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ANDREA GLANDON: We will now officially start the recording of this conference call. Good morning, good afternoon and good evening. Welcome to the Consolidated Policy Working Group Call Hold on Wednesday the 23<sup>rd</sup> of January 2019 at 19:30 UTC. On today's call, we do have apologies from Judith Hellerstein. Joining on the call today we have Sheryl Langdon-Or, Olivier Crepin-Leblond, Abdulkarim Ayopo Oloyede, Gordon Chillcott, Sebastien Bachollet, Hadia Elminiawi, Maureen Hilyard, Joel Thayer, Jonathan Zuck, Tom Dale, Holly Raiche, Christopher Wilkinson, Eduardo Diaz and Bastiaan Goslings is just joining. From staff we have Heidi Ullrich, Evin Erdoğan and myself, Andrea Glandon, on call management.

I would like to remind all participants to please state your name before speaking for transcription purposes. And so please leave your phones and microphones on mute when not speaking to avoid any background noise. Thank you. And now over to you, Olivier.

OLIVIER CREPIN-LEBLOND: Thank you very much. And today -- it's Olivier Crepin-Leblond speaking -- we've got a big call with a lot of topics to discuss. The first thing that we will do is to, well, it doesn't say adoption of the agenda, but just review the agenda quickly. First, update on the EPDP. The EPDP has met for three days in Toronto this week or last week. Hadia Elminiawi and Alan Greenberg have quite some things to tell us so they'll spend about 50 minutes on this. Then we'll have 30 minutes on the policy discussion that is going on and policy comments, including one that is about the ICANN strategic plan. Then we'll have 15 minutes on the CPWG at ICANN64 Community Forum, so preparing things. And finally,

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review of the executive summary page, again with perhaps some more information on this. And then a consultation just a few minutes at the end of this call, a follow up about the consultations for 3-phased new gTLD application model.

That's our agenda today. Is there any other business that anyone wishes to add to this agenda, so at least we know time wise if we're running late or early? We often run late, but I can't imagine we'll be running early. Christopher Wilkinson.

CHRISTOPHER WILKINSON: Hi, it's Christopher Wilkinson. Thank you, Olivier. Under the AOB, I'd just like to have a short comment on the Work Track 5 work and particularly the proposed comment that [inaudible] has circulated. Thank you. I sent it to the list. Thank you.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this, Christopher. Helpful. Right. Let's get going, then, with the action items from the last call. I think they're all completed. There is one which was to do with inquire with Barrack Otieno in his ccNSO liaison capacity regarding some allegations that some ccTLD managers don't use the cccTLD properly or it's been deligated to a private entity; this sort of question. And I think there's been some discussion, and Barrack has provided some response. I'm not sure whether he has shared it with the mailing list. And I note that Barrack is not on the call. Is Barrack on the call?

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ANDREA GLANDON: No, he is not.

OLIVIER CREPIN-LEBLOND: He is not. He did say he was going to be on the call. Maybe we'll do this in any other business if he turns up a little later. So that was the only one that was really kind of outstanding with regards to having an answer. All the others are all dealt with. Is there any comment or additional question on any of these? I'm not seeing anyone with their hand up. So the action items are such and we can move on now, very quickly. I note that Alan is delayed for a few more minutes. So the updates from the EPDP from Hadia Elminiawi and Alan Greenberg. We'll probably start with Hadia. So, Hadia, you have the floor.

HADIA ELMINIAWI: Okay. Thank you. Could we have the presentation, please? Okay. Should I call? Oh, yes. Sorry --

OLIVIER CREPIN-LEBLOND: Before you start, Hadia, I just wanted to say one thing. That was to congratulate both you and Alan for having survived that very, very punishing scheduling, which I saw as starting very early in the morning and finishing very late at night. So, thanks for being able to put those slides up together quickly as well. Thanks. Go ahead.

HADIA ELMINIAWI: Thank you, Olivier. So I would like to note that, as you mentioned, those slides have been put together really quickly. So they should cover

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almost everything. But if you have any other questions, please feel free to put them forward. So actually today, we are going to give you an update about work. So, the purpose is -- it's an update about the purposes about recommendations and the other issues that were discussed. So I'll start by purposes, and I would like first to mention that by purposes, we mean ICANN purposes. That is purposes for processing personal data that should be governed by ICANN org. to a consensus policy.

So there could be other purposes for processing for contracted parties that are outside ICANN's relic. This does not mean that the proposed purposes are only ICANN purposes. Many of them are also pursued by contacted parties. The only purpose that is regarded as an ICANN purpose, and only an ICANN purpose, is purpose number two which speaks about disclosure. So, starting with the first purpose, which is to establish the rights of the registered name holder. So we have seven purposes; this is the only one that we haven't agreed on the language of yet. All the others, we have agreed on the principal and the language.

So here we have the language. It's still to be agreed upon, and we are waiting for the group to develop the language. There has been a discussion on whether the purpose should refer only to the rights of the registered name holder or to the rights and responsibilities of the registered name holder. We are also waiting to see the data element workbook, which will specify that data that needs to be processed in relation to the activities required for this purpose. And the data element workbooks should not differ from what we had before, but we are still waiting these. And then all the other purposes have been totally agreed upon in principle and language.

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So, the second purpose is about contributing to the maintenance of the security, stability and resiliency of the domain name system in accordance with ICANN's mission through enabling responses to local data disclosure. So, this is the only purpose that solely is an ICANN purpose, and it's about disclosure.

The third purpose is to enable communication with the registered name holder on matters relating to the registered name. The fourth is providing mechanisms for safeguarding registered name holders' registration data. The fifth purpose has been slipped into two. So one speaks about monitoring requests and audit, and the second speaks about complaints.

The sixth is to operationalize policy for the resolution of the [inaudible] regarding or relating to the registration of domain names. And the seventh purpose, and the last one, is enabling validation to confirm that registered name holder meets gTLD registration policy eligibility criteria. And that purpose has a footnote with it that's related purely to the registries. It mainly says that this does not mean that the EPDP approval does not prevent registry operators from adopting gTLD registration policy eligibility criteria that are not decreed in their respected registry agreement. So it doesn't really concern us a lot.

And then going to recommendations, what has been agreed upon. So, recommendation number one: in principle, we have agreed that there is a commitment to consider a purpose for research and accuracy for the system inside, too. We haven't yet agreed on the language, but we agreed on the principle. And also, ARS, Accurate Reporting Systems,

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could be modified and included under purpose number five, which speaks about compliance, which we just mentioned a few minutes ago.

The second recommendation, it's supposed to be agreed upon and it speaks to a standardized model for a local disclosure. The third recommendation is also totally agreed upon, and it basically says that requirements related to the accuracy of registration data under the current ICANN contact and consensus policy should not be affected by this policy. This was one of the recommendations that we were still considering, but we agreed upon during our last meeting on Tuesday.

And then we have recommendations number four five. Those are -- we are still considering those. And recommendation number four speaks about data elements to be collected by the registrars. And recommendation number five speaks about the data elements to be transferred from registrars to registry. Recommendation number six is about the escrow providers. And this is also under consideration. It mainly speaks about the need for data processing agreements with data escrow providers and updates to the contractual requirements for registries and registrars to transfer data they possess to the data escrow providers.

And then recommendation number seven. This was also one of the recommendations that we were still considering. And we now have a proposed language over the email. Here, basically, the previous recommendation that we had referred to the workbook. And what we wanted to have here is to not refer to the workbook because they are not policies.

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Recommendation number eight is mainly about redactions. And the only thing that we were -- so reduction, we were talking about cities and whether it should be redacted or not. And though in Toronto we were about to reach some consensus on keeping the city field, but we don't have this anymore. And we agreed to draft a question regarding the city field to legal council, although this seems like it's off the table now.

Recommendation number nine. It's about the organization field. And in principle, we agreed on having the organization field. But the registrars will need some time to adjust and the language has not been yet agreed upon. Email communication. So in principle also we agreed on that, but the language has not yet been agreed upon. And then we have data retention, reasonable access. Reasonable access, there's a small group now discussing the language about reasonable access and controller agreement and responsible parties. Those have not been agreed upon yet.

And then some other good news, 15, 16, 17, 18, 19 and 21 have been agreed upon. So these speak about the URS and UDRP input from Right Protection Maintenance PDP Working Group to inform to keep an active discussion. Data processing agreements, resolution providers, transfer policy, input to transfer policy and data processing agreement with non-contracted party entities involved in the registration data processing.

And then we have some new things that we have agreed upon. So we agreed to have a new recommendation for a transition period after the Temp Spec. So it's a Temp Spec., you know; it expires and we still need time for implementation when it's due. So we agreed on a recommendation for a policy in this regard. And then also we agreed on

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a new recommendation regarding consent of the registered name holders to publish contact details. So the name holder can actually consent to have the contract details published.

And then we also have a new recommendation that speaks about natural versus legal. And this recommendation says that this will be the structure in phase 2, and that ICANN org will commence on a study that would look on how this has been implemented before, the visibility and the costs of it so that we can have this as an input during phase 2. We've also been discussing if the registered name holders puts, for example, not his contact, but for example, a technical contact. The European Data Protection Board says that the third party should be informed.

And there was an argument that informed legal consent. And the legal advice that we heard, but we don't have anything in writing yet, that inform means inform. It does not mean consent. So it's means notified, but it doesn't consent. Geographic differentiation. We haven't discussed this yet but this is a very difficult issue, and I'm not sure that we actually are going to have anything on this topic. So that's about it from me, if Alan would like to add anything. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Hadia. Over to Alan Greenberg.

ALAN GREENBERG: Thank you. I missed most of that, but I have complete faith that you were well informed. The only comment I have is on, well, two things.



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Look at the last slide, the one saying, "Other issues." Those are two interesting ones. The inform versus consent. They said one of the very few things we have from the European Data Protection Board is a very simple and clear statement saying if when filling out the registration data for a legal person -- that is a corporation or company -- we happen to have contact information which is personal, they point out, first of all, you don't need to put personal information in. You can have a Gmail address that has a position name instead of a person's name or you can have your corporate email system. But if you do have personal information there, then you must inform the subject that you are using them.

It's one of the very few clear, unambiguous statements they've made. And yet we have had significant discussions in the EPDP from people who believe that that isn't what they met. What they really meant is you must have gotten formal consent, which under the GDPR, is a moderately complex procedure. So that gives you some flavor for the kinds of discussions we have. The other issue is geographic differentiation. The GDPR does not require that the subjects outside of the European Union be subject to GDPR if none of the processors are. And there are even some cases where people within the European Union aren't subject to it, depending on how the business was targeted.

But the question is, if you believe, as the registrars and registries say, that the registration data is reasonably accurate, why can you not believe the country that the person says they're in. And the answer is there's multiple parts to the answer, but talking about them I think gives you some feeling for what's going on. Part of it is, well yes, but there may be other privacy legislation that has different rules, and that's true.

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But the reality is, we are only looking at GDPR here. And although there will be other privacy legislation and there is, it's not all a subset of the GDPR. There may be some places where the rules are more stringent, some places where the rules are less stringent and some places where they conflict with GDPR outright.

Therefore, yes, the business they're in is going -- if people are running a worldwide business -- is going to be complex. But there's nothing we can do to fix that. The only other exception is for registrars who use resellers. The registrars don't know who the resellers all are. They know who their first-level resellers are, but those resellers can have resellers. And the resellers can have resellers who have resellers. And it can go down many levels deep, and there's no way for the registrar to know who those people are. And conceivably, some of them could be in the European Union, even if the original registrar and their resellers or not. And that's true. And that's a good reason why resellers need to be controlled more and registrars need to know who they're doing business with.

Because right now, a registrar may be doing business with people in any country in the world; they have no idea that that's happening. And I think that's a failing of our current system, and that isn't the reason that we shouldn't do geographic differentiation. It means it's something we need to fix. So just two things to give you an idea of the kind of complexity of the issues we're looking at. And I'll be quiet now and see if there's any questions.

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OLIVIER CREPIN-LEBLOND: Thanks for this, Alan. It's Olivier speaking. The floor is open and there is one hand up at the moment, but that's you. I have a question for both of you, and that's to do with the general direction that the EPDP is taking. Now, we know the process is going to go through the GNSO. It will then go through the Board. Is the current direction of the recommendations something that will be palatable to the GAC?

The reason why I'm asking this, of course, is that the GAC ultimately has the power to stop this whole thing. And we've seen with the applicant guidebook how the GAC suddenly became very important in being able to block or oppose some of the points of the applicant guidebook, therefore triggering a direct negotiation with the ICANN Board. And that famous meeting that took place in Brussels.

ALAN GREENBERG: I don't see anything yet that would trigger that. I don't know whether Hadia said it, but at this point there have been no battles that we have participated in that we have simply lost. We may have given a bit, and certainly there are a number of critical issues that have been deferred to phase 2. I have not seen any that -- and the GAC's position is not identical to ours, but it's not all that different. So I haven't seen any at this stage which would trigger that. I may be misreading, of course.

Now, phase 2 issues are different altogether. The GAC has been very, very strong on the legal versus natural and geographic differentiation. And I don't know to what extent that they would, you know, they would have an issue. They have struck strong comments on accuracy and there's nothing at this point that is contentious. And somewhat to my

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surprise, it looks like the rules in place to continue the accuracy reporting system, the ARS, will likely go through without opposition; that can always change.

So I haven't seen anything at this point which would trigger that. I may be misreading something. I could see it happening with the phase 2 decisions, however, or some phase 2 decisions.

OLIVIER CREPIN-LEBLOND: Thanks, Alan. Sivasubramanian Muchasami.

SIVASUBRAMANIAN M: This is Sivasubramanian. Alan was mentioning something about informed consent, when domain name uses an individual's name or an individual's email address. It concerns that particular individual has to be obtained. So it just brings to the question that such a distinction has to be made an informal and consent has to be obtained. The registrar should already know that it was an organization that filed and it is not an individual's name, if it's not the organization's name but the individual's name. So there is already a process or there's a possibility of making of making a distinction between a legal person or not official person.

So then, that possibility exists in the case of informed consent. Why is it difficult for the registrars and registries to agree on making a distinction between an actual person and an artificial person? Thank you.

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ALAN GREENBERG: I can try that, Olivier.

OLIVIER CREPIN-LEBLOND: Go ahead, Alan.

ALAN GREENBERG: Okay. First of all, the current temporary spec. allows all registrations to be treated as natural persons, so the issue has not come up. Some registrars -- GoDaddy is an example -- currently say that if you have filled in something in the organization fields, then you are defining yourself as a legal person. That, in fact, has caused all sorts of problems, and they made back down on because various people fill in the organization field even though they are not legal persons.

So currently, we have no definitive flag. We have never asked a registrant, "And are you a natural person or a legal person?" So we have no way of defining it formally. We have currently deferred -- either we have or we will defer -- the legal versus natural issue to phase 2. So it's not on the table today.

What I was referring to is if you are a natural legal person -- ignoring the fact of how you know -- and you have a personal email address, for instance, in one of your fields, what the Data Protection Board has said is you do not need informed consent. You simply need to inform the person that you're using their email address in your registration. So they have been very clear, and we believe we'll get -- we hope we'll get legal opinion to say we can rely on that opinion and that statement that

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we do not need consent to use personal information in a legal person's registration information.

So there's multiple issues at stake. One is, are we going to say that you must make a differentiation between legal persons and natural persons? If so, how do you make that differentiation? And then there's the issue of, if we know you're illegal person, how do we treat you and how do we treat your contact information? So there's multiple phases to it.

The problem with informed consent, if it was necessary, which it does not appear to be, is the registrar has no relationship, no contract with that individual whose information is being used. They only have a relationship with the registrant and how would you obtained informed consent from this person who you know nothing about other than their email address is a real difficult question, and that's why I'm glad that today the production board has implied we don't need to consider that. Thank you.

OLIVIER CREPIN-LEBLOND: Holly Raiche. Holly, we can't hear you at the moment.

ALAN GREENBERG: I see Hadia has her hand up, she may want to add something.

OLIVIER CREPIN-LEBLOND: Right, in the absence of Holly, let's go for Hadia. Hadia Elminiawi.

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HADIA ELMINIAWI: I was going to add on this info versus consent part that there are also cases where the registrar name holder might not put the technical contact information. And another argument here was, if the technical contact information is a personal for example email address it's not like some [inaudible] and some company name but it's a personal email address, than the European Data Protection Board said that this contact needs to be notified; and notified means notified, it does not mean consent. And then we have lots of arguments from contracted parties in the Non Commercial Stakeholder Group saying that this means that maybe consent is required, but again, as we mentioned before, that we heard legal advice on that saying that notify means notify, does not need consent. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you for this, Hadia.

HADIA ELMINIAWI: And --

OLIVIER CREPIN-LEBLOND: Sorry, yes. Hadia?

HADIA ELMINIAWI: And again, with regard to that contact and admin contact, we haven't really reached a conclusion on that. Thank you.

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OLIVIER CREPIN-LEBLOND: Okay, thanks for this, Hadia. Next is Greg Shatan.

GREG SHATAN: Thanks, this is Greg Shatan for the record and I have been an observer to this group, observing the pain from some distance and at my own leisure as opposed to the enforced march that Alan and Hadia had been on with their friends and colleagues. Just on this last point with regard to both natural versus legal and the geographic distinction, those two together tie to a much larger point, which is whether ICANN policy will basically extend GDPR protections to those who do not by law have those protections. In other words, non-EU residents dealing with non-EU companies, so complying with GDPR is a must, but there's nothing that says that we have to act like the whole world is the European Union; I won't make any Brexit remarks at this point.

But in any case, from the point of view of ICANN policy making, to make a huge change in global policy because of perceived difficulties or the various arguments that you can't basically a GDPR subject from a non-GDPR subject, it just seems to me it's really an attempt by those who would like GDPR policy to be global policy and not just EU policy, to have that happen at least in the ICANN space and rather than confronting it head on as a policy discussion want to just kind of slip it in as a natural result of dealing with the temps spec and trying not to make things too complicated.

So, you know, I for one, think that GDPR is find as far as it goes; I mean, I have to think that, it's the law. But, it shouldn't go any further than the



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law requires it to, and if we're making ICANN policy we should say so and not pretend that we're just dealing with the boundaries of the law in a casual fashion. Thanks.

ALAN GREENBERG: Alan Greenberg.

ALAN GREENBERG: Yeah, thank you. To be clear, ICANN is not enforcing that, they're simply saying, "You may do that." It may well be that many other people are similarly protected by national laws of their countries, since there are no fines associated with them of the scale that are associated with the EPDP, we haven't paid much attention to them. But you're preaching to the converted. We have strongly said that we believe that legal versus natural and geographic differentiation they should not be allowed to do that unless indeed there is a law saying that they must.

So far we haven't won, and as I pointed out, with the case of registrars and resellers there's a real issue that registrars in general do not know who their [inaudible] nested level resellers are so they cannot tell if they may be in the European Union or not. I believe that's a problem that should be rectified. The whole concept of having customers you don't know who they are, or clients and associates you don't know who they are is, I find, rather ludicrous. But, it is where we are right now, so largely you're preaching to the converted; we agree with you but so far, that has not had any impact, but they are likely differed to phase two.

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OLIVIER CREPIN-LEBLOND: Thanks for this, Alan. Hadia, your hand is still up, did you wish to add anything else? There's a couple of questions in the chat that I was going to read. If Hadia, you wish to add something? Okay, so there's two questions in the chat. One was from Holly Raiche and she asked if she -- unfortunately, she doesn't have a mic at the moment so that's why she's typing. So one of the big issues that still needs discussion, so in effect any questions and so on that are still not being addressed for the moment.

ALAN GREENBERG: Well, we've identified many of them here: legal versus natural, geographic differentiation is likely differed till phase two, the whole issue of access and how do we set this up, and are we going to be able to establish of level of liability that will make this acceptable is not clear. There are still large numbers of contracted parties who are saying, "We will not accept a unified access model which implies an automated decision making on [inaudible] is released or not that they want to look at each request manually by hand. There are others who say, "We can't afford the 10.000 lawyers that would take to do that." It depends on some extent on the scope of your business and the scale of your business.

The whole issues of who is the controller is in fact not a discretionary question but a legal question, but we have very strong differences of opinion as to what the answer is and it's not clear how we're going to make that answer. I'm flying with saying that ICANN must establish this and leave it to ICANN org to do; there are others on the EPDP who feel we must make a distinction on who the controllers or joint controllers,

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independent controllers are and come out with a very strong statement to that effect. ICANN is saying it's going to be a lot easier to do one than the other, and others are saying, "Yes, but this is a question of law; whether you find it easier or not is moot."

So, those are major questions that still have to be answered. Some of them might be panted to phase two or may be panted to ICANN org to the side, but there are thing hinging on it. If we cannot establish a level of liability that is lower per contracted parties, then it's not clear how we can have a unified access model which implies automated decisions in at least some cases. So there's lots of questions still on the table. They're not necessarily questions directly related to replacing the temporary spec on, you know, the end of May in 2019, but they're still important questions that have to be answered. So yeah, there's lots of stuff still going on.

OLIVIER CREPIN-LEBLOND: Hadia Elminiawi?

HADIA ELMINIAWI: Yes, so to Greg's comment previously, the good news here is that ICANN doesn't have a policy [inaudible] will expend GDPR to cover legal and natural and [inaudible]. It's a matter of policy on what we agree on so it's feasible and implementable. As Alan said, legal versus natural is much easier, and a distinction could be made -- making differentiations based on GDPR [inaudible] is a much more complicated issue. As for how these [inaudible] a lot of things yet to be considered.

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For example, reasonable [inaudible] who will not be eligible to be under a standardized access system. So you have a standardized access system and some parties will be eligible to have access under this system but what about other thoughts do not fall under this system. So here reasonable access, how is reasonable access going to be provided to those parties? Also, when we speak about purposes like the research purpose or the OCTO purpose, will it actually be a standalone purpose or can it be included within that purpose too, which speaks about disclosure. Also, when we talk about the accuracy appointing system, could this be part of the purpose too, which is also about disclosure?

So there are many issues here to be considered, and of course as Alan mentioned, roles and responsibilities; who's the controllers and who's the preceptor, and the type of agreements that are going to be put in place. So some of these subjects are going to be discussed in phase two, however the [inaudible] and responsibilities should be finalized [inaudible] phase. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this Hadia. And there are two small questions that were asked in the chat. One was for Nadira Al-Araj, which was if there are any interactions between the EPDP Group and the Technical Working Group meeting that is taking place in DC this week. Alan Greenberg.

ALAN GREENBERG: Yeah, I answered that in the chat. The only interaction is there's one person who's a member of both. The technical whatever group,

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whatever it's called, is looking at implementation issues, so they may well come up with constraints on the implementation that will inform us when we talk about consent; talk about access rather. And we already know for instance that RDAP has no ability essentially to search on the contents of fields. So, if you want to do an RDAP request saying, "Show me all of the domains that are registered to Alan Greenberg or to this email address," they can't do it, it's not one of the technical capabilities it has today. That doesn't mean it couldn't be engineered, but that's not in the specification today.

So, the constraints and what RDAP can and cannot do certainly will inform what we put into the access model, assuming we get that far, but other than that, and we're not technical experts so we need someone who's going to tell us exactly what we can and cannot do. So, this is a complementary effort in my mind. There are some people who are open arms about how dare they do this in parallel without consulting us. But I think it's a necessary part of what we have to do, so I don't have an objection to it, and there will have to be communication, largely in one direction from that group, but we're not at that stage yet.

OLIVIER-CREPIN-LEBLOND: Thank you for this, Alan. It's Olivier speaking. Now, due to time constraints, we have to move on. Just one last question that was asked in the chat also from Holly, that's the one; are you looking for comments now on the final report, or do we have to wait until later to comment, or is there any feedback mechanism on what's going on?

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ALAN GREENBERG: There's not an awful lot later; that report is due out in days, so if anyone has the interest in going through it and giving us comments, I guess we should set up a Wiki Page on the final report, and yes, we welcome comments. It's being written and modified as we speak because we're supposed to be shipping it. I don't remember the exact date, but it's not many days from now. So yes, certainly, and I guess I would like an action item to set up a Wiki Page on it, it's going to be a work in progress.

OLIVIER CREPIN-LEBLOND: Thanks very much for this Alan, it's Olivier speaking, and I note that it currently draft writing, to set up a Wiki Page on EPDP final report for community comment.

ALAN GREENBERG: Olivier, before I relinquish the floor, I've got a couple of other things going on, is there anything else in this meeting that you need me for?

OLIVIER CREPIN-LEBLOND: I'm not sure. I don't think that there's anything else that involves you directly. None of the policy drafting -- shame on you; you're not drafting any policy outside of the EPDP, I don't know what you're doing with your time.

ALAN GREENBERG: I was told to get out of that business; I have.

OLIVIER CREPIN-LEBLOND: Well, there you go, well done. Congratulations, you've graduated. You may now go if you wish to, yes.

ALAN GREENBERG: Is there any new gTLD stuff on the agenda we need to talk about? I see we do have New Stars proposal, so I will stay on the call, in silent mode, and perhaps come back towards the end.

OLIVIER CREPIN-LEBLOND: Thank you, and thanks again Heidi and Alan for this excellent, excellent work. And I'll hand the floor over to Jonathan Zuck for the policy comment updates. Jonathan and Evin Erdoğan.

EVIN ERODOGDU: Thanks Olivier, this is Evin. I'll go ahead and run through the slides and then Jonathan, feel free to jump in when we get to the comments. You can see in the AC display pod, slides regarding the recent updates on policy comments. There haven't been recently ratified ones by the ALAC this past week, but we do have one public comment for decision, and that is; initial report on CFC effectiveness, this one closes on the 25<sup>th</sup> of February, 2019. And then, for current statements that are being developed, the work truck five statement was submitted yesterday, and Marita just came and Yrjo finalized that statement, so congratulations to them.

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And it's currently up for ALAC vote, and there are currently four other statements being drafted, so they're also listed in the AC room. I believe we have a presentation from Marita Moll on the ICANN strategic plan for fiscal years 2021 through 2015. I'm not sure if she's ready, if she'd like to present on this one? Otherwise, we could go through the other comments. But I'll turn it over to you, Marita, unless Jonathan, you'd like to comment on these public comments, thank you.

JONATHAN ZUCK: No, let's go right to Marita.

EVIN ERODOGDU: Marita, I have made you a presenter and your slides are up. It looks like currently your AC mic is muted. It looks like we lost Marita from the AC room.

JONATHAN ZUCK: Let's just move on Evin, and we'll come back to it later.

EVIN ERODOGDU: Okay, sounds good. Maybe CPWG would like to discuss the public comments for decision, but that has yet to be determined if anyone would like to draft a statement regarding this, it's initial report on CSP effectiveness, and I can share the page and the AC chat right now. It looks like we have Marita back on the AC room.



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JONATHAN ZUCK: If we can get our slides up, then let's go ahead.

EVIN EROGDOGDU: Marita, I do have your slides up, but it doesn't look like you activated your AC mic yet, so we'll need you to activate your AC mic, please.

MARITA MOLL: All right, can you hear me now?

JONATHAN ZUCK: Yes.

EVIN EROGDOGDU: Yes, I can hear you.

MARITA MOLL: Yes, good, sorry about all that confusion. I took a look at the strategic plan, it is not my intention to try to present all of this the strategic plan, we only have a short period. I want to just present a little piece of that, and find out what the appetite is, what the temperature is in the group to any of this, what kind of responses would we be interested in giving? My first question to this group is; I think the plan was developed with community input already, but it was before my time, so I'd like to know if anyone on this call was actually involved in the development of strategic plan as it stands now? Anybody?

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Okay, well that's interesting. I guess that might be one comment we might make, that nobody -- Alan, no? No one was actually involved, despite that they say that -- because they did this through focus groups and all kinds of stuff that none of our community was involved. That would, I think, be an appropriate comment to make. But I'll check it for sure on the list first to make sure that the people who were involved, maybe they just aren't here today.

CHERYL LANGDON-ORR:

Certainly, I was involved, in fact, I was involved in several. I was involved with the one that was done with the ALS and I was involved with the one that was done with the GNSO, and it's probably a function that people probably didn't realize that that flip chart whiteboard-style exercise where they were asked blue sky theories and thinking on what emerging issues might be for ICANN was the foundational work of a strategic plan, so I suspect it's a function of people not actually understanding what was going to happen with the output of their little flip chart exercise that we've done however many meetings back, rather than they weren't involved in some state at the time. But there were plenty of people involved. They may not remember it, they may or may not want to admit to it, but they were there. Thank you.

MARITA MOLL:

Thank you very much, Cheryl. I kind of suspected that was the case, and Olivier, you also have your hand up? Go ahead.

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OLIVIER CREPIN-LEBLOND: Yes, thanks very much, Marita. Olivier Crepin-Leblond speaking. The At Large Finance and Budget Subcommittee as a whole is involved with all these strategic issues and all this work, and as Cheryl indeed said, we had people that came to the room last time, maybe we were all sleeping at the time, I'm not quite sure.

Maybe our memory doesn't span a full four months, five months, I know it was a long time ago, it was last year, but yes, we were involved, and we are continuing to be involved in the financial, but kind of the budget subcommittee should be the ones that are really pushing on this, and I know that Tijani's reading on this as well. So not only Cheryl, but Tijani, myself and others have been involved over several years.

MARITA MOLL: Okay. What's being presented here as a strategic plan already involves our voice. So, we have to consider that if we're going to respond. Going onto this next slide, these are the strategic objectives that have come out of that exercise. There are five of them, and I've only highlighted one of them. That was just the one that I thought if we're only going to respond to one thing, at least effectiveness is a multi-stakeholder governance to be something that we'd want to comment on, but there is certainly others that are fully interesting.

I'm going to speak about this one, number two, to begin with. The way this happens is that they'll take this number two, and then unpack it, and it ends up having three different components. As you can see, to achieve that, we need to strengthen ICANN's multi-stakeholder decision making processes is the one I highlighted here. So, if we want

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to concentrate on that part of this, strengthening the multi-stakeholder model of governance and then unpack that down to strengthening the decision-making process, I mean, that's all of us here involved in this decision-making process.

And then we'll get a series of targeted outcome, all of which everybody is going to agree with. We're going to want to have decision making processes that ensure input from all stakeholders are equally considered. All of these things are good, it's when you get to strategic risk parts, that might be some more interesting ideas. I see Maureen's hand up. Hello, Maureen?

MAUREEN HILYARD:

Thank you, Marita. I just wanted a short intervention here, because I had a meeting last week with Goran and one of the things that he is very interested in is the At-Large approach to governance, the governance is, of course, as you said, sort of like a specific area. And I think he's very keen to see just what we actually come up with regards to they're wanting to be effective in the area of governance and At-Large, and what we're doing at At-Large with respect to the At-Large Review, how we're implementing that, and how it's going to impact on decision making in At-Large.

They're going to watching and taking note of how we develop these processes within our At-Large itself. So, yeah, I'm right behind you with getting feedback from our community and making sure that make decisions specifically for At-Large, but that it can be incorporated in some way into this plan.

MARITA MOLL: Yes, well, thank you, Maureen. I think that governance is a larger part of the picture than the multistakeholder decision making process. If we go back up to the original slide that had the five different issues, ensuring the financial sustainability is also part of governance, #5, but I guess #2 and #5 would be the big ones in there if you're talking about governance overall. Christopher Wilkinson, yes please, go ahead.

CHRISTOPHER WILKINSON: Hi, good evening, this is Christopher Wilkinson for the record. This analysis of the strategic plan is extremely interesting. I would just like to make a link between strengthening the multistakeholder decision making process and the proposal for additional budget for the RALOs to participate. I think the link should be stronger. I read carefully the purposes and the scope of the additional RALO budgets that are being proposed, I think it's 6000 Euros per year, per RALO, something like that. A more positive link between that budget and the objective of improving governance and participation would be welcome. Thank you.

MARITA MOLL: Thank you, Christopher. I agree with you there. I ask myself the question here, whether or not that's the next step in the process. They're putting together this overall umbrella of what the strategic plan is, and the way to get there, one of the ways to achieve the targeted outcomes in the strategic plan would be what you just had suggested. I'm not sure whether we ought to make that step already. Are people getting my feeling there, that I don't know how far we want to get into

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the actually how's, like this is the "what," and what you're suggesting is the "how's," which I would see as a second step. But I'm not sure to what extent we should kind of straddle that line. Any feedback on that?

CHRISTOPHER WILKINSON: Yeah, it's just that the 'how' is now. If the budget does not make a cross reference to this objective, further down the line you may find difficulties in spending the budget in ways which strategic plan engages. Particularly I noticed that a RALO can only spend the budget on travel within its region, whereas the missing link is often that the ALS that has been working with a particular working group can't travel to the ICANN meeting because he's outside the region of where the decisions will be taken. I would broaden the scope for the use of these discretionary budgets to cover participation, direct participation in ICANN decision making processes. Thank you.

MARITA MOLL: Okay, I think what you're saying, Christopher, is that if the budgets are too restricted with respect to the multistakeholder partners, they won't be able to achieve their targeted outcome. I think that's a good way to get around to that.

CHRISTOPHER WILKINSON: Yeah, you get it, you get it, thank you.

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MARITA MOLL:

Yeah, okay. Under the strategic risks for this particular one, ICANN or the people who participate in this realize that progress grinds to a halt and scarce resources are wasted to polarize positions. It's a little bit what we were just saying, and I think that would be a good example of how that could happen, and that larger, more complex groups make consensus building increasingly difficult. Now that's another piece of the puzzle, we might want to comment on that. How do you respond to that? The feeling is that larger, more complex groups make consensus building increasingly difficult, do we suggest that we should avoid larger more complex groups? Do we have any suggestion to make about that? Cheryl?

CHERYL LANGDON-ORR:

Thanks, Marita. This is one of the critical points I've raised. Cheryl Langdon-Orr for the record, sorry, one of the critical points I've raised in all of the webinars and coffee moments, and walking in the corridor opportunities I've certainly had, exchanging with anyone who has influence over the strategic planning process. This is a tradeoff point between cost effectiveness and holding to the principles of accountability and transparency that our community and At-Large should hold. And so I think this is one of the critical issues.

Yes, it is a messy, sometimes long, often uncomfortable, and frequently expensive experience dealing with a bottom-up multistakeholder policy development process, for example, particularly when, hang it all, people actually get involved. I mean it's fine if you're paying lip service to having open engagement and anyone can join a GNSO PDP process, but dang it, when they actually do, and you get very large numbers of

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people and very disparate voices, and leaders who may or may not be skilled in managing those sorts of things, it causes complexity. We just have to find ways to dealing with it, and in my very biased view, not at the cost of the broad-based input that we supposedly hold dear in our model. Just my little soapbox moment. Thank you.

MARITA MOLL:

Thank you, Cheryl. I think that's a really extremely important point, in that the more you push on one of these buttons, the more difficult it's going to get. The larger the groups get, the more complex the whole thing is going to get. The danger is that the real goal of some of the strategic planning is to break things down and make them less complex and less expensive. So I think that the point that you're making absolutely has to be stated right up front and quite strongly. Hi Alan, there's your hand up. Go ahead.

ALAN GREENBERG:

Thank you very much. I don't think there's any real easy answer. The multistakeholder model says we should allow everyone to participate, and my god, some people do. Recognizing that some of these people who are participating are, number one, paid to do it, some of them paid very well, some of them are actually paid lobbyists, and they have huge amounts of money at stake on the decisions that are made.

So this is, you know, Fadi Chehadé once used the expression, "multi-equal stakeholder model," we are not equal, we are never going to be equal, and the inequality is so amazingly large in some cases that it really matters. How do we address that? How do we put rules in place?



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I don't have a clue. The fact that there are actually people in ICANN talking about that now, where up until a year or so ago if you mentioned things like that you would be pushed aside and told you're imagining it, there is no problem.

Our experiences both with some of the recent GNSO PDPs and with the CCWG IANA Transitional and Accountability, demonstrated there is a problem, and at least we're talking about it now. I'm not quite sure what the right answer is, but at least we're talking about it, which is a good thing. The bad thing is people are making decisions and may well be making decisions from very narrow points of view. So, that's where we are.

MARITA MOLL:

Thank you, I think it's a very good point to bring up the fact that there is a lot of inequity in some of the ways we work, and that is certainly true. Yes, Sivasubramanian? Sorry I mangled your name.

SIVASUBRAMANIAN M:

Yes, Sivasubramanian, on Alan's point on inequalities, if I may ask, what is GAC's position and is there anything common between ALAC and GAC on the inequalities? Thank you.

MARITA MOLL:

Thank you for that question, I'm sure I can't answer that question. I don't know what GAC's position, so I don't know if anyone can give any answer to that. I don't think that's really at stake here. We do know that all those people will be paid to be doing what they're doing. But

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you know, they're just one part of the puzzle, and we're another part of the puzzle. Cheryl?

CHERYL LANGDON-ORR: Thanks for that, Marita. Cheryl Langdon-Orr for the record. I'm not concerned about who is on the payroll or not in this circumstance, and in fact, many emerging and developing economies are hard pushed to get their GAC representation in all of the places and spaces in meetings they'd like them to be. So, there are individuals who probably have greater wealth than some of the economies we're talking about, involved in ICANN, in fact.

But that said, GAC of course has the bylaw advantage, if we can call it that, on how its advice is needed to be responded to and managed by ICANN and so they in fact do have a security in voice and how their voice needs to be attended to, heeded or otherwise, which the rest of the community, and particularly our advisor committee does not. That is not a criticism, that is simply a fact out of the bylaws. So, I'm not sure how much we need to, dare I say, care about that. Thanks.

MARITA MOLL: Thank you. Sebastien?

SEBASTIEN BACHOLLET: Thank you, Marita. Sebastien Bachollet speaking. I think we are well placed to talk about a complex group, because At-Large is a very, very complex group in itself. I know GNSO is also a complex group. But we know here how we can, we try to deal with this complexity. The second

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point, I think we need to take into account where and how the voice of end user and the voice we bring to ICANN is really meeting. It's just one little part of this discussion, the place in the Board, we just have one piece, when we compare with GNSO, ccNSO, and ISO, we are just one in that group. I think that may be one part of what we think as a strategic objective to enhance [inaudible].

And my third point is that we have to take that into account within the internet governance issue, because the last IGS in Paris was a real, I guess, wake-up call, some of us, about where the government, and particularly the president of France made a speech on that issue and talking about it much more than it was done before by any other legally democratic elected people regarding [inaudible]. That means that we need to take that into account as ICANN in the future and part of strategic [inaudible]. Thank you very much.

MARITA MOLL:

Thank you for that. Indeed, it was a wake-up call. Evan Leibovitch, go ahead Evan.

EVAN LEIBOVITCH:

Hi there, I hope I can be heard okay. At the risk of sounding like a broken record, I really think that we're probably asking some of the wrong questions. When we talk about participation, I think it's a cruel joke to suggest that the people in our constituency, that is the people that are private end users of the internet, are going to have, even amongst the committed of us, the time, energy, and stamina to be able to survive in a PDP environment, a working group environment

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throughout the rest of ICANN, or have the background and the technical skills and the political skills to be able to work in that kind of environment.

We have a definition in the ICANN bylaws to represent internet end users. Almost by definition, the constituencies that are within the GNSO aren't internet end users. They're basically self selected that either have a financial interest in it or simply a technical interest and aptitude for this. Until we start actually trying to figure out what it is the world of internet end users wants from ICANN, I don't think we're fulfilling our part of the bargain as being part of the multistakeholder process.

There are lots of entry points for those that are committed and have the skills and commitment to be able to take part in this ICANN, I call it a circus, of policy development. It really, almost by design, exists to shut out casual people that don't have a deep understanding of what's in the internet, and yet are impacted by it.

I really think that rather than just spinning our wheels on how the rest of ICANN should operate, we need to look at ourselves and see how we can do a better job of actually speaking for the people that we are charged in the bylaws with representing. Until we do that, I don't really know how we have that great of the authority to be able to speak on how everybody else should be represented. There are billions of people out there who don't have a voice in ICANN, and I don't know if we're a good job in bringing that voice to the organization. Thanks.

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MARITA MOLL: Thank you, Evan, that's definitely food for thought. We'll have to do some deep thinking to see where that could possibly fit in to a response on the strategic process here. But, it's a good point. Greg Shatan? Go ahead Greg.

GREG SHATAN: Thank you. This is Greg Shatan for the record. Certainly, listening to the broad reach of this discussion, I think ALAC has certain modest advantages and has an incredible brief or portfolio that it carries. ICANN is in many ways almost uniquely disadvantaged. And by ALAC, I mean the At-Large community and the At-Large ecosystem. And certainly it depends in a more fundamental way on ICANN for a certain level of oxygen, it's much harder to be kind of an independent traveler and participate down the ALAC road and At-Large road than otherwise.

I think there are probably any number of issues and concerns, from the number of Board seats to the roll of At-Large and ALAC in various different ways that could be dealt with, but I think the immediate concern in the multistakeholder decision making process is not to in any way stifle or disadvantage the voice of At-Large, the voice of the end user, about whom this is all ultimately supposed to be in some fashion, there is no more public interest than the public itself, all billions of us. It's easy to make smearing comments as some do, as a matter of fact, people make comments about every group, and some will say what Evan has just said, on what basis do we claim to represent global end users.

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Well, without getting into a long discussion, we try. I view myself as trying to represent the end users in my area and also all of us essentially try to carry the brief by which we have joined, as a matter of good faith. Whether we could do better in terms of bringing things up from the true grass roots, there are a thousand things that could be done, but of course, they require funding, time and energy to do so. Well, in any case, the basic point is that we need to make sure to kind of protect ourselves, it's very easy for At-Large to be subject to major disadvantages by changes in funding. And we need to be very vigilant about that. Thanks.

MARITA MOLL:

Thank you. I see Jonathan's hand is up, and I think he's going to tell us our time is up, so I'm going to ask Jonathan first, do we have time for Alan?

JONATHAN ZUCK:

Sure, we always have time for Alan. Alan is going to be very brief, because this isn't the forum to have a broad philosophical discussion about this right now, I think.

MARITA MOLL:

Okay, go ahead Alan, you're the last one.

ALAN GREENBERG:

Alright, I'll make a very brief and very politically incorrect statement. As someone pointed out, we don't represent the user, we represent the

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interest. I've been doing this now for 12+ years. Although we are organized on a geographic basis because we firmly believe we must represent the interests of all users from a very diverse population, over the 12 years I've been doing this, I have seen very, very little evidence that on most of the topics that we consider relevant to end users, there's a difference of opinion across our regions.

We certainly have people who have different opinions, but it's not geographic based, and there are relatively few of those. It doesn't take 1000 people to represent the interest of users, it takes a handful of informed people who are willing to put the time in and understand what real user issues are, and can disengage them from the other issues that are important to society or to individual companies.

So, I think we can do this, I think we are doing a moderately good job of it, I think we can do a better job of it, I don't think it's an impossible task. But we have to start coming to grips with where the problems are in representing the interests of users and addressing just those problems. Thank you.

MARITA MOLL:

Thank you, Alan. And that's going to be the last speaker, and that's as far as we're going to go on this. You've given me a lot of interesting concepts to think about and try to write something up about. It's a lot broader than what we originally came up with, and that's good, because strategic plans are broad. So, thank you very much for that discussion. I hope we can have another one, slightly different, next week, and I'll just

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try to put something together that reflects your views. Thank you.  
Jonathan, are you going to take over again?

JONATHAN ZUCK:

Yeah, I'm here. I guess what I would do right away is get Greg to speak about the operating standards for specific reviews. Greg, you've used up your pontification allowance, so we're going to need you to zip through it.

GREG SHATAN:

Thank you, Jonathan. I will avoid pontification. I have a rather lengthy slide deck prepared, but given the pontificating, and actually much more valuable discussion, I'm actually going to cut to the chase and sadly not really use the slides. I will say first off, this is about updating how the four bylaw mandated reviews get created, staffed, run, and dealt with, the procedures that take place.

There was a first round of updates that were proposed about a year ago, and then they went through public comment, and then the second group came out in December and this is that. We can look at this in more detail perhaps next week, but I think the overall point from the point of view of do we care about this, on one level, I'm looking over the proposals and changes and looking over the standards. What I do not see is anything that, and this follows actually quite well from our last discussion. I do not see anything that disadvantages At-Large, and that gives At-Large less of a voice or position in terms of the responsibility and benefit of being involved in reviews.



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I will note that last year ALAC did not provide a statement or comment, but Alan Greenberg did, and so did Dev. Dev's was brief and really went to kind of outreach and education about what these reviews do, which is definitely a good suggestion, it may not fall into the particular bucket. Alan's comments were summarized as a concept of process creep, and noted that under the process, it seemed to take a year, at least, to stand up a review team from beginning to end, and created a separate team to get the review team stood up. So, it's hard to tell from the way this was presented whether that has really been solved.

It's a very difficult one to deal with because they provide a list of what the new ways of things are being dealt with and most of them seem like very good improvements, but yet none of them really expose the issues that Alan spoke to last year. If you look through it, it's all very granular and expressed as kind of general kind of process concept.

So, again, I would encourage you to take a look at the slides in your leisure time between now and next week, this isn't due until February 11, but I don't see a reason to comment here on the posed updates or the changes between last year and this year, because I don't think there is anything in those changes that negatively affected us between this year and last year, nor is there anything that is so spectacular and amazing, that we need to cheer for it.

So, that's my thinking on this particular topic. Of course, I will be interested in people's thoughts. I tried to run a comparison of last year's document to this year's document, the full document of operating standards, but the changes were so massive that the comparison document was of little help in exposing where there might

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be bodies buried in all of this. So, for the moment, I'm kind of assuming that there aren't any deep secret gotchas hidden in here. I'm also assuming that they haven't really solved the problems that Alan noted, either.

So, I would be interested in Alan's view on that at some point. And those who have been involved in reviews might want to take a look at this, but by and large this looks like the process has become more detailed and a few things that were kind of weird or unfair were eliminated. So, I'll leave it at that, and see if there are any questions. Thanks.

MARITA MOLL:

Hands from Alan Greenberg and Jonathan Zuck.

ALAN GREENBERG:

My comment will be very short. I do plan to comment, they are personal comments, I don't expect ALAC to rubber stamp them without people feeling it themselves. My overall concern in this whole thing is these reviews are both important and are a lot of work. I believe we are by trying to legislate detailed rules for everything, we are making them much more work for the volunteers that we are asking to participate in these reviews.

So I have great concern in that area, and I plan to be reading it from that point of view. It's hard to find people who are willing to put the time in, and it's even harder to find people who actually do put the time in when they get put on these teams, and I speak that from great experience.

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We have to make sure that we don't overcomplicate these to make them even harder than they are. Thank you.

JONATHAN ZUCK:

I'll just say briefly, I made it through one of these reviews for sure, and there were things that I could see would improve the process especially with which we understand the budgeting and the timing associated with the budget, and the effect it could have on the timing of outside research, and things like that. And Alan is certainly right, it's very difficult to get sustained activity, if you will, out of the volunteers. But I read this document specifically to see if there was anything that would disadvantage At-Large or specifically disadvantage the community, vis-à-vis the Board. And so there are areas where for example the Board is able to suggest that the scope as defined by the group is not in line with the bylaws, for example, but they're just considered guidelines that don't need to be followed.

I think part of what we need to do is make sure we don't repeat the fiasco of SSR2 where the whole process had a wrench thrown in it by the Board. And so defining of scope, et cetera, was an issue where there was conflict between the review team and the Board and the document still put the ultimately power for that scope in the hands of the review team. Obviously the ultimately power to take the recommendations from the review still stands with the Board, but there are powers essentially the empowered community to deal with a disagreement between the community and the Board on those recommendations.

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So I think there's a lot of tweaking that can be done to make these things generally better, but nothing surfaced that somehow positioned the At-Large badly vis-à-vis the rest of the community or disadvantaged the At-Large in particular. That's where I think, that if we make a comment, it may be a set of individual comments, rather than at At-Large comment. Cheryl, go ahead.

CHERYL LANGDON-ORR:

Thank you so much, Cheryl Langdon-Orr for the record. And like Alan and Jonathan, I've got a few of these reviews under my belt, both specific and organizational, in fact, and so I would consider myself as a little bit of an experienced person in these review team aspects. I actually welcome, and yes, I know some of you think I am the queen of process, recognizing that, I actually welcome this particular version of the operating standards.

I did not welcome the original, and some things like the ability to have continuity between scout sitting outside and the review team, which was one of the first suggestions, where they came up with that I have no idea, but anyway, that's not an issue now. So I'm quite comfortable with this as she is writ. I think it's actually, it's good if we have this document out in the future as a codification of expectations, because it will put some of the "oh, I'd like to be in that" type people to recognize what the work is going to be, and perhaps we'll actually get people volunteering to, heaven forbid, actually turn up to do the work.

And one of the things, of course, with review leadership, if you look at whatever page that is, page 17, the couple of points there drive towards

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the delivery and maintaining standards of focus, establishing a chain of reference, identifying the level of consensus, and manage the review team's budget in work with icann.org, maintaining the review team's accountability and transparency. Those core principles of what we expect of review team leadership are essential, because what we don't expect of review team leadership is to actually hold sway over opinion or to draft the documents, or to have their point of view prevail.

The job is very much administrative, and particularly needs to focus on how the money is spent wisely. Just that, because we wouldn't have some of the issues we saw with SSR2, if this type of document had been in place. So, if ALAC is going to do anything, I would say something very simple and supportive. Thank you.

JONATHAN ZUCK:

Greg, I don't know if you have anything more to add, oh, Alan has his hand up.

ALAN GREENBERG:

Yeah, thank you, it's Alan. Just one very brief comment. I've heard several comments in this discussion on SSR2. I would strongly suggest that you not try to draw conclusions from the public information that was distributed about the SSR2 halt and restart. Having been involved in this process somewhat intimately, I would strongly suggest don't try to draw conclusions from the public statements. Thank you.

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GREG SHATAN: And with that cryptic note, we can draw a line under this topic. It seems there is still some discussion about whether to have a comment, but also some disagreement, perhaps, about process overkill is in place or whether this is in fact now at least a reasonable and levelheaded process, and that problems and earlier versions have been resolved. So again, maybe something where individual comments are better made, rather than trying to arrive at a single At-Large position.

ALAN GREENBERG: Greg, this train is not going to be stopped, regardless of whether it's good or not.

GREG SHATAN: I guess we just have to lie down on the tracks, Alan.

OLIVIER CREPIN-LEBLOND: Have we lost Jonathan? Olivier speaking.

JONATHAN ZUCK: Can you hear me?

ALAN GREENBERG: I can.

OLIVIER CREPIN-LEBLOND: Okay, go ahead, sorry, you sounded very far.

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JONATHAN ZUCK: Okay, so Evin put up the slides. I see the last thing on here is the first consultation on the two year planning process. Is someone interested in taking a crack at that to lead a discussion on whether or not we want to comment on it? I suspect we will.

EVIN ERDOGDU: Jonathan, this is Evin. Actually, yes, Judith Hellerstein has volunteered as penholder for this statement and on the next finance and budget subcommittee call she is planning to have a draft to present for their review, but it is in progress.

JONATHAN ZUCK: Okay, sounds good. Then let's move on to the discussion on CCWG at ICANN64. Is Joanna leading that conversation?

JOANNA KULESZA: Yes, I believe I should have audio, can you guys hear me? Hello?

OLIVIER CREPIN-LEBLOND: We can hear you Joanna.

JOANNA KULESZA: Oh, wonderful, brilliant. I just briefly discussed with Olivier, I am happy to take this point to the mailing list for the sake of time, if that helps the discussion, I'm happy to leave the decision with Olivier.

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OLIVIER CREPIN-LEBLOND: Yes, thanks Joanna, it's Olivier speaking. Is this something that is time sensitive, or can you send something to the mailing list and then we talk about it next week?

JOANNA KULESZA: I will be happy to send something to the mailing list and then I can just get your feedback instead of taking time now and explaining everything and then having a discussion. So I'll be happy to take it to the mailing list. I'll write what I would have said today, and then we can take it to the next meeting and I can get your feedback directly. Would that work?

OLIVIER CREPIN-LEBLOND: That would be appreciated, it's Olivier speaking, that would be appreciated, thank you.

JOANNA KULESZA: Alright, so let's do it like that, and move on. Thank you.

OLIVIER CREPIN-LEBLOND: Okay, thanks. Then agenda item #6, review of the executive summary page. Evin Erdogan.



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EVIN ERDOGDU:

Thank you, Olivier. I'll just be brief. The executive summary page was sent to the mailing list and we received some feedback from Justine Chew who I note is on the call, so you're welcome to share your feedback if you'd like. But otherwise, just looking for thoughts from this working group on any potential updates that we could have to this, or it looks find, what could make it useful. Justine did suggest noting where it would sit exactly on the At-Large website and what the potential target audience would be for this page, and if it would be possible to tag the Wiki page with topic tags that are also used on policy statements on the At-Large website. So I'll just share the link in the chat again, and if anyone has feedback, please feel free to share over email or directly, and that's it. Thank you.

OLIVIER CREPIN-LEBLOND:

Thanks very much for this, Evin. That's very helpful. I don't see any hands up, so we can move to Any Other Business. And we had just two items, actually. The item that we had from Barrack Otieno that we moved from the beginning of the call, and I understand Barrack is on the call now. But first we have Justine Chew for the consultation and proposal for the new gTLD application model. We haven't got that much time, so Justine if you could please take us through your findings.

JUSTINE CHEW:

Hi, this is Justine speaking, thanks Olivier. I just put a note in the chat to save time. I'm happy to let the meeting go on.

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OLIVIER CREPIN-LEBLOND: Just for the record, what does the note say?

JUSTINE CHEW: Right, okay, as I said in the chat, the position that we have at the moment is based on feedback from the mailing list and two last calls, and posted in the Wiki webspace since last week, basically. We had one minor feedback, therefore some minor updates to the first draft. As of the 18th of January there has been no further comment, so I am proposing that we close this on Monday the 28th, to allow people time if they haven't had the chance to look at what's up there, to do so, and then I can tidy up anything that needs to be done with the working group leadership, either Jonathon or Olivier if necessary, and then I can take the position back to the subgroup A of the working group at the next meeting which is on the 31st of January. Thanks.

OLIVIER CREPIN-LEBLOND: That's great, thanks very much for this, and thanks for the update. I see a green tick from Cheryl, so good process, and I guess it's good that you got some feedback. So, finally we've got Barrack Otieno who is now on the call, taking us back to the action items at the beginning of the call. There was a question last week regarding allegations that some ccTLD managers don't use the ccTLD properly or that the ccTLD has been delegated to a private entity. What remedies are available, how are they used, and how have they been used historically? Barrack is our liaison, so I'll hand the floor over to you, if you could please just summarize in a couple of minutes, that would be super.

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BARRACK OTIENO:

Thank you very much, Olivier. I hope I'm loud and clear. I'll try to be as brief as I can. First of all, I think you provided some answers before I responded on email, which highlighted the fact that this is a very difficult area of murky waters for lack of a better word. We can't say that there is a right or wrong answer, and I'm going to qualify that. But before I give a few examples that I have in mind, I just quickly want to refer to some of the issues that you raised.

There are some critical documents that we need to refer to, that is the ISO3166 Standard, of course which deals with identification of countries and territories. And then there is the Framework of Interpretation working group report that was released I believe in 2014. And then there is RFC1591 and allow me just to read something from page 4 of RFC1591, which says, "Concerns about rights and ownership of domain are inappropriate. It is appropriate to be concerned about responsibilities and service to the community." That is the first paragraph at the beginning of page 4 of RFC1591.

So I would say that currently delegations and transfers are being handled by PTI and most of them approved, not even most of them, they are actually approved by the ICANN Board. If you actually look at the Board agenda for the 25th, I think, through the 27th, you will see that there is delegation of two ccTLDs, one of them is dot ss, for Southern Sudan, and another one is the IDNTLD for Mauritania. The question that arose, that some of these ccTLDs are delegated to private entities that do not manage them really well. I think the challenge with ccTLDs is that there is always the sovereignty angle that always comes up, which in most cases is a very difficult issue to tackle.

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For example, I will share an example, I have been involved in delegation of dot ls, the Lesotho ccTLD which took place last year. For those that know Lesotho, is a small country that is surrounded by South Africa, and the ccTLD was actually being managed by the University of Rhodes within South Africa. But for many years they did not have the technical expertise within their country to be able to manage the registry. And politically you would say they were like a region or a small part of southern Africa, even though they were identified as an independent country.

But with time, Lesotho has been able to establish itself politically, establish itself economically, and they reached a point where they said now we want to have our identity as dot ls, and they reached out to the region or community, they called us, and they were able to start a process that ensured that they delegated their ccTLD successfully in their country. So there was a lot of back and forth in building a local team of stakeholders, that is a registrar, community, teaching the local community the benefits of using their ccTLD in a sustainable manner, and in a way, just building an ecosystem that would be able to fulfill the requirements for PTIs to approve the delegation process.

Right now there is a delegation going on for the Republic of Southern Sudan. You are all aware of the political situation in Southern Sudan, and questions may arise as to who are the stakeholder or who is the right person to manage the registry. In Southern Sudan, of course, the process is being driven by the regulator, as is the case in many other African countries that have started to realize the benefits of ccTLD. So you will find that in some cases, governments decide or determine that the manager of the registry is going to the regulator, and of course,

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because it is the regulator that is in charge of the ICT sector, they are the ones that bring together stakeholders and are able to establish a regime within which the registry is operated.

Another case is Congo, dot cd. Most of you know the political situation in Congo. Congo changed from Zaire around 1997, back to Democratic Republic of Congo, meaning a re-delegation had to take place and then management of the registry was given to a private entity which had the blessing of the presidency. But with change of government, the government took back the registry. And you realize that in most cases the government's right to PTI, now, because IANA is no longer in the picture, rights to PTI as a representative of the Congolese people to administer the registry on behalf of the local community and the global internet community.

So in a nutshell, what I'm trying to say is that management of ccTLDs is a very fluid issue, because governance differs with territories. I know Europe is a totally different case, the same applies to Latin America and the same applies to Asia Pacific. Because of the different cultures, there are different governance models, and therefore you find that the way the ccTLDs are handled or treated varies from place to place, and for some governments they will say this is our national symbol, and therefore we have the right to manage it. In some territories the government has passed it to private individuals.

For example, we know one of the largest ccTLDs is dot tk. When you look at the geographic region, the numbers cannot compare to some of the territories in Africa which have very small ccTLDs for lack of a better word. So, in a nutshell, I would say that what has been happening is to

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look at best practice. Regional organizations such as AfTLD, LacTLD, or EpiTLD have been trying to develop best practice, which they share with countries within their region and for some of the ccTLDs that have embraced the best practices, they have been able to do well and they have been able to come out of challenges. ccTLDs that have ignored the best practices have a lot of fights over who should manage the registry and how the registry should be managed. I hope in very many words I have tried to do justice to the question that was asked.

OLIVIER CREPIN-LEBLOND: Olivier speaking. Thank you very much, Barrack, for that very comprehensive response. I hope this has been understood by everyone, it's really great. Perhaps we should put in the chat the links that you've mentions, so the RFC and the very well covered interpretation. But this is a recurring question which comes back quite often. So be prepared to repeat this wonderful performance again at other meetings.

This is the end of this call. So, any other business that is current not listed? No? Well, apologies again for being 24 minutes late, but this was a very, very good call, in my view. Thanks very much to Jonathan for having steered us through the policy. Next meeting will be next week. There have been some questions as to whether we should rotate even further and have an even later time, I'm not quite sure how that pans out. Can I ask Staff where we are on this? Are we ready to rotate further or are we just rotating between our two usual times?

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EVIN ERDOGDU: Hi, Olivier, this is Evin. I'll let Andrea answer.

ANDREA GLANDON: Thank you, Evin. I don't think that the LACRALO, so between 2100 and 2300, but I do not believe that there has been a definite decision made on that. I can check with Yesim a little bit further.

OLIVIER CREPIN-LEBLOND: Okay, thanks, Olivier speaking. I'm unavailable in the earlier time next week, I'll be on a flight. So if Jonathan can run the show, then we can certainly do it in the earlier time. Otherwise, has anyone got a conflict in the later time, which is the time that we've used today.

CHERYL LANGDON-ORR: Olivier, Cheryl here. The times we are using have been selected to avoid clashes. Can you stop using the useless term of earlier and later and give us a UTC specific time you're asking us about, otherwise, most of us can't answer your question as to whether there is a clash or not.

OLIVIER CREPIN-LEBLOND: Okay, thanks, I think the "earlier time" is 13:00 UTC, and the "later time" is 19:00 UTC, but Staff would probably know better.

ANDREA GLANDON: That's correct, Olivier, you are correct, 13:00 UTC and 19:00 UTC.

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OLIVIER CREPIN-LEBLOND: So, next call, if we rotate strictly would be 13:00 UTC, in which Jonathan will have to take the call. If on the other hand we wish to have a later call, then I'm available for that.

JONATHAN ZUCK: I'm happy to just take the next call so that we have some regularity in rotations.

OLIVIER CREPIN-LEBLOND: Perfect. Well, thanks everyone for being on this call. Thanks to our Staff and to all the people who have contributed greatly to today's call with all the policy work that is going on. So, this call has now ended, so have a very good morning, afternoon, evening, or night, wherever you are.

ANDREA GLANDON: Thank you, this concludes today's conference. Please remember to disconnect all lines, and have a wonderful rest of your day.

**[END OF TRANSCRIPTION]**