

YESIM NAZLAR:

Good morning, good afternoon, good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group call taking place on Wednesday 17th of July 2019 at 13:00 UTC.

On our call today, on the English channel we have Olivier Crépin-Leblond, Jonathan Zuck, Cheryl Langdon-Orr, Kaili Kan, Holly Raiche, Haroun Mahamat Cheri, Gordon Chillcott, Sébastien Bachollet, Glenn McKnight, Justine Chew, Amrita Choudhury, Lutz Donnerhacke, Joel Thayer, Vanda Scartezini, Hadia Elminiawi, and Jahangir Hossain.

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

We have received apologies from Alberto Soto, Marita Moll, Yrjö Lansipuro, Maureen Hilyard, Bartlett Morgan, and from Alfredo Calderon.

From staff's side, we have Heidi Ullrich, Evin Erdogdu, and myself, Yesim Nazlar present on today's call. And we'll have Spanish interpretation, and our interpreters are Veronica and David.

Just a kind reminder, as usual, please don't forget to state your names before speaking, not only for the transcription but also for the interpretation purposes as well please.

And now I'd like to leave the floor back to you, Olivier. Thank you very much.

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 CRÉPIN-LEBLOND: Thank you very much, Yesim. Welcome, everybody, to this cross-community working group call. We've got again a busy agenda. The usual action items from last week, then an update from the EPDP phase two with Hadia Elminiawi and Alan Greenberg, an update on the subsequent procedures from Holly Raiche and Justine Chew, and then our usual – well, there's the hot topics follow-up with Jonathan Zuck, and then our usual policy comment updates, and there are quite a number of them at the moment, so we might need to spend a bit more time than usual on these. I can see 40 minutes.

And finally, after that, we're going to see if there's Any Other Business. And that's what I'm here to ask you about now. Should we add anything to Any Other Business or make any other changes to the agenda? I'm always giving a little bit of time for people to make up their mind. I'm not seeing any hands up, so the agenda will be adopted as it currently is on your screen. And as you know, going to the agenda page, you will be able to click on to all of the links in the agenda page [inaudible] further information.

The first item is the review of the action items from our last call last week. Only one remains, and that's for Holly Raiche to work with Justine Chew to update for the SubPro on the next CPWG, which means that very last box can be ticked as this is going to be today's call.

You can see the other action items on the screen. Is there any follow-up required or any discussion required on any of these action items from those people that were affected by them?

No hands, so that's the action items done, and we can therefore swiftly move on to the EPDP phase two where there have been calls restarting – quite a lot of calls restarting. There is no rest. And Hadia Elminiawi and Alan Greenberg are going to be able to tell us all about those. I'm not sure who wishes to start.

I don't see Alan anywhere, so let's go for Hadia Elminiawi. And Hadia has disappeared from the list as well. Okay. Yes, sorry, no, Hadia has not disappeared. Hadia has put her hand up. Go ahead, Hadia. You have the floor.

HADIA ELMINIAWI:

Thank you, Olivier. So again, you have the consumer protection organization use case up here. However, I would like to update you on what we have been doing so far.

So far, all stakeholder groups have presented their use cases, and the use cases have been ratified into several purposes. The first purpose covers criminal law enforcement, and under this purpose, like the investigation of activity against a victim in the EU jurisdiction, requesting data from a local data controller or a nonlocal data controller.

Under this also [inaudible] copyright and trademark infringement, and then we have another purpose which is for non-law enforcement purposes like consumer protection, abuse prevention and network security, and this is where our use case lies. And then we have other purposes in relation to intellectual property rights, other commercial purposes, and domain name maintenance.

So our case is going to be discussed under non-law enforcement purposes. And as we discussed last time, we have two cases presented. One is with regard to the end users, and the other with regard to consumer protection organizations.

The purpose of this is to facilitate [the access] of organizations concerned with consumer protection, their access to the nonpublic data. And mainly, the data elements that we think should be disclosed are the organization name, address and phone numbers, as well as the name, phone number, e-mail address of the person selling [digital] services.

The lawful basis could be 6.1(c), 6.1(e) or 6.1(f) depending on the type of organization. So [inaudible] 6.1(c) it will typically fall under the criminal law enforcement purpose, but we decided to put it here just because we need to demonstrate all the possibilities, but this could fall under the purpose of criminal law enforcement.

6.1(e) – well, I'm not quite sure about that because [this is used by] organizations carrying out [specific tasks] in the public interest, which is like done by the law, and again, this is only to demonstrate all the possibility, but this is again yet to be investigated further.

And then 6.1(f), it would be for non-law enforcement agencies which are concerned with protecting consumers, and also public authorities if this is outside of their task.

I'm not sure, again, this is just a thought, if the investigation is in relation to [inaudible] that does not belong to the European area.

Would this also be a 6.1(f) that could be used by public authorities maybe? So again, this is yet to be explored.

And then we have the safeguards applicable to the requestor. Definitely, the requestor has to identify whether they are public authority organizations or they are private organizations. They have to demonstrate that they are not able to obtain such information through other means, because this is a requirement by GDPR.

Generally speaking, they need to comply with all the requirements that GDPR [puts.] And then safeguards applicable to the entity disclosing the nonpublic registration data, again, the entity should comply with everything that GDPR states. And of course, they will supply the data – they must only supply the data requested by the requestor and not other data.

And then we have the safeguards applicable to the data subject, and again, those are all the rights given under GDPR, and I did not put the safeguards here because many of the safeguards applicable to the data subject depend on the lawful basis used, so if it's 6.1(f) then the data subject will have different rights than if you're using 6.1(c) or 6.1(e).

So again, this could be detailed further if required. However, I think what was agreed upon was that those use cases are going to be used as guidelines for the more public – for the final report.

Accreditation of user, yes, we think that accreditation of such organizations is required, and again, I think that we should differentiate between the automation of the accreditation or how the accreditation

is going to happen, and between the automation of the decision making or how the decision-making process is going to happen.

So accreditation of users, it could be an automated decision or it's the non-automated decision, but then we should have some kind of accreditation, validation and then accreditation. So definitely, we need [inaudible] validation first, validation of the entity, the requestor, and then after the validation, there would be an accreditation process.

And then the automation of the process – my understanding [is that that's] the automation of the decision making process. And again, this could be entirely automated or it could be partially automated with some kind of human intervention.

So that's about it with regard to this case. I'm happy to receive questions. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this, Hadia. The floor is open for comments and questions. I see Justine has put her hand up, so I'll defer to Justine Chew.

HADIA ELMINIAWI: Please go ahead, Justine.

JUSTINE CHEW: Thank you, Hadia. Thank you, Olivier. I was just recalling reading some e-mails on the EPDP mailing list, and I think I noted several objections –

if I may call them – to one of the use cases that ALAC put up, which was to do with the individual user I think it was. Can we get an idea of what has happened, what has transpired in terms of discussion of that use case? Thank you.

OLIVIER CRÉPIN-LEBLOND: Sorry, if I can just interject, are we just speaking at the moment about the first of the cases, or both of them, Hadia? [I think you've taken us through] the first one.

HADIA ELMINIAWI: We can speak about both if you would like.

OLIVIER CRÉPIN-LEBLOND: Yeah, you've taken us through the first one but not the second one yet, and I was hoping [inaudible] discuss the first one, and if there's any comments or questions about the first one first, because I foresee that we might end up discussing on the second case and not paying much attention to the first. If everyone is happy with the first one as it currently is drafted, that's fine. That's very good because then Hadia can proceed forward with formally pushing it forward.

JUSTINE CHEW: My apologies, I jumped the gun. So yeah, let's hold my question until Hadia finishes.

OLIVIER CRÉPIN-LEBLOND: No worries, Justine. It's fine. We'll bank your question, and then we already now that question is coming up for the second one.

I had a question regarding the consumer protection organization. You already of course shared some of the points with the EPDP. Has there been any feedback so far? First part of the question. Second part of the question, any other case scenarios which have been presented by others similar to this one, or are we the only ones to push for the consumer organization?

HADIA ELMINIAWI: Okay, so I wouldn't say that there is a similar case. There could be some suggestions, but this case belongs more to the law enforcement purpose rather than putting it under a consumer protection purpose, and [inaudible] is the organization requesting the disclosure is a law enforcement agency or a public authority, however, if it is not, then I don't think that this lies with the law enforcement purpose.

So I think in my opinion that no, there is no similar case, and that even if some organizations, some requestors might [try] with the law enforcement purpose, but what about the others? I think we do need a purpose for them as well.

And again, the GDPR allows that. We have Article 47 explicitly mentions fraud prevention as a legitimate interest.

OLIVIER CRÉPIN-LEBLOND: Thank you, Hadia. Holly Raiche.

HOLLY RAICHE: Yeah, I'd just like to clarify a little bit. The organizations, for example in Australia, we have a thing called the [inaudible] competition, consumer commission. It has a mandate not only for trading rules but also for consumer protection rules.

It's not criminal law, it is law about proper behavior for consumer rights. But the penalties are not criminal. So my question is when you say law enforcement, are you thinking as broadly as the sorts of organizations that are established to support existing law which does not create criminal behavior but nevertheless amounts to consumer protection? Thank you.

HADIA ELMINIAWI: [inaudible] talking about law enforcement agencies according to the purpose that was presented by the GAC, they're talking about criminal investigations. And also, my guess that what you're talking about doesn't fall under criminal investigations, and that's why it doesn't fall under 6.1(c) which is mainly concerned with criminal investigations as presented by the GAC. However, I think that still 6.1(c) and 6.1(e) could be used by law enforcement agencies [if it's put] somewhere in the law. Again, we need to investigate that further.

HOLLY RAICHE: Yeah. It concerns me that for example I ages ago ran a little workshop on the use of IP addresses and so forth and discovered that there are agencies enforcing law in Australia, they are not considered law

enforcement agencies, but they nevertheless use the information to track down things like scams. So I would be concerned if we don't have a use case that actually covers organizations, not typically law enforcement but nevertheless enforcing the law.

HADIA ELMINIAMI: Yeah, but this use case typically covers this, Holly. It's only – we're talking which legal basis are they going to use, but this case typically covers those types of organizations definitely.

HOLLY RAICHE: Okay. Thank you.

HADIA ELMINIAMI: And maybe it's under 6.1(e), I'm not sure. if it's not, then it's 6.1(f). So this case definitely covers these organizations.

HOLLY RAICHE: Okay. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this, Holly, and thanks for this, Hadia. Another question. I'm not seeing any other hands. One last question on this one is, has there already been pushback somehow regarding consumer organization and consumer protection?

HADIA ELMINIAWI: Yes. There has been some pushback. However, the case has not been discussed yet. I think we have a schedule that we're going to follow. So currently, we are discussing the law enforcement case, and then [we're met] with a case presented by SSAC. So when our turn comes, we'll be able to discuss, we'll get all the feedback from all stakeholders, and we'll be able to discuss that. however, our cases have not been discussed yet.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much for this, Hadia. I'm not seeing any other hands.

HADIA ELMINIAWI: But they are going to be discussed, both cases. Both cases are scheduled for discussion, and they are going to be included.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this, Hadia. And please note the notes that Holly has put in the chat saying she would be happy to provide examples of Australian institutions established by the government that have a consumer protection rule at law, and therefore you can study – when you present this case, take them as examples of the type of organization we're speaking about. I'm not seeing any other hands up for this. Let's go to the second one, which is access by [inaudible].

HADIA ELMINIAWI: Okay, so our next use case is with regard to Internet users trying to verify a website that they are using. We are typically talking about

commercial websites, so we are not talking about kind of organizations like [inaudible] organizations or those who [- sort of organizations.] We are typically talking about people or organizations selling goods and/or services online.

Again, under the GDPR, this is permitted. Again, Article 47 mentions fraud prevention as a legitimate interest, and then for this particular use case, the user should be able to demonstrate that they're not able to obtain such information by other means.

So for example, if you have that kind of information available online – and again, typically a commercial organization would have all their information publicly available, but if not, then this is when the Internet user can request that.

And there have been some arguments like if you're trying to buy something online and don't find any kind of – if you don't have contact information online, this is like a red [inaudible] and don't use the site. Well, this is okay. As a user, I might do that. I might just say I don't trust this site and I'm not going to use it.

However, this is not useful to the community at all, because as a user, you try to see if this is a legitimate site or not, and if it's not, you report that. You're not only protecting yourself but you're protecting others as well.

So for me, just to say if you don't find any information related to the site, just don't use it and be safe and stay safe, well, you can do that, but you're not doing good to the community. And that's why I think there should be a way through which end users are able to validate the

domain names. Whether they use it or not is up to them, and again, the decision will be based on the information provided.

So in my opinion, it's not about the curious end user but it's about also doing good to the Internet community. So I see that we are still on the first case and we scroll to the second page, please. So the lawful basis for that would be 6.1(f), and the purpose is fraud prevention, and it is mentioned as such in Article 47.

The users [to mention] the reason for which the contact information is required and [has to prove that] this information cannot be obtained through other means. Then legitimate interests, you need to balance. You have this balance, and the balance is obvious. Disclosure of contact information for commercial domain names is reasonably expected by the registrant and has minimal privacy impact. Again, we're talking about strictly commercial [sites.]

So this is basically the idea of this case. And yes, it has received a lot of opposition saying we don't need to accommodate serious users. But again, I do think that we need to have some sort of way through which individual users can validate domain names.

Whether they use it or not is up to them, and again, the information will not be provided except after the controller makes sure that it is really a commercial site and that all the requirements are satisfied. And again, it serves the public good.

For the accreditation, the validation, of course, you need to have some sort of validation to the users, and I'm not suggesting by any means that this should be automated. [No, it shouldn't.] Also, there shouldn't be

any kind of accreditation because we're not assuming that the same user will go on and on trying to validate domain names. So no accreditation would be required.

As for the automation part – and again, I'm talking about the decision-making part –the decision-making part could be automated. It could be automated with some kind of human intervention. So that's about it. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Hadia. Justine, does that answer your question?

JUSTINE CHEW: Yes. I already posted earlier, Olivier, that she's answered my question earlier. Thank you.

HADIA ELMINIAWI: Yeah. Thank you, Justine.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this. The floor is open for further questions from anyone. Not seeing any hands up. I have a question on this. If this type of access is not granted as such, so it's not a use case scenario that is allowed as such, does this mean that access to registration directory records is basically nonexistent? So effectively even less than what users now have where they might have the name of the corporation and perhaps a contact point.

To what level does this effectively render the WHOIS system or whatever RDS there is completely dark for end users?

HADIA ELMINIAWI: You're absolutely right, Olivier. [inaudible] and also, under the [inaudible]

YESIM NAZLAR: Hadia, sorry for interrupting but your audio was cutting out. Can we try it one more time please? Sorry I had to interrupt you.

HADIA ELMINIAWI: Okay. Thank you so much.

YESIM NAZLAR: Yeah, it's much better. Thank you. Please continue.

HADIA ELMINIAWI: Okay. So Olivier, you're absolutely right. With what we currently have, the organization field could also not be there, and therefore there is no information whatsoever available about the domain name. And yes, that leaves the Internet users completely in the dark. And that not only harms Internet users but it harms the public as well, the Internet community.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this, Hadia. I'm still not seeing any other hands up. Just one additional follow up on this; is this in compliance with GDPR? What I mean is by making the organization – well, by blocking any access for end users or anybody who is not registered through some kind of accreditation procedure to have access to even the organization field, does this go further than what the GDPR is asking for? In other words, are we basically changing the system further than what it was originally designed to be changed as?

HADIA ELMINIAWI: Certainly, Olivier. We are certainly making our own laws. And if we are to do that, we are making our own law. Yes, it goes much further than what the regulation puts forward.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this. I'm not seeing any other hands up at the moment for you. Is there anything else you'd like to brief us about regarding the EPDP work?

HADIA ELMINIAWI: That's about it. [inaudible] again, the law enforcement case, we shall start discussing the case presented by SSAC, and that's about it. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Well, thanks very much, Hadia, for this. I don't see Alan on the call. I gather he probably is not on today's call. I somehow missed part of the roll call.

So if I'm not seeing any other hands, then let's quickly move to the next agenda item. Thank you for all your work, and looking forward to hear more from you next week, or of course on the mailing list.

HADIA ELMINIAWI: Thank you.

OLIVIER CRÉPIN-LEBLOND: The next thing is the update on the SubPro, which for those in the know is the subsequent procedures, a future round of applications for additional new generic top-level domains. Holly Raiche and Justine Chew are going to present to us. I'm not sure who wishes to take the floor first, but please, you have the floor.

HOLLY RAICHE: Okay. I was going to take the floor first, and Olivier, what I'm going to do is very briefly mention –

OLIVIER CRÉPIN-LEBLOND: And the I is Holly, of course, I gather.

HOLLY RAICHE:

I'm sorry. Just to note, one of the action items I needed to close was to comment on the new SLAs for the publication of label generation rules. Looking at it, essentially all it is is [a] comment on new generation rules just for the timeframe for maintenance and for validation.

These have been thoroughly scrutinized by both the PTI and the CSC. I see no reason for us to second guess either of them. The question, do we say anything or nothing? The reason I would propose maybe a one-sentence is to acknowledge the fact that under the NTIA, we had almost no visibility of any monitoring they did. Because of the new arrangements – or two-year-old arrangements – we are now getting public comment for the metrics for the DNS performance.

So to that extent, I think that's a good thing, and I'm just proposing a one-sentence, "We like the accountability and transparency of the process, thank you very much. Nothing else to say." And leave it at that. And if people are comfortable with that, the I'll go on to the topic of the day, which is more about what Hadia and I was going to talk about, but I was going to go back to the consumer trust report and pick up from there and then have Justine follow me if that's okay.

Jonathan, Olivier, are you comfortable with kind of a one-sentence response to that topic before we move on to what Justine and I are going to talk about in terms of the SubPro?

OLIVIER CRÉPIN-LEBLOND:

A one-word yes to your one sentence.

HOLLY RAICHE:

Okay. I'll move on. What we're talking about is subsequent procedures, and Justine's going to talk about it, but if you remember a statement that we've made in ICANN, which is we don't want any round to go forward until we look at the recommendations that came out of the September 2018 final report of the Consumer Competition Trust report.

Now, there are lots of recommendations, and I know that one of the questions that have been put to us is, what do you mean by that? We don't have time on this call to go through all of the recommendations. There are about ten pages of recommendations, specifically pages 15 to 25 if people want to have a look at that.

The sections or comments are – the recommendations are competition, consumer choice, consumer trust, and [a lot] on the actual safeguards. A lot of the recommendations are about better collection of data. And I haven't had time to type it up, but I'm happy to summarize. But I suggest everybody read just those pages before the next meeting.

The one I would suggest that – pay attention particularly to the recommendations. There are some labeled prerequisite. In other words, in the view of the committee – and I think we should support them – these are the recommendations that should be met before there is another round. Then there are three other categories of recommendations, high, medium and low, and those are timeframes in which the recommendations should be met after the release of the report.

The things that interest us should be about consumer trust, and those recommendations [about survey simply] how do you determine trust

was a big issue in the report. We should think about that and, yes, suggest that some of those surveys should be undertaken.

There were also recommendations for incentives on the new gTLDs for meeting user expectations, and I think those are important. There are lots of recommendations on safeguards, and I think they're all important. They are either prerequisites or high, and given our emphasis on end user for the end user safety, I think we should look at those.

Finally, there's a set of recommendations simply – and they're all prerequisites – on looking at the evaluation process. I would suggest we should say all of these should be met. Things like some of the objectives for metrics of the global south participation, outreach to the global south, looking at the assistance programs and how effective they were for people applying for a new gTLD.

There's also a review of the actual community-based programs and if they were effective, and then some recommendations in relation to some of the issues that we raised fairly consistently, confusion about consumer applications as well as string confusion.

And this is really foreshadowing a question that Jeff asked of us. When you say you don't want anything to go ahead in terms of new gTLD rounds until the recommendations are met, we have to actually think through what we mean by that. And I would suggest maybe at the next meeting, everybody should take a greater look – and I might do something with Justine – to flesh out the things that we actually say are prerequisites in our view.

So with that kind of introduction, Justine, do you want to take it from here?

JUSTINE CHEW:

Sure. That's a great introduction. Thanks, Holly. First off, I need to say that this is all related to what I brought up in the last call about bringing some topics back that are being sort of discussed in context of the public comments to the initial report of subsequent procedures working group.

I must apologize because I've been actually inundated with work on other tasks, so I haven't had time to structure a proper presentation to bring up these issues in sizeable, manageable chunks. So I will carry on with this particular agenda item in the next week to see how we can bring small topics up for just an update and to discuss maybe some ideas that other constituencies have brought up to see what's the feeling of the group.

But Holly's right in terms of I need to table something that has been put to At-Large and ALAC, which is a reaction by Jeff Neuman, the co-chair of SubPro in response to something that John Laprise sent to the SubPro list, which basically reiterated one of the points that we had in our talking points from ICANN 64 and ICANN 65, which is to do with not supporting a new gTLD round until the implementation of CCT and RPM recommendations are fully implemented.

Jeff in reaction to that has actually posed questions to me as well as John subsequently, and Jeff's questions basically come in four parts. The first part has to do with sort of what are the prerequisites or what are

the dependencies that SubPro needs to deal with before we launch program?

So apart from the issues brought up through CCT, the Competition, Consumer Trust and Consumer Choice recommendations that Holly mentioned, we also had issues like name collision, which is related to the name collision analysis project, NCAP, which we sort of responded to.

There are also things like dispute resolution framework, there are things like accountability mechanisms, things like applicant support needs to be revised, CPE needs to be revised and reviewed. A whole bunch of dependencies that haven't actually come up in a wholesome format because of the way the initial report was structured and inputs were requested. So it's actually very segregated. So I don't think we have a huge picture or a wholesome picture of what needs to happen. So that was what I was trying to work towards presenting, but didn't have time.

Anyway, that was one of the – as I said, Jeff posed his questions in four parts. First one was what are the dependencies, but he only specifically mentioned NCAP, so I'm suggesting that it's actually more than NCAP.

The second question was to do with the CCT recommendations that Holly raised, and his question was basically whether we're talking about just the prerequisites or all the recommendations, and what about those that were not accepted by the ICANN board?

The third question was to do with RPMs, what was our stance in terms of whether we are just pushing for phase one, which relates to URS, or both phase one and phase two? Phase two is UDRP.

And the last question is [where is our position stated.] So there's a certain amount of work to look into in terms of compiling references and past statements that we've made in order to substantiate a proper reply to Jeff. And that's what I'm going to be working towards for the next call.

Okay, so I've just come to that. Nothing else to add. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Justine. The floor is open for comments and questions from everyone. There are two hands at the moment. Jonathan Zuck is first.

JONATHAN ZUCK: Thanks, Olivier. And thanks, Holly and Justine for your presentations, and thanks for your support of the CCT review team report that consumed two years of my life.

But I guess what we might want to convey is that things that are prerequisite and things that are marked as high priority are things that we consider to be prerequisites.

I think the thinking was that there are some recommendations that should happen right away regardless of a new round, and then there were things that needed to happen before a new round, so it might make sense to look at both high and prerequisite as potential requirements for a new round.

There are some things in there, for example about ICANN getting a little bit better organized with respect to data, because there's so many assertions made within the ICANN community and so little is done based on data analysis. That's one of the things that made it difficult to actually perform the CCT review, perform an actual competition assessment without the data from the contracted parties.

Our friends among the contracted parties were sent a survey by an outside organization called the Analysis Group that was trying to get at pricing data, etc., in order to do a competition analysis, and literally no one responded to that despite a provision in their contract requiring them to cooperate with economic [inaudible] studies.

So there's obviously a problem there, and it's one that keeps coming up with respect to registrars in particular and sort of being above it all, if you will, in the context of ICANN.

So I'm happy to work with you and the two of you, Holly and Justine, on this if you'd like.

The other thing I wanted to mention is about applicant support, because what happened in the first round was that there was a lot of work done, and it was kind of thrown away and then something was put in last minute. And I heard this from Avri at the time, and she couldn't find the original document [– she has documents to which] she was referring. And she has now found them, and I wonder if someone on this call who is particularly interested in this notion of generating applications from underserved regions would like to take a look at these documents and come back to us with some recommendations that we

might make, the subsequent procedures team in the area of applicant support. Because there r these milestone documents that just got disregarded basically in the first process that Avri at least believes contain a lot of interesting ideas and possible frameworks for support.

So if there's somebody that would be interested in this, then let me know and I will forward you those links that I got from Avri. So let me know who might be interested in taking a first pass at reading these documents and then just coming back to us with some bullets about things that we might, as the At-Large, want to recommend as subsequent procedures. Thanks, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Jonathan. Next is Holly Raiche.

HOLLY RAICHE: [Oh no, lower hand.]

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you, Holly. Are there any questions or comments regarding [inaudible]?

Justine and Holly, I heard that – I think, was it yesterday? There was a Work Track 5 discussion as well. Is that integrated with this process, or is this something separate? Or did I get this wrong?

JUSTINE CHEW: If I can answer, Olivier, the Work Track 5 meeting for this week is in a couple of hours, I think six hours away. But there has been some activity on the mailing list. I'm not sure what specifically you're asking about, but Work Track 5 is still Work Track 5. It's still running its course in terms of looking through and deliberating all the public comments that have been received. That process hasn't concluded yet, but once that concludes, I think the idea is they will have some draft recommendations to put to the plenary SubPro working group for aspects on geo names, and the outcome would be just a single final report. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this update, Justine. Jonathan Zuck, your hand is up.

JONATHAN ZUCK: Thanks, Olivier. Justine, I have this other question for you. At one point, Cheryl took me aside and said that she had some master plan to try and wrap up the work of the Subsequent Procedures Working Group before they succumb to fatigue and lose Jeff Neuman's war of attrition by submitting a report with the things on which they had consensus and like a to-do list of additional things that needed to be addressed by other bodies or other working groups. Has that come up? Has she started to try and make that pitch inside of the Subsequent Procedures Working Group? I don't know where that ended up, and I found it interesting because I think the scope of that group is so big that that's part of why it's gone on for so long.

JUSTINE CHEW:

Yes. Totally agree that the scope of the working group is just humongous. It's actually to the point of being ridiculous, and we've had to now go to two calls a week. I think that's sort of killing most people.

But in terms of your question, I would actually refer that to Cheryl. I see her online. I don't know whether Cheryl wants to speak. Thanks.

CHERYL LANGDON-ORR:

I suppose I can. Hardly a master plan. A deep desire. The pace we're moving at is almost on a beyond unreasonable level, I'm afraid, as Justine alluded to. We will not be leaving a great deal of variation from our planned times that we've suggested.

We've increased the call time to two times 90 minutes in an effort to keep up with the workplan, the work party, but will there still be things that are simply not done, not because of necessarily our work or them belonging within our work, but for example there will be things on collision which simply won't be done by the time of our final report. And clearly, there will be some aspects of indeed [the] CCT RT work that you've brought home only far too recently, Jonathan, that [mention or have an impact] perhaps on the future rounds and the nature of a future round and the timing of a future round but also won't be dealt with before we run our final report.

So we will have to simply note those things, those matters, and take them into account. [So haven't done anything more about] trying to work smarter and not harder at this stage. We'll see how we go getting through the ridiculously large scope of material that we have in front of

us. But the reason for your question was what? Do you have some suggestions or some proposals that we need to consider?

JONATHAN ZUCK:

Thanks, Cheryl. And sorry, I didn't see you on the list. I don't have – the whole list isn't up at once in this interface. I guess the reason for my call is to sort of understand the urgency or the stakes associated with some of these discussions. In other words, because it does seem as though some of the CCT recommendations, the RPM, the domain collisions, etc., pieces might not be sufficiently discussed before a final report is issued, and so the question will be – I think may boil down to the language that Subsequent Procedures Working Group uses to list what's still in need of addressing and things like that, and that that might be the conversation we're trying to have rather than trying to force SubPro to actually go indepth into these issues.

I guess that's what I was getting at, is what does the process look in front of us for some of the things we're talking about from Holly and Justine's presentation? Is it about trying to convince subsequent procedures to keep going until it's fully addressed these things, or is it about helping the team to find the language for how to produce a list of what still needs doing or something like that? Does that question make sense, Cheryl? A little ill formed, sorry.

CHERYL LANGDON-ORR:

I can work with it. That's fine. It does make sense, and my personal reaction is that I'd prefer it to be the latter than the former.

This process has been going on for a very long time. We need to put the final report [inaudible] and to get it to GNSO as closely to our planned timeline as possible, which is the end of this calendar year. And if there will be things undone at that stage, then yes indeed, appropriate [words is] going to be very important to find, and therefore input and discussion and debate on that is going to be very valuable.

But remember, again – and I know there are those who disagree with it, but at this stage it is what it is – a recommendation coming out of our group is likely to be a recommendation to alter the existing applicant guidebook and activities as they were implemented in the immediate post-2012 round. So there are things of course as we all know that happened that were established through somewhat nontraditional top-down means, obviously where if we are to include those as the way to do it in the future, that would have to be written [inaudible]. But in the main, things would stay as they are writ, unless we suggest any form of recommendation to that existing [inaudible].

So I'm not sure that my answer has helped you much other than [inaudible] the working smarter part and getting the text on a completed piece of work is very important.

It's not a matter of urgency just because of the fact that there's a significant time delay or lag between saying here is the foundations and principles based on our work that we would recommend to the GNSO is considered prior to and in many ways to facilitate or assist in terms of design and structure, etc., a future round of new gTLD name offerings.

It's because there's a whole lot of stuff that has to happen before that actually happens anyway. GNSO has to [inaudible] process, the recommendations have to be forwarded to the board, the board will do its own deliberations and public comment, etc. Some things may come back to us [inaudible] GNSO [inaudible] are yet to happen.

So nobody thinks there's a sudden flipping of a switch that we hand in this report and then wham bam, all of a sudden new rounds of gTLD are suddenly on [inaudible] ahead of us. But we do need to finish the PDP process [inaudible] be clear on what might be meant when we're referring to any sense of urgency. Thanks.

OLIVIER CRÉPIN-LEBLOND:

Thanks, Cheryl. And I guess when all said and done, it's more like there was the JAS, Joint Applicant Support Working Group or something like that last time. So, is it possible that given the sort of meager state of the applicant support proposals that we heard from [Chris] about – a couple of meetings ago that the subsequent procedures team might recommend for example that something like JAS is put into place prior to a new round for example?

CHERYL LANGDON-ORR:

If I may, [you've picked a topic] which of course is one that we've spent a significant amount of time on in the PDP process where the formalizing of the best bits of what should have – if not could have or did – happen out of applicant support aims and objectives, if not actual process, is considered. So much of the – one could argue – unmet for various reasons benefits of things like applicant support and the

recommendations out of the JAS working group should be codified in recommendations out of this PDP. So that's exactly the work that we've been doing over this lengthy amount of time, [inaudible]. I see Christopher's hand up.

OLIVIER CRÉPIN-LEBLOND: Christopher Wilkinson.

CHRISTOPHER WILKINSON: Hello. Good afternoon. Apologies for joining the call late, but [inaudible] earlier message the last few days and the next few days are disproportionately devoted to recursive ICANN working group meetings.

Look, Cheryl, I have not heard you say in the PDP that you are supporting the ALAC position on the next round. I think you should. And please don't come back to me and say that the co-chairs are neutral, because we have the other co-chair in effect attacking the ALAC position through his comments [in July] on John Laprise's reminder.

John Laprise's reminder is not late. It's not after the event. The ALAC positions have been on the table for some considerable time. I'm disappointed. What you do by your passivity is in effect to oblige us individually to try and correct this situation.

There are many aspects of the round which have not yet remotely agreed, and [inaudible] cases before, regrettably, I don't understand the urgency, because the only justification for the urgency is the pressure that some members of the GNSO are receiving from the likes of chief executive of Com Laude and other –a chief executive of Neustar –

hoping that the [inaudible] working paper is the end of the story and we're going to get on with it.

This won't do, Cheryl. It's not remotely reflecting user interests in the longer term. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Christopher. [inaudible].

CHERYL LANGDON-ORR: [If I could have the right to reply, Olivier.]

OLIVIER CRÉPIN-LEBLOND: Yeah. Absolutely, I should give you a right to respond, Cheryl. And then I think we're going to have to move on because I'm a bit concerned time-wise. And obviously, this is not a topic that we're going to be finished with this week, and it's a long-term thing. So we've got next week and the week after. Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Thank you, Olivier. And for the transcript record, I would suggest that individuals' opinions on my quality of cochairing, I do of course more than welcome, or critiques. If I in any individual's opinion am doing such an appealing job, there we are, I will take that for what it is worth and I will assess whether or not that is an overwhelming opinion of the PDP, which I believe I am neutrally and appropriately administering.

With regard to other comments about other individuals, I will remind everyone that I do my very best to adhere not only to a high level of professionalism in what I do, and following the mandates and requirements of what I am asked to do in any role I take on, but I'm particularly keen to make sure I follow the established standards of behavior and civility, which last time I've checked does include character assassination. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thank you for this, Cheryl. I think if you have such a problem, Christopher, please take this online. I would certainly – and this is my personal feeling in that the way that a chair needs to chair these groups is indeed neutral, and therefore if another chair does not, in your view, remain neutral, then perhaps that has to be taken up with the other chair, but not with Cheryl's position, which as Justine actually mentioned is a very difficult position as such.

So let's just take this offline and let's just move on, and we can definitely continue. And if there is a statement required by the ALAC or if this community decides that something needs to be done about this and the chair that does not respect neutrality needs to be reminded of the fact that they need to remain neutral, that point is something we can discuss on the next call if there is such a demand for it.

Now, I think that we need to go very swiftly on, because we're allocating only 15 minutes to this discussion, and we've now gone over the one-hour mark. The next thing is the ALAC hot policy document development. Jonathan Zuck, over to you.

JONATHAN ZUCK: Thanks. Is Joanna on the call?

YESIM NAZLAR: No, she isn't.

JONATHAN ZUCK: So we should probably skip past this, Oliver, and move on.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you for this, Jonathan. So we've gained 15 minutes or gotten 15 minutes back, and it's back to you and to Evin Erdogan for the policy comment updates. Thank you.

EVIN ERDOGDU: Thank you, Olivier. And there may be a little background noise. I apologize in advance. Recently ratified by the ALAC since last week, there are none. There are several public comments out for decision, four to be exact, but one of them last week, the CPWG recommended no statement to the ALAC. So bearing any feedback from the ccNSO liaison, that will be marked as no statement.

Bu the other [three] are firstly revision to the ICANN bylaws regarding SSAC and RSSAC leadership, and also the draft financial assumptions and projections and operating initiatives for the development of fiscal years 2021 to 2025 operating and financial plan. The first regarding

SSAC and RSSAC closes on 26 July, and this other one closes on the 5th of August.

And finally, the third public comment that just opened – and this one is closing later in August on the 20th – is the GNSO policy development process on IGO/INGO access to curative rights protection mechanisms policy recommendations for ICANN board consideration.

So those three are for decision, and in addition to this, there are currently four current statements being developed, and those are also listed. Two are closing on the 26th of July, one being proposed IANA SLAs for publishing LGRs for the IDN table. We touched base with Holly in advance of the call and she's made comments on the workspace related to this comment, and it would be a very short statement if it's determined there is one needed.

Then the next being fundamental bylaws amendment proposal, IANA naming function review, and on the last CPWG meeting, Alan and Greg noted that this should be commented on by the ALAC, but I'm not sure if they officially volunteer as penholders.

And then we have the evolving the governance of the root server system, and Alan, Bastiaan and Fouad Bajwa are co-penholders for this statement. And then finally, we have proposed definition of name collision and scope of inquiry for the name collisions analysis project with Justine and Greg volunteering as co-penholders.

I'll turn it over to you, Jonathan, to steer the discussion. Thank you.

JONATHAN ZUCK: Thanks. I guess what we need to do is reach out to Alan and Greg on the fundamental bylaws amendment proposal, because I think what they wanted to bring up was more of a process consideration rather than the specific recommendations in the IANA naming function review. I think they were concerned about the precedent that might be associated with how the fundamental bylaws were changed. and I don't see either of them on the call at the moment.

So let's take an action item, Evin, to follow up with Alan and Greg on that topic and see where they are. it might not need to be a particularly long statement, because as I said. it's meant to be more of a procedural one, I believe.

OLIVIER CRÉPIN-LEBLOND: Jonathan?

JONATHAN ZUCK: Yes.

OLIVIER CRÉPIN-LEBLOND: I'm sorry for jumping in but I can't put my hand up because I've been made as cohost for this call. The host for some reason can't put his hand up.

I was just going to point out to you that Alan has put a comment as a starting point in the At-Large workspace fundamental bylaws amendment proposal, and in that, he mentioned that he would support the amendment. The current bylaw was trying to ensure that the review

not be done purely because ccNSO members but included those [inaudible] who do not choose to be affiliated with the ccNSO. Apparently, implementation is not easy. And I think the wording proposed will ensure openness with other constraints of having to get volunteers who meet a variety of qualifications and willing to devote the time from a limited subset of ccTLDs. End of his comment.

Now, were you aware of him wanting to add something else to this?

JONATHAN ZUCK:

Not specifically. I guess that's why I was proposing reaching out to them on that. and I confess I had not read that comment previously, and I haven't seen anything from Greg yet. So I think we still probably need to reach out to both of them to see if – I guess particularly if Greg wants to add to that, and then we need I guess to direct people on this working group to look at those comments to see if they make sense and can be made into a short statement.

OLIVIER CRÉPIN-LEBLOND:

Okay. There are nine days until the end of the public consultation, so this needs to be done as an [inaudible].

JONATHAN ZUCK:

Sure. Exactly. So it may not be related to another meeting. It may be something we're handling offline. So Evin and I will take it as an action item to reach out to the two of them.

OLIVIER CRÉPIN-LEBLOND: Okay. Just jumping in seeing there are no other hands up, the other comments that are currently there each have a set of comments that have been added, so for example the proposed IANA SLAs for publishing LGR IDN tables has a comment from Holly Raiche, the penholder or the person in charge of – it says penholder here, might change the name soon, but person in charge of this, and the evolving the governance of the root server system also has some comments and the proposed definition of name collisions I believe might also have something in there. I don't know if anybody wishes to expand. Back to you.

JONATHAN ZUCK: Justine, do you want to speak up on the name collisions piece?

JUSTINE CHEW: Yes. Thanks, Jonathan. Just to say that I just checked the Wiki and there's nothing there at the moment. I think Evin has already sent the note to the technical issues working group to see if anyone wants to make a comment as well. so I don't see anyone coming back from that thread as well. But I'll reach out to Greg and see what his thoughts are and talk with him a little bit. Thanks.

JONATHAN ZUCK: Thanks, Justine. And we don't have anybody from the evolving the governance of the root system penholders on the call either, right? Bastiaan and Fouad.

YESIM NAZLAR:

No, unfortunately.

JONATHAN ZUCK:

Okay. So that's a little further out, but Evin and I should reach out to them as well and probe them on where that stands. Alright, I think that's it.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thanks very much, Jonathan. I didn't know whether I was going to speak or not, but indeed there seems to be no one else in the queue for the policy comment.

I should mention that two of these are ending on [inaudible] 26th of July. That's nine days from now. And of course, the ALAC needs to ratify any statement that is drafted, so let's make this follow-up with the penholders a matter of priority, please.

I think – did Holly have to leave early? I just thought perhaps Holly could say a few words, but I think she's also had to leave. Yeah, she's not on the call anymore.

Okay, let's then go to the next agenda item, that's Any Other Business. Actually, before that, I'm sorry, Jonathan, I did note just before this, GNSO policy development process on IGO/INGO access to curative rights protection mechanisms policy recommendations for ICANN board consideration, that is not marked as whether there should be or should not be a statement from the ALAC, and there are public comments for decision.

JONATHAN ZUCK: That's right, that was on Evin's slide. And I guess I don't know the answer. I'm not sure that it jumps out at me what the end user applicability is there necessarily. Fraud prevention [inaudible].

OLIVIER CRÉPIN-LEBLOND: Okay. And with regards to the draft financial assumptions and projections for the fiscal years 2021-2025 I wanted to check with Evin whether this had been forwarded to our Finance and Budget Subcommittee.

EVIN ERDOGDU: Not yet, Olivier, but I'll do so after this call.

JUDITH HELLERSTEIN: Also, Evin, I can help out. I don't want to be the only penholder, but I'm happy to help write that. And maybe if Marita Moll or someone else wants to work with me, Maureen wants to work with me, that would be great.

EVIN ERDOGDU: Thank you, Judith. Which statement is this? I'm sorry.

JUDITH HELLERSTEIN: The finance and strategy.

EVIN ERDOGDU:

Okay. Thank you.

JUDITH HELLERSTEIN:

At ICANN 65, I also had different meetings with some of the finance, some of the strategy people wanting to figure out more what was behind it before it was released. Thanks.

OLIVIER CRÉPIN-LEBLOND:

Thank you for this, Judith. And thanks, Jonathan, for this section. We now are moving to our last agenda item, which is the Any Other Business. And at the moment, there is an action item, special purpose CPWG call with specific agendas on the topic of geo names.

That's still an AI. That might need to be done for a future week. Any comments on this? Is there Any Other Business as well?

JONATHAN ZUCK:

Obviously, we need to get on this geo names things and it's something we ought to a little bit of each week. I'm still working on a scenarios document to circulate. So I think we will eventually want to get to either a dedicated section of the CPWG call or a dedicated call. We have so much difficulty scheduling around all the other calls, it may be that we're going to just try to reserve 15 or 20 minutes on the CPWG call to go through this piece by piece and achieve some consensus on geo names. So I don't have a definitive answer on that yet, so I'll keep bringing up the scenarios and then we'll get that going I think once we have them as a basis.

OLIVIER CRÉPIN-LEBLOND: Thank you, Jonathan. I believe that next week is probably likely to be quite a busy call since we are close to the closing date for two statements, but then the week after might be a little more slightly easier. But okay, we'll just put it in the pipeline for the time being.

JONATHAN ZUCK: Yeah, we'll put it in the pipeline for the week after and we'll try to get some things going offline prior to that.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you. I'm not seeing any other hands, so we just have to look at our next meeting, and we have strict rotation. The next meeting should be when? Yesim?

YESIM NAZLAR: Yes. We can either do 19:00 UTC or 21:00 UTC. The previous call was at 19:00, so maybe you would like to consider 21:00 UTC: Currently, I'm not seeing any clashes for either of these options. Olivier just dropped.

JONATHAN ZUCK: Yeah, it sounds like we lost Olivier. I'd love to move back to the later time if we can do it. I don't know if we still have Cheryl, she seems to have the best master calendar of conflicts. So if we can move that to our 21:00 –

SÉBASTIEN BACHOLLET: About the hour, [it's on the 21st,] we have the ATRT3 plenary call at 21:00 UTC already. Cheryl and myself and Vanda will not be available.

JONATHAN ZUCK: Okay. Is there another time that would work?

JUSTINE CHEW: Jonathan, it's hard to say because some of the other SubPro calls rotate, so you have to look at it on a week by week basis unfortunately.

JONATHAN ZUCK: Right. Okay. But we need [inaudible].

CHERYL LANGDON-ORR: We do have a SubPro calendar. Perhaps our staff can get a copy of the calendar. It's published through certainly to the end of September and beyond, and we do have a predictable set of rotations. But there are also the Nominating Committee review implementation team. it's now running its calls for 90 minutes, which introduces other clashes and they rotate between a 21:00 and a leadership team at 19:00, and I think a 13:00. So there's lots of things rotating. It's not just in my calendar.

JONATHAN ZUCK: I know. I think that we may get to a point where we're going to have to ignore it and lose some people from time to time because there are so many rotating calls. So I guess I'm inclined to stick to the 21:00 timeframe at this point and ask folks to listen to recordings afterward.

JUDITH HELLERSTEIN: John, if so many people are going to be ATRT3, why not move to 19:00? Because their call is at 21:00.

JONATHAN ZUCK: Sure. I just suspect there will be some other calls at 19:00. I'm happy with 19:00. That's not the issue. I think we're starting to just have difficulty avoiding every single conflict that everyone in the At-Large has, which is a good sign in some ways. So I don't know. Is there anyone that could not do 19:00 next Wednesday? Justine has no idea. Just speak up if it wouldn't work. Go ahead, Olivier.

OLIVIER CRÉPIN-LEBLOND: Jonathan, looks like 19:00 – and I know you're in LA, but 19:00 looks like it's probably less likely to clash than 21:00. But I do recognize the need for rotation as well.

What I would suggest is if there is no conflict at present with 19:00, we can go with that. The concern I have is that if we have someone that is a penholder, specifically Holly, Alan and Greg that are not able to make next week's call, then we have a problem with those two statements that need to be filed b4the public comment closes. So they might be the defining factors to this.

CHERYL LANGDON-ORR: If I may, if you go for 19:00, that's fine. 20:00, there's a SubPro meeting that starts, but that's okay. You can get an hour that's unconflicted. It's

the leadership team call so it won't affect everybody. But I can attend more than one call at once, there's nothing unusual about that.

JONATHAN ZUCK: Thanks, Cheryl. And Oliver, let's go ahead with 19:00 and we'll work on those penholders offline to either be on that call or prepare something for it.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Jonathan. That takes us to the end of this call. Justine, do you wish to add something?

JUSTINE CHEW: Hold on, Olivier. Yeah, I had a question before you close the meeting, which is, are we dealing with ICANN Org GDD assumptions for preparing implementation for SubPro or for the new round of gTLDs? Are we responding to that? Because they presented to At-Large and they asked for input basically so I'm asking the question whether we're going to respond. Because if we are, then we need to deal with that as well. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you. I'll defer to Jonathan on this one.

JONATHAN ZUCK: Yes. I think it 's our intention to respond, Justine, and Christopher had some points as well as some others that I've boiled down to a

PowerPoint. So I may try to circulate that offline as well to get that going, and maybe we can finalize it on the next call. Thanks for the question.

OLIVIER CRÉPIN-LEBLOND: Thank you, Jonathan. Perhaps should we have a Wiki page for this if it's not already created on our policy pipeline? So then that will have its home as well. Christopher Wilkinson.

CHRISTOPHER WILKINSON: Yeah. Hi. Right at the end of the call, I'll be as brief as possible. I think actually Jonathan's just said what I thought needed to be said. I responded personally directly to Cyrus because this is at the heart of the PDP negotiation that is currently going on, to which I've already referred. And Holly did actually support what I had to say. I think there was another reservation, but I think at this junction, since Jonathan and Olivier have taken this onboard, it's not necessary to say any more at this particular time. Thank you.

OLIVIER CRÉPIN-LEBLOND: Well, thank you very much for this, Christopher. We can therefore – only being three minutes late – end this call. Thanks everyone for having participated in this, and yet again, very interesting discussions. We'll see you next week again, and at any time, please use the mailing list. Have a very good morning, afternoon, evening. And Jonathan, did you wish to say anything before we [inaudible]?

JONATHAN ZUCK: No. I'd only be repeating everyone else. Thanks a lot.

OLIVIER CRÉPIN-LEBLOND: Thanks. Bye, everyone.

CHERYL LANGDON-ORR: Bye.

YESIM NAZLAR: Thank you all. This meeting is now adjourned. Have a lovely rest of the day. Bye.

[END OF TRANSCRIPTION]