

YESIM NAZLAR:

Good morning, good afternoon, and good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group Call taking place on Wednesday, 8th of January, 2020 at 1300 UTC.

On our call today on the English channel we have Olivier Crépin-Leblond, Jonathan Zuck, Cheryl Langdon-Orr, Vernatius Okwu Ezeama, Daniel Nanghaka, Carlos Raúl Gutiérrez, Anne-Marie Joly-Bachollet, Gordon Chillcott, Sivasubramanian Muthusamy, Priyatosh Jana, Amrita Choudhury, Eduardo Diaz, Holly Raiche, Tijani Ben Jemaa, Joan Katambi, Sonigitu Ekpe, Abdulkarim Oloyede, Ines Hfaiedh, Sébastien Bachollet, Raymond Mamattah, Dave Kissoondoyal, Justine Chew, Bill Jouris, Ejikeme Egbuogu, Suhaidi Hassan, Roberto Gaetano, Nadira Al-Araj, Pierre-Jean Darres, Judith Hellerstein, Greg Shatan.

We currently don't have anyone on the Spanish channel. We have received apologies from Kaili Kan, Adrian Schmidt, Javier Rua-Jovet, Vanda Scartezini, Maureen Hilyard, Alfredo Calderon, Lilian Ivette De Luque Bruges, and Ali AlMeshal. From Staff side we have Evin Erdoğdu and myself, Yeşim Nazlar present on today's call. Heidi Ullrich will be joining us shortly. Our Spanish interpreters on today's call are Veronica & David.

Before we start, just a kind reminder to please state your names when speaking, not only for the transcription, but also for the interpretation purposes, as well, please. And also, another reminder about the real-time transcription service provided for today's call, I've shared the link before, and hoping it's here, in case you missed it. Please do check the

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link, if you need it. And now I would like to give the floor back to you, Olivier. Thank you very much.

OLIVIER CREPIN-LEBLOND: Thank you very much, Yesim, Olivier Crepin-Leblond speaking. And welcome to the second Consolidated Policy Working Group Call this week, the first one being a couple of days ago, a single issue call, and the one that have we have now. So, the single issue call was an ATRT3, we're likely to be perhaps touching on this during the call today, but most of the questions were answered back on Monday.

Now, the agenda today, and I'm working off the screen, somebody is really scrolling very fast. So, the agenda is going to start as usual with our EPDP Phase 2 Update. And then after that we will have, it's not easy to see it when it moves around, we'll have the Next Steps on ALAC Advice to the ICANN Board on DNS Abuse, that's another standing item. We'll have an update from Justine Chew on the Subsequent Procedures work that is taking place.

And then if we scroll further down, you will see our usual policy items that we have for this month with the different public comments that are taking place and that we have to provide some statements for. Some are during commenting stage, some are currently being drafted. And then finally, Any Other Business, and that's when I ask if anybody has any other business to add to this agenda.

JONATHAN ZUCK: Hey, Olivier, it's Jonathan.

OLIVIER CREPIN-LEBLOND: Yes, go ahead Jonathan.

JONATHAN ZUCK: I was going to suggest, it's in here as one of the open comment periods, but I would like a brief discussion perhaps led by Mr. Gaetano, on what our possible response on pir.org might look like. It just feels like we should be talking about that every call to nail down what the talking points are that we really want to land on and what our process should be. So, let's try to find time for that at the end of the call, as well.

OLIVIER CREPIN-LEBLOND: Okay, thanks for this, Jonathan. Well, hopefully, if we get through the other items rather fast we'll have more time for this and be able to take this up. But thanks for providing notice to Roberto Gaetano for leading this. I'm not seeing any other hands up at present, so the agenda is adopted with that change.

We can now move to the Action Items. Sorry, I'm really going too fast here. The Action Items from our last call I believe were all completed, if I can see them appearing on our screen. Yeah, so all three Action Items have been completed as you can see, and I don't think there's any comment on this. We had a single issue call earlier and then we had the public comment discussions, as well.

So, I think we can move on to the next agenda item without any further delay, and that's Expedited Policy Development Process with Alan

Greenberg and Hadia Elminiawi. I'm not sure who wishes to take the floor first, but the floor is yours.

ALAN GREENBERG:

It's Alan, I'll take it for a minute. There's not an awful lot to report, we've been on break and the first meeting after the holiday season is tomorrow. There is a new draft report out which everyone was expected to comment on by tomorrow, or actually by yesterday. Virtually nobody has, so it remains to be seen how we're going to address that.

We are on an exceedingly aggressive schedule at the moment with face-to-face meeting at the last week of this month in Los Angeles, and with the target of having a draft report coming out of that meeting. As I said, it was already deferred once, the draft report was supposed to be out at the beginning of December. It's unlikely to be deferred again, but exactly how we're going to make that target is not clear at this point. I'm not sure if Hadia has anything to add at this point.

I think the main story is we're on a very aggressive timeline, we are way behind at some level from where he had hoped to be when we set the timeline several months ago, and there has been a fair amount of pushback from some people saying it was nice to be able to do it over the holidays, but we didn't. We'll see tomorrow how this plays out.

OLIVIER CREPIN-LEBLOND:

Thank you very much, Alan. Hadia, do you have anything to add?

HADIA ELMINIAWI:

Not really, Alan covered everything. As Alan just mentioned, tomorrow is our first meeting after the break and we are supposed to start discussing the comments on the report, which are not much. The only thing maybe I could report is with regard to the legal committee meeting. So, we've been discussing yesterday two of the Priority 2 items.

One is with regard to the legal and natural person registrants and the other is related to accuracy. One of the questions that we agreed to ask to the plenary is with regard to legal and natural persons and whether the contracted parties should place the responsibility on its legal person registrant to obtain permission from those natural persons whose data might be displayed. We also refer in the question to what [inaudible] entity is actually doing, and other entities, as well.

The other are a couple of questions related to accuracy which we have not concluded yet. The GAC representatives are actually working on that. So this is the only concrete reporting I have with regard to the EPDP work so far. After the meeting tomorrow we would have a clear vision, I think, about where we stand.

OLIVIER CREPIN-LEBLOND:

Thank you for this, Hadia, Olivier speaking. And I'm sorry, Alan, I did cut you off, so you were about to have something?

ALAN GREENBERG:

No, I don't think so.

OLIVIER CREPIN-LEBLOND: Okay, thank you for this. Now the floor is open for any questions and comments from anyone. I guess with the holiday period, I have seen the emails and they are being requested to read things over the holiday, it seems to me that there has been a bit of exhaustion there, so I guess things will just get moving again very soon.

Not seeing any hands up in the Zoom, I think we can therefore move on and go to the stage of our call. So, thank you very much for this Alan, thanks for this Hadia, and we look forward to hearing from you next week on more exciting information from the Expedited PDP.

We now are going to Agenda Item #4 and that's the ALAC Advice to the ICANN Board on DNS Abuse and for this we have León Sánchez who is with us today, who is able to speak to us. Is that correct? Or is that from last week's agenda? I do have a check on this. Perhaps I should ask Jonathan Zuck for that and perhaps introduce Leon. Thank you. Jonathan you have the floor.

JONATHAN ZUCK: Thank you. I think this is on the agenda for Leon, but the last I saw he was not yet on the call.

YESIM NAZLAR: Jonathan, this is Yesim, that's correct. Leon is not currently on the call, however, Evin's hand was up, I'm not sure if she was going to mention the same thing.

EVIN ERDOĞDU: Yeah, thanks Yesim. Yes, he confirmed he was able to join, but I think perhaps a little later, so maybe we can move ahead and then come back to him when he is able to join.

JONATHAN ZUCK: Perfect. He has the floor for that, Olivier, to let us know, because we've already submitted the advice. Our next step is to hear back from the Board. So, hopefully that will be informally what we're getting from Leon. So, let's push it down the agenda.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Jonathan. It's Olivier Crepin-Leblond speaking and I gather is just getting ready to answer us. So, let's move on then to Agenda Item 5, and that's with Justine Chew on the Subsequent Procedures. Again, a lot of work going on there with big reports coming our way. Justine, you have the floor.

JUSTINE CHEW: Thank you, Olivier, I hope I can be heard. Sorry, you jumped ahead on the agenda, I was going to talk about the first bullet. Okay, if everybody looks at the agenda on the wiki page, I'm going to just touch on the first bullet about the Scope Of Upcoming Additional Call For Public Comments.

As most of you know, ALAC through Maureen as the Chair sent a letter to the SubPro PDP working group Co-Chairs calling for the scope of upcoming public comments to cover all draft final recommendations, basically echoing what the GAC has the working group Co-Chairs to do,

as well. And we have since received a reply from the SubPro PDP working group Co-Chairs as is shown on the screen.

The reply itself doesn't say very much, per se, so I was going to go onto the next sub-bullet which is an update from the call that happened yesterday. We have resumed twice a week calls yesterday and one of the Co-Chairs, or I should say the leadership of the SubPro working group, has informed the working group that they are expected to recommend making all draft recommendations available during the public comment period, but they will be seeking feedback on specific areas that have not gone out for public comments previously.

So, the focus will be on the areas which have not gone out for public comment previously. It was mentioned that we can't stop people from making comments on other previously consulted areas, but within the communication that goes out with the public comment, it will be made clear that the focus of the working group will be on topics which have not been consulted upon, and they will be seeking specific input on those.

As to how it will actually look in terms of the documents that go out for public comment, leadership will be drafting the format, and the working group will be looking at it to see whether it will work or not. I have confidence that it will work, but of course the other members will have a look at it and make their comment.

So, that's coming up during the course of this quarter in 2020. I note that Cheryl is on the call, so I don't know whether she wants to add

anything to this point. No, okay, if that's the case then I will move onto the presentation, which is on Predictability Framework.

Okay, so this is one of the new topics, I will just refer to it as a new topic. It is one of those topics that will go out for substantive public comments because it's entirely new and the working group is coming up with recommendations on a new entity, so to speak. Next slide, please.

Okay, so the question that went out during the earlier public comment which is through the initial report surrounded the question of the Predictability Framework. So, based on inputs to that question, it was established that the majority said yes, most of the comments thought it was a good idea. So, working off that, leadership and staff have been working on aspects of a new Predictability Framework which would incorporate a new entity.

The details of that will be forthcoming in the next slide, but I just wanted to point out the insofar as the sections in the initial report that went out for public comment earlier, that is not considered as superseded by this new proposal that's going to be distributed to the public comment for fresh comment. The entity itself should be from the Implementation Review Team.

So, if you can think of it that way, you have one Implementation Review Team that will continue existing because that deals with implementation of the recommendations from the final report, assuming, of course, it is accepted by the Board through GNS Council. And the new entity that is going to be established is separate from this Implementation Review Team. Next slide.

So, the key issue that we're grappling here is how should changes to the program be introduced to address unanticipated issues after the AGB is approved? In the 2012 round we had a number of issues that cropped up after the AGB Version 2010 was approved. There was a list of about five things that came up. Of course we're trying to avoid having future unanticipated issues but having said that, we're not mind readers, we don't have a magic globe that tells us everything. So as a way of dealing with possible unanticipated issues the SubPro working group is looking at recommending a new Predictability Framework which will be handled by something called -- the name is a bit longwinded, we'll get to it in a short while.

Just wanted to point out here, in terms of the policy goals, the idea behind, I just wanted to focus on the fourth bullet, which is where the significant issues arise after the AGB is approved and requires resolution via this Predictability Framework, there should be an options to applicants and receive appropriate refunds if the issue is highly impactful on them and needs major intervention to resolve. This Predictability Framework does not displace GNSO Council's decision-making power. It acts to complement existing GNSO's processes and procedures. Next slide, please.

Okay, so the framework itself will identify categories of changes which will be considered in terms of whether they are procedural changes or whether they have policy impact. The new entity recommended name is Standing Predictability Implementation Review Team, or "SPIRT." So, this is the new entity that will be charged with the task of looking at any issue that arises after the AGB has been approved.

So it should not be confused with and does not replace the IRT. SPIRT's role and work starts after the AGB is approved by the Board. Anything before that in terms of implementation will be the IRT. SPIRT is going to be supervised by the GNSO Council, per GNSO operating procedures. Next slide, please.

These are some of the aspects of SPIRT that the working group is looking at. We haven't finished deliberations on this topic so I'm just going to highlight a few things and unless someone has immediate response to this, this is probably something that we could defer for a little bit because as I said, it's going to come up through the next public comment call, so we have time to work out our positions on some of these things if we have to.

But of course, if any has any immediate responses then by all means you can let us have it and we can feed back directly the Subsequent Procedures working group calls as the discussion takes place. Alright, the aspects that we're looking at include things like the role of the SPIRT. It is designed to provide advice or guidance to ICANN Staff, GNSO Council and the Community on issues which crop up post AGB approval.

So, as I said before, it comes under the supervision of GNSO Council. In terms of who can forward issues to the SPIRT, ideally it needs to be issues impact more than a single applicant and secondly, the issues are meant to be forwarded to SPIRT through one of three channels, the first one being ICANN Board, the second one being ICANN Org, and the third one being GNSO Council. The rationale for limiting it to these three channels is firstly, SPIRT is under GNSO Council supervision.

Secondly, there is talk about wanting to avoid direct lobbying to SPIRT to take up issues. And the third one is specific to ACs, it does not displace mechanisms available to ACs, which is advice to the Board. So it doesn't prejudice ACs by not having a direct channel to SPIRT.

So, in terms of who will issues be forwarded? That's self explanatory. GNSO Council itself, there are certain procedure within GNSO Operating Procedures that kind of complicate it, so I'm not going to bring that up at this point in time. Plus, it's still in discussion anyway, so things could change at the next call. Next slide, please.

Moving along, so, other aspects that are will in discussion would be SPIRT's decision making power, actually it has none, because it is meant to issue non-binding advice. It's designed to look at a problem and figure out how best to solve the problem, assuming that it had some policy impact. How it is envisioned to work is the leadership of SPIRT would assess consensus of the group using the GSNO working group guidelines, Section 3.6. It is meant to strive for consensus on all advice issued but using Section 3.6 methodology, consensus may not strictly be required.

So again, we probably need to look at it a little more carefully, because it involving GNSO processes. So, I'll leave it at that. So, who is SPIRT supposed to issue advice to who? Obviously the party who forwarded issue to SPIRT to begin with.

Now, if that party is GNSO Council, then the suggestions would be that GNSO Council deals with it within two council meetings, and then informs SPIRT of the decision and rationale and next steps. If the party

who forwarded the issue is not GNSO Council, meaning either the Board or ICANN Org, then the advice that SPIRT comes out with is meant to go to GNSO Council first, which GNSO Council is then expected to deal with within 60 days. Moving on very quickly, some of the other things that will be discussed in the next call, can we have the next slide, please? Thank you.

So, some of the other aspects that we have not discussed in detail yet would be things like things like the composition of SPIRT, whether it should it should be representative or not, meaning whether the members, whoever they may be, and whether assigned by organization groups, so, the members, whether they act in a representative capacity or other expert independent judgment. So, that covers point 7 and point 10.

Also in terms of membership, should we look at the members having prequalification, meaning members that are assigned should have knowledge and experience of Subsequent Procedures obviously would help, that sort of thing and that they should be subjected to submit an SOI that is beyond the standard SOI again along the lines of a statement of participation like what NCAP uses, that addresses things beyond conflict of interest, obviously. So, point 8, obviously if there is a need, additional subject matter expertise would be obtained. Point 9, whether there should be term limitations on SPIRT Members. Next slide, please.

Okay, point 11, Conflict of Interest procedures. Confidentiality obligations. Role of ICANN Staff, the leadership, how that is formed, and the role of public comment. These aspects are still yet to be

discussed and we'll probably cover them in the course of the working group next call which is on Thursday, tomorrow. Next slide, please.

Alright, so these are the categories of changes that have been identified so far by leadership and Staff. They are going to definitions of what is a minor operational change or what is a non-minor operational change. Examples also have been alluded to, so I'm not going to get into specifics because those are still up for discussion at the next call, but this gives you an idea of what are the things that would go to SPIRT and also be subject to public comment.

So, that's it. Happy to take questions if there are any. I see two, one in the chat and one from Alan. Just to answer this question quickly, the question is "Can the ALAC forward any issues to SPIRT?" Based on what is being discussed, the answer is no, not directly. And Alan has his hand up.

ALAN GREENBERG:

Thank you very much, three quick comments. First of all, what we're talking about here is adding complexity upon complexity, but given the fact that this is a difficult issue, I don't really see an alternative. I think it's an innovative way of addressing it. But, I really hate when in ICANN we fix complexity by adding complexity to it, but I really don't see a way of avoiding something like this, and I think it is an innovative way of addressing it.

Number two, most of the time in these slides you've used the term advice or guidance, non-binding advice or guidance, but occasionally in

the earlier ones you used the word recommendations, and I think we have to be very careful on the language.

Recommendations implies that somebody else is going to approve or not approve the recommendations, so I think we need to be careful on the wording. Lastly, on this slide you say that for items #2 and 3, that is possible or requires to be a public comment, and I'm just looking at the timelines that we're talking about here.

By the time something gets to this group, it will have taken a fair amount of time. The group will then have to deliberate and come up with some recommendations, some guidance, and then it goes out to public comment. We're talking about months and months to address things that come up, and I'm just wondering, is that practical? Thank you.

JUSTINE CHEW:

Thanks for the comments, Alan. The first one, if I may address them, the first one, I tend to agree with you but I also see, as you say, no way out. And to me it's more important to have a group or a committee of some sort that will be tasked with looking at issues that arises after the AGB is approved. In the 2012 round we didn't have this mechanism. So, in that sense, as you say, it's innovative, I still think that it's useful, despite the fact that it may add complexity.

The second point was yes, I note that, it could be that I'm using terms interchangeably, but it's also possible that the notes that have been generated through the working group columns are also using the terms interchangeably, so I will take note of that and look into it.

But in essence, whatever comes out of SPIRT will go to GNSO Council, so anything that comes out of it is non-binding in a sense so there is no power in its power or recommendation or guidance, whatever that term should be. It doesn't make any decisions, it just makes suggestions or recommendations or advice to GNSO Council and then GNSO Council is the one that decides. Okay, any other questions?

ALAN GREENBERG:

It's Alan, if I may follow on, my understanding from what was presented, and I'll say I haven't been active in the discussions leading to this, is the GNSO has oversight that essentially can reverse something or change something, but I didn't think from what you were describing that GNSO has approval, that is, it doesn't have to take action to approve, although it can intervene if it finds something problematic.

So that's why I was questioning whether it is a recommendation or not. You know, for instance, the GNSO Operational Procedures are subject to Board oversight, which means the Board doesn't have to approve them, but the Board can step in and say there's a problem here. And I thought that this group was creating similar type output.

And it was just a note to make sure that if we're using the term recommendation, we have to be very clear that it implies an approval stage, which I didn't think was part of this process. That's my only thing. And the public comment one, I mentioned that I think this is going to generate timelines which perhaps are untenable, but again, just noting it. Thank you.

JUSTINE CHEW:

Sure, thanks for that. I will note the approval aspect of it. And just on the last comment, the public comment portion, my understanding, which I will need to confirm, would be this is public comment in terms of any processes that GNSO Council decides on, it's not public comment on the SPIRT output. Okay, so just to be clear. But it doesn't necessarily mean that won't cause a delay in action being taken to resolve the issue because of the requirement for public comment. Okay, any other questions?

Okay, if I don't see any, so if I can just quickly touch on the item which is the Preliminary Scorecard for Subsequent Procedures. I did a little bit of update on the template that I use to present the applicant support program and I have conscripted some people, they would have received an email from me, to help generate more of these scorecard templates for the other topics that At-Large feels is important to have positions on or analyze what is going to happen next. In terms of the list of topics, if you refer to the SubPro updates wiki page, that will give you an idea of the list.

The small team will have to work through the entire list to see whether we want to focus of certain things or whether there are other new things we want to propose. So, that's an ongoing work that hopefully will be undertaken by the small team, and we will come back to CPWG to report. Okay, I'm done with my section. Thanks, Olivier.

OLIVIER CREPIN-LEBLOND:

Thank you very much Justine. Olivier Crepin-Leblond speaking. Well done for all this, it's a lot of work and it looks like we've got plenty of

things coming our way in that process. I do have to make special mention for those people that coin new acronyms, certainly SPIRT is another one that we haven't dealt with yet, so, I'm not quite sure who coined it, but well done. Just another committee, another group.

Right, we can move on, and we now have the public comment update with Evin Erdogan and Jonathan Zuck. One moment, I see Yrjö Länsipuro has put his hand up, so I'm not quite sure. Yrjö.

YRJÖ LÄNSIPURO:

Thank you, Olivier, this is Yrjö Länsipuro speaking. Just to note, as it says here in the agenda, the scorecard that Justine was talking about, it's important for the intercessional cooperation with the GAC. I have been in touch with the Chair of the GAC group or focus rep and they are planning to have a meeting in January, so I'm going to tell the Chair of the GAC group that this small group Justine was talking about, these likely should be the people to be invited to this first meeting together with the GAC focus group. Thank you.

OLIVIER CREPIN-LEBLOND:

Thanks very much for this Yrjö, thanks for this additional piece of information. So, now we can move on to the policy comment updates.

JONATHAN ZUCK:

Thanks Olivier, I think what we'll do is jump back to the Board's response to DNS Abuse.

OLIVIER CREPIN-LEBLOND: Perfect. Thank you for pointing this out, I'm sorry, I just have one device in my hand at the moment. And welcome Leon Sanchez. So, you have the floor, Leon.

LEON SANCHEZ: Thank you very much, Olivier, thank you very much, Jonathan. Hello everyone. In regard to the ALAC Advice on DNS Abuse, it was submitted on December 24th, so the Board hasn't really had a chance to discuss this advice. It is being handled as per the usual process, and I'm sure the Board will come back with a reaction to this advice.

From what I get from the advice, the recommendations seem to be solid, very well grounded, and I will make sure to discuss this with my Board colleagues, but there is really not much that I can add to this at this moment, since as I said, the Board hasn't really had a chance to discuss this advice. I'm pretty sure that many of my Board colleagues have already seen this advice, but we haven't really had a chance to sit down and discuss it. I would be happy to answer any questions in regard to this, but as I said, I don't believe I can be a lot of help at this point.

JONATHAN ZUCK: Leon, it's Jonathan. Have you had a chance to read the advice?

LEON SANCHEZ: I have read the advice, Jonathan.

JONATHAN ZUCK:

So, speaking sort of as our go between with the Board, do you have a reaction to it? Did we meet your expectations by making this distinction between observations and recommendations? Was that a good structure? Do you think the recommendations are such that they can be grappled with by the Board, or do we need to make revisions for the Board to more effectively address this advice? I guess that's the feedback I'd like to get from you, if possible.

LEON SANCHEZ:

Thank you, Jonathan. Yes, as I read it, I think it is a good piece of advice. It is what we, at least I can work with. I think it is a clear and concise piece of advice. It is at least to me, it seems unambiguous, so it gives us good guidance on what you expect from the Board to support.

In terms of how well crafted the advice is, I think it is a good piece of advice, but as I said, we haven't had the chance to discuss this in the Board at At-Large, so I wouldn't want to speak for the whole the Board at this point, but as I read it personally, I think it is a good guidance for us as to what the At-Large community expects from the Board with this advice. Does that help?

JONATHAN ZUCK:

It does. If we need to do anything to modify it or make it easier or clearer, et cetera, then we can do that, but for the majority of the Board had a chance to read it, I guess. It sounds like Avri is agreeing with you in the chat as to the structure, et cetera. So I guess the question out to either of you, is there anything else we should be doing to pursue this or are we just in waiting mode at this point?

LEON SANCHEZ: I would say that it would be good if you could give us some time so that we can discuss this within the Board and of course, I would be happy to come back to you if there were any concerns, suggestions, doubts from the Board, so we could iron out any details that would be needed in order to better address the advice that you are providing to the Board.

JONATHAN ZUCK: Thanks, Leon, and thanks, Avri, for being on the call, as well. So, we will give you space to consider this. I guess just a heads up, there's sort of an evolution on the mailing list whereby the At-Large is really circling its wagons on this issue in particular, so I think it's possible that you will see these words again in different forms, perhaps in the context of the PIR situation, perhaps in the context of the dot com contract, et cetera, that I think we will probably consistently look for opportunities to raise this and opportunities of, how should I call it, points of leverage, inflection points of leverage that the Board or ICANN Org might have over the contracted parties to expand their DNS abuse efforts.

So, you're likely to see these recommendations repeat themselves as almost a rider to everything else we do in the context of contracts. So, I thought I would just give you a heads up about that. I think DNS abuse is starting to feel like our primary issue for the next few years here.

LEON SANCHEZ: Thanks, Jonathan, and I think that we are well aware of that in the Board. I think that we are aware that this is on top of everyone's mind

and it is also a very important issue within the Board. So I would expect that we will be going along with this trend.

And as to Justine's question in the chat, I don't have a clear timeline right now in my mind, but I guess that we should be looking at this, this same month, hopefully maybe we will have some space for this in our workshop in LA, but I would expect that we would be reacting to this maybe within the next 30 to 40 days, something like that. I'm not sure about that timeline, Justine, but that's something I would like to double check with my Board colleagues and hopefully come back to you in that timeline.

JONATHAN ZUCK:

Thanks a lot Leon, really appreciate you being on the call and providing this update, and do let us know if there is anything else we can do to clarify this, since this is something we're going to try to get more and more crisp with as we go along. We'll try to be more and more articulate about our recommendations in this regard as we go.

I guess, speaking of which, and again, I don't mean to put you on the spot, but since we have you and Avri on the call, is there anything that you can share with how the situation with PIR is progressing with respect to your request for information, your request to reveal old information, where does that process currently stand, how is it going? Any kind of update that either one of you can provide on the current status of that, I think, would be welcomed by this group, as well.

LEON SANCHEZ:

Thanks, Jonathan. So, I don't have much information on this at this point. As you know, we're just coming back from the break and we're getting to get back on track. But the last thing where we were is that we requested some information from PIR as you well know. We're expecting a reply from PIR and of course we would be reviewing the answer to the questions that were raised. And after that then we will continue with the process.

JONATHAN ZUCK:

Okay, Leon, thanks. You can't blame me for trying. Thanks a lot for being on the call and keep us apprised whenever you can on any progress there. It's obviously a very volatile environment surrounding the PIR acquisition, and we're receiving pressure from a lot of forces to get engaged and to try and figure out what the best role is for the At-Large in that discussion, what's within our remit, and what would be most effective, et cetera.

And so there is some discussion of bringing up DNS abuse in that context, as well. So, the more information we have, the better. But as we are in a swirl of op eds being written about us and everything like that, we do want to be active on that issue, but be active in anybody effective way. So, thanks guys, thanks for looking out for us and let us know when you have any further information. Thanks.

OLIVIER CREPIN-LEBLOND:

Jonathan, it's Olivier, thank you very much and thanks Leon for this. So, now we can go back to you, Jonathan, for the public comments and to

proceed forward with Evin and you on the different processes that are currently taking place. Thank you.

JONATHAN ZUCK:

Thanks a lot of, I'll hand the talking stick to Evin.

EVIN ERDOGDU:

Thank you, Olivier and Jonathan. This is Evin speaking. So as we just heard from Leon a brief update on the recently ratified and submitted ALAC advice for the ICANN Board on DNS Abuse. It was submitted on the 24th of December, so we should be hearing more on this in subsequent calls.

There is currently one public comment open for decision, this is a proposed amendment 3 to the dot com registry agreement, and it closes on the 14th of February, and this has already generated some discussion on the mailing and also in the workspace for the related but not the same ISOC sells PIR workspace. So, this is open for someone to volunteer to contribute to.

Otherwise, the current statements that are currently in development are the ISOC sells PIR. This has generated a lot of discussion and a lot of points on the mailing list have also been moved to the workspace, so please do share your input on the workspace. And I think it was noted at the beginning of the call that perhaps Roberto might share some comments, as he has also been on the mailing.

In addition there was the single issue call held this Monday on the Third Accountability and Transparency Review Team (ATRT3) Draft Report.

And we have a slide deck from Sébastien on the agenda and an Action Item from the call was to assemble an initial drafting team before assigning official penholders for this, so we already have a couple volunteers for that, and this one closes on the 31st of January, end of this month.

And then we have several more comments, two that Judith Hellerstein had volunteered to get an initial draft out for the first being proposed dates for ICANN public meetings from 2024 to 2028, and also revise dates in 2022. This closes on the 11th of February, and then also the Proposed Final Report of the New gTLD Auction Proceeds Cross Community Working Group.

This also closes on the 14th of February. And there will be an FBSC Call scheduled to specifically discuss public comments on the Draft FY21-25 Operating & Financial Plan and Draft FY21 Operating Plan & Budget. Marita Moll has volunteered to contribute to this at least with regard to the multistakeholder model aspect of the public comment and she also has a presentation which is on the agenda. This closes at the end of February, on the 25th of February.

Then finally, we have the At-Large Policy Platform and this is in development and is slated to be finalized and presented at ICANN67. So, with that, I'll turn it over back to you Jonathan. Perhaps someone wants to give a presentation or made a comment on any of these. Thank you.

JONATHAN ZUCK:

Thanks, Evin, for that overview. I don't see hands up from drafters.

JUDITH HELLERSTEIN: I have my hand up, Jonathan.

JONATHAN ZUCK: Oh, you do, okay, sorry, I don't see it, oh, I scrolled down, that's why, my apologies. Go ahead, Judith.

JUDITH HELLERSTEIN: Yes, it's Judith Hellerstein for the record. My question to you is in drafting the comments I'm wondering, I'm offering to draft and I've already submitted my individual comments on that meeting, but wondering how much interest in that my main point that I was going to make is that the dates can be shifted by one week and avoid all conflict, and I don't see why we can't do that. That's mostly my comments on that. But I'm just wondering, I mean, I'm happy to write it, but I was wondering, is there support from ALAC to put forward a comment on that? And so that's my comment on that.

Also, on the budget, I think we're going to need two calls, because I think the meeting that's scheduled for next week is going to be only on the ABRs, and so we're going to need a separate discussion for the finance comments. And I think Marita is only planning on doing the comments for the multistakeholder side, but I can happily do the other comments along with Ricardo Holmquist on the budget side. But we do need separate calls because the ABR call is basically going to take up that whole time. Basically those are my comments.

JONATHAN ZUCK: Thanks, Judith. So, can you break that down to just the recommendations you were making? What thing is that you're talking about shifting a week?

JUDITH HELLERSTEIN: The meeting schedule. If you look at the meetings comments, they are conflicting with Jewish holidays and other events and if they are moved just one week later, it would not conflict with anything. So it's very simple comment, that we should try to avoid. Also, in general if you look at the schedule, they're looking at the AGN meeting to have earlier in October, like middle of October, where there's a bunch of conflict. And if you kept it until later October, like we usually have, we wouldn't have these conflicts.

JONATHAN ZUCK: Is that something that we should be acting on? Reaching out to the meetings team?

JUDITH HELLERSTEIN: That's the genesis of that statement to the public comment. All the public comment is asking us is here are the dates, here are the conflicts, what do you say about it?

JONATHAN ZUCK: Okay.

JUDITH HELLERSTEIN: And I think that we should come out, I don't see no reason why we need to conflict. If we keep the dates where we generally have them at the end of October, these days are way in advance, they're not committed to any site, so there's no reason to change anything to have this conflict.

JONATHAN ZUCK: No reason not to change anything, you mean.

JUDITH HELLERSTEIN: The reason is they want to assign, so what is their assign date for the meeting. So, 2024, 5, 6, 7, they have never assigned those dates yet. But if that's something that ALAC is interested in supporting, I'm happy to write that up and present it next week.

JONATHAN ZUCK: I don't see why not, so if you would write that up and just present it, and it should go through pretty quickly.

JUDITH HELLERSTEIN: Alright. And then the finance recommendation is another point.

JONATHAN ZUCK: Alright, thank you very much. Alan Greenberg.

ALAN GREENBERG: Yeah, thank you, it's Alan. On meeting dates I think we have to be very careful that we provide guidelines and not absolute rules. The issues

related to scheduling meetings and conflicts are not only conflicts with holidays and availability of conference centers, both of which are clearly critical, but conflicts with other meetings that are already scheduled and things like that.

So I think we want to provide some guidelines. We're never going to be in an ideal world and I don't think we want to give the image that we are giving inviolate rules unless they really are strong. So just be careful what we say, because we may have to live with the results. Thank you.

JUDITH HELLERSTEIN:

Jonathan, on the public meetings document they do list what meetings are conflicting with. They don't list the weeks after that, and maybe our comments also could include could you please notify us whether there are conflicts the week after where you don't list any conflicts. So, that's another thought.

JONATHAN ZUCK:

Okay, that makes sense. I think Alan is just suggesting that we keep our language soft enough to allow them the flexibility to accommodate those other meetings, and we'll do that. Thanks, Judith, I look forward to what you write. Sébastien?

SÉBASTIEN BACHOLLET:

Thank you very much, I guess Abdulkarim was before me, but Sébastien Bachollet speaking. Just shortly, I agree with Alan, we need to be soft in what we say. We can ask, but not be sure that if we move one week, we are sure that nothing will conflict. They have done that with maybe

some good reason, and we need to ask them why, not to tell them that they are wrong.

Second point, is it really a policy issue? And my third point, is I see that on different policy items, Judith, and thanks for willing to contribute to a lot of policy issues, but I would like us to consider that when we are members of one group, and I know that it was not the case before, we ask them to write everything about EPDP.

I think as a matter of good policy in our group, remember from At-Large, send to those groups, may not be the right penholder of the comments. They may help the ones who will make the comments, but not to be the one to make it., I think it will a better way to have more people involved and to have outside of the group new eyes to look at the situation. Thank you.

JONATHAN ZUCK:

Yes, Sébastien, thanks. Let's have more of a discussion about that, I don't know what the right answer is about writing comment, but the expertise of the people that are involved helps a lot, at least in the development of where we should focus and the positions we should take. So, maybe the actual drafters should be somebody else, but I think definitely we're going to need the work of other folks. Utilize thanks for your comments and we should stick to policy. Abdulkarim?

ABDULKARIM OLOYEDE: Thank you very much. This is Abdulkarim Oloyede for the record. I want to agree Sébastien. I also wanted to ask Judith, I made a comment on the wiki, I don't know if she has had time to look at the comments.

JUDITH HELLERSTEIN: No, I have not seen it. I didn't know we had a Wiki created, but that's great.

ABDULKARIM OLOYEDE: You can look at it, because that would also, is comments about the dates, so look at before you bring your comments in.

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

MARITA MOLL: Hi, Marita Moll speaking, for the record. I'm also hesitant to get involved in the meeting dates, although I would much prefer it to be the week later that Judith is talking about, at the end of October. I know from having been involved in meeting dates that there's a huge number of things that go into choosing a date, and none of them are chosen easily. So, anything we want to say about that would be only gently wondering why they had made this change. Thank you.

JONATHAN ZUCK: Marita, thank you. Tijani?

TIJANI BEN JEMAA: Thank you, Jonathan, Tijani speaking. I would like to say that this CPWG is for DNS policy only. I see that people are mixing things of budget, meeting dates, et cetera, in this group. Why we need to separate them, for not diluting the policy work, not to think about things that are not policy. This is a DNS policy group. So everything related to the budget should be treated in finance and budget subcommittee and the other things in the ALAC meetings. Thank you.

JONATHAN ZUCK: Thanks, Tijani. We've now spent as much time talking about not talking about it, as we did talking about it, but I think the point is well taken. So, thanks everyone. I guess what I'd like to do is drill in a little bit on the PIR discussion and ask Roberto to summarize his recommendations for our comments on this issue.

And then I know that Carlos Gutierrez had some issues there, and I'd like to get a discussion going on how folks think it's best for us to respond to the dot org situation. So, Roberto, I know I'm putting you on the spot a little bit, but if you could give a little summary of your thoughts there for discussion, I'd appreciate it.

ROBERTO GAETANO: This is Roberto for the record. I assume you can hear me. Basically if I can summarize very quickly, my point is that we should make a serious analysis on what we can reasonably achieve in the best interest of our community, that is the user community, and how we can play a role and

we can act in making the new PIR still being an exemplary registry that acts in the public interest.

I personally came to the conclusion that ICANN would not have stopped the transfer for a number of reasons, and I think we can discuss that on the mailing list and not use this prime time for getting into the details, but nevertheless, we can play a role and I believe that there is a momentum now with all the different voices that are being raised against this deal, that at this point in time if we come with reasonable solutions that are practically implementable, and they can be acceptable by all parties, this is the moment to make the proposal because from now on, time will play against us in the sense that slowly, slowly things will settle and there will be less voices raised, people will get tired, and at that point in time, whatever can happen, you will have less control.

The proposal that I've made on the mailing list that I will quickly summarize is to propose that ALAC has a voting member on the Board of PIR. The rationale for this is that before the old PIR the Board was selected by ISOC and so ISOC had control in name of the public interest as organizations that had the user's interest as their mission and so now besides the fact that they proclaim their goodwill and their good interest, as a matter of fact it is an organization that is run by investors, and so there is no guarantee that at a certain point in time the voice of the user's interest isn't strong enough.

I think that one voting member on the Board will play a dual role, that is to get the community informed about how things are evolving within PIR. Of course, that doesn't mean that they have to divulge confidential

information, but whatever is a direct link also in terms of information, that person should be committed to inform regularly the community about what is happening.

And on the other hand it will be a voice that can bring to the discussion the position of the user community and so acting in the public interest. I think this is very important because within the Board, I had experiences on the PIR Board and on the ICANN Board, and a voice that states reasonable objections to actions or positions of the majority is always listened.

We cannot probably win a lot of fights, but at least we can have our point of view heard and we can ensure that there is representation of the public interest within public interest registry. Of course, there might be other and even better approaches to this, but I think that we should first agree on the fact that we want to find whatever is the maximum result if you can get in this given situation.

We have to agree on what are the actions that we are going to put in place and then we can talk about the details. But my personal opinion is that the moment that we get to Cancun, the game will be over. So it's now that we have to act. Thank you.

JONATHAN ZUCK:

Thanks, Roberto. I agree, I think the time is now to put something together. The other recommendation that Jacob Malthouse gave to me when I talking to him before he decided to go crazy in Circle ID was some kind of a DRP procedure for people whose sites were taken down under potentially suspicious circumstances.

The other thing that has come up is this issue of censorship and how both the rights protection mechanisms and the rule of law mechanisms might be abused with nonprofits that are saying uncomfortable things. And so some form of a DRP process, dispute resolution process, would be something that we would want to ask for, as well.

I don't know how other people feel about that, but that made sense to me when Jacob recommended it. So, let's look at these things here and the possibility of some sort of DRP and I'd love to get people's feedback and let's just settle this how we want to react. Marita, I believe you're next in the queue.

MARITA MOLL:

Hi, Marita Moll for the record. I'm totally great with suggesting we have a voting member on this Board, but it may not look like, we have no assurances that it looks like an ICANN Board or what's currently an ISOC or PIR Board. This is a private equity company and they're going to tie down anybody on that board from saying anything to anyone.

I don't think you can take any assurances that you're going to be able to do very much on a Board like that. You might have access to information but you may have 10 or 11 people who come from completely different points of view. So I think it's great, but I don't have very much confidence that that is really going to help a lot. I would like to also see us support some of the actions that we've seen coming across the list.

One that was particularly interesting was using the empowered community somehow to ask some tougher questions about how this

could move over to a private equity company from a contract that is there because it was a nonprofit. So to me, that's the key question here and I'd just like to see a bigger pushback on that aspect. Thank you.

JONATHAN ZUCK:

Thanks, Marita. And I know the Board is really evaluating that right now. That's part of the questions, et cetera, that the Board is asking, whether or not that previous, I don't know, for lack of a better term, sort of legislative intent of awarding the contract to PIR in the first place can be a legal basis another contract to make a reasonable objection to the transfer.

So I think that question is still unanswered and that mechanism is still out there, as well. But we can decide to join the ASO folks in asking for more disclosure of information. So, that's certainly something that we can do separately from this, and we shouldn't forget that that document is out there and decide whether we want to support it. So, thanks Marita. Next is, I don't know how to pronounce your name, I'm sorry.

SIVA:

Siva.

JONATHAN ZUCK:

Mr. Siva, alright, thanks. Go ahead please.

SIVA: Jonathan, you already mentioned about EDP on websites that are taken down. That is a very, very important area. I'm not sure if you mentioned EDP or some working group, I didn't catch clearly. But it is very important that we need to do some work on false positives, websites, emails that suffer from censorship and filters as false positives. We need to propose a very responsive and quick solutions for companies and individuals who suffer from this problem. Thank you.

JONATHAN ZUCK: Thanks, Siva, very much. I think it's a really serious issue and we should probably make it part of our comments, but thank you for your seconding on that. Hadia, go ahead.

HADIA ELMINIAWI: Hadia Elminiawi for the record. I wanted to know if anyone has any information with regard to the New York Times article which talked about a group trying to persuade ICANN to stop the sale and to have management, it apparently provides an alternative to the Ethos Capital bid. Does anyone have any information about this? Thank you.

JONATHAN ZUCK: I'll be happy to take a show of hands on that. This is Jonathan Zuck for the record. I'm not aware of that, I'll have to go back and try to find it. My New York Times subscription has expired. Do you happen to know what the name of the organization is that is there as an alternative?

HADIA ELMINIAMI: I'm not sure. The article says bank operation papers for the new entity [inaudible] and the goal of the group is to persuade ICANN to stop the sale and [inaudible]. No, I don't know much, it's only what has been posted on the New York Times article. I think one of the directors of the new cooperative was a former Chair of ICANN from 1998 to 2000, that's what the article says.

JONATHAN ZUCK: Oh, Esther Dyson is involved, well, that's interesting. So yeah, that will be interesting about how that proceeds. Okay, let's keep an eye on that. Roberto, go ahead.

EDUARDO DIAZ: Thank you, the question I have is request made by the ASO that is activating the empowered community to request to inspect some documentation, is it in the remit of this working group to decide at what point in the future we're going to support that, or could that be part of the signature we will add to this comment that we're putting together.

JONATHAN ZUCK: I'm sorry, Eduardo, what was your key question again?

EDUARDO DIAZ: My key question is the ASO is activating the empowered community to request an inspection of some documentation from ICANN. My question is, if that [inaudible] to see if they are going to support that, and my question is this group, the one that is going to be in charge of

making that decision or making that recommendation to ALAC to support it or not support it.

JONATHAN ZUCK:

I suspect that that will just get taken up by the ALAC, but it's worth us discussing at some point whether or not we want to recommend to the ALAC to be supportive of that request, I suppose. It's borderline policy. But I think in particular if people are concerned about that request, they should speak up, but I think it's likely the ALAC would be supportive of it when that gets taken up. Thanks, Eduardo. Olivier?

OLIVIER CREPIN-LEBLOND:

Thank you very much, Jonathan. Olivier Crepin-Leblond speaking. I was just going to make a personal comment on the article in the New York Times which I have read and I felt the article was rather wooly. It did mention this organization that was led by Esther Dyson. It was asking for the transfer to be canceled and for this new organization to be allocated the running of dot org.

I think that somehow it disregarded the processes as such that take place, because we're dealing with the sale of PIR, not the transfer of the running of the dot org to another organization. But at the same time, the fact that it wasn't providing the details about the organization that was being created, et cetera, the not for profit, and so on, it seems like more publicity than anything else at this stage.

That being said, due to the gravitas of those people that are involved, Sébastien might be bringing a team of other people that are well known

in the community, this might actually give a few more ripples, a few additional subplots to the PIR plot.

When it comes down to the other thing that is going on at the moment, there appears to be some kind of a challenge that might be brought forth in the Congress, but that again is I guess my evaluation is that is early stage as well, because again we're not having any definite information about what's going on there. But definitely a lot of things going on around the PIR sale.

I personally deplore that many of the points that are being made now have now been answered with some significant commitments made by PIR on some of the conference calls that they had. They had several conference calls, there were also some run by PIR. Obviously it's easy to talk and say we commit to this, we commit to that.

A lot of will come as proof in the pudding when you actually make it, but certainly the point that Roberto is making and that is suggesting for ALAC to ask for a position on the Board, I think we should not disregard and say no in advance. We can ask, we can certainly make a point as to why this would be good for them, and then at the end of the day we can take it from there.

But already estimating ourselves as having no chance of getting anything in this respect and saying, well, you know it's a private board, so they don't need to take us. Well, they don't need to do anything, actually, they don't need to commit to anything at all. But they fully understand as an organization that if they don't commit to things they will end up in the accused corner and their business will suffer, it's very,

very likely. So anyway, I didn't want to ramble on too much, but I think there are several points we need to take into account. Thank you.

JONATHAN ZUCK: Thanks, Olivier. Alan Greenberg, please.

ALAN GREENBERG: Thank you. On the New York Times article the organization is mentioned, it's called the cooperative corporation of dot org registrants. The implication in the article, although it doesn't quite say it, is they are asking ICANN to essentially cancel the PIR agreement and reassign it to this organization.

Without commenting on the merits of that, that would clearly if nothing else be a bonanza for lawyers, because this would be in court for a long time and would also essentially bankrupt the internet society which I'm not sure, something that there is a lot of taste in ICANN to do anyway. So it's an interesting proposal but the mechanism to do it seems to be fraught with all sorts of interesting implications. Thank you.

JONATHAN ZUCK: Thanks, Alan. Yeah, on its face it sounds pretty improbable. I don't see any other hands up on this issue. So, Roberto, we will move your email over to draft and we can turn your recommendation into something and I'll try to add something on a BRT, and let's get a document going that reflects the recommendations that we have had out to date, and at least get those things out there now. Because as you say, time is of the essence to enter into this discussion and let's make it as practical a

discussion as we can. Alright, back to you, Olivier. I think we're at the end of our call.

OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan, Olivier Crepin-Leblond speaking. And thanks for leading this part. It looks like we're moving in a good direction. Now we're reaching the last part of our call, the last agenda item, which is Any Other Business. And you will have to scroll down please. I can see here the monthly reports. Yes, starting in 2020 there will be monthly reports that will note presenters, penholders, and presentations, and I think maybe Jonathan, do you want to take this? Because you probably know more than I do on that.

JONATHAN ZUCK: Let's table that and discuss it on the next call.

OLIVIER CREPIN-LEBLOND: Yeah, we are also running out of time on that, so we'll table this, but this is what's coming up and there's going to be more information provided for people to be able to catch up when they haven't been on a call. If you have any suggestions to improve our processes then of course we're always open for new ideas and new streamlining of processes and things. I think that we're seen here the end of the call.

JONATHAN ZUCK: Marita has her hand up.

OLIVIER CREPIN-LEBLOND: Marita has her hand up, okay Marita you have the floor.

MARITA MOLL: Thanks Marita Moll for the record. I thought I had half an hour on this call to talk be multistakeholder evolution system that's attached to Appendix C of the finance and budget document, and I did put together a PowerPoint but I guess somehow this fell off the agenda. I have enjoyed this call and I think we've been dealing with some stuff that really needed to be dealt with, but having spent the whole day yesterday, I could have been doing something else, possibly we could make sure that we don't fall off the agenda without knowing it.

JONATHAN ZUCK: Thanks, Marita. I'm not even sure that it registered with me that you had that half hour on this call, so I apologize diffusely. We'll make sure your preparation does not go to waste and we will put you at the top of the agenda on the next call.

OLIVIER CREPIN-LEBLOND: I understand we have until the... when is the deadline for this? Marita?

JONATHAN ZUCK: The 25th of February.

OLIVIER CREPIN-LEBLOND: The 25th of February, okay, thanks. I'm running off my iPad so I only have one screen at a time. And the whole thing is over if I change screens. So I do apologize for this. Any Other Business, sorry about this Marita, it certainly seems to have fallen through net and I've been on the road and we'll all been a bit everywhere. So we will definitely table it for the next call and make sure we clear other things out so we have the amount of time on that. Anything else? Any other business?

I am not seeing any hands up. So I would like to thank all of our presenters today, than our interpreters also for having spent a bit more on the call, and the next call next week is going to be at what time please?

YESIM NAZLAR: Hi Olivier, this is Yesim speaking. Next call will be on Wednesday 15th of January at 1900 UTC.

OLIVIER CREPIN-LEBLOND: Okay, thanks very much for this and I note that Alberto Soto has put his hand up, so Alberto you have the floor just before we close. [AUDIO BREAK]

I think that we only heard the last word of that sentence.

ALBERTO SOTO: This is Alberto Soto speaking. I was saying that on the chat I posted the link related to the New York Times article that was mentioned before.

OLIVIER CREPIN-LEBLOND: Fantastic Alberto, thank you very much for this. Thank you and thanks to everyone as I mentioned just before. And without any further aADO, it's time to close this call and I hope that you have a very good week, everyone. Good morning, good afternoon, good evening, and good night.

YESIM NAZLAR: Thank you, this meeting is now adjourned. Have a lovely rest of the day. Bye bye.

[END OF TRANSCRIPTION]