
MICHELLE DESMYTER:

Good morning, good afternoon, good evening. Welcome to the Consolidated Policy Working Group call of Wednesday, the 10th of July at 19:00 UTC.

On today's call on the English channel, we do have Alan Greenberg, Albert Daniels, Abdulkarim Oloyede, Bartlett Morgan, Cheryl Langdon-Orr, Christopher Wilkinson, Dev Anand Teelucksingh, Eduardo Diaz, Ejikeme Egbugo, Fouad Bajwa, Holly Raiche, Jonathan Zuck, Justine Chew, Leon Sanchez, Marita Moll, Ricardo Holmquist, Yrjo Lansipuro, Roberto Gaetano, Alberto Soto, and Olivier Crepin-Leblond.

On the Spanish channel, we do have Lilian Ivette De Luque.

We have apologies from Judith Hellerstein, Tijani Ben Jemaa, John Laprise, and a tentative apology from Sebastien Bachollet.

Our interpreters today are Claudia and Marina.

From staff, we have Evin Erdogan and myself, Michelle DeSmyter, on call management.

I would to remind everyone to please state your name before speaking for transcription purposes and to please keep your phone and microphone on mute when not speaking to avoid background noise.

Thank you, and over to you, Olivier.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

OLIVIER CREPIN-LEBLOND: Thank you very much, Michelle. Welcome, ladies and[gentlemen], to the Consolidated Policy Working Group call, which is, as usual, packed with exciting stuff, starting with the EPDP Phase 1. There'll be an update from Hadia and Alan and a proposal for some case scenarios that Hadia will take us through. Then we'll be looking at the talking points and follow up on the ICANN 65 policy workshop. Then we will be looking at our policy comment updates. You can on the agenda there are quite a number that are there for decision by the ALAC. I guess the ALAC [is resting] on the Consolidated Policy Working Group's views with regards to whether to answer these public comments. Then there are two that are currently being drafted or in the process of being drafted. Then we've got Any Other Business.

I've noticed that, in addition to the one which is an AI from ICANN 65 – the special-purpose CPWG calls with specific agendas on the topic of geo-names – there also are several other calls for AOB, one on the topic of subsequent procedures that we will have, and one on – let me just say – technology issues. So we'll have both of these AOBs. and I understand there's also an AOB from Leon Sanchez, who will be able to provide us with an update on the reconstitution of the IRP-IOT. So that's three AOBs, which makes it a very busy call today.

Are there any other additional amendments or changes to the agenda?

Justine Chew?

JUSTINE CHEW: Hi. Thanks, Olivier. I was wondering if you could allow me to just make a couple of interventions at this point. I've just come off two calls and I'm really tired. I want to go to sleep. Is that all right, Olivier?

OLIVIER CREPIN-LEBLOND: It depends on what they're about. If they're 45 minutes long, it'll be a bit difficult. But if they're short, Justine, of course you're very welcome.

JUSTINE CHEW: One minute will do or 30 seconds will do it.

OLIVIER CREPIN-LEBLOND: Okay. As soon as we approve the agenda, then we'll get you to speak quickly. Any other changes to the agenda?

JUSTINE CHEW: Well, it's got to do with the agenda.

OLIVIER CREPIN-LEBLOND: Ah, okay. Go ahead, then.

JUSTINE CHEW: Okay. The first thing is in response to Holly's request for SubPro updates. I'm happy to do one but tonight. I'll see if I can come back with something by next week. Also, in line with what the GAC, I think I'll leave it to you to talk about the GAC focus group joint collaboration

between the GAC and ALAC. I'll try to do some work in terms of [inaudible]. That's one.

The special-purpose CPWG calls on geo-names – I'm not sure how that's going to be handled, but I'm happy to be involved with as well. The third one is on the public comment for decisions. I'm happy to have a look at the last one, which is to do with name collision, because I'm following the NCAP discussion. And I'm in the NCAP discussion group anyway, so I'll come back to that with some thoughts within the next two weeks. Thanks.

OLIVIER CREPIN-LEBLOND: Okay, Justine. Thanks very much. This is all noted. Thanks for your intervention. Hopefully you'll be able to survive the call, too.

I don't see any other hands, so let's proceed forward and let's go into our action items from our last call that was before the last ICANN meeting on the 19th of June. There were several action items. The one that is still pending is the additional penholder to be assigned to the [inaudible] the governance of the root server system. I think we'll be dealing with this shortly, so that, I guess, can probably be ticked as being done as well.

Are there any comments on any of the other action items?

Justine, your hand is still up on my screen. Do you wish to have the floor again?

No? Okay. Justine has put her hand down. I'm not seeing anybody put their hand up to comment on the action items, so thank you. We can

then proceed forward. Well, looking at the action items, I don't think any of them actually require a follow-up as such, so let's go to the EPDP Phase 2 update with Hadia Elminiawi and Alan Greenberg. As you know, the EPDP is expedited, so it did not take a break after the ICANN meeting. Neither did it take a break during the ICANN meeting, so we're looking forward to an update. You have 20 minutes for this. I'm not sure who wishes to start, Hadia or Alan.

ALAN GREENBERG:

It's Alan. I'll start with a very brief update and then turn it over to Hadia, who has the bulk of the discussion. Part of the PDP we're in right now was to start looking at what is being called the universal access model and start actually coming down to the substance of who would access and under what rules. There was significant discussion on how to go about this. The end decision was we would come up with a very small number of case scenarios to give us a feel for what kind of things do we have to consider in the more general case.

We started with one, which was on intellectual property rights, and then we asked for volunteers for another few because I think the target at one point was four. At this point, everyone or many people in the room have decided that they want their favorite ones to be used as examples. We are now in a mode where it's not clear how any examples we'll have. The deadline was last Friday. It has tentatively or implicitly extended because people are still working on them, including us, by the way. Hadia will be presenting two of them that we will be contributing.

So it's not quite clear where it's going because we have evolved from, "Let's have a few examples," to having a large number of examples. But it's not an exhaustive set of examples. So it's not 100% clear how we're going to proceed to generalize these, but at this point, we will be in the midst, we think, of trying to understand them and agree with them and then generalize them.

I have not seen the agenda for this Thursday's meeting yet. It may have been published. I just may not have seen it. So I'm not quite sure how we're approaching it, but regardless, we are contributing two on consumer protection related areas. I'm going to turn it over to Hadia to present what she has pulled together with thanks, Hadia. My time has been rather constrained in the last week or so and will continue to be for the next few days. So I'm grateful for Hadia for taking responsibility for this and getting the work done. Thank you.

Hadia?

HADIA ELMINIAWI:

Thank you, Alan. First I would like to note that this is far from perfect – the use cases that I'm presenting. As Alan mentioned, the target was only to have a few use cases in order to use them in the general [case]. My personal view is that having too many cases is not a good thing because it will take from the actual time required to get an initial report ready.

I would like first to quickly mention that also Goran Marby, ICANN CEO, sent a letter to the GNSO Chair saying that, given the changes in gTLD registration data requirements based on EPDP Phase 1, ICANN is

interested in further understanding the EPDP plans in relation to accuracy. So I guess we will need to be working on accuracy at some point.

My first case is about consumer protection. The general purpose should be preventing fraud. Preventing fraud is a legitimate interest in the GDPR, specifically stated in [ISO] #47. I would like for us to refer to a statement that I found by the Federal Trade Commission—

OLIVIER CREPIN-LEBLOND: Hadia, sorry. I'm sorry, Hadia, but at the moment, the screen is not showing the case. It's showing Chair's suggested approach for endorsement, which is not what we want.

HADIA ELMINAWI: I would ask Evin to kindly share the document that you shared with [them] a few minutes ago before the call.

EVIN ERDOGDU: Hi, Hadia. Michelle is currently displaying the document, I believe, but if it's not pulled up, I'll pull it up. Let's try to see if she can try to pull it up. One moment. Thank you.

HADIA ELMINIAMI: Do you want me to resend it now?

OLIVIER CREPIN-LEBLOND: No. Staff has it. Michelle just mentioned earlier that she had received it, so I'm a bit surprised.

HADIA ELMINIAWI: Okay. Until we have it on the screen, I would – okay, here it is. I would like to mention that I found a statement by the Federal Trade Commission. The statement is on the WHOIS database. It's a little bit old. It was made in 2006. I would just like to note that by no means am I trying to advocate for the old WHOIS. I'm just mentioning this statement in order to mention the importance of consumer protection for some organizations, the importance of the WHOIS database for consumer protection organizations.

The statement made by the Federal Trade Commission in 2006 on WHOIS says that the WHOIS database is critical to the agency. It also says it's one of the first tools that the FTC investigators used to identify wrongdoing. The statement also notes that consumers benefit from access to WHOIS data and cites the Organization for Economic Cooperation and Development Policy. It cites a paper made by the organization that says that easy identification of online business is an essential element for building consumer trust. So, according to the Organization for Economic Cooperation, consumers do use the WHOIS database, and it is very important for consumer trust.

So the general purpose is preventing fraud for both cases. As mentioned, preventing fraud is a legitimate interest under GDPR, as mentioned in [inaudible] #47. The first case is for Internet users, end users, to be able to identify or validate the source of goods or services,

or to be able to validate the legitimacy of an e-mail or website. The requesters here will typically be online buyers, and Internet users in general.

Why is non-public registration data necessary? Well, typically speaking, commercial domain names belong to legal persons. Typically, contact information is publicly available. However, if this information is available and Internet users might need this type of information, [inaudible] legitimacy of the domain name. If you're buying an online ticket, buying any kind of goods or services online, and you're not sure about the websites, sometimes you might receive an e-mail which has an ad or has a link to a website where you want to buy something from, you want to check the legitimacy of the website. Definitely, you can [log onto] the website and look at the contact information displayed and try to contact them through the information displayed. But sometimes, if you have no information displayed or if you try to contact them through the information displayed on the website, you actually cannot.

So there are various reasons why the end users typically use or used to use the WHOIS database in order to check for the legitimacy of the website. I did cite also the Organization for Economic Cooperation and Development, which also says the same. Typically, the data elements which will be disclosed in this situation will be the contact information in relation to the domain name. Again, we are talking about a commercial domain name, so we don't need to worry about vulnerable groups or organizations that don't want their contact information to be out there. We are specifically speaking about organizations or companies, commercial ones selling goods or services online. Those types of companies and organizations typically would like their information to be

out there. There's no reason to think otherwise. So typically the elements to be disclosed would be the contact information. So whether it's a person selling goods or services or if it's a company, it'll be the contact information.

The local basis for the entity disclosing this data should be the registrar or the registry would be 61F. That's [legitimacy]. Again, the GDPR supports [users'] legitimate interest for fraud prevention.

Again, the users would be asking for information that's supposed to be online. Typically it's supposed to be publicly available, but maybe for some reason or another it's not there. So the purpose would be fraud prevention. The necessity – the user will mention the reasons for which he wants the contact information and will need to prove that this information is not available through other means and that this information actually belongs to a site selling goods or services.

The balance required for the disclosure. While it's the contact information of commercial domain names, it's reasonable expected by the registrants that the contact information will be displayed because it's a commercial website. So it has a minimal privacy impact.

While some of the [inaudible] to identify that the requested information belongs to a commercial domain name to prove that the private information is not available to other [inaudible] on using the information according to the purpose stated. The entity disclosing the data definitely will multiply the data if they do the balance and they check the request and they find it a legitimate request with a lawful basis, so they would provide the contact information.

The safeguards applicable to the data subjects – in my first document that I sent before, I had some other things, but I changed in this one to all rights given under the GDPR because data subjects have different rights depending on the lawful basis. For example, if the lawful basis for disclosure is 61F, then the data subject does not have the right to object. So instead of looking at the GDPR and looking at what kind of rights the data subject have or do not have, I just stated the rights given under the GDPR.

Then there are some other safeguards like Boolean search capabilities. I don't think the user would actually need any kind of Boolean search capabilities. If a regular user does one thing to check or validate the [inaudible] that it is actually using.

Accreditation. I think that there is no need for accreditation in this case, but then it's open for discussion. What information is required to be provided for the request under this lawful basis? Well, [inaudible] many information would be required [with respect to] contact information. The website. Is the domain required? Why is the data required? The [inaudible] for protecting. Are there wider public benefits? Well, yes there could be wider public benefits because if it's actually a site that's not legitimate, then warnings will be sent or maybe the website will be taken down. So there is a wider public benefit. Does the registrant expect the processing of the data in this case? Well, definitely yes if it is a commercial website. So the answer would be yes for a legitimate commercial website. Then the expected timing of [inaudible]. The establishment of the [inaudible] instant one. How fast actually the data is disclosed or not disclosed could be discussed.

The other case is also fraud prevention and in relation to consumer protection, but in this case the person requesting the information is a consumer protection organization. So it's actually not a user. It's not an Internet end user, but it's an organization that's [inaudible] on protecting consumers, like the Federal Trade Commission, like many organizations, actually, that work to protect consumers.

Why would the public registration data be necessary? It could be necessary to conduct investigations of Internet scams, to stop fraud and spam from infecting consumers' computers or harming them. Again, the data elements that may typically be disclosed could be the contact information but also maybe some technical information. I only put here the contact information but also some other technical—

ALAN GREENBERG:

Excuse me. Could we please scroll to the next case that Hadia is talking about? Thank you. Sorry to interrupt.

HADIA ELMINIAWI:

Thank you, Alan. Thank you so much. Again, the reason for disclosure of public registration data is to conduct investigations of Internet scams and stopping possibly fraud or spam from infecting consumers' computers or harming them. Typically, the data to be disclosed would be the contact information, but also I would guess some other technical information could also be required. I did not put it here, but that's a possibility as well.

For the lawful basis, I thought a lot about the lawful basis. 61C, I think, would be used by law enforcement agencies. I don't know, for example, if the Federal Trade Commission is a law enforcement agency or not. If it is, it would use 61C. 61E would be used by organizations carrying out specific tasks in the public interest, which is laid down by the law. 61F would be used by private sector organizations or public parties if the processing is outside their tasks. I'm not sure about 61[G], but I put all the possibilities that I thought of.

The requester might be a public authority organization or it might be a private organization. What the requester will need to provide will differ depending on if it's a private organizations or a public authority organization.

Again, [inaudible] entity disclosing the [inaudible]. Well again, they must supply the data requested by the requester and must return [inaudible] data in response to their request. Again, with regard to the safeguards in relation to the data subject, I put all rights given under GDPR.

Again, I see no need for Boolean search capabilities. As for the accreditation of users or groups, I give yes. For individual users, I said no need for accreditation, but for organizations I said yes because I think it's easier if you can actually accredit some organizations that actually are entitled to protect consumers.

So that's about it. Again, it's open for discussion. It's something that I put together so quickly. Maybe we will need to expand or elaborate more. Thank you. If you have any questions, I'm happy to answer them. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Hadia. Alan, I see your hand is up. Alan Greenberg?

ALAN GREENBERG: Thank you very much. Can we scroll to the beginning of the second case? No, no. Now you're at the end of the first case. Keep going down a bit. Okay. Make that the whole – okay. Fine. Well, aside from the obvious, that the sections have to be renumbered here because the numbering continued, number one, I would strongly recommend that we present the second case first – that is, flip the order. The case for accepting these by the EPDP – we know there's going to be some pushback on what is currently the first case – is, if we present them in that order, both of them will likely be discounted by many people. So I think we need to flip the order and use then consumer protection organizations first, which has a much stronger case behind it.

That being said – I've already said this in private mail to Hadia but it got to her too late – what is currently Section R – Why is the data needed? – currently reads as if the only reason is to provide protection to harm to computers. I suggested wording to Hadia which puts the emphasis back on fraud as well as spam and malware.

HADIA ELMINIAWI: Okay. Yeah, definitely. That's why I put [inaudible]. I just needed to elaborate more on the consumers themselves rather than their computers.

ALAN GREENBERG: Yeah. In any case, I sent you a sentence. It's just replacing there. I think the order is important. As we've already seen in the comments, there are some people who are going to say that, because there is no way to accredit an aggrieved individual who has a reason for accessing data, that may be a much more difficult one certainly to automate. It doesn't mean that the individual can't make a case to a registrar for why the data should be accessible, but in doing it on an automated basis, there's probably going to be no way that we can tell the difference between you as an aggrieved consumer who has a reason for accessing data and you who is simply a voyeur and is curious with no real reason. So that's why I'd strongly recommend flipping the two. That doesn't mean the person doesn't have a right to access the data under GDPR. It's just means that it's not clear that we're going to have way to be able to automate that process.

HADIA ELMINIAWI: Totally.

ALAN GREENBERG: I think that is all that I have a comment on right now. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Alan. Next is Holly Raiche.

HOLLY RAICHE: Can you hear me?

OLIVIER CREPIN-LEBLOND: We can.

HOLLY RAICHE: Okay. I absolutely agree with Alan. I think individual access is really problematic, both in terms of some of the things said in the GDPR, but also in terms of any kind of automatic agreement or accreditation, it would be really, really difficult. I think consumer organizations will be difficult but not impossible, and that's a better case to start with. I think that the easiest thing to argue, which was what Rod Rasmussen was talking about, is not the law enforcement agencies because, to a greater extent, that's covered. But for fraud detection – those people who are in the business of – the aspects of fraud detection are much easier to argue because, in the end, you have to wind up always – how do you accredit somebody for automatic access?

I totally agree with you, Alan. I think it's really [inaudible] if [I] got to argue that one. That should be at the bottom of the pile, if included at all. Thank you.

HADIA ELMINIAWI: I agree with everything you said, Holly.

HOLLY RAICHE: Thank you.

OLIVIER CREPIN-LEBLOND: Thanks, Holly, and thanks, Hadia. Alan Greenberg?

ALAN GREENBERG: Thank you very much. Based on what Holly just said, it dawned on me as I was listening to her that we probably want to add in that individual use case where it says, "Accreditation is probably not possible, which is why this use case, although valid, may not be automatable." I think we should actually say that going into it. Otherwise, we're going to be accused just trying to squeeze something in that we want. I believe it is a valid use case but not necessarily one that can be automated. I think we should present it in that light.

In terms of the one that Rod was talking about, I believe SSAC is submitting several cases themselves, and I suspect that will be among them.

The last point I wanted to make is we keep on talking about law enforcement. Remember, under GDPR, law enforcement means law enforcement within the European Union, plus and minus a little bit. Law enforcement outside of their jurisdiction does not classify as law enforcement for which there is explicit European legislation covering it.

Now, if law enforcement in some other country chooses to go through European law enforcement, then obviously the request is being made by European law enforcement. If it doesn't, then it is a third party like anyone else and causes all sorts of problems that we currently don't

know how to address. Thank you. Just remember, when we talk about law enforcement, it's a very particular kind that GDPR is talking about.

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan. It is also my understanding that law enforcement, whether European or other, will also be submitting cases. There's no doubt going to be discussions on that.

Looking through the list, next is Christopher Wilkinson.

CHRISTOPHER WILKINSON: Good evening. Thank you, Alan, for that [inaudible] that you've just described that causes my hair to rise in the context of the United Kingdom and Brexit. I guess there are not very many people in the U.K. who have remotely taken onboard that particular loop in GDPR. So be it.

But that's not why I asked for the floor. I asked for the floor just to say that, personally, I had assumed that it would indeed be the consumer organizations, of which there are many with different names in different countries, because I can understand the difficulty of accrediting the general public on an individual basis. But it does beg the question as to what situation would be in countries which do not have effective or regionally accessible consumer organizations. I'd have to think about the automation aspects because Alan's solution seems to be elegant but it does suggest that individual applications would have to be treated on a case-by-case basis of some sort of face-to-face method rather than through automated access. If this thing is going to work on any scale, that might be problematic.

Sorry to leave some loose ends in what I've had to say, but I think we need to focus primarily on the accredited consumer organizations in this field. Thank you.

HADIA ELMINIAWI:

Thank you, Christopher. Yes, I do agree with we need to focus on consumer protection organizations. With regard to the end users, accreditation won't be possible, I think, for sure. I did put that ["for accreditation" at the end]. It's a no.

However, I personally think there's a difference between accreditation and automated. It could be treated on an individual basis so there's no accreditation, but doesn't mean there's no automation. [inaudible] [traffic] should be automated, so you could have an algorithm running – theoretically speaking, of course – checking some questions in regards to individual users. After checking the questions and the answers, the algorithm decides if it's a legitimate interest or not.

So technically speaking, this is doable. Not accredited or not, in my opinion, doesn't mean automated or not. So it could be a non-accredited user, but still the process could be automated. Then again, this is a very technical issue that we don't need to be talking about. Thank you.

OLIVIER CREPIN-LEBLOND:

I see three hands up at the moment, but I think that these are all hands that will go down. I see Holly, Alan, and Christopher. Holly Raiche, go ahead.

Holly has put her hand down. Alan Greenberg?

ALAN GREENBERG:

Mine is a new one. I think, if we argue what Hadia was just saying, we are going to make ourselves look silly, to be quite blunt. You remember the very old cartoon of “On the Internet, no one knows if you’re a dog.” Well, no registrar or registry who has financial liabilities is going to take the word of someone who they don’t know who they are – all they have is an e-mail address, which could be from your dog or could be from who knows who – in an automated way and decide that, yes, they can get access. It’s just not going to fly very well.

So I think we really should present this case as a valid use case but not one that is automatable. I think that puts us in a much stronger position to push the other one than if we try to defend that we can automate essentially anonymous accesses from somewhere in the Internet to ask for WHOIS data. I think that’s a losing game, and I think we’ll lose our credibility if we push that one. Unless someone knows of an algorithm for how we can test veracity and truthfulness over the Internet, I don’t think that’s one I would want to have to defend. Thank you.

HADIA ELMINIAWI:

I was not suggesting to defend such a thing. I’m just thinking that it’s [doable], but, no, I was not suggesting that I am going to defend it. I’m not. [inaudible]

ALAN GREENBERG:

Good. I’d have to disown you if you did.

HADIA ELMINIAWI: No. I wasn't thinking about it. I was just thinking with you and the group that it might be doable technically. But, no, I'm not going to, by any means, defend it or even bring it up.

ALAN GREENBERG: Based on my several decades of experience, I can't think of how one could do that.

HADIA ELMINIAWI: Okay.

OLIVIER CREPIN-LEBLOND: Let's go through the list. Christopher Wilkinson, is that a new hand?

CHRISTOPHER WILKINSON: Yes, it's a new hand, but just to say that I appreciate the quality of the debates we're having. Personally, I recognize the amounts of detail that has to be taken onboard. Having made by general comments, don't expect my abstention and silence to be a lack of interest because I think we have to leave this to those who've invested apparently vast amounts of personal time in trying to solve these problems. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Christopher. Next is Greg Shatan.

GREG SHATAN:

Thanks. Two things. First, I heard Hadia's thought maybe a little bit differently, which is that you can break down the automation into two aspects. One is the automation of the applicants, if you will, or rather the person who is seeking the information which, if they're one of the accredited types, will get accredited. Secondly, there is the automation of the legitimate interest and the request itself and that it's possible that one could still have a situation where you do need to vet the requester, but because you don't know that they're not a dog, you need to satisfy yourself that they're not a dog. Once you're satisfied, even on a one-off basis, that the person is legitimate, it could still be somewhat automated to make the request that at least could be on a workflow. But I agree that, in terms of accreditation, there's no way to accredit one-offs in any way.

I think, in terms of the consumer protection organizations, for them it would be automatable as organizations. Obviously, while there [are] such organizations or effective organizations in every country – as Christopher pointed out, there are, certainly in the [plurality] of countries – I'm thinking one way to deal with this is the relationship – I really don't know very much about it, to be honest; I could be all [wet] – between the Internet Society and Consumers International, which is supposedly a union of dozens if not hundreds of consumer organizations worldwide. Perhaps there is a way to use that in some fashion to have a pipeline of organizations that could act in this space. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you very much for this, Greg. I see no further hands, and we do need to move on. Hadia and Alan, I think you received a lot of feedback here for these cases. What are the next steps? Will you just be updating these and then sharing them with the mailing list and submitting them to the EPDP?

ALAN GREENBERG: As soon as they're cleaned up, yes.

OLIVIER CREPIN-LEBLOND: Okay. Is there anything else on the EPDP topic at this point in time?

ALAN GREENBERG: Not from me.

OLIVIER CREPIN-LEBLOND: Hadia?

HADIA ELMINIAWI: No. Thank you. None from me.

OLIVIER CREPIN-LEBLOND: Okay. Thanks very much – as Holly mentions in the chat – to you and to Alan for all the incredible amount of work you're putting into this.

Let's move to Agenda Item 4: ICANN 65 policy workshop follow-up. Jonathan Zuck is going to take this part.

JONATHAN ZUCK: Can you hear me okay?

OLIVIER CREPIN-LEBLOND: Yes, we can.

JONATHAN ZUCK: All right, great. My headphones are going in and out for some reason. Maybe I have to buy new ones.

I guess I'm not sure I know what this is. Hang on a second. I had things in my head to talk about, and I don't know what this is. "Brief discussion [inaudible]." We had a conversation about geo-names in Marrakech that became very abstract very quickly. What I'm planning to do is, similar to what we just described with the EPDP scenarios, try to come up with some scenarios for outcomes that we would or would not like to see with regards to geo-names and address the discussion through those scenarios rather than in the abstract.

So I don't think I had plans for this slide deck. If you can call up the one about the scenarios – the geo-name PowerPoint – I think it'd be better.

UNIDENTIFIED FEMALE: One moment, Jonathan.

JONATHAN ZUCK: Sorry for the confusion.

The idea is that I'll come up with some and then try to circulate it to those who have been deeply involved in the geo-names debate to come up with others, such as Justine and Christopher and Marita. I'm thinking that we'll try to put together a survey – a SurveyMonkey or something like that – to let people express an opinion about whether they consider that scenario to be likely and whether they think the scenario is favorable so that maybe, through those scenarios, we can get to outcomes we're interested in and then use those as a mechanism for making particular recommendations in the context of geo-names because people were really speaking in the abstract in Marrakech and it quickly became apparent that there were some folks that thought that the governments were the best shepherds – this is not the PowerPoint. It's the other one – yeah, that one. Exactly. And there were some thoughts that governments would not be the right shepherds of this responsibility. So I think what we want to do is find a way through these scenarios to try and understand what it is we actually want to recommend as part of our overall effort of reaching some consensus on this geo-names topic with an eye towards potentially partnering with others, such as the GAC, to drive some of these concerns home as part of the subsequent procedures process.

These are some of the things that we've said in the past, that we should at what's happened in the past to see what took place and whether or not there's been any impact to geographic TLDs in their specific areas, etc., and understand this informed consent issue. This is one of the ones that I think we're going to need to figure out how to handle vis-à-vis government, etc. So that's where we're going to drive the two scenarios.

Next slide, please. One scenario/use case/stress test, etc., is that a registry makes no assertion in their application – this has been Marita’s point – that a word is being used as a geographic term but rather just as a word and is then published as a generic, even though the net result will be heavy use of this as a geographic term. Are we okay with that or is that a bad scenario?

For example, a registry delegated .nile as a generic and they don’t need to get permission because they don’t intend it as a geographic name. And don’t have to show any intended use, as Marita says. Exactly. So that’s one use case: whether that bothers us or not. I know it bothers Marita but I think we want to try to get some consensus on that.

Another one that came up was the role in the government raising this. If an indigenous organization in Australia has to ask the Australian government for permission to apply for .outback, for example, is that a scenario that we’d be happy with? So it’s things like this.

Marita, sorry. I’m not trying to make the argument at this point. I’m literally just [inaudible]. Structurally, we’re going to try to put together these scenarios phrased this way and figure out if people believe them to be likely and whether they’re outcomes with which we’re comfortable. Hopefully, we will begin to get a sense of how people feel about these outcomes and then, from there, work our way back to policy.

So I just wanted to throw a couple of them out there, but the idea is that this eventually will be on the wiki, more fleshed out. You’ll have the

ability to add to them, and then I think we'll try to make it into some kind of a survey.

I'm happy to take any questions about that.

Are there hands up? I can't see [inaudible]. Okay, Christopher. Go ahead.

CHRISTOPHER WILKINSON: Forgot the mute button.

JONATHAN ZUCK: Go ahead.

CHRISTOPHER WILKINSON: Thank you, Jonathan. That's a very good introduction to the possible methodology for our future work. This [inaudible] has been going on for a couple of years, so it's a pit we didn't get into this much earlier. Meanwhile, I would say that I rather appreciated the talking points document. It covers a lot of very good ground and some interesting advice.

My only reservation is that, so far, at least outside Marrakech, I've heard very people talking to it. I would encourage members of CPWG to log onto the conference calls and raise these questions because the debate is somewhat entrenched and we see very little scope for consensus as things stand at present, which is unfortunate.

There are certainly important scenarios. For example, in the Work Track 5 meeting earlier today, I spontaneously proposed that we should reverse the burden of proof generally that all geographical terms should be – the default should be protection or reservation and that what Work Track 5 should have been to define which categories of geographical terms are not protected. I think that would have been certainly more restricted, but operationally speaking, far more positive. At present, we are in a morass of impractical solutions.

I'll try and contribute to the wiki. I'm not very good at that, but I'll try. Meanwhile, most of you have seen one aspect or another of my point of view on these matters because I've copied my notes on the subject to the CPWG list. Thank you, Jonathan.

JONATHAN ZUCK:

Thanks, Christopher. Like I said, I wasn't really trying to open the can of worms of discussing these on this call but instead I was trying to use this as a methodology to open up these discussions because our attempt to begin to reach consensus in Marrakech was mostly a disaster because it was a lot of abstract discussions and people were contradicting each other in very abstract terms and it became difficult to derive what our position might be from that.

So I thought that we could come up with some scenarios. I won't do this by myself. I'll try to get help from you and others that have been involved to come up with these scenarios. They'll be phrased like this, and then we'll hopefully get feedback from the group in terms of how

they feel about that scenario. Based on that, then we can start to have a conversation about policy, I think. That's what I thought we would try.

Any other questions about that?

All right. I'll pass it back to you, Olivier.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Jonathan, and thanks for following up on these talking points. It really is something that was very well-received by the community, and I've heard a lot of positive feedback on these. So it's good that there is a tracking process now that follows up with these issues. Certainly Work Track 5 is one of them that is particularly contest around ICANN.

Let's move to the next thing in our agenda. That's the policy comment updates with Evin Erdogdu and Jonathan Zuck.

EVIN ERDOGDU: Thank you, Olivier. We have quite a lot of activity in terms of open public comments at the moment. First, recently ratified by the ALAC – this was before ICANN 65 – the Evolving ICANN's Multi-Stakeholder Model has an executive summary. The statement is also attached to the workspace and website. Recently submitted that were not ICANN public comments were CPWG feedback on the NomCom review implementation, as well as ALAC feedback on EPDP Phase 2.

There are currently now six public comments for decision. I noted at the beginning of the call that [Jeff Seen] has volunteered as a penholder for

the proposed definition of the names collision public comment. But there are an additional five others that are open. There are three closing at the end of this month on the 26th of July. Those three are proposed IANA SLAs for publishing LGR and IDN tables, revisions to the ICANN bylaws regarding SSAC and RSSAC leadership, and fundamental bylaws amendment proposal for the IANA naming function review.

In August, there are three more statements closing. Those are draft financial assumptions and projections and operating initiatives for the development of fiscal years 2021-2025 operating and financial plan, draft final report of the second Country-Code Names Supporting Organization review, and finally the aforementioned name collisions and scope of inquiry for the Name Collision Analysis Project public comment.

If anyone is interested in volunteering for these, please make it known or feel free to comment on those workspaces which are linked to the agenda.

Then there are two statements which the CPWG had indicated interest in before, which require further discussion on this call, the first being process proposal for streamlining organizational review and evolving the governance of the root server system. Bastiaan had formally volunteered for this, but we're seeking a co-penholder for this. [Fouad] had volunteered, and I believe he's made some comments on the workspace—

JUDITH HELLERSTEIN: I think A.K. has also volunteered for that one: evolving the governance of the root section. Abdulkarim.

EVIN ERDOGDU: Okay. Thank you, Judith.

JUDITH HELLERSTEIN: Check with him. I think that's the one he had volunteered for.

EVIN ERDOGDU: Thank you, Judith. If anyone would like to discuss these statements or discuss the open public comments, please do. I'll turn it over back to you, Jonathan and Olivier. Thank you.

JONATHAN ZUCK: Thanks, Evin, very much. Olivier, on the streamlining of the organizational reviews, you read over that and reached the conclusion that there wasn't a lot for us to say in that area. Do you want to reiterate that for the group and take consensus here on this call about that?

OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan. I did read through the material that was there. Being a novice at this and not having followed this very closely, I did not see anything in there that was either highly controversial or highly [inaudible]. In other words, most of it just seemed to be a good way to optimize things. The proposal and the

grounds that were laid out in there did not appear to be something that made such a big change. Effectively defining – to give you an analogy – that the water is what is something that is a given. A number of things that were defined there [!] noticed were just a given.

So short of supporting this, I'm not really quite sure [what] to look out for. Therefore, I didn't quite know whether the ALAC wants to support this or we should just decide on not filing a comment. This is where I would certainly appreciate any pointers or help from any of those people who are more closely involved with the organizational review. But at present, I couldn't come up with any text that we really needed to say when it came down to this topic.

JONATHAN ZUCK: Thanks, Olivier. That was impression as well from it. Holly, I realized your hand was up before. You might be talking about something else. Is it about this?

HOLLY RAICHE: Can you hear me?

JONATHAN ZUCK: Yes.

HOLLY RAICHE: Okay. I was actually going to put my hand up for the first one. It looks very technical. I'm on the CSC that actually does monitor performance

of the root server system, so I have to learn this stuff anyway. So I really would like to do that. Anyone with a technical background is also welcome to join me. But that's not about the organizational reviews. It was about the first one. So go back to the—

JONATHAN ZUCK: You said the first one. Which one? So not the governance of the root server systems.

HOLLY RAICHE: Yeah – oh, no. The first one that Evin read out.

JONATHAN ZUCK: Can you scroll up?

HOLLY RAICHE: Well, I'm trying to look [at this]. Okay. I was looking at ... oh, I don't see it here.

JONATHAN ZUCK: Because I think, when we were in Marrakech, you were talking about the governance of the root zone services.

HOLLY RAICHE: Yeah. That's what I was interested in.

JONATHAN ZUCK: Yeah. So that's the last—

HOLLY RAICHE: What Evin is saying is proposed IANA SLA for publishing the LGR/IDN tables. That's what I'm talking about. If you look at the chat, that's what I was talking about.

JONATHAN ZUCK: The IANA SLAs? Is that the one you're talking about?

HOLLY RAICHE: Yeah. I'm getting a report every month on the SLAs, so I might as well figure out what the hell I'm actually reading because my [inaudible].

JONATHAN ZUCK: Okay. Well, I think that's great. Holly. So take a look at it and come back to us with your recommendation on whether or not there's an end user perspective that we should be trying to raise.

HOLLY RAICHE: In the end, it's, does the root server work? So there's probably an end user implication, but whether or not it's something for us to make a comment on, I'm happy to get back to you on. Okay?

JONATHAN ZUCK: Okay, great. Thank you. Olivier?

OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan. I was going to, taking my chairing hat off, comment on a number of these public comments for decision, as I had to go through these on the recent EURALO call.

On the proposed IANA SLAs for publishing LGRs and IDN tables, as you know, the IANA has got service-level agreements for the work that it does. There's a whole process by which these are reviewed. But when these were designed, there was nothing designed for label generation rules and IDN tables. So this is just a proposed addition to the different service-level agreements. It's good that Holly would be able to look at this.

On the revisions of the ICANN bylaws regarding SSAC and RSSAC leadership, that I feel is something quite internal. I don't think that historically the ALAC has commented on these internal things, especially the revisions of bylaws. It's a little bit like when the ALAC updated its own bylaws and then this had to be also reflected in the ICANN bylaws as well. I would say, unless there's something really that we feel is completely wrong with this, we should comment on it.

Fundamental bylaws amendment proposal/the IANA naming function review was explained by Leon Sanchez. I know that he's on the call. That might be a little more of something he can explain better than I can.

Draft financial assumption and projections. This we should be asking our Finance and Budget Sub-Committee quickly in order to get an answer from them because they're the ones that are really playing close attention to this.

The draft final report of the second ccNSO review. Again, something very much procedural. I'm not quite sure whether we need to comment on that. I would probably recommend that we don't spend time on this.

Finally, the name collisions for the NCAP project (Name Collision Analysis Project). That is something, of course, that is important for us as end users because the largest name collisions are .home and .corp. So that's something that need to pay attention to. Unfortunately, I haven't had a chance to look at it yet. We might wish to forward this over to not the Technology Taskforce but the Technical Issues Working Group that I feel has a couple of experts on this that could help us out. Thank you.

You might be muted, Jonathan.

Have me lost Jonathan? I'm still here because I can still hear people on the call. So it looks as though we might have lost Jonathan Zuck. Let's continue down the queue. Let's go to Greg Shatan.

GREG SHATAN:

Thanks. First, I heard a lot of jingling and jangling, so either there are reindeer landing on a roof – very out of season, at least here in the global north – or somebody is walking around with a lot of keys. Anyway, it seems to have stopped.

Two quick comments. One, I think we should say something about the fundamental bylaws amendment proposal, if only because, as a fundamental bylaws proposal, it goes to the Empowered Community for approval of not. Since that's a stream that At-Large is in or ALAC is in, it

would be make sense to focus on it now if we can. It doesn't necessarily need to be a long comment. It just seems like something we shouldn't just let pass.

On the name collision, I volunteer to be a – I'll move closer to the mic – either a co-penholder or general [kibitzer]. I'm not highly technical but I certainly spent a fair amount of time looking at the issue when it was live. So I would like to be involved in that comment. Thanks.

Also, if we need somebody to penhold the fundamental bylaws amendment proposal, since I mentioned we should do it, I'm happy to penhold it since volunteering and then not volunteering is not something I want to do [too often].

JONATHAN ZUCK: All right. Can folks hear me now?

OLIVIER CREPIN-LEBLOND: We can hear you now, Jonathan, yes.

JONATHAN ZUCK: Great.

OLIVIER CREPIN-LEBLOND: Go ahead.

JONATHAN ZUCK:

Thanks. I think that's fine, Greg. If you can come back from that with a PowerPoint that says "Here's a couple of points I think we should make," rather than just drafting something from which we try to derive the point that you're making – so I'd love for everyone that's taking a look at these to make suggestions and recommendations for our position to start quicker with just an outline of those position rather than prose, if that's all right. So that's Holly and Greg on some of those where we're wondering whether or not there's something specific we want to say.

Any other thoughts on this – oh, we have Alan Greenberg also in the queue.

ALAN GREENBERG:

Thank you. I'm commenting on the fundamental bylaw one. I believe we must review the issue now, and we should make a comment if we are going to object when – remember, the fundamental bylaw requires the approval of the Empowered Community. If we are not going to approve it when it comes to us as part of the Empowered Community, we should be making a comment now as to why. If we have no problem with the proposal, then we can be silent and don't need to submit a comment. But I think it's mandatory that we review the issue at this point, make sure we are happy with it, in which case we can be silent in the public comment, and approve it when it comes to the Empowered Community. We do have to give an early warning at this point if we're going to refuse it when it comes to the Empowered Community. I personally have no problem with the proposal. That's a personal view, though. Thank you.

JONATHAN ZUCK: Thanks, Alan. I think that's exactly what Greg is going to be doing, so—

ALAN GREENBERG: Yeah, but you were talking about penholders. I'm suggesting to review, get consensus ALAC and, if there is agreement, we don't have to submit a comment because it's not a matter of the penholder. It's a matter of, are we happy with these? Thank you.

JONATHAN ZUCK: Sorry. That's a vocabulary thing that we might need to change. Issue/owner or something like that. That's what I'm specifically [suggesting], that people not start writing comment until we've agreed on what it is that we want to say. So I think we're saying the same thing, Alan. Thank you.

Leon, go ahead.

LEON SANCHEZ: Thank you very much, Jonathan. I'm commenting on the fundamental bylaws amendment also. I spoke to these on the last EURALO call. While this is an amendment that is being proposed the ccNSO Council as to assemble the review team that will perform the IANA functions review, the challenge that they have faced so far is they haven't been able to find a representative from ccTLD which is not associated with the ccNSO. Therefore, they are proposing that, instead of having two requirements in the current bylaws section 18.7A&B, this has changed

to just one requirement, that three representatives who are associated with ccTLD managers appointed by the ccNSO Council need not be associated with a ccNSO member. The ccNSO Council should use an inclusive process which is open to all ccTLD managers independent of their membership to the ccNSO.

So this is the amendment being proposed by the ccNSO Council, and this has been also something that has prevented the IANA Names Function Review Team from actually making the review. So this is something that, when the transition happened, I think the intention was to be as inclusive as possible and have also some fresh outside from outside the ICANN community to perform the review. But given the challenge that has been proven to be – to identify this third representative from a ccTLD non-affiliated or non-associated with the ccNSO – the ccNSO Council have come to the conclusion of proposing this fundamental bylaw amendment.

So I agree with Alan that maybe this is something that you should be able to signal whether you support or not at an early stage. If you do not support this change, well of course a comment would be in order as to why the ALAC would not be supporting this change. Thank you.

JONATHAN ZUCK:

Thanks, Leon. Greg, I think you have your marching orders, so let's move on from this. An old hand from Alan or is that new?

Olivier, go ahead.

OLIVIER CREPIN-LEBLOND: Thanks, Jonathan. I was just going to emphasize one point which was, indeed, at the time when the recommendations were drafted and the fundamental bylaws were designed, the idea was to be as inclusive as possible. It's one of these typical cases where we try and design something where we try and include so many different people. But those ccTLD operators that do not want to have anything to do with ICANN consciously and that are outside the ICANN processes? Wishing for them to come to the table appears to have been very difficult.

So I think that this change should be supported. Greg, obviously, was right at the heart of the design of the original text, I think, so he's very knowledgeable. I see Alan was also very knowledgeable about it. But no need to linger on further. Thank you.

JONATHAN ZUCK: Great. Thank you, Olivier. Anyone else on these topics? I think we've [sent] some of them down and we have people looking to make recommendations for our next action on our next call.

So that may be it for me and Evin, Olivier.

OLIVIER CREPIN-LEBLOND: Thank you, Jonathan. There's still one that remains there, and that's the one on evolving the governance of the root server system. Bastiaan and Fouad were suggested penholders. We've also added Abdulkarim Oloyede on this. Abdulkarim will be looking at this and adding to the points.

I have made some points on this. It is a very, very significant change. We're looking here at the root server system that used to be very independent, with root server operators operating very independently, using their own funds to run a root server in the days when it was possible to run it under a desk and the root server would sometimes be turned off when the cleaner came by, unplugged the server, and plugged in the vacuum cleaner instead.

This thing has completely changed now. The Internet supports more than four billion people. The service-level agreements are required for this. So the plans which have been now put before us which are proposed in this public comment are very, very complete. They look at policy. They look at the whole level of service levels and also the way they relate to each other, the ability to take away the running of a root from an organization and reallocate it, etc., etc. It also has in there a significant chapter about funding because such professional operations will require funding. That actually might be some kind of a further drain, I guess, or a load on ICANN resources because obviously the funding would come from ICANN.

So we need to look at this quite carefully. I would personally say, having read through this, that I certainly welcome the changes going through. The funding is going to be a hard-fought case. If you're looking at the Internet's critical Internet resources and if you look at the wider picture of Internet governance, where governments are basically saying, "Well, all of this is run by volunteers. This is not serious. We need to replace by government-owned root servers," then we really need to think at this one and follow a plan that will make this legitimate and as reliable as possible. That definitely needs money, unfortunately.

That's all I wanted to say on this topic. We still have until the 9th of August for this, so there's another month remaining. But it is very significant and I would like to ask everyone to look at this because, in my view, it's as important as the new gTLD process. Thank you.

JONATHAN ZUCK:

Thanks, Olivier. I guess my question is whether or not there's something that's going unsaid that we need to bring to the table as opposed to essentially restating what's in the executive summary of the document itself. So that's what I'd be interested personally: to see if there's an end user perspective that's somehow lost in this discussion that we're concerned about. Otherwise, we can sign onto somebody else's or make a three-line comment that says we support the proposal as is. So let's not task somebody with basically redrafting the document that we're commenting on if we can avoid it.

Alan, go ahead.

ALAN GREENBERG:

I think Cheryl's hand was up before me.

JONATHAN ZUCK:

Okay. I can't tell that from my interface. Cheryl, go ahead, please.

CHERYL LANGDON-ORR:

Thanks, Jonathan. Hopefully you can hear me. I couldn't agree with you more, but I would also suggest that the one thing that probably is

worthy of saying, in addition to the [three-line] support, is the point regarding the desirability as [core business] and very much our mission/task of ICANN. It's important to keep these root servers running from an end user perspective and properly resourced as required.

The argument I would make is that, from an ICANN community point of view representing end users, we would not wish to see that at great cost to other supported functions of non-industry-based players within ICANN's activities. I would take it at that level. I think it would be a not too difficult argument, for example, that, from an end user and consumer perspective, it's probably far less important that we drag representatives of regional At-Large organizations around the world for three meetings than it is that we aid the funding of the continued operation of root servers.

So I think we'd be silly to not mention that we'd be concerned with resourcing. I would also suggest I could make a stronger case for shutting down all travel support for every single one of us on every single aspect of what we do to date and hiring and in fact cutting the At-Large staff down to one part-time Secretariat and keep the root servers operating. Just saying. Thank you.

JONATHAN ZUCK:

Thanks, Cheryl. Alan, go ahead.

ALAN GREENBERG:

Thank you. I don't know if there's an end user perspective, but this is an absolutely critical part of Internet infrastructure, and it has implications

on ICANN's credibility on many different levels and ICANN's importance on many different levels. I think that is of great interest to At-Large. So we can't ignore this. This is something we have to look at. We have to give a comment, even if the comment is one sentence, although it may well be more than that once we look at the details. Thank you.

By the way, I disagree with Olivier. I think this is just a mite more important than new gTLDs. But that's a personal opinion.

JONATHAN ZUCK: Thanks, Alan. Greg, go ahead.

GREG SHATAN: Thanks. I agree with what's been said before. I think this is, in many ways, the other shoe dropping from the IANA transition. Indeed, in the introduction on the public comment page, it says that this is the result of three years of hard work following the IANA transition. This is talking about a community-driven model to develop a new governance system. Certainly, as part of the ICANN community, we can't fail to weigh on in this. Thinking back to some of the arguments – well, discussions – we had about seating charts and the relative number of seats given to industry players and technical experts versus – or rather technical representatives, I should say; technical expert can come from any stakeholder group. But there were definitely seating chart issues, which could tend to minimize At-Large and thus the end user perspective.

One thing we have to do with the end user perspective is make sure that the perspective in the future isn't far, far away from where

decisions are being made. So, if this is a community-driven process in order to develop a new system of governance which will involve members of the community – perhaps I’m just beating a living horse here – this is critically important. It’s certainly, on an infrastructure/technical basis, more important in many ways than the new gTLD system, although that’s like trying to decide what’s more tasty: a big, fat steak or a big, fat bowl of ice cream. Thanks.

JONATHAN ZUCK: Thanks, Greg. Any other comments on this?

Okay. Alan, is that a new hand?

ALAN GREENBERG: Yeah it is. In the chat, Marita said she’s not comfortable talking about sustainable resourcing of root servers. I’d like to understand why.

JONATHAN ZUCK: Marita, are you not on audio?

MARITA MOLL: Oh, hi. Can you hear me?

JONATHAN ZUCK: Thank you. We can hear you.

MARITA MOLL: Sorry, I'm having so much trouble with the Zoom interface. It's [so] fun [inaudible] to talk in chat.

No, Alan, that's not what I said. What I said is I'm confused by what Cheryl saying, that we shouldn't mention resourcing. If there's no able root server resource, then we don't need to have any meetings because there won't be an Internet. So [that's what I said].

ALAN GREENBERG: Okay. You said you're not comfortable with what you thought Cheryl was saying about not discussing resourcing. When you just read the words you put in the comment, it sounded just the opposite. Thank you.

MARITA MOLL: Thanks, Alan, for pointing that out in case other people were also confused with it. Sorry.

JONATHAN ZUCK: Great. Anything else on this? Thanks for the clarification.

All right, Olivier, back to you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan. We are now in Any Other Business. Now, earlier, Justine – well, there's one thing that's on there at the moment, and that's to do with the topic of geo-names. We've already discussed this very briefly, as in Justine will be following up on this perhaps for the next call. Then there's also a SubPro update

(Subsequent Procedures update) and that's also being removed from AOB because Justine wanted to have a little more time to be able to prepare something. So the action item on this is for her to present to us on subsequent procedures on the next call. We also have a topic of the IRP-IOT with Leon Sanchez.

Leon, you have the floor.

LEON SANCHEZ:

Thank you very much, Olivier. I read a couple of questions on the ALAC list in regards to the process for revitalizing and reconstituting the IRP-IOT. I wanted to share with you what the BAMC, which is responsible for reconstituting this IRP-IOT team, is intending to do during this process.

Some of you might remember that there was a call by ICANN org to identify candidates to join the IRP-IOT to continue the work of this IOT in regard to drafting the updated supplementary procedures to conduct IRPs. This call was obviously not very clear, so we decided to do a follow-up on this call and to provide with some details of, for example, the skills and experience required by these possible candidate, the targeted size of the recomposed IOT, the consultation request that was circulated to SO and AC leaders, the application process, and of course [signal to] the additional work of the IOT.

What we are asking SO and AC leadership is to identify candidates that of course comply or [field] the skillsets and experience required to become a member of the IRP-IOT and forward those names and the usual statement of interest, etc., to an e-mail that has been designated for that end by July 31st so that the BAMC is able to assess and evaluate

the identified candidates and after that, of course, designate them to be part of the reconstituted IRP-IOT. So this is, from a bird's eye view, the process that we're trying to follow.

This IOT will also have some additional work after the supplementary procedures are drafted. They will also be developing the rules for the CEP process. This is the comparative engagement process. They will be also making recommendations of trainings for the IRP standing panel and also developing the [inaudible] process for standing panel members and developing the rules governing appeals from IRP panel decisions.

So it's a lot of work that needs to be done. The BAMC is aware that there have been very hardworking members of the IRP-IOT so far, but we're also mindful and cognizant that the level of participation has, in a way, decreased because of many factors, of course. We are also aware that this is something that is paramount to the accountability of ICANN. Therefore, that is why these calls for identifying new candidates that could join this IOT has been issued. We ask that you kindly identify possible members for this IRP-IOT and forward then information along to [inaudible] that has been circulating on the call for nominations.

I will of course open the floor for any questions as [inaudible]. Thank you, Jonathan and Olivier. Back to you.

OLIVIER CREPIN-LEBLOND: Thank you for this, Leon. The floor is open for comments on this and on any of the other Any Other Business topics.

Alan Greenberg, you have your hand up.

ALAN GREENEBRG:

Thank you very much. My concern – I expressed this somewhere but I can't remember where anymore – Leon, is that you are also asking for expressions of interest without the ratification/approval/sanctification/whatever of ACs and SOs. That puts the Board committee in a position of potentially accepting significant people who haven't been seen by the community and potentially people who are, if you're a conspiracy theorist, going to be sympathetic with the ICANN Board's position and will help put in place all sorts of rules that might not be good for ICANN's accountability. Again, if you are a conspiracy theorist. If you were only considering people suggested by ACs/SOs, it'd be a different question. So I think having the Board alone doing the selection and having people coming from the outside with no connection with the ICANN organization is problematic as it's being proposed.

My proposal was, although I didn't try to refine it in detail, is, if the existing IOT participates as well and perhaps has a veto over the Board sub-committee, then that might be a balanced way of getting the new members onboard.

This has been going on for, what, three years? Three-and-a-half years? And this is going to go on until all of us are dead before we actually have an operational procedure in place. So I agree. This has to be fixed quickly and we to progress, but I think what is being proposed is a little bit problematic. Thank you.

LEON SANCHEZ:

Thanks, Alan. Let's not go into conspiracy theories because we know that there aren't. This is a true effort by the BAMC and the community to assemble this team. We are trying to be as inclusive as possible, and there are no preconceived candidates or anything like that. We're not trying to do this in a way to favor the Board or the organization or anyone. If you read the letter that I sent to the SO/AC leadership, it says that, if any SO/AC wishes to [inaudible] through its own candidate selection process, the BAMC welcomes that work. [inaudible] indication of support when passing the candidates further into the process. SOs and ACs may also encourage direct submission by interest candidates.

So it's really up to you as SOs and ACs. If you want to vet the candidates, that is perfect. If you want to have them submit their expressions of interest directly without going through a vetting process by the SOs and ACs, that is also good. But this doesn't mean that we will be calling for external people to join the IRP-IOT, so this is just a means to be as inclusive as possible.

OLIVIER CREPIN-LEBLOND:

Thanks very much for this, Leon. I see a hand up from Greg Shatan. I do have to you remind you we are already ten minutes – twelve minutes – beyond the official end of this call, and we have to be mindful of our interpreters.

Greg, you have the floor.

GREG SHATAN:

Thanks. I'll be brief. I'm a longtime member of the IRP-IOT, and we definitely need more people. We failed to reach quorum. I will note that the GNSO Council put out a call to each of the SGs and Cs within the GNSO to come back to the Council with their recommendations. I think that At-Large should similarly try to muster folks to put forward.

Putting aside conspiracy theories, there is somewhat of a perception issue in the choosing, especially since at least one of the remaining issues is somewhat of a tension between the Board position and the community position, if you will, or at least a sector of the community. I'll put my trust and good faith in the Board to do the right thing, although I did see [inaudible] attorney seemed to have volunteered to join the IRP-IOT. That's a joke.

In any case, I think one way to make sure that there is a well-balanced group is for At-Large to put some people on it. Thanks.

OLIVIER CREPIN-LEBLOND:

Thanks for this, Greg. The last bit of AOB – well, first thanking Leon for letting us know of this update, which is particularly important as well, but particularly involved, having read through the paperwork. The last bit of AOB was the technology discussion from Marita Moll.

MARITA MOLL:

Hi, Olivier. I dropped it. It's on the list already, so let's not carry on any longer than we need to.

OLIVIER CREPIN-LEBLOND: Okay. Thank you. Any other Other Business?

And, yes, I did say “other” twice for the transcriptionist. The spelling checker say there is a mistake with “other” being said twice, but now. “other Other.”

I’m not seeing any hands up. Jonathan, anything? Or should we close the call?

JONATHAN ZUCK: I think we can close the call. We can probably take it to the list. Christopher, who is no longer on the call, sent a letter to Cyrus about the assumptions document. I know we were somewhat taken aback by that document when we saw it and some of the assumptions in it, like 2,000 applications, etc. So I may try to circulate some talking points, like an outline, on things that might matter to us. Otherwise, I think we can end the call.

OLIVIER CREPIN-LEBLOND: Okay. Next week, using our usual rotation – today we had the call at 19:00 UTC. When is next week’s call likely to take place?

MICHELLE DESMYTER: Hi, Olivier. Looking at the schedule, we would either go with 13:00 or 21:00. At 18:30 we have the AFRALO monthly, and at 20:00 UTC we have Work Track 5. [Should we do] 13:00 UTC?

OLIVIER CREPIN-LEBLOND: It might be better to do 13:00 UTC. Anyone ...

CHERYL LANGDON-ORR: It will of course conflict, as my meeting today did, with another leadership call with Subsequent Procedures. But I'm getting used to that.

OLIVIER CREPIN-LEBLOND: Thanks for this, Cheryl. I think you need to cut down on the number of calls. It seems to be clashing a lot.

CHERYL LANGDON-ORR: It's got to do the rotation. You've got into a rotation that is clashing all the time. That's all.

OLIVIER CREPIN-LEBLOND: [inaudible] synchronized with the other rotation because what we should be doing is to be unsynchronized with the other rotation so it doesn't always clash.

JONATHAN ZUCK: I don't think we're going to resolve this on the call. We can staff look again for conflicts—

OLIVIER CREPIN-LEBLOND: Look again for conflicts that ... let's pencil in the early time then, 13:00 UTC.

MICHELE DESMYTER: Okay.

JONATHAN ZUCK: Sounds good.

OLIVIER CREPIN-LEBLOND: With this, I think I should thank everyone on this call. Thanks to everyone who remained there, and thank to interpreters who have spent over 108 minutes, I believe, or more than that, on the call. It's been great. Let's follow up on the mailing list. This call has now ended. Have a very good morning, afternoon, evening, or night.

[END OF TRANSCRIPTION]