

# ICANN63 Middle East Online Readout Session

Monday 10 December 2018



# Agenda

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- ◉ **Welcome Note** | Baher Esmat [2 minutes]
- ◉ **Update on GNSO**
  - ❖ **gTLD Registration Data EPDP** | Rafik Dammak, Hadia Elminiawi [4 minutes]
  - ❖ **Subsequent Procedures** | Rafik Dammak [4 minutes]
  - ❖ **Other GNSO PDPs** | Rafik Dammak [4 minutes]
- ◉ **Cross-Community Working Group on Auction Proceeds** | Hadia Elminiawi [4 minutes]
- ◉ **Update on ALAC/At-Large** | Tijani Ben Jemaa [8 minutes]
- ◉ **Update on NomCom** | Nadira Alaraj [4 minutes]
- ◉ **Open Floor** | All [20 minutes]
- ◉ **Closing Remarks** | Baher Esmat [2 minutes]

# Update on GNSO - gTLD Registration Data EPDP

# Agenda

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1

Barcelona Meeting &  
Background

2

Initial Report  
Overview

3

Preliminary  
Recommendations


4

Questions for Input


5


Q&A

# What is the mission and scope?



Initiated by GNSO,  
triggered by ICANN  
Board's adoption of  
Temporary Specification

- 
- To confirm, or not, the Temp Spec as Consensus Policy by 25 May 2019
  - Develop Policy Recs and answer 52 Charter Questions



Discuss a standardized access model to nonpublic registration data

- Only after the “gating questions” specified in the [EPDP Team's Charter](#) are addressed and non objection from GNSO Council



Only covers topics in the  
Temp Spec

# EPDP activities in Barcelona (1/2)

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- The EPDP Team met four times during ICANN63, including a full-day meeting in Saturday.
- The primary goal of the meetings was to finalize the EPDP Team's recommendations for its Initial Report. In working through its [charter questions](#). The EPDP Team continued to discuss purposes for processing registration data, related processing activities, lawful bases of processing activities.  
The topics were also: Legal vs. Natural; Geographic Basis, Redacted Data etc.
- Meetings were partly supported by professional facilitation to help the team.


## EPDP activities in Barcelona (2/2)

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- The EPDP Team organized a [High Interest Topic Session](#) , during which representatives from the EPDP Team presented an overview of the EPDP Team's composition, scope, progress, working methodology such data elements workbooks, and expected next steps in relation to the publication of its Initial Report
- Expanded update was shared with GNSO Council during the GNSO Council Public meeting where councillors gave guidance regarding using legal counsel by EPDP team and continuing to use professional facilitation for deliberations.









# EPDP Team Composition

**Chair**




1 Chair


**GNSO**

| <u>RySG</u>   | <u>RrSG</u>   | <u>CSG</u>  | <u>NCSG</u>   |
|---|---|---|---|
| <br>3 Members    | <br>3 Members    | <br>6 Members    | <br>6 Members    |
| <br>3 Alternates | <br>3 Alternates | <br>3 Alternates | <br>3 Alternates |
|   |   | 2 members + 1 alternate<br>per constituency   |   |

**ALAC**




2 Members




2 Alternates

**SSAC**




2 Members




2 Alternates

**GAC**




3 Members




3 Alternates


**Liaisons**



2 ICANN Staff Liaisons  
(Legal & GDD)



2 ICANN Board Liaisons



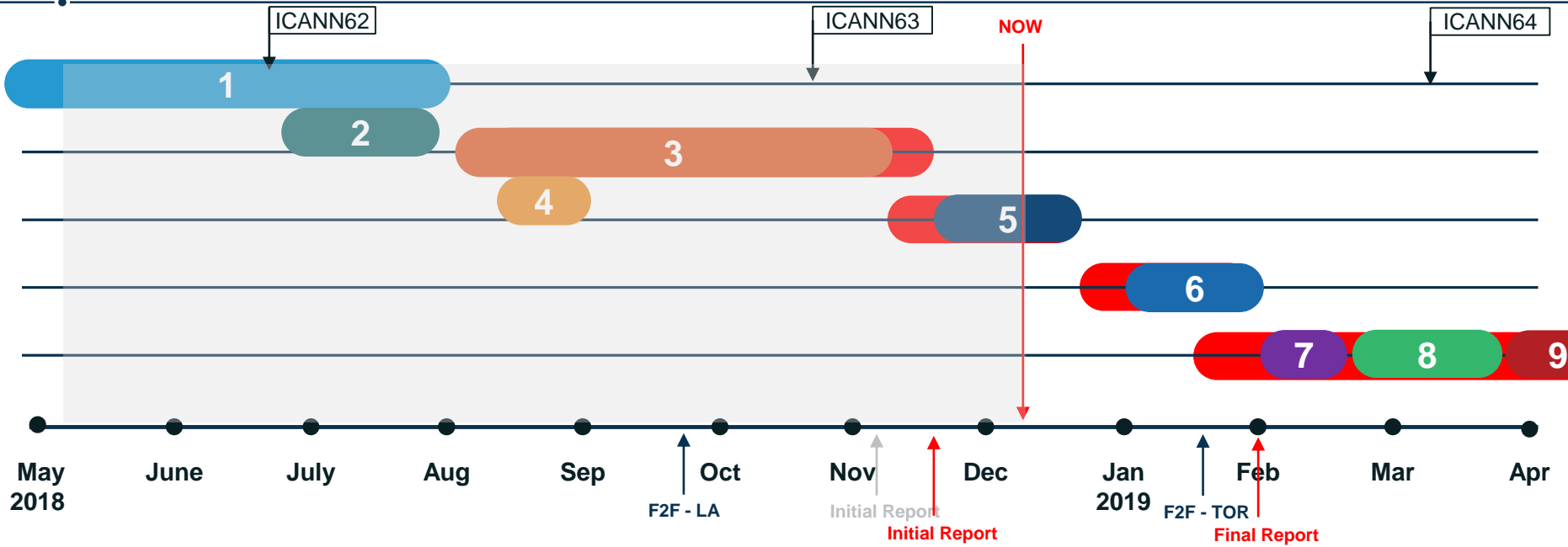
1 GNSO  
Council Liaison



# EPDP Team



# EPDP Timeline



**1** Prep work, incl. EPDP Initiation Request & Charter adoption

**2** Formation of EPDP Team

**3** EPDP Team Deliberation & Publication of Initial Report<sup>(1)</sup>

**4** Input from SO/ACs & SG/Cs

**5** Public Comment on Initial Report

**6** Review of Public Comment & Submission of Final Report

**7** Council consideration of Final Report

**8** Public Comment prior to Board consideration<sup>(2)</sup>

**9** Board consideration

**55** Days to Final Report

**167** Days to Temp Spec Expiration

(1) Access Model deliberations will begin after gating questions have been completed & will be added to the timeline then.  
 (2) Exploring option for alternative method for community input while satisfying Bylaws requirement, await response.

# Towards an Initial Report

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EPDP Team held 29 fully-attended, multi-hour meetings in the 13 weeks available to it and also held 45+ hours of face-to-face meetings in Barcelona (at the ICANN meeting) and in Los Angeles.

- Review of Temporary Specification (Triage Report)
- Review and response to each Charter Question, collectively but also with the assistance of small teams to address specific issues
- Documenting purposes, each data processing activity, lawful basis, data elements and responsible parties (data elements workbooks)
- Prioritizing work to ensure critical issues are addressed for Temporary Specification expiration
- Initial report published the 21st November, [Public Comment](#) ongoing using google form to collect structured input . Each recommendation can be commented. There are also questions for community input to give guidance to EPDP team, including the gating questions.

# Initial Report - Structure

1

Executive Summary

2

Overview of  
Preliminary  
Recommendations

3

EPDP Team Approach

4

EPDP Team  
Responses to charter  
questions & Preliminary  
Recommendations

5

Next Steps

Glossary

Annex  
A, B  
and C

Background,  
membership &  
attendance, early input

Annex  
D

Data Elements  
Workbooks

# Preliminary Recommendations

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- 22 Preliminary Recommendations - no formal consensus call taken yet (consensus call will be made for the final report)
- Differing views are noted with the Initial Report, when applicable.
- Address issues such as, what is / are the:
  - Purposes for processing gTLD Registration Data
  - Data elements required to be processed (e.g., collected, transferred from registrar to registry, provided to data escrow providers, provided to ICANN Compliance)
  - Redaction of data elements that contain or could be considered personal data
  - Data retention period
  - Meaning of “Reasonable Access”
  - Lawful bases (as described by GDPR) for processing registration data
  - Responsible parties (i.e., Joint Data Controllers, Data Controllers, Data Processors)
  - Effect of GDPR on existing Consensus Policies / Procedures (e.g., URS, UDRP, Transfer Policy)

# Topics expected to be further considered

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- Appropriateness of a Controller vs. Joint-Controller agreement between ICANN and contracted parties (Prelim. Rec #13)
- If/how to distinguish registrants as legal or natural persons (Q7)
- If/how to differentiate registrants on a geographic basis (Q7)
- Lawful basis for processing data (6(1)b vs 6(1)f) (Prelim. Rec #14)
- Impact on preliminary recommendations on existing policies such as Thick WHOIS
- For data elements that are optional (i.e., Tech contact), should it be optional for a registrar to offer that contact field? (Prelim. Rec #4)
- Data redaction: should the Organization field be redacted (Prelim. Rec # 8 / Q5)
- Should a separate “purpose” be provided for DNS security and stability research? (Q1)

# Questions for Community Input

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- Report also includes 11 questions for Community Input – EPDP Team is looking for focused, well-reasoned input that will facilitate finalization of the report, responses to charter questions and recommendations.
- The EPDP Team is interested in your reasoning and rationale - not just your position. Important to demonstrate GDPR Compliance when changes are proposed.
- Initial Report also includes a number of issues on which no agreement has been reached).
- Specific issues requiring clarification and/or confirmation may be communicated to the European Data Protection Board (EDPB) for feedback to help inform deliberations. This is under discussion within EPDP team.

# Next Steps

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- Continuing deliberations on outstanding items to reach agreement.
- Waiting for the end of public comment period to review the received input and review the recommendations.
- 3rd Face to Face meeting in Toronto.
- Deliver final report in 1st February to GNSO Council for approval.
- By ICANN64 in Kobe, EPDP team should start for the phase 2

You can get regular update from EPDP by subscribing to the Weekly Update or checking [here](#).



# Questions for Community Input

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1. Are these purposes sufficiently specific and, if not, how do you propose to modify them? Please provide a rationale, keeping in mind compliance with GDPR. Should any purposes be added? If so, please identify the proposed additional purposes and provide a rationale for including them, keeping in mind compliance with GDPR.
2. Are the data elements recommended as required for registrar collection necessary for the purposes identified? If not, why not? Are any data elements missing that are necessary to achieve the purposes identified? If so, please provide the missing data element(s) and a rationale, keeping in mind compliance with the GDPR.
3. Are there other data elements that are required to be transferred between registrars and registries / escrow providers that are necessary to achieve the purposes identified? If so, please provide the relevant rationale, keeping in mind compliance with the GDPR.
4. Are there other data elements that are required to be transferred between registrars and registries / ICANN Compliance that are necessary to achieve the purposes identified? If so, please identify those data elements and provide the relevant rationale, keeping in mind compliance with the GDPR. Are there identified data elements that are not required to be transferred between registrars and registries / ICANN Compliance and are not necessary to achieve the purposes identified? If so, please identify those data elements and explain.

# Questions for Community Input

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5. Should the EPDP Team consider any changes in the redaction of data elements? If so, please identify those changes and provide the relevant rationale, keeping in mind compliance with the GDPR.
  
6. Should the EPDP Team consider any changes to the recommended data retention periods? If so, please identify those changes and provide the relevant rationale, keeping in mind compliance with the GDPR. Do you believe the justification for retaining data beyond the term of the domain name registration is sufficient? Why or why not? Please provide a rationale for your answer.
  
7. What other factors should the EPDP team consider about whether Contracted Parties should be permitted or required to differentiate between registrants on a geographic basis? Between natural and legal persons? Are there any other risks associated with differentiation of registrant status (as natural or legal person) or geographic location? If so, please identify those factors and/or risks and how they would affect possible recommendations, keeping in mind compliance with the GDPR. Should the community explore whether procedures would be feasible to accurately distinguish on a global scale whether registrants/contracted parties fall within jurisdiction of the GDPR or other data protection laws? Can the community point to existing examples of where such a differentiation is already made and could it apply at a global scale for purposes of registration data?

# Questions for Community Input

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8. Should the EPDP Team consider any changes to its recommendations in relation to “reasonable access”? If so, please identify the proposed changes and please provide the relevant rationale, keeping in mind compliance with the GDPR.
9. Should the EPDP Team consider any changes to the responsibility designations and/or identified lawful bases? If so, please identify the proposed change(s) and provide the relevant rationale, keeping in mind compliance with the GDPR.
10. Are there any changes that the EPDP Team should consider in relation to the URS and UDRP that have not already been identified? If so, please provide the relevant rationale, keeping in mind compliance with the GDPR.
11. Are there any changes that the EPDP Team should consider in relation to the Transfer Policy that have not already been identified? If so, please provide the relevant rationale, keeping in mind compliance with the GDPR.

# EPDP INITIAL REPORT - PUBLIC COMMENTS

HADIA ELMINIAWI  
12/10/2018



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# ISSUES ADDRESSED BY THE INITIAL REPORT

- Purposes for processing the registration data
- The required data processing activities
- Differentiating between registrants based on the geographic location or based on
  - whether they are legal or natural persons
- The roles and responsibilities of different parties and the contractual agreements
- Updates to other related consensus policies
- Any other comments that you would like to provide

# PUBLIC COMMENTS PERIOD

- The report was published for public comments on 21 November 2018
- Commenting period closes on 21 December 2018

THANK YOU - QUESTIONS?



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# Update on GNSO – Subsequent Procedures



# Background

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- GNSO recommendations from 2007 resulted in the Applicant Guidebook and the 2012 round of the New gTLD Program.
- The New gTLD Subsequent Procedures PDP (“SubPro”) is focused on considering the 2012 round policy and **determining what changes might need to be made to the original GNSO recommendations from 2007.**
- The PDP was **chartered** and began its work in early **2016**
  - Charter available here: <https://gns0.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf>
- The PDP has over 40 separate topics identified in its charter and broke into Work Tracks (1-4) to tackle work.

# Working Group Structure

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## Overall WG Co-Chars:

- Jeff Neuman (also Sub Group A)
- Cheryl Langdon-Orr (also Sub Group C)

## Sub Group Leads

- Robin Gross (Sub Group A), Christa Taylor (Sub Group B), Rubens Kuhl (Sub Group B), Michael Flemming (Sub Group C)

## Work Track 5 Co-Leads

- Annebeth Lange (ccNSO), Javier Rua-Jovet (ALAC), Martin Sutton (GNSO), Olga Cavalli (GAC),

# Current Status

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- An Initial Report was published for public comment on 3 July 2018, with the period closing on 26 September.
- Comments received have been organized and collated for review by a set of three new Sub Groups (A, B, and C). These Sub Groups have been convened and are now reviewing comments, each meeting on a weekly basis.
- The WG also worked on a set of 5 topics that needed additional discussion, which were published for public comment in the form of a Supplemental Initial Report on 30 October 2018, with a close date of 12 December.
  - Report will document deliberations on 5 topics and preliminary recommendations, potential options, and questions.
  - Like the Initial Report, the WG did not conduct consensus calls on any preliminary recommendations in the Supplemental Report. After review of public comments received on this report, the Working Group will conduct a formal consensus call on all recommendations before the group integrates these topics into its Final Report.

# Current Status, cont.

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- Work Track 5 (WT5), dedicated to the singular topic of geographic names at the top-level, released its own Supplemental Issue Report on 5 December 2018, with a close date of 22 January 2019.
  - Like the Initial Report and Supplemental Issue Report, WT5 did not conduct consensus calls on any preliminary recommendations in the Supplemental Report. After review of public comments received on this report, the Working Group will conduct a formal consensus call on all recommendations before the group integrates these topics into its Final Report.

# ICANN63 Update

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The working groups had several sessions in Barcelona meeting

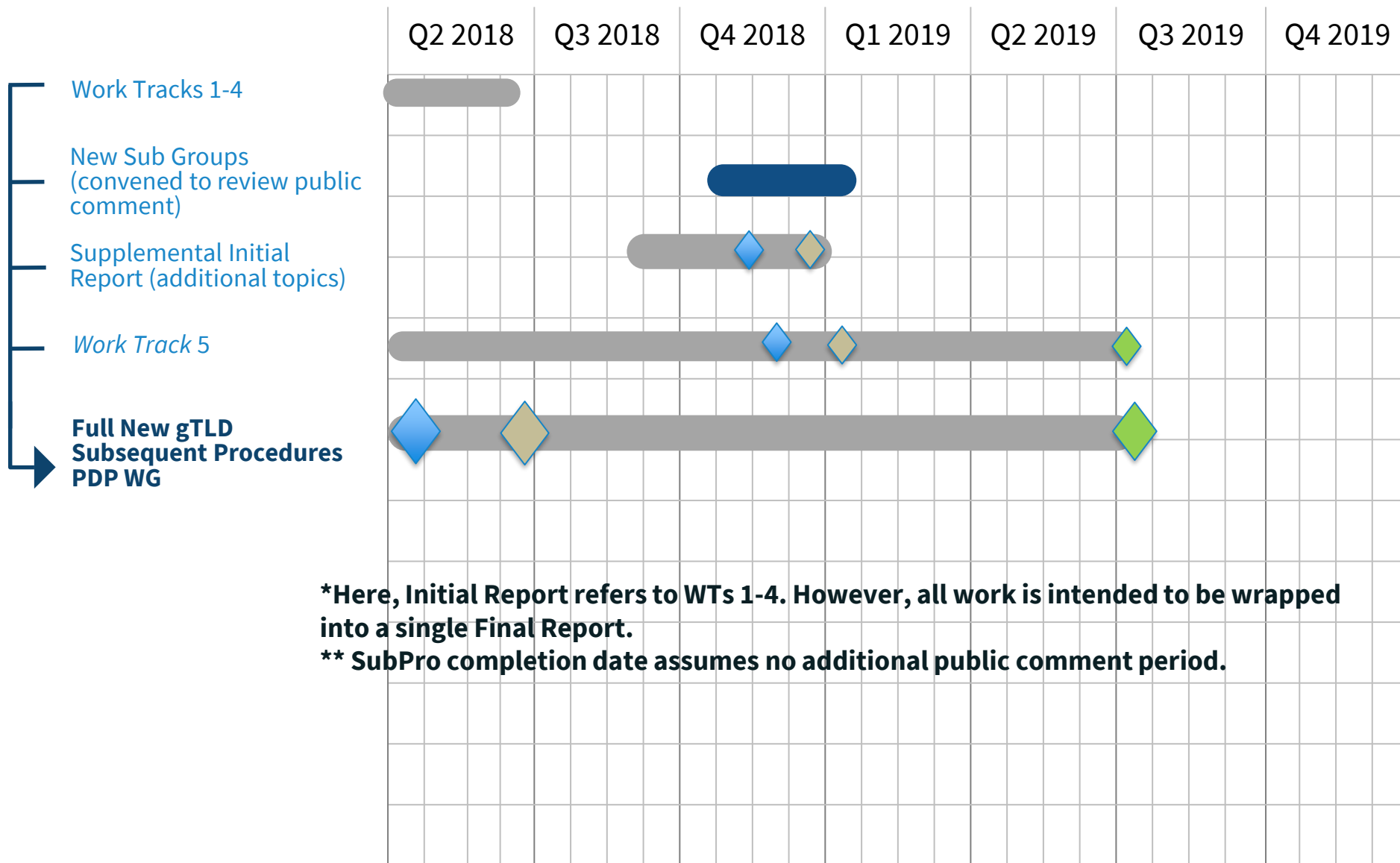
For Work Track 1 to 4:

- Considered outstanding items related to the supplemental Initial Report and came to agreement on a final version of the document for publication.
- Discussed steps that could be taken to streamline the eventual implementation of subsequent new gTLD procedures.
- Using breakouts, kicked off the three Sub Groups that will be responsible for considering public comments received on the Initial Report.

For Work Track 5

- Reviewed Work Track 5's status and next steps.
- Held discussions on specific topics selected by participants to solicit additional input from the broader community for the Work Track 5 Initial Report. Participants chose to discuss the future treatment of non-capital city names, as well as strings that were not included as geographic names in the 2012 Applicant Guidebook that some believe should have special rules in subsequent procedures.
- Considered recent Board resolutions that many believe are related to the topic of geographic names.

# SubPro Timeline



**\*Here, Initial Report refers to WTs 1-4. However, all work is intended to be wrapped into a single Final Report.**

**\*\* SubPro completion date assumes no additional public comment period.**

## KEY



Publish Initial Report



Close of Public Comments



Final Report Delivered to Council

## Updates on GNSO – Other Updates

# GNSO & Council Updates

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- Rights Protection Mechanisms Working Group had several sessions in Barcelona meeting. The WG continued its review of the Uniform Rapid Suspension (URS) dispute resolution procedure and started the effort for drafting the initial report.
- Termination of the Next-Generation gTLD Registration Directory Service (RDS) to replace WHOIS Policy Development Process Working Group (aka RDS WG). This decision was made in light of the uncertain status of GDPR-related work and the possible duplication of efforts e.g. EPDP.
- Discussion around IGO-INGO Access to Curative Rights Protection Mechanisms final report and recommendations.
- Approval of [PDP 3.0 recommendations](#) and initiating the effort to create an implementation plan to be overseen by the new GNSO council. PDP 3.0 is aimed to increase the effectiveness and efficiency of the GNSO PDP process
- New Council started after AGM and new GNSO Chair was elected



# Cross Community Working Group on Auction Proceeds

# AUCTION PROCEEDS INITIAL REPORT

HADIA ELMINIAWI  
12/10/2018



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# AGENDA

- What is this about?
- What does the report consider & What does the report not consider?
- Recommendations
- Areas addressed by the charter questions, responses and recommendations
- What is the required feedback?
- Questions?

# WHAT IS THIS ABOUT?

❑ The new gTLD Program established auctions as a mechanism of last resort to resolve

string contention

❑ About 90% of the string contention has been resolved before reaching auctions

❑ Auctions were conducted by using an ICANN authorized auction service provider

❑ These proceeds are considered an exceptional, one-time source of revenue

# WHAT DOES THE REPORT CONSIDER & WHAT DOES THE REPORT NOT CONSIDER?

- A series of guiding principles that the CCWG is expected to take into consideration
- Guidance for the implementation phase
- The scope of fund allocation
- Due diligence requirements that preserve ICANN's tax status
- How to deal with potential and or actual conflicts of interest
- The report will not consider the funding of specific organizations or projects

# RECOMMENDATIONS

## ☐ Recommendations #1 Possible mechanisms for the allocation of funds

A. Internal ICANN Department

B. Internal ICANN Department + External Organization

C. ICANN Foundation

The CCWG recommends A or B and welcomes comments on C

## ☐ Recommendation #2 Objectives of the fund allocation

# RECOMMENDATIONS

- ❑ Recommendations #3 The implementation of the selected fund allocation mechanism  
should include safeguards
- ❑ Recommendation #4 Robust conflict of interest provisions must be developed
- ❑ Recommendation #5 Asks if a recommendation could be made with regard to

ICANN org becoming a beneficiary of some of the auction proceeds

# RECOMMENDATIONS

Recommendation #6 Implementation of the mechanism should enable the

disbursement of the money in an effective way without focusing on preserving the

capital

Recommendation #7 Funding should be allocated in parts over period of years



# RECOMMENDATIONS

❑ Recommendation # 8 Funds are to be used to support capacity building and

underserved populations

❑ Recommendation#9 An internal review of the mechanism chosen should take place

at regular intervals

❑ Recommendation #10 A process should be in place to evaluate the program

# CHARTER QUESTIONS, RESPONSES AND RECOMMENDATIONS

The charter questions, responses and recommendations addressed 4 main areas

- The Selection of the Mechanism
- Safeguards and Governance
- Operations
- Review

# WHAT IS THE REQUIRED FEEDBACK?

- Comments on the recommendations and implementation guidance included in section 5 of the initial report
- The comments on the report ends tomorrow December 11

THANK YOU - QUESTIONS?



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## Update on ALAC/At-Large

# Update on NomCom

# 10 Open Leadership Positions to be filled by the 2019 NomCom

## Public Technical Identifiers (PTI)

**PTI Board of Directors**  
1 seat | 3 year term



## Internet Corporation of Assigned Names and Numbers (ICANN)

**ICANN Board of Directors**  
3 seats | 3 year term



**GNSO Council**  
2 seats | 2 year term



**At Large Advisory Committee**  
3 seats | 2 year term

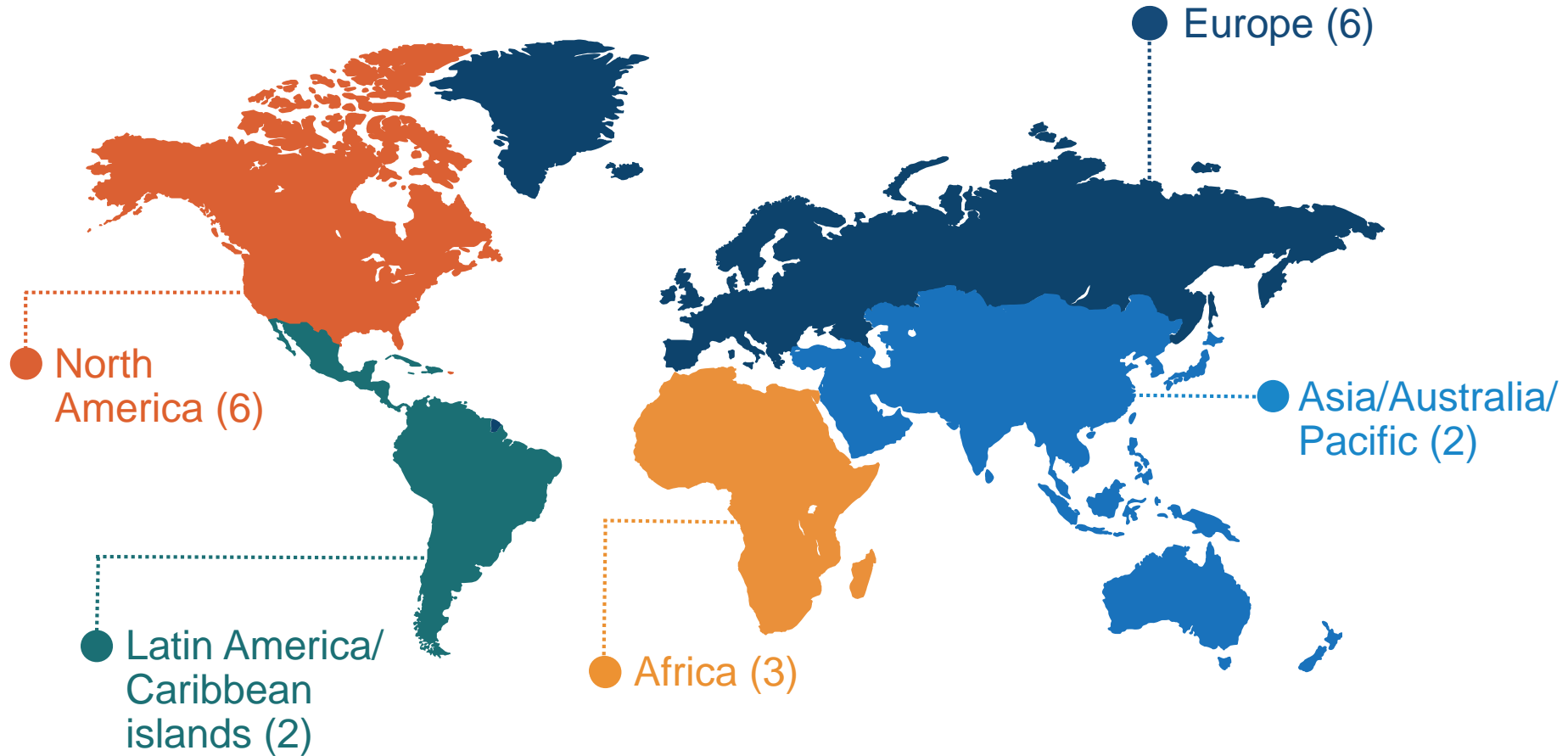


Asia, Australia & Pacific Islands    Africa    Latin America & Caribbean Islands

**ccNSO Council**  
1 seat | 3 year term



# Distribution of ICANN Board Members: FY19

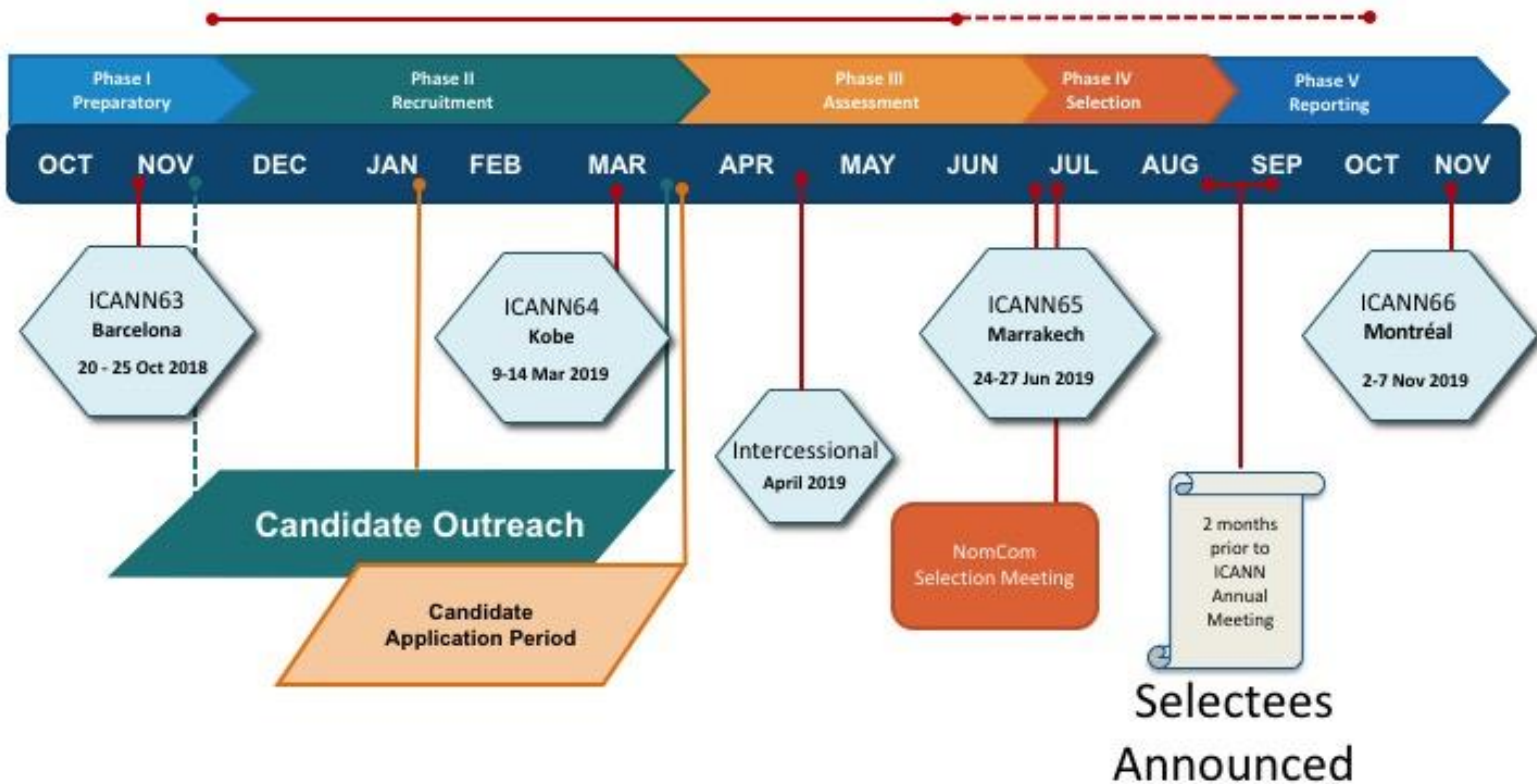




# Important Phases

## 2019 NomCom Timeline

Calls: Monthly-----Biweekly-----Weekly---Monthly



## Open Floor and Q&A

# Engage with ICANN – Thank You and Questions



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