

Thank you very much, Susan. This is Jen Chung again, for the record. This is our favorite time of our Council meeting, when we talk about DNS Abuse Mitigation PDP. So, just to give us a little bit of background and the work so far. A reminder that last year, in the December Council meeting, we voted to initiate two PDPs on DNS Abuse Mitigation.

PDP 1 is Associated Domains Checks, and it is going to convene immediately after the adoption of the charter, which is the motion before you today. We split out the charter from the adoption of the recommendation to initiate the PDPs because Council felt that we needed refining the language in the charter to make sure it is fit for purpose. It is focused to set this PDP up for success at the end of the year.

And thank you so much to the drafting team. The charter drafting team met pretty intensely over, I think, the course of a week. We had three calls and very robust discussion on the mailing list about that. The main changes to the charter were updates to the representative and the representative plus open model to the representative model. There was discussion about distribution of seats as well, there was good consensus reached at the end there. Seat allocations were agreed upon after robust discussion.

Also, within the members, participant, and alternates will be nominated by the respective SO/AC SGs and Cs. So,

additionally, there were some updates and also a lot of discussion on the charter questions. There was the update that I also sent over to Council list about the item that Council leadership has noticed specifically on the text about the mode of participation of observers.

I didn't see, I think it is also in line with how Council and also I think community has been talking about this specific point. So, I think having this open and transparent mode of participation for the observers is actually quite important. I know that just before this call, a councilor also sent to the list a, I guess, what is termed a friendly amendment, but the amendment's not to the motion, I guess, amendment or the text is specifically to do with the charter.

So, I think this is all the background I have so far on this. I'm pausing to see if we are opening up for a little bit of discussion. Of course, I don't think I need to read the resolve clauses just yet because there is some ongoing discussion specifically on language on the human rights considerations. I'm now noticing in chat that my audio is choppy. I hope you can all still hear me. And now I think I'll open the floor for any councilors for the discussion. If you're speaking, Vivek, we can't hear you.

VIVEK GOYAL:

Jen, I did not hear you call on me. I was waiting for you to call on me, but thank you. Hi, everybody. Vivek Goyal for the BC. My question is regarding the aspects of this PDP and what happens after an associate domain check comes positive. So, after the PDP is done and dusted our aim is to reduce DNS abuse.

So, if a registrar receives a complaint for a domain and they do Associated Domain Check and another domain is identified to be malicious, what happens then? Where is the actioning on that covered? Is this part of this PDP? If it is not, then where will it be covered? Because our ultimate aim is to reduce DNS abuse, and that will only happen when an action is taken. So, if I can get clarity on that, it'll be very helpful. Thank you.

JENNIFER CHUNG:

Thank you, Vivek. As you were part of the drafting team, and so I guess you were part of the conversation when we went through the charter. This PDP specifically is looking to create an obligation for registrars to do Associated Domain Check. So, if you go through the charter questions, and I'm happy if, I don't know if we want to show that on the screen, but the PDP hasn't started work yet.

I don't want to preempt where this PDP will go with their recommendations as they go through the charter questions. I think you will see, as part of the charter questions, there is a part specifically on metrics. That part would be something that I guess the PDP will discuss. And again, Council is supposed to set this PDP up for success and not to kind of preempt the discussion or preempt the recommendations that come out of it. Hopefully that answers your question. I see your hand is back up, so maybe just a quick reaction first.

VIVEK GOYAL: Yeah. Jen, I just want clarity that taking action on the domain will be discussed in this PDP, or are we saying that if a domain is considered malicious as part of the associate domain check, it'll be automatically part of the ICANN compliance that registrars are supposed to take action on malicious domain. Just want to get that clarity.

JENNIFER CHUNG: I'll try to articulate again what I just said. I think this is kind of going into the territory of preempting what this PDP will be talking about. So, I don't think it's constructive right now for Council to talk about this specific point. I'm happy to -- actually, I'm seeing there's a lot of chat going on as well. So, I don't know if Ashley, you want to get into the queue to speak up on that specifically as well since you have the point of view from the registrars. But I will now go to the queue because it is now building.

FARZANEH BADIEI: Yeah, it's -- Jen, can I go ahead. Hi everybody. So, I want to talk about [00:17:43 - inaudible]. We don't have a problem with that change, but it came very last minute. And this is a template, like changing it in this last minute, like we don't think that is a great idea. How about we have Anne's language and tell the PDP that when you are doing the human rights thing through the liaison or whoever, when you are doing the human rights thing, consider this language as well. And then later on we can start the process to add language to the template so that we can come to a compromise. Thank you.

JENNIFER CHUNG: Thank you, Farzi. I see the queue is building. Let me just go in order. Hopefully I can still be heard. Lawrence, please go ahead.

LAWRENCE OLAWALE-ROBERTS: Thank you, Jennifer. Farzi's last response has to do with a different topic of discussion with regards the draft charter. Going back to Vivek's question for clarity, basically it's our understanding that this entire PDP is supposed to come out with outcomes, and how the outcomes definitely will be treated is sacrosanct to how much DNS abuse will be impacted and hopefully reduced.

Where we go ahead passing what we currently have without having to put some safeguards to ensure that whatever their outcomes are, those outcomes will delve into ICANN Compliance work and stuff that will help mitigate DNS abuse is actually the question on ground. And that is one question that the BC has which I've not gotten a satisfactory answer to because, yes, the we cannot preempt the work of the PDP. There will be outcomes, but how will those outcomes be treated? And that is one.

Second on this issue, on the human rights issue, basically, you'll recall that it's one issue that we still don't have consensus around from the drafting team. And quite frankly, I'm surprised that we are still having a hard stance in even getting some kind of changes to this.

While we members of the drafting team worked around human rights impact it was and it is with the view that the Board approved human rights checklist is what will guide the talk or the work

around human rights. Now, the statement that we have, which isn't one that was crafted by Staff when they came up with the issues reports is something that also hasn't been extensively discussed, at least not by my constituency.

We will need to understand what the definitions or rather be aligned with what the thinking is around this particular statement or section that we have in the draft charter. Aside from understanding what the exact propositions are, we'll also need to be able to have a discussion with our constituencies if we would want to have changes made to this particular language.

Like I noted on the mailing list, it's currently open to different kinds of interpretation, and I do not think that it's in the best interest of the PDP Working Group members to provide something that is such so subjective. Different people can come up with different definitions on what proportionate means or what legitimate means. My proposal will be that going forward, we are able to pass what we have as the draft, hopefully, without that section on the impact on human rights.

My proposal will be that we remove this completely from the draft that we have if we're going to pass this. And where this is removed, we can further discuss what the difference is from the checklist, the border proof checklist, which we know the process for which that has evolved and possibly come back with some kind of amendments in future or included in future work.

But I'm not of the opinion that we should be talking about having two languages and having different resolutions, more or less, pass to a working group. It's a recipe for disaster from the get go.

JENNIFER CHUNG: Thank you, Lawrence. Very comprehensive. I think I'm gonna answer your first question or first part of your intervention. First, I think we have on the screen right now the part of the charter that has the first bullet point about enforcement under the contracts. I see Ashley's hand is up. Perhaps she wants to speak more on that, and I'll come back on the other part that you mentioned about human rights.

What I understand from your intervention is that you are requesting to remove the entire section on the human rights impact or impact on human rights. I think that might be going against what Council has decided starting from Latin Diacritics PDP onwards. But I'll stop here and see and let Ashley add a little more context on your first part. So, if you'll allow me, Lawrence, I'll give the floor now to Ashley.

LAWRENCE OLAWALE-ROBERTS: Thank you.

ASHLEY HEINEMAN: Thank you, Jennifer. And yeah, this is Ashley with the Register Stakeholder Group. And in terms of the scope responding to the Vivek's question, the scope of this particular PDP is on the check and not the action. And the reason why the action is not within scope is because we are already as registrars required with our contracts vis-a-vis the new contract language to take action on any abuse that we have evidence of.

So, the actions already covered, and that is in our contract requirements. This is looking at making a requirement to do these Associated Domain Checks. So, the action's already there, Vivek. So, hopefully, that helps. And I agree with Jennifer, that I thought that we were to cover human rights on all PDPs moving forward. So, I'll stop there. Thank you, everybody.

JENNIFER CHUNG:

Thanks, Ashley. So, I'll go back now to the second half of what Lawrence was mentioning. I think Anne has her hand up because she has suggested language for that. I do want to emphasize that Council has decided that we will be looking at this and using the human rights impact assessment from Latin Diacritics PDP onwards, I think that particular PDP has with the help of staff started, or in the middle of filling that out and is doing quite well with that regard.

So, maybe if staff would like to give it some context on that as well. I see in the chat, Farzaneh says they have done it, so we'd like to learn from that as well. But Lawrence, I think it would be interesting for us to -- oh, maybe if I can skip Anne just for a quick moment, because I think Steve now has some context on how it's being applied. Steve, please go ahead.

STEVE CHAN:

Yeah. Thanks, Jen. It's Steve from staff. And I would actually have preferred Saewon talk about this just because she was the one that actually put it into action. But I think I can hopefully speak enough to provide enough context for the council.

I think maybe it's important to recognize there's actually human rights impact assessment template, and I'm looking to Farzaneh to help correct me if I get this wrong, but there's actually a template that can be used by working groups and other groups as applicable, which is essentially the implementation of the HRFIOI. And so I think that's an important point that maybe is not always super apparent. And so, this is maybe speaking a little bit to the concerns of Anne about the reference to those outcomes.

What we actually use in the Latin Diacritics PDP is that essentially the implementation of the Work Stream 2 outcome, which is the human rights impact assessment. And what we essentially do is run through that template, we customize it to the specific work, we apply it at a meaningful time when the recommendations have reached a stable place. So, we have a full set of preliminary recommendations.

We compare it against the template, the impact assessment, and essentially do a fulsome and holistic review of the recommendations against that impact assessment. And I think it has been stated, the Latin Diacritics charter has essentially the same language that is in the DNS abuse PDP one draft charter, or hopefully not too soon to no longer be the draft charter. Hopefully that helps.

JENNIFER CHUNG:

Thank you very much, Steve. That's very helpful context. And with that, I will go to Anne.

ANNE AIKMAN-SCALESE: Thanks so much, Jen. And I, first of all want to say very much appreciate the work that was done in the drafting team, and I know it was tough to get consensus on representation. And however, with respect to the human rights paragraph, I do believe that there was not a consensus on that in the drafting team.

And I think there may have been a little confusion on the alleged lateness of my suggestion, because before the drafting team even met, I sent a link to the human rights framework of interpretation, and then we didn't get into it in active discussions as to what that means with respect to the balancing of core values.

I'm very happy to learn that the NCSG does not object to the amendment, but I had actually put it in the Google Doc and staff had actually made the change. So, what everybody's calling a late suggestion, I'm just reiterating a previous suggestion that was at least as timely as when you said, Hey, do we need to have another meeting or not? And staff went ahead and made that change.

And it said, in accordance with the framework of interpretation for human rights, that is the governing document from the Board approved. For anybody who doesn't know, this went through a cross community working group procedure. It was in fact approved by every chartering organization for Accountability Work Stream 2. And when I say I agree with Lawrence that we didn't have consensus, there may be recollection among our drafting team members that an idea was put forward that the GNSO does not in fact have the expertise to conduct a human rights impact assessment, and that that should be acquired from an outside expert.

And then there was more discussion about whether that's something that the group itself should decide, the working group. And there were different understandings expressed as to what the word legitimate means or whatever. And so, my overall big picture view of this is that as long as we are referring to the Board approved document that is the human rights framework of interpretation as the umbrella governing document, then it's up to the PDP which direction they go on this.

Steve's talking about one experience in Latin Diacritics, but of course, in our discussion in the drafting team, we talked about the fact that Latin Diacritics does not implicate some of the human rights issues as directly as the general topic of DNS abuse.

And so, my concern is just that the umbrella reflect the actual governing document that was adopted by the Board and approved by every chartering organization of the CCWG. And it honestly was in the Google Doc at one point and then disappeared. And so, there may have been some miscommunication around that. We were all under a lot of time pressure, I guess.

But I'm happy that NCSG doesn't object to that, and then I'm happy to have the working group decide, like if they send it out for an expert human rights impact assessment, which was suggested by at least one person in the drafting team, that assignment to the expert would have to include the overall governing document of the human rights framework of interpretation, because that's what governs ICANN.

And so, even though we may want to talk about, well, hey, here's what Latin Diacritics did, we have not said here, and that is what is

going to be decided by this PDP. What we've said is that the PDP will talk about all that. And that's why I feel it's really important for us to refer to the governing document, because wherever the balancing of core values contained in the governing document, it's not for naught that we spent many, many months in Accountability of Work Stream 2.

And I don't think we want to prescribe, I don't think Council wants to say, well, you have to use the checklist and you can't go outside. I don't think we want to do that. We just have to know that the analysis, whoever does it, has to be done in accordance with the Board adopted human rights framework of interpretation. Thanks.

JENNIFER CHUNG: Thank you. And oh, I saw Susan's hand up and down, and now it's up again. So, I don't know if you wanted to -- Sorry about that Farzi. Susan, please go ahead.

SUSAN PAYNE: No, I assumed that Farzi was probably responding to that, so I have put mine down.

FARZANEH BADIEI: Yeah.

JUSTINE CHEW: Okay. Thank you, Susan. Farzi, please go ahead.

FARZANEH BADIEI:

So, I'm just gonna be very brief because I have explained this a few times, but Justine actually said something very, very accurate in chat. This template, I don't know if -- so, it seems like the Council doesn't remember. This template was done by SCCI and in coordination with the in-house expert that we have, like NCSG members, some of the NCSG members are human rights impact assessment people like we have intellectual property lawyers in IPC, we have human rights impact assessment experts in NCSG.

And at that time, SCCI came up with this template, and then they discussed with Ephraim, who was not only NCSG member, worked at Article 19 and provided and also chaired the Cross Community Working Group on human rights for a long time. So, he looked at the checklist and he also like provided advice. So, this is how the template came about, and the Council had the chance to look at it as well. I was not on the Council at the time.

So, the thing that you haven't seen this before and stuff like that, you have seen it, but you forgot about it. So, this is what I want to prevent. I want to prevent re-litigating things. And I think that if we want to make changes to a template that SCCI with advice from the experts came up with and was approved by the Council, if we want to litigate, we have to go back through the whole process, and as the Council, make a top-down decision about this.

And yes, your comment was late, especially because it's a small drafting team, and it doesn't -- like if you want to make changes and stuff like that, we don't want to -- we will agree on the condition that we don't reopen or we don't want to give guidance

to the PDP in the future based on this change that they need to ignore this question or that question. And yeah, thank you.

JENNIFER CHUNG: Thank you, Farzi. I'm getting reminders from staff. We're going a little bit over time on this discussion item, but I think it is important for us to finish the queue. So, let's go to Justine.

JUSTINE CHEW: Thank you, Jennifer. This is Justine for the record. So, firstly, I want to express a little bit of concern, I think I can speak on behalf of ALAC on this. We would like the PDP to go ahead, ASAP. So, I'm a bit concerned that, you know, any kind of changes proposed here might delay that process and, and we would like to avoid that as much as possible. So, let me make a suggestion and see if it's something that we can all contemplate and agree on.

So, I guess the difficulty here is to amend any boiler text in a charter possibly should go to the SCCI, as a review process. So, if we were to just make a reference to the human rights framework of interpretation as adopted by the ICANN board, the text that Anne is proposing, if we could try and find another place to insert that, which won't contradict what all our intentions are, but not put it in a boiler text provision, would that work?

Because I think we are all kind of talking about the same thing, and if we are going to just be proceeding using the Latin Diacritics PDP as a precedent, so we make record of that understanding and whoever is going to be appointed the liaison for that PDP can reinforce this agreement of Council or statement of Council. So,

there's no confusion going ahead with this particular charter. And then if Council wants to revise the charter for the next PDP, please do so after the fact. Thank you.

JENNIFER CHUNG: Thank you, Justine, and thank you for doing my work for me. That was a very constructive intervention. I think Council understands that the focus of getting this charter voted on today for this particular motion is to be able to allow this working group to be convened and start their work as soon as it is able to.

And I think the explanation from Farzi gives us more context on where this text comes from and the process we should probably follow, not probably, we should follow to be able to amend boilerplate or default texts that we're looking at overall. Of course, impact on human rights does not affect only ADC, it will affect all of the PDPs going forward in the charter of tech.

So, I think that's very important here. And if this is a very quick intervention, I'll allow it because we are really quite over time on this agenda item. Please go ahead.

ANNE AIKMAN-SCALESE: Yeah, thank you. Appreciate Justine suggesting simply a reference be added in a different part of the charter. And in order to pass the charter, we would need to be determining where we could meet Justine's recommendation. And so, if we are saying we're not gonna put it in the impact to human rights paragraph, then where will we reference the framework of interpretation as Justine has suggested.

JENNIFER CHUNG: Thank you. And Justine is suggesting last bullet point under considerations, and Farzi is suggesting a footnote on the template. I'm okay with either and or and I think I'll task this homework to Staff to be able to give us that as soon as feasibly possible, whenever that might be. And I think we should probably look at our motion now. So, Anne, does that answer your question? Is that satisfactory?

ANNE AIKMAN-SCALESE: I'm sorry, I don't understand the proposal.

JENNIFER CHUNG: So, referred to in the last bullet point under considerations, which I see right now is highlighted on the screen, the reference to the human rights framework of interpretation.

ANNE AIKMAN-SCALESE: Okay. Yeah, that works. Yeah, definitely works there. Perfect.

JENNIFER CHUNG: Thank you so much, Anne. Thank you, councilors, for this discussion. And now I think it is time for me to go to the motion. Resolved.

ANNE AIKMAN-SCALESE: So, we assume in the voting, I'm sorry, we assume in the voting that that paragraph is in fact modified to reference the HRFOI?

JENNIFER CHUNG: Correct, in the last bullet point that was highlighted on the screen.

ANNE AIKMAN-SCALESE: Thank you. Thank you.

JENNIFER CHUNG: Thank you. All right. Resolved, "The GNSO Council adopts the PDP Working Group charter for DNS Abuse Mitigation PDP 1, and requests that the PDP Working Group be convened as soon as possible. Two, "The GNSO Council requests that the GNSO secretariat publish a call for volunteers, for members, participants, alternates, observers, and relevant liaisons per the membership structure within the PDP Working Group charter." And now, I think I pass it to Terri.

TERRI AGNEW: Thank you very much, Jen. We will go ahead and conduct this vote and it will be a roll call vote. Here we. Gaurav Vedi.

GAURAV VEDI: Yes.

TERRI AGNEW: Thank you. Damon Ashcraft?

DAMON ASHCRAFT: Yes.

TERRI AGNEW: Samantha Demetriou.

SAMANTHA DEMETRIOU: Yes.

TERRI AGNEW: Susan Mohr.

SUSAN MOHR: Yes.

TERRI AGNEW: Susan Mohr for Osvaldo Novoa.

SUSAN MOHR: Yes.

TERRI AGNEW: Hong-Fu Meng.

HONG-FU MENG: Yes.

TERRI AGNEW: Julf Helsingius.

JULF HELSINGIUS: Yes.

TERRI AGNEW: Lawrence Olawale-Roberts.

LAWRENCE OLAWALE-ROBERTS: Yes.

TERRI AGNEW: Jennifer Chung.

JENNIFER CHUNG: Yes.

TERRI AGNEW: Tapani Tarvainen.

TAPANI TARVAINEN: Yes.

TERRI AGNEW: Ashley Heineman.

ASHLEY HEINEMAN: Yes.

TERRI AGNEW: Farzaneh Badiei.

FARZANEH BADIEI: Yes.

TERRI AGNEW: Nacho Amadoz.

NACHO AMADOZ: Yes.

TERRI AGNEW: Vivek Goyal.

VIVEK GOYAL: Yes.

TERRI AGNEW: Bruna Martin dos Santos.

BRUNA SANTOS: Yes.

TERRI AGNEW: Susan Payne. Oops. Susan, I think I heard a yes.

SUSAN PAYNE: Sorry, I've been told before that my mic sometimes takes a while.
Yes, yes, yes.

TERRI AGNEW: Okay. Thank you. Thank you very much. Peter Akinremi?

PETER AKINREMI: Yes. Thank you, Terri.

TERRI AGNEW: You are welcome. Christian Dawson?

CHRISTIAN DAWSON: Yes.

TERRI AGNEW: Benjamin Akinmoyeje?

BENJAMIN AKINMOYEJE: Yes.

TERRI AGNEW: Thank you. And just as a reminder, Prudence Malinki had stepped down, so that vote for RrSG will be considered as absent. For the Contracted Party House, we have seven votes, I'm sorry, six votes in favor, zero votes against, zero abstain, and one absent. For the Non-Contracted Party House, we have 13 votes in favor, zero abstain, and no absence. For the non-contracted. I'm sorry, the motion passes with 80, it's always so small, 85.71% with the contracted party house, and 100% with the non-contracted party house. Thank you. Back to you.

JENNIFER CHUNG: Thank you, Terri. Well done to councilors, well done Council, well done to the drafting team. And now I'll hand it over to Susan.

SUSAN PAYNE: Yes, I'll just pause. Vivek, do you have something to say?

VIVEK GOYAL: Very quickly. Just wanted to congratulate Jennifer for doing a fantastic job in herding this group of cats through this narrow door and doing it successfully within the time we are all hoping to do it. So, great job, Jennifer. Thank you.

SUSAN PAYNE: Indeed. I could not agree more. Okay, right. Our next agenda item is our second vote for this meeting, which is -- so, item four is our vote on a request for Council guidance for the Implementation Review Team on Intergovernmental Organizations, IGOs, and

International Non-Governmental Organizations, INGOs, on curative rights.

I was going to turn this over to Damon to present the motion, but I think perhaps we need to have some discussion in advance. I think I'll turn it to Damon, first of all to introduce this, and then we can see where we get to. I understand that there has been an extremely late request for a deferral on this.

So, we perhaps need to have a discussion on what this is and understand why it would be appropriate at such late stage to suddenly be unable to vote on it. I don't understand then Farzi. I think you will have to explain what it is you are asking for. If there's no deferral request, then we can carry on as we were expecting to have Damon introduce us and we can have a vote. So, that's super. Damon, over to you.

DAMON ASHCRAFT:

Sure. Thank you very much, Susan. And so, basically, I am the liaison to this IRT, and at a high level, what this motion deals with is how do we handle sort of the interplay between arbitration and UDRP URS complaints as they relate to two specific types of complainants. One would be an IGO, the other would be an INGO.

And it's important to note that in sort of a traditional UDRP proceeding, when parties file that, they can file the proceeding and they can get out of that proceeding pretty much at any time they want by going to court, going to arbitration, stipulating just to

suspend the proceeding, whatever it is. And so, it's sort of an easy in, easy out process.

With respect to IGOs and INGOs, there's a complicating factor in that, in that a lot of these organizations are not subject to court jurisdictions the way a traditional litigant would be. And so, what was developed through the PDP was an arbitration process. And the issue has come up as far as when can litigants decide to go ahead and exit a UDRP or URS and go to arbitration. And some of the language that came out of the PDP, it mentioned doing that after a decision had been reached.

The IRT team and the ICANN Staff looked at that and there was some concern as to, well, does that mean that these types of UDRPs are different than traditional UDRPs? And that once you filed the UDRP, you were kind of stuck until there was a decision and then you could go to arbitration.

No one after discussion really thought that was the intent of this, not Staff, not the IRT. I want to be very clear, this is not a disagreement with Staff and the IRT, this is just sort of everybody thinking, okay, we think this is how it should be, we just want to get a quick gut check from Councils. That's why this motion is here.

So, what the motion basically says is it says that you have IGO or an INGO that is a litigant to a UDRP proceeding, that the parties can decide at any time or one of the parties can decide to go to arbitration and exit the UDRP proceeding that harmonizes this procedure with "regular UDRPs." And it makes this process simpler and it makes the process, I think the same across all types

of UDRPs. I think that's a noble goal, and I think it's one we should support.

The other thing that just from a personal level that I think this motion makes sense is that if you don't have a way for people to exit a UDRP proceeding, what I think would happen is I think you would encourage people to forego the UDRP and to go straight to arbitration. I think that would be a shame. Arbitration, as many of you know, is a very expensive procedure, it's very complex, and for this type of thing, it would be much more expensive and much more complex.

So instead of a UDRP, which is a few thousand dollars that pretty much almost any IP attorney can handle for you, you would be looking at getting into an arbitration procedure that would cost several hundreds of thousands if not millions of dollars.

And if you have a policy, and if you have something in there that basically says, Hey, once you file, you're kind of stuck and you have to wait, I think you would encourage people to go directly to arbitration, which I don't think is really in anybody's best interest, especially if it's a deviation from how everything is for regular UDRP. So, that's the intent of the motion. We're just trying to harmonize things. There's no disagreement. We just want a quick gut check. Does anybody have any questions on this that I can answer? Yes, Farzi.

FARZANEH BADIEI:

So, Damon, so my impression is that, and I'm not very I'm not very well informed, so I apologize. I need some more information. So,

my impression was that we have this curative right because these IGOs and INGOs could not go to court, so, now we provide them, they can use URS and UDRP, but now we are providing them with another process, an arbitration process. And I had the impression that that might be just like an appeals process. But the way that is being explained, it's like, no, there are like parallel processes. So, could you explain a little bit more? I'm not questioning, I'm not trying to reopen anything.

DAMON ASHCRAFT:

Not a problem at all. It wouldn't be a parallel process because the UDRP isn't designed to have another process running at the same time. In fact, one of the certifications you sign when you file a UDRP is you're saying, Hey, I'm not involved with another court action at the same time, this UDRP is proceeding, and if you file UDRP and you get involved with a court action, you have to tell the panel or you're in violation of the UDRP rules.

So, this arbitration process came about because IGOs and INGOs are not subject in many cases to the regular court jurisdiction that everybody else is. Just by the nature of the organizations, they're not. So, they built in an arbitration process to handle that type of thing. The problem with arbitration is, it's lengthy, it's complicated, and it's very expensive.

And I don't think it was in anyone's intent to require or to incentivize people necessarily to use that over the UDRP, or more importantly to have a UDRP process. It was wildly different for some parties, but then very different for IGOs and INGOs. This would make it a very different process for IGOs and INGOs than it

is for everybody else, and that doesn't seem to be right. Does that help?

FARZANEH BADIEI: Yeah. So, IRT here believes that they can like go to UDRP or the arbitration at the same time. Yeah, sure.

DAMON ASHCRAFT: No, they can't go at the same time, but the motion lets people do is it says, Hey, if you file a UDRP and either party or both parties decide, this isn't working for me, I want to go to arbitration, they can file that arbitration and go straight to arbitration. The concern I have just on a personal level is that if you don't have that, when a party looks at a domain name dispute, they're gonna say, I don't want to do the UDRP because I'm gonna get stuck in a process if I can't go to arbitration, so, I'm gonna go to an arbitration.

And that's gonna put both litigants in a very expensive, very complex procedure, and I think it's gonna mostly hurt individuals without a lot of money. I think it's gonna put them in a very bad position to put them in a very complex procedure. Peter.

PETER AKINREMI: Thanks, Damon. Thanks for the background and giving us a contest today. Just wanted to check if I'm understanding that the interpretations actually align with the consensus policy, GNSO recommendation policy.

DAMON ASHCRAFT: It does. Where I think, and I wasn't on the PDP, the PDP was 10 years ago, apparently there's language in the PDP that mentions arbitration at the end of the dispute. And I think what probably happened, again, I can't promise it, what I think happened is typically where you would go to a different dispute resolution mechanism after when you're involved with the UDRP is when one litigant isn't happy with the outcome.

And so, I think that's what people were thinking, and so that's why they put it in there, forgetting about the fact that, hey, you can go to court or arbitration or another dispute mechanism at any time during a UDRP. The UDRP is not supposed to be a rigid process that sort of locks people in. It's a non-binding resolution process.

PETER AKINREMI: Yeah, if I may follow up. Thank you for that. Just my concern because we're here following the process and trying to ensure that the interpretation actually aligned with the consensus policy. So, that's basically what we should be looking at, and we need to be sure if that is, and I'm counting on your word that this actually, because we've not really had time to look at that. We discussed that from the NCSG point and try to see does this actually align with the intent? So, if that aligns in, we feel that this is correctly interpreted.

DAMON ASHCRAFT: I absolutely think it does, Peter, because I think that if they wanted to have the PDP, wanted to have something that was that different, they would've expressly said so. Because it is a wild

card to have it play out the other way. Any other questions or discussion? Susan, if it's okay, if I could have staff, I can go ahead and I can read the motion if people are ready for me to do that.

SUSAN PAYNE: Please do, Damon. Thank you.

DAMON ASHCRAFT: All right. So, if I have the motion brought up, or I can go ahead and I can just -- all right. Okay. Resolved. "The GNSO Council confirms that the intent of the EPDP policy recommendation was to enable the respondent to a UDRP or URS dispute to voluntarily leverage alternative dispute resolution mechanisms. And any time, once the UDRP or URS proceeding has been initiated and the policy recommendations enabling the new arbitral proceeding should not be read to limit that ability. Two, the GNSO Council requests that its liaison to the IGO-INGO Curative Rights IRT provide this information to the implementation staff and IRT."

TERRI AGNEW: All right. We'll go ahead and move into vote then, if you're good with that, Damon.

DAMON ASHCRAFT: Absolutely. Let's do it.

TERRI AGNEW: Wonderful. This will be a voice vote. 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.

SPEAKERS: Aye.

TERRI AGNEW: Would councilors holding proxies please say, aye. So, that would be Susan Morh for Osvaldo Novoa.

SUSAN MOHR: Aye.

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

SUSAN PAYNE: Thanks very much. I think maybe that's back to me. Thank you everyone. Oh, Farzi, did you have some statement you wanted?

FARZANEH BADIEI: I don't have a statement. What I wanted to say is that, and we can discuss this during SPS, so, the number of motions that come at us usually, like, there are a lot, so we had to deal with the DNS

abuse motion and then there was like this other motion, and of course, we are the Council, we need to do things efficiently.

But it's kind of we need to come up with a way that we can discuss things first and then come up with a motion. So, it could be that, like for example, if we tell you, oh, well, we don't understand this motion, we can go and talk to Damon beforehand and have clarification so that we don't put everybody in an odd position as well, that are they asking to defer it or not, and stuff like that.

So, I think that this can be a topic for the SPS that like how we come up with these motions, how many motions we have during one meeting, and what are the councilors responsibilities in regards to motions.

SUSAN PAYNE:

Okay. Thanks, Farzi. To the extent that we can find time to have this conversation at the SPS, I'm sure we will be able to do so. I would note we have only had two votes at this meeting, so only two motions. And actually, in the case of this latter one, this was circulated well in advance of the motions deadline as well. So, this has not come from left field and people have not had time.

And there has been more than the usual amount of time for questions to be raised on the mailing list or opportunities to try to ask for more clarification. It is unusual that we don't have a discussion on one meeting and then a vote on the next, but it's by no means unprecedented and certainly on simple things, we ought to be able to act efficiently and get stuff done. Honestly, that is our job.

Okay, I'm gonna move on. We are over time. It is a Council discussion on the SCCI policy and status final report. I'm turning this over to Peter to shepherd this. So, Peter.

PETER AKINREMI: Thank you, Susan. Item number five is concerns the SCCI, Standing Committee on Continuous Improvement Review of the Policy Status Report that was developed and shared by the GDS staff. And this concerned review of the policy and implementation status report that was prepared.

And this policy status report was assigned to SCCI for them to review, and SCCI has done their work and produce a brief report highlighting three recommendations, just brief the recommendations and that has been shared with the Council for us to review. And also, I will be hearing from the chair of the SCCI who is with Manju Chen. Manju, I'm gonna turn the mics to you for this presentation to walk us through this brief recommendation. Thank you.

MANJU CHEN: Hello, everyone. Have you missed me yet?

PETER AKINREMI: Yes.

MANJU CHEN: Can I have the slides, please?

TERRI AGNEW: Hi, Manju.

MANJU CHEN: Yes.

TERRI AGNEW: The slides are showing on screen on top of your Zoom, you may have to select to look at Feodora Hamza's screen versus webinar.

MANJU CHEN: Ooh, let me try how to -- huh? What do you mean? Sorry.

TERRI AGNEW: At the very top of your Zoom, you might have two tabs.

MANJU CHEN: Yes.

TERRI AGNEW: And one may say webinar and the other one may say Feodora Hamza screen.

MANJU CHEN: Oh, oh, yes. Okay. But it's the same screen. I'm seeing the same thing. It's okay. I don't want to take up too much time for you guys. If you guys are seeing the slides though, it'll be fine,

right? Anyways, can we go to the background? Let me see if it changes. It does. Okay. So, I'm actually seeing the slides. Hello everyone. I'll briefly give you a background and I'll be very quick because I know we're short on time.

Well, you guys are short on time, I can be wherever I am. So, the background, we've been, last year when I was still with you guys, we've heard multiple representations from the staff about the review of the policy and implementation working group report. And in that report, they just said that we should review these processes as you see on the screen, EPDP, GGP, and GIP once they've been conducted in the ICANN world universe.

And ICANN review it as suggested the working group final report, and they deliver their findings. And SCCI, our group review the findings and see if there are any further recommendations we can make to the council based on these findings. Can we go to the next slide?

So, these are our review and recommendations. It's a very short kind of recommendations. We have three. Well, we are not making any huge recommendations that are gonna change any processes. We just felt like all of the processes are actually working quite well, but there are confusions that sometimes people are not clear what their process is used for what, or what does expedited means when it's added in front of a PDP.

So, we felt like we should develop, well, the Council should develop education materials to illustrates all processes to make it clearer for everyone in the community, what we're doing. And also, for the EPDP, since it's expedited, we think it will be helpful

for the EPDP to be able to choose whether they still need to have this early input in their exact diagram.

And finally, for GGP, we think it will be beneficial for them to have a charter process for themselves so they are clearer what they're doing and what they should do. So, basically that's the three recommendations. Can we move to the next slide? For the GIP, which is the process that's haven't been used yet, so it's really hard to analyze its effectiveness.

We think that the reasons why it hasn't been used yet, probably could be two. One is that people are not sure how to use it. They're not sure what time, what occasion is the best to use it. Second is that we've been, we, no, you've been, well, anyways, GNSO Council have utilized these mechanisms, this tool called GNSO Council small teams, and it has been useful.

And basically, it works kind of like a GIP, that's why probably it's not very much used, but we decided to kind of keep it just because maybe in the future, sometimes people will feel it's useful again. And next slide, please. So, as we said, I think we all think inside that actually the processes are working fine. It's just like, people need to have more background and knowledge of the differences between them.

So, in the future, we can choose more wisely of what processes to use when we face an issue, and people won't have more confusions when they're expecting one thing, but are seeing things happening another way. And that's why we think it's very important that we have a very clear diagram to show the

differences between every processes. And you'll see a draft of this in the next slide.

This is what we are proposing to have educational material for the Council to consider. So, you can see from here it's like a clear comparison of different processes, what steps are included, what steps is not, whether they are listing by law, whether they're not, whether they are policy making processes or not. But these, I have to stress, again, this is like kind of an illustration of what we're envisioning that's gonna be in the educational material.

But it's gonna be further, how do you say, beautify in a sense in the future to make it even clearer and more readable for educational purposes. But this is what we're proposing. Next, please. Yes, I've finished my presentation, and I'm open to any questions. So, well, enjoy me while I'm here. I guess you don't have questions for me. Okay, bye. Oh, Justine.

JUSTINE CHEW:

Sorry to hold you back, Manju. This is Justine for the record. So, I don't have a question. I just had a comment that I think the educational materials that's being proposed to differentiate between the different processes. I think that's gonna be very helpful and hopefully it would be as simple to read as possible, to digest as possible. And the reason for that is I constantly, and I still do constantly have to explain to people in my group what is the actual difference between a, sorry, a PDP and a EPDP, and something like this educational material will be very helpful for those purposes. Thank you.

MANJU CHEN: Thank you, Justine. This is actually one of the topics we've discussed extensively during our SCCI meetings too, people were not as sure what they expect it did mean. That's actually one of the main reasons why we really feel the importance of the educational material too. And I see more heads. Anne, please.

ANNE AIKMAN-SCALESE: Yeah. Thank you, Manju. I just want to say thank you to you and to staff for how the SCCI meetings were run quite efficiently. And I do think that there's more work to be done, but as far as these initial recommendations, I think that the process was very succinct and effective and conclusive and consensus based.

And I really appreciate all your efforts in running those meetings and also staff support of those efforts. And I do understand that we have more work to do, consensus policy implementation framework. We have, I guess, the continuous improvement program stuff, we're waiting to hear more from the board about that. Where does that stand? Maybe you could let us all know.

MANJU CHEN: Oh, was that question to me? Well, I think what we explain that to the SCCI people while we pick up our meetings again. For the Board readiness stuff, I guess it's for the to Council decide whether they want to pass it on to SCCI. And again, yes, I conquer your data. It's actually all the work is the staff just the face there, the hardworking people who really do the work. So, thank you very much to staff. Peter, please.

PETER AKINREMI: Yeah, thank you so much, Manju. I just want to reiterate what the other colleagues have said. Just wanted to thank you for the excellent work chairing this committee. It was really, really excellent and the time and effort that goes into that. Just wanted to like reiterate on that educational materials that the committee actually put forward. Though it might be insignificant, the brief recommendation, but it really actually touches on a key part in understanding the GNSO process in improving the process. Thank you so much, Manju.

MANJU CHEN: Thank you, Peter. Thank you. Thank you all very much. As the time saver as I'm always am, I'm going to pass the mic back to Susan who now knows how to pronounce SCCI. See you, guys. Bye.

SUSAN PAYNE: Thank you. And I can assure you of that. Thank you very much, Manju. Okay, we are on our next agenda item, which is a discussion on the upcoming Board council dialogue on the SSAD Recommendations. Although we had scheduled this for 25 minutes, we hopefully can catch up a little bit on time.

As you know, we also do have some time during our -- oh well, we will have some time also during our SPS to be talking about this, particularly given we will have the two GNSO Board members with us. So, it will be an opportunity also to have some discussion and

a more informal basis with those Board members on what the Board thinking is too.

But further to the email I circulated after the December council meeting, we obviously -- at the December meeting, we voted to accept the standing committee's report as helpful input in any upcoming dialogue between the ICANN Board and the GNSO council. And just as a reminder, the standing committee's role was to closely review the metrics coming out of the RDRS system, observe trends, and possible improvements that might be made to the RDRS.

They were also making a recommendation as a result of that kind of input on a recommendation to Council on how we might approach the dialogue with the Board and what the sort of recommended steps for the SSAD recommendations might be. We have a few slides just to try to assist councilors in understanding the background a little bit more and the recommendations. So, I think I need the next slide.

Yes. So, just a reminder that the standing committee's recommendation relating to how to treat the previous PDP recommendations on the SSAD system, that's Recommendation 5 from the Standing Committee findings report. And specifically, after they considered the various options, the Standing Committee is recommending that we trigger what we are calling the supplemental recommendation process.

So, again, as a reminder, this is similar to the path that we took where the ICANN Board were indicated to Council that they were minded to not adopt some of the SubPro recommendations. The

Standing Committee is basically recommending that Council encouraged the Board to use this similar approach and consider not adopting the 18 recommendations that deal with the SSAD from that came out of the previous EPDP work.

And that triggers then a process that would allow Council to modify those SSAD recommendations. It's that supplemental recommendation process. And I think it's worth noting that the Standing Committee did discuss sort of the next steps and how this is best treated at length. And they recommended this path because there's an overarching goal to achieve a functional policy that accounts for the knowledge and lessons learned from the pilot of the RDRS.

The original EPDP team had noted that it was important to treat the SSAD recommendations as a package because there was kind of considerable compromise and balance and so on that went into getting to consensus on those recommendations. And so, the Standing Committee's final findings report and the previous Operational Design Assessment that was done some time ago now, do give a rationale for the Board for non adoption.

And then I think it is also worth just remembering that although that this non adoption path is the one that's being proposed or recommended by the Standing Committee in order to have this supplemental recommendation process, Standing Committee did also do a really detailed exercise, which they capture in their findings report of going through the 18 recommendations on the SSAD and that they pointed out that they felt that the majority of them, so 18 out, sorry, 11 out of the 18 require only small updates.

And also that obviously some of the other seven do require more substantial updates by definition. And that those requiring more substantial update, the idea would be to bring in a system that is less costly and complex and generally more user friendly. That is the intent, and we are all aware of the complexity and the potential cost of building the full SSAD that was had previously been recommended. So, I think in terms of the idea of this the concept of rejecting them all, although the Standing Committee, in its report and in its table, it talks about keeping six of the 18 recommendations and modifying 12.

I think in one of those, I was using 11 and 18 before, but I think 12, they identify some modifications. But even with the six where they're marked in the Standing Committee's table as keeping, they do also identify some small enhancements to be added to the recommendations. And so, although they're designated as keep, they are also sort of designated as there being a low level of effort, but some small amendments could be beneficial and helpful.

And so, the path that was suggested was that it's not particularly helpful to have the Board only non adopt some of them and not others of them because in fact some beneficial change could be made to all of them in order to make this hang together properly.

And yeah, I think it's also worth just a reminder that because of the nature of the system that's being proposed and so on, even if one kept the ones that are designated as keep and left them with the Board, the Board would not be in a position to actually kind of accept them and move them onto implementation because all of

these recommendations were about building a system, and they do all kind of basically -- they are all intertwined.

So, thought it would also be just really quickly helpful to explain what non adoption means. I know some are very familiar with this process, particularly those of us who engaged in the SubPro exercise. But for others, if you didn't engage in that process or if you are newer to Council, you may not be.

So, this is a process that's contained in Annex A, it's section nine of Annex A of the ICANN bylaws. And that deals with what happens if the board has concerns about GNSO policy recommendations specifically that it considers that they are not in the best interest of ICANN and is minded not to accept them or not to adopt them. A process is triggered under this is Section 9 procedure whereby the Board has an obligation to explain its reasons for discomfort in a written statement to the Council.

There is then an opportunity for a dialogue between the Board and Council. And we did this very extensively on the SubPro recommendations. And then following the dialogue, Council has an opportunity then to discuss itself and put together, for example, in the case of SubPro, we put together what we call the small team plus to basically work on seeking to develop what's called Supplemental Recommendations, which is changes that can be made to seek to address the concerns of the Board, but keep as close as sort of feasible to the original intent, if you like.

And then at that point when, once those supplemental recommendations have been developed, they would come back to the Council for a vote and then go off again to the Board for the

Board to vote. So, although, yes, that process, as I say, it worked very well on the SubPro recommendations. We had a tremendous amount of engagement from the Board leads on this.

The Section 9 process sort of suggests you might have a single dialogue and then off Council goes. In fact, how this worked in practice in relation to SubPro, it was a much more engaged and iterative process, and as I say, all felt that it actually worked really well.

And my anticipation would be that we do something similar here if this is the path that we go down. And then finally just to reflect on what's meant by non adoption and what the intent would be, there's been some concern behind the scenes that the optics of the Board non adopting the recommendations could be poor for the wider community.

But just, this is the process set out in the bylaws that then triggers a dialogue and an opportunity for modification. It is not throwing the recommendations in the bin or undoing years of community work and re-litigating care for compromises, and in this particular case, it shouldn't be viewed as a signal that the Board isn't planning to have a system or that there'll be nothing taken forward.

It really is an opportunity for us to kick off this process to kind of align what our policy recommendations are with what's perhaps a sort of a slightly less complex and costly system than the one the original PDP had come up with. So, at this point, I've again talked for much too long, but I will pause and see if there are any concerns or anyone wants to sort of discuss this further. As I say,

this is definitely an opportunity to have people express thoughts on this notion that we might trigger this process and be discussing with the Board the possibility of non adopting all of them.

And just again, to remind us that we will talk a bit more at the SPS and hopefully we'll be able to talk to Greg and Chris Buckridge about this and get a sense of where the Board is thinking and so on and have a more informal dialogue on where we're going next. Okay. I am going to pause and just see if there's anyone who wants to raise anything. Farzaneh.

FARZANEH BADIEI: Thank you, Susan. I don't know, like if process wise what I'm saying is accurate, but the RDRS, like the pilot was approved for another two years, I think. And I'm just thinking why not use the standing committee as they are, not to make policy or anything like that, but to kind of gather information through standing committee the next six months or a year, and then do this small team plus to kind of like shape the supplemental, do we call it policy, supplemental...

SUSAN PAYNE: Supplemental recommendations.

FARZANEH BADIEI: Recommendations, yes, of course.

SUSAN PAYNE: But I mean, effectively, it is changing the PDP recommendations.

FARZANEH BADIEI: So, in a way it's kind of like a mini PDPs in it. And this small team plus, is it like a part of the Council, and then the other community members can join?

SUSAN PAYNE: Sorry. Thanks. So, again, I think exactly how we structure this, I guess is for us to decide. As I say, this isn't sort of formally set out that one must convene a small team plus. That is what we did on SubPro where for a certain amount of the discussions we had a council small team, and then there was a feeling that when we were getting to a certain point in the development of the supplemental recommendations, that it was appropriate to allow some additional representation from the community that maybe wasn't councilors.

And so, again, this isn't set in stone, but that was the kind of process that we did when we looked at supplemental recommendations for SubPro and I think had good engagement and worked well. Anne.

ANNE AIKMAN-SCALESE: Thanks so much, Susan. And yeah, I agree that the approach taken with respect to SubPro to resolve issues with the Board, it was pretty effective. And we were able to also use some clarifying statements. I know that in the RDRS report, the recommendations, a lot of them say modify, and so, I think it's quite useful for a small team plus to talk about how those recommendations should be modified essentially and get

agreement with the Board before we move into the formal non adoption process.

And one of the tools that we use as well in connection with SubPro was a clarifying statement. I don't know, I think each constituency and stakeholder group has to look at where they think they would want to go with each of these recommendations and that that would be the task for analysis by the small team in terms of a small team assignment. But I agree with you that it's best at the SPS to have a discussion with our GNSO Council board members about what direction we take this before we stand up a small team plus. I think that's what you're saying. Is that correct?

SUSAN PAYNE:

I think that's what I'm saying too. Yes. Again, I note that we did use clarifying statements in some respects in relation to the SubPro recommendations, but they were recommendations that were within the Board's sort of pot of recommendations that they were considering non adopting.

And that's where I say this was a very iterative process, and I would see this as the same thing where we had batches of recommendations in that case where the Board identified the ones that they had concerns about, and then we kind of worked through them. And some of them could be the Board concerns fell away after dialogue. Some of them, a clarifying statement dealt with the issue. Some of them, it required a bit more work.

In terms of that, let's have the Standing Committee do an analysis and make suggestions, as Sam is noting, that is what they have done. They've done a really detailed piece of work. If you go to that table at the back, it's a really detailed, where they've gone through each of the SSAD recommendations and flagged sort of issues for consideration and kind of what the Standing Committee thought was a reasonable path forward.

So, I think we already are in a very good place with that. Okay. I'm not seeing any further hands. I'll just pause and see if there's anything more. Otherwise I think conscious of the time and we'll have as I say, some more time next week to talk further on this. Okay. I think for now then I'm going to move on to our next agenda item and we'll have an update on the cross-community group on Review of Reviews which Sophie Hey is going to give us. Sophie is one of the two GNSO representatives to the CCG, the other being Osvaldo who unfortunately had to send apologies for this meeting. So, we just have the benefit of Sophie to give us an update.

SOPHIE HEY:

Thanks for that. Thank you all for having me. So, Sophie. Sorry you don't get to have Osvaldo as well and you're stuck with just me for this. Okay. So, I also hope that you've been finding the written updates that Osvaldo and I've been sending useful on this. So, okay. Next slide, please. Okay, so I'll go through this within a bridge version of what the effort is just to make sure people are aware. So, as you know, rely on different mechanisms to hold ICANN accountable and reviews are one of those mechanisms.

When we went through the IANA transition, reviews came with us. They were listed wholesale from the form of model, but not adjusted to the different governance mechanisms that ICANN has now post transition. And so, the Review of Reviews Cross Community Group has been tasked with reviewing and reformulating the reviews program for ICANN accountability.

I'm hoping you might recognize this slide from ICANN85 which sets out the different phases of work of the Review of Reviews CCG. So, phase one was the fact finding phase, so you might remember that, and I'm hoping you remember that we presented a draft statement of purpose for what function reviews have when we were in Dublin for ICANN84.

And since then, we've moved into phase two. So, phase two is when we're trying to pull together some proposals for what the review program might look like moving forward with the goal being to have an initial design for discussion and input at ICANN85. As you can see, the phases three and four, hoping to then take that feedback that we've received at ICANN85, have a draft report for ICANN86m and then fingers crossed, in August this year, we hope we've already finished our work on [01:38:33 - inaudible]. Okay, so next slide please.

Okay, so where are we at now in terms of what we're discussing? So as I said, we're in phase two which is the design and proposal phase. As it is now, we're considering five main buckets of reviews as we're calling them. And we're trying to pull out key principles relating to cadence thresholds for initiating reviews and what the outputs of reviews might look like. So, I'll go through these buckets now.

So, I'll start with buckets B and C. So bucket B being Continuous Improvement Program Review and bucket C being Structural Review. So, we've been discussing these the last couple of weeks since we've come back after the holiday period. So, pulling out these key things and we've got some principles that we've started reviewing on the call, well, for me it was two days ago, but for some people it might be one day ago.

And so, we're starting to synthesize that about what it might look like so then we can try and build that out beyond the principles. Bucket D is at the moment at the high level that's sort of considered to be a potential for a standing or ongoing Review of Reviews for the program. That still look very much on our agenda to be discussed in future meetings.

Bucket E being then being an ad hoc review for issues that we haven't otherwise covered in the reviews program. So, if something comes up that needs a review, then that's what bucket E would be for, to have that mechanism. My personal suspicion, and please don't hold me to this, is that bucket E will end up absorbing bucket D. Which brings me back now to bucket A.

So, the current vision for this is some kind of it's a version of an accountability and transparency review. We've had a subgroup of the CCG, so there's been four of us, myself included, exploring whether the strategic plan and annual report could be based documents for this review. And we are due to be providing our findings and initial reactions to that to the CCG next week. It's been a very productive group. I found that subgroup saying yes, we do think it's possible.

But again, in the same way we've got the other questions for the bucket B through E of cadence timing threshold, what the outputs would be, but the discussions that are also going to be to happen with the full group, our mandate in the subgroup was to just sort of stress test whether it was possible. Okay. So, next slide, please.

So, this is where I beg you all again as I've tried to do in ICANN84 to provide input to us as a group. So, I've put the email at the bottom of the slide here, inputonreviews@icann.org. In addition to that, you are also welcome to sign up as an observer, and in fact, they encourage you to particularly if you have a strong interest. There's a very flexible policy on how observers can engage with the group.

So, for instance, during the CCG call meetings, they can put their hands up and chime in on discussions priority and the queue does go to members. So again, you've got options for how to share your opinions on things, and it doesn't have to be the opinion on absolutely everything. So, I've put some suggestions on the slide as well for what you might want to be providing input on.

So, what should be subject to review as part of this program and why. What shouldn't be subject to review, if you're listening or see the work of the group, and go, ooh, the CCG is missing something here, so you've got some gaps, tell us please. If you have thoughts on what the purpose of the reviews program as a whole should be, please tell us what you think that should be.

We're not in terms of feedback right now because we are in this design phase for something that we're going to hopefully be presenting at ICANN85. My emphasis would be the sooner you

can provide your input, the better that draft proposal that we put forward in Mumbai is going to be. So, for instance, for the Continuous Improvement Program Review, if SCCI wanted to say, actually, this is the kind of input that would be helpful from a review team for us, this is the kind of recommendations that would be helpful and relevant to our work. Yes, please tell us. That would be fantastic.

I apologize, Manju, for giving you more work to do in SCCI. And as I say, you don't need to do this, there's a couple of different options. You can contribute your input individually or as an SG or C, so your constituents or stakeholder group might have a small group that goes, okay, we've seen this rough proposal and we want to send this in to share our thoughts on it ahead of the call next week, for instance.

Or it might be that you as an individual go, yeah, I'm not gonna try and hide cat. For this opinion, I'm just going to send something off to the mailing list. So, I definitely do encourage that. Okay, next slide please. Questions. Ah, perfect. Anne.

ANNE AIKMAN-SCALESE: Thanks so much, Sophie, and also for your active role here. I am only an observer in and out occasionally on this group. Could we go back to the current discussions slide? A couple questions on that. So, first of all, with respect to whether the strategic plan would have a role in a review, in other words reviewing against, I guess goals in the strategic plan, I know that the small group's been working on this.

One of my questions about it that perhaps you've considered already is the fact that the strategic plan for example, if you look at 2027 to 2031, contains some over 30 strategic initiatives, and with over 30 strategic initiatives to be accomplished over a five-year period of a time, then reviewing accomplishments in relation to the strategic plan poses a bit of a logistics type issue. Because those strategic initiatives are not precisely calendared.

Some are in progress, some are to be scheduled, and they go over a period of five years. And I wonder if the small group has talked about that issue and any of the difficulties associated with establishing a review that's in accordance with strategic plan.

SOPHIE HEY:

Okay. So to answer your question very briefly, yes, we have considered it. Now to go into a bit more detail on that. So, we did look at the strategic plan, and one of the first tasks in this subgroup that we undertook was to try and triangulate the strategic plan, operating plan, and annual report. So, that was sort of our first step. The second point that I'll add onto this is, sorry, lost my words there for a second.

What we wanted to do was actually go through and go, okay, at what level would this review be taking place? And one of the principles that was pulled out is this would not be a line-by-line review of exactly what ICANN has done and how it is, sorry, of exactly what ICANN has done.

So, we have to recognize that the function of the Board is to make sure that Org has fulfilled so, or delegates, the CEO to actually

fulfill this. And so the role of the community is, are we happy with how this work has been done, has there been appropriate consultation and engagement from the community for these strategic initiatives?

But not to the extent where we'd be going back and going, well, actually, is the right things to be doing? It's more about the how, because again, looking at the overall planning cycle for the strategic plan and seeing the community involvement in that it's not about re questioning the substance of it, it's about, have we actually followed through and done this in an accountable and transparent manner? Does that help in terms of logistics?

So, we're not going through and redoing the work and doing a line by line. We're looking more at the how. Now, obviously there's more details to come and that's gonna be discussed in the full CCG, but logistically, yes, we have considered that.

ANNE AIKMAN-SCALESE: Okay, thanks. And I'll note that the beginning of these meeting, some folks who are actual members expressed some concern that the strategic plan is a document that's developed more or less top down, and I think Org has communicated that they wouldn't actually be planning to change how that strategic plan is developed. And I just wondered in the small group, have there been discussions about whether the way that strategic plan is developed would need to be affected in any way by the new review mechanism.

SOPHIE HEY:

So, the approach to the strategic planning cycle is something that has been discussed and the need for having more community buy-in for the strategic plan has also been discussed as an element of this. So, those calls are all recorded, so you can go back and listen to them if you feel so inclined.

But yes, it has been acknowledged that making sure, because again, at the moment, I think for the most part, I don't think I'm speaking out of line here, we've got a very engaged group, but I don't think anyone goes, yeah, that's it, I want to go and engage in the strategic planning and provide my input. It's something that generally doesn't get the most attention. It does feel like quite a dense project for people to take on.

And so, recognizing that there will need to be some changes and tweaks to encourage people to actually realize that full cycle and their opportunities to engage and input into what the strategic planning looks like and what those strategic goals are the five-year cycle.

ANNE AIKMAN-SCALESE: Okay, thanks. I do have a question about the next bucket, but I wanted to see if someone else wants to speak first. But I'll try to be quick. Continuous Improvement Program, as we all know, is essentially a substitute for organizational reviews, right? And there was a lot of discussion about what would actually be reviewed when the Continuous Improvement Program is reviewed.

And the comment that I had there was that I think that the folks who talked about the fact that the process that's followed by the particular organization, the SO or AC is a good topic to be reviewed. And we know there will be public comment on any of these processes that are pursued by SOs and ACs, but that actually, when it comes to individual SO and AC recommendations after they've gone through continuous improvement, that probably we shouldn't really be trying to override the organization's own determinations about its recommendations for internal improvement.

And I think the reason I raise it, I think it's a very important distinction between a review of the process that that SO or AC has adopted for continuous improvement versus a review of whether or not we like their recommendations, their internal recommendations.

SOPHIE HEY:

Yeah. Conscious of time, so again, this is something that we discussed on the call this week and in terms of what would be in scope for that kind of review and we're directed to buy to maybe say what would and would not be helpful. So, where we're landing at the moment on the continuous improvement is it would be the review would be on the process itself, the continuous improvement, and not attempting to substitute the decision of the SOs and ACs.

The point would be that there's some kind of accountability of the different groups to actually go, yeah, okay, well, [01:53:01 - inaudible] your thoughts for how we should do this process, and

we considered it, but here's our rationale for why, why not? We decided to take the feedback from this moving forward. Yeah.

ANNE AIKMAN-SCALESE: Okay. Many thanks.

SOPHIE HEY: No problem. I think that's it. I will just say one last plug. If you want me to come into your groups and talk about this in more detail, whether you have a small dedicated group in your SGOC following this, or if it's just you as an individual or you want me to come into your stakeholder group or regular, anything, to speak on this, please don't be shy in reaching out. You are very welcome to reach out to me and ask for this input. Again, I'm volunteering Osvaldo as well, but you're very welcome to reach out, and thank you very much for your time.

SUSAN PAYNE: Thank you so much. Thanks, Sophie. That was really useful. I think we all found that sort of productive to get that kind of update. So, thank you very much. And again, just reiterating Sophie's plug, I think if your group hasn't been thinking about this in the terms that she had in that lengthy slide about the input, please do think about whether you want to provide that kind of input on what should or shouldn't be covered in reviews.

Okay. We have just about four minutes left, so we're a tiny bit behind. Latin Diacritics PDP liaison, I'll just quickly say we already covered it at the beginning. Thanks again to Christian. That's

super that he has stepped up to take this over. And I will now hand to Terri, I think for a couple of other items on our AOB.

TERRI AGNEW:

Thank you so much, Susan. I'm going to talk fast, I'm sorry in advance. Update to the ICANN85 planning, here is the draft schedule. I'll drop it here in the link or in the Zoom. I'll drop the link here in the Zoom for you. That is being shown on screen. Thank you very much. The ICANN85 Community Forum is in Mumbai, India, the 7th through 12th of March, 2026. All sessions will be conducted during regular working hours in Mumbai, so that's India Standard Time known as IST.

The prep week will be conducted on the 23rd, 24th, and 25th of February, 2026. Funded travelers were sent a registration link from ICANN Travel. Please, I beg you, make sure you have registered. If in doubt, go back to your travel email, click the registration link, and you can crosscheck that you are registered. Non-funded travelers, please make sure you have also registered.

You can go to the meeting page link, which I have dropped in Zoom chat and you can register there. In-person attendance registration remains open until the 6th of March. There is no onsite registration, so please register. That's my big push right now. GNSO's schedule has come together nicely. You can see it on the screen. We've worked closely with other groups to help lower conflicts. There will be conflicts.

We do apologize. We do do our best, but as you know, only so many hours in a day and everybody wants to meet, so there you

go. We are still adjusting a couple meetings, so there might be some slight changes by the end of this week. Yet to be determined. The GNSO Council, on Sunday, March 8th, you have a full day. We have three working sessions and also sandwiched in between there, the joint GAC and GNSO meeting.

The GNSO Council INFERMAL call will take place Monday afternoon. Reminder, this is a closed meeting for GNSO Council and SGC chairs. On Wednesday the 11th of March, we have the joint ICANN Board and GNSO Council, followed by our GNSO Council meeting. And Thursday we'll have our GNSO Council wrap up at 1500. The GNSO Council dinner is being planned by Vivek, and more information, including which evening it will take place, will be shared shortly.

That's my brief overview on ICANN85. I have a minute. I can do it. Okay, final SPS reminders. We're looking forward to seeing all of you next week. There's a couple that won't be able to join, but you'll be online for our SPS next week. This is a two-day meeting on the 20 and 21st of January, 2026. Hotel confirmations have gone out. If you don't see yours, please reach out.

The agenda and reading list email has been sent with loads of other helpful information. It was sent on the 13th of January to the SPS mailing list. Please look at that email in advance. It's super helpful. Monday, the 19th of January, the evening is our welcome reception for those who have arrived. And the Council activity will take place on Tuesday the 20th in the evening. And following the Council activity, we will have our dinner.

And then those that have expressed interest, after the dinner, we'll stay for the Music Palace tour. Big, big, big shout out to Nacho. He has done a lot of heavy lifting for this meeting for us to be held in his hometown of Barcelona. So, thank you. Everything is coming together nicely. The space, the tech support, the catering, the events, everything. There you go. Right on time. Susan, back to you to close us out.

SUSAN PAYNE: Terri, that was amazing. Well done. Okay, everyone, we are at time. And then I think that's it. It's just time to wrap up. Looking forward to seeing as many of you as possible next Monday. Final plug to remember to read the tool in order to win the quiz. Okay, I'm about to start coughing. Apologies. We can end the call. And thank you, everyone.

TERRI AGNEW: Thank you everyone for joining the meeting has been adjourned. Take care. Happy travels, and we'll see everybody soon. Bye.

[END OF TRANSCRIPTION]