YEŞIM NAZLAR:

Good morning, good afternoon, and good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group Call taking place on Wednesday 5th of February 2020 at 13:00 UTC. Due to the increased attendance and in order to save time, we will not be doing the rollcall. However, all attendees both on the Zoom Room and on the phone bridge will be noted after the call.

However, we would like to note the apologies we have received. We have received apologies from Kaili Kan, Daniel Nanghaka, Vanda Scartezini, Cheryl Langdon-Orr, and from Roberto Gaetano. As you know we have French and Spanish interpretation for today's call and our Spanish interpreters are Veronica and Marina, and French interpreters are Camila and Aurélie. And from Staff side we have Heidi Ullrich, Evin Erdoğdu, and myself, Yeşim Nazlar, present on today's call, and I'll also be doing call management for this call.

Just a reminder before we start to please state your name before speaking not only for the transcription but also for the interpretation services as well, please. And one final reminder, as you know we have Real Time Transcription Service provided for today's call and I'm going to share the link here with you one more time on the Zoom Chat. Please do check Real Time Transcription. And now I would like to lead the floor back to Olivier. Thank you very much.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Yeşim, and welcome everybody to this week's Consolidated Policy Working Group Call. And the first thing I need to tell you about as we start today is to let you know of the closed caption that

we have available on this call. If you look at your Zoom, you'll see at the bottom invite participants, share, chat, and to the right of chat there is closed caption. And when you click on this and say show subtitle, you can actually see those subtitles.

And it is helpful often for people to be able to catch up on things if you have missed the beginning of the call. So, then you can also either watch the closed caption or you can also click on the RTT link which is the streamtext.net, and that's an external player that is helpful. And I hope that you'll enjoy it and that you'll be able to make use of it. So, and of course, everyone on this call will receive a survey afterwards.

Now, today's call is going to be a welcoming back to the real world to Hadia Elminiawi and Alan Greenberg who were on a holiday in California discussing the EPDP Phase 2. Then we'll have the SubPro updates from Justine Chew and also Yrjö Lansipuro. Then we'll have, as we decided last week to have Alan Greenberg proposing his points of view on the Auction Proceeds, same sort of time as what was presented last week by… Okay, I've lost the name but there you go. Judith, Judith Hellerstein. And then after that we'll have our policy work, policy comment updates with Jonathan Zuck and Evin Erdoğdu. And finally, a discussion on At-Large Policy Platform and gender diversity.

That's a big, big full Agenda today. I'll ask everyone to please keep their interventions short and to the point. And I'd also like to ask right now if there are any amendments or additions to the Agenda or anything to be added to any other business. Not seeing any hands up, the Agenda is adopted as it currently is on the screen.

Let's proceed directly to the Action Items, and they're all complete. I guess there's not very much else to say. Most of them are related to this week's Consolidated Policy Working Group. We've got penholders that have done work. We've got Alan's presentation. We've got the Empowered Community discussion that will take place today regarding the ISOC and PIR. So, yeah. It looks like we're going to be putting a green tick through all of these.

I see nobody having put their hand up so let's then swiftly move on to Hadia Elminiawi and Alan Greenberg who had a wonderful time in Los Angeles. And there's a presentation that's here. So, over to you, Hadia and Alan.

HADIA ELMINIAWI: Thank you, Olivier. So, Alan, I don't know if you would like me to go first?

ALAN GREENBERG: Yes, please.

HADIA ELMINIAWI: Thank you. So, we had a productive meeting in L.A. We finalized the initial report. And I am going to briefly talk about the main items of the report. So, if we could go to the next page, next slide. Thank you. So, the draft initial report consists of 19 recommendations, which are accreditations. Accreditation of governmental entities.

YEŞIM NAZLAR: Hadia?

OLIVIER CRÉPIN-LEBLOND: I think we might've lost Hadia.

YEŞIM NAZLAR: Hadia, if you're speaking we cannot hear you.

OLIVIER CRÉPIN-LEBLOND: Yeah, it's Olivier Crépin-Leblond speaking. I think that we might've lost Hadia. So, if that's the case, maybe should we ask Alan to take us through the slides, please, so as not to waste much time?

ALAN GREENBERG: It's Alan. I haven't seen the slides yet so I'm not going to take you through the slides, but I'll give you a capsule report of what I believe are the really crucial issues that came out of the meeting. I guess the first one is we have an SSAD Model which is implementable. Without commenting on how well it could be implanted, it is not impossible. The previous ones that we were looking at… Thank you.

The previous ones we were looking at either had contracted parties manually, potentially, unless they implement their own automated system, doing everything. And that, although it would work, would have performance problems which would make it not acceptable to many parties and therefore would probably, like right now, reduce the number of requests because people just give up.

The other option was to make all decisions centrally, and I believe that would've been impossible to implement since we simply don't have the information to make decisions. And the only safe way, since decisions have liability associated with them, the only safe way would be to reject everything and that's not a particular satisfying implementation either.

We've now ended up with the possibility that in some cases the SSAD can recognize a pattern, recognize that this is a safe thing to release, and probably on behalf of the contracted parties, release it. I say on behalf of the contracted parties because we still have not determined to exactly what extent ICANN is a controller and the relationship between the contracted parties and ICANN in this privacy relationship and that relationship governs liability to a large extent.

So, we're still very vague on that. But it's a solution that is implementable. We may not be releasing a lot of information to begin with, but the principle is there, and the mechanism is there to increase it. So, I am positive from that point of view. We are, we left… The meeting ended last Wednesday, and we are already seeing on the email list pushback on some of the decisions. So, you know, that was inevitable, but we'll see how that turns out.

In theory, this report is going to be published on Friday. So, we have a three hour marathon meeting tomorrow to try to address all the concerns and come to closure. I suspect because of the Chair, we will do that. To what extent everyone will be happy is not at all clear. Do we have Hadia back yet?

HADIA ELMINIAWI: Yes. I'm here.

ALAN GREENBERG: Alright, back to your report.

HADIA ELMINIAWI: Thank you. So, Alan basically covered the main points. If we could go to the next slide, please. Yeah, and this slide actually shows the roles and responsibilities. So, we will have an accreditation body and identity provider, of course the requestor, and you have the central gateway and the contracted parties.

The requestor will need to be accredited and also the identity of the requestor needs to be verified by an identity provider, after which the requestor can submit a request to the centralized model. And there will be some cases, preidentified cases, in which automatic disclosure will be possible.

And for that, ICANN, which will be managing the central gateway, will automatically direct those requests to the contracted parties, the relevant contracted parties. And when we call it… When we say relevant contracted parties, we mean either registry or registrar. And accordingly, the data will be automatically disclosed to the requestor by the contracted party.

If the case is not of those identified as one of the automatic disclosure cases then it will be directed to the contracted party for decision making. After the contracted party makes the decision, it's response to the requestor either with a refusal or with the data itself, and there will

be a mechanism for complaints. So, that's briefly how the system is supposed to work. If we could go to the next slide please.

So, the principles that go with this model, we say that full automation may not be possible but whenever technically feasible and legally possible, automation is required. If not then standardization or harmonization is the baseline. It is expected that the system will learn over time and from this learning experience, some cases could be standardized or automated.

But also, a feedback mechanism will need to be established which will work on the evolvement, on the evolving of the system. How this mechanism looks like, we don't know yet. The report poses a question to the Community asking them if any of the existing mechanisms can be used and if not, what mechanism do they propose. If we could have the next slide please.

So, what are the benefits of this model? First, we have Standardized Request Forms. So, it would reduce the number of disclosure requests that are denied due to insufficient information, increases the efficiency with which disclosing entities can review requests, reduces uncertainty for requestors who now have a standard uniform set of data to provide when submitting disclosure requests, reduces the need for individual set of required information by disclosing parties.

We have also a single location to submit requests which reduces the time and effort spent by the requestors, ensures that requests are rooted directly to the responsible party, allows for clear outreach

opportunities, and requests and responses can be tracked for service level agreements adherence.

We also have a built in authentication process which speeds up the review process for disclosing entities and provides an external assurance that requestors have been verified. And the fourth benefit is standardized review and response process which allows creation of a common response format, allows creation improved guidance and best practices, allows adoption of common response review system, allows information of certain requests that are yet to be defined, facilitate automated disclosure. So, those are the benefits to that would seem so in having such a model. If we could have next slide, please.

So, how would accreditation and disclosure work? So, the standardized access and disclosure will only receive requests from accredited organizations or individuals. The accreditation authority would be a single authority that's managed by ICANN Org. Decision to disclose the data would either lie with the registry, the registrar, or ICANN. It lies with ICANN in cases of automated decision making. In such a case, ICANN which will be managing also the central gateway will send the request to the relevant contracted party who will release the data to the requestor.

As far as with the registry or registrar, if the decision is to be made by the registry and the registrar, but in all cases the disclosure goes directly from the registry or registrar to the requestor, therefore no data passes by ICANN. As I said before, some predetermined request cases would be eligible for automated disclosure, and those again would be the responsibility of ICANN which will be managing the central gateway.

However, we have not yet settled on those cases. And an accreditation body auditor will be identified. If we could have the next slide, please. So that's it. And I'm happy to take any questions. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this Hadia. It's Olivier speaking, and there's already a que starting with Jonathan Zuck.

JONATHAN ZUCK: Thanks, Olivier. This is Jonathan Zuck for the record. Hadia, I was curious whether one of the criteria might be the size of the data holder, whether it's a registrar or registry. Because I know part of the issue was that the liability question is affected by the size of the entity because it's based on a percentage of revenue or something like that.

So, ICANN couldn't possibly indemnify a really large registrar like Google or something like that but other smaller ones that ICANN's able to indemnify because they're also the ones that are going to be least prepared to participate in this type of a system. Is size a consideration?

HADIA ELMINIAWI: Okay, thank you for that, Jon. However, we have not based any of our decisions based on the size of the registry or the registrar. So, that has not been taken into consideration. As for indemnification we have not yet put a clause in this regard and it's still being discussed. Maybe Alan could add?

ALAN GREENBERG: Yeah, thank you. ICANN has made it very clear they are not going to indemnify. There are other forms that ICANN might compensate but for the… ICANN may indemnify for civil suits brought because of decisions, but not for the types of fines we're talking about. And there's no way it could do it anyway contractually for some registries and some registrars and not others. So, I don't think it's on the table.

However, the thing missing from the question is, is it clear that all the risk goes to registry, registrars, and registries. Certainly, if they make the decision, they bare the risk. It may be possible, however, for ICANN to have some risk. Now, the whole issue of controllers is a complex and technical one, but there's no way ICANN cannot be a controller of some form since ICANN makes the rules. I mean, all of us, the people on the EPDP are sitting there making rules and it's part of ICANN. So, ICANN can't absolve itself of being a controller. At one point it was trying to but that clearly can't happen.

So, if we are indeed both controllers and there's some arguments against it but the general perception is we are both controllers, then there has to be a Joint Controller Agreement and it is possible that liability, that decisions and liability could be assigned to ICANN and therefore the contracted parties would have lower or no risk. So, it's all very, very messy and it's based on decisions that are out of our hands at this point.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. Next is Alberto Soto.

ALBERTO SOTO: This is Alberto Soto for the record. Thank you, Olivier. I have a very technical question regarding the certification of the applicant. There is an office that is centralizing everything and that is in charge of certification. So, are we going to use any specific tool because at some point in time this might be getting somehow more complicated for this certification, I mean? So, I spoke with [inaudible] not long ago in Montreal and they were talking about a digital signature and this would be identifying the applicant and it would be a good point, positive point. Thank you.

HADIA ELMINIAWI: Okay. So, you have the accreditation authority and then you have an identity provider. And then the identity provider, in addition to verifying the identity, it issues also a signature or certain credentials associated with this identity but makes exceptions with regard to purposes and other elements. So, yes, signature is going to be used, however we did not get into the technicalities yet as this would be part of the implementation phase.

ALAN GREENBERG: In addition, although ICANN will be the authorization provider, it will subcontract to various people depending on the expertise needed to identify and certify that certain people are who they say they are and have the credentials they say they are. So, we'll likely see one for intellectual property lawyers, we'll see one for law enforcement, and there will be a number of different mechanisms that will be used essentially as subcontracts.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. It's Olivier speaking. Lutz Donnerhacke mentions in the chat, "European Data Protection Offices tend to see ICANN as the sole responsible operator in terms of GDPR. We may continue to ignore this at your own risk." I understand that there is likely to be a forthcoming meeting between ICANN Staff and the Belgian Data Protection Authority. Is this likely to shed some light over things?

ALAN GREENBERG: We can only hope.

HADIA ELMINIAWI: Yeah, hopefully, yes.

ALAN GREENBERG: I know Lutz is quite confident that he has the sole correct answer. There are many other people who don't agree with him. So, so be it. I'm not going to debate it. The issue of who the controller or controllers are is partly a matter of fact and partly matter of interpretation, and it's… As I said, there are very strong opinions. If everyone agreed with Lutz and what he says the Data Protection Officers say, I think this would be an easy world. Unfortunately, that is not the case.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. We have Lutz Donnerhacke. Lutz?

LUTZ DONNERHACKE: Hi. Yes, Alan, you're right. It's my sole view but on the other hand I have at work the responsibility to talk with Data Protection Officers for multinational projects we have here, small ones, very small ones, but various European countries are involved. And so, the question is which law to apply to our activities, and we had this discussion, especially on the role of who was responsible for what in terms of the GDPR would be. It gets more and more the same answer.

The party who had made the rules is the sole responsible person or total responsible party for everything regarding to the GDPR. If you define two parties and, for the special purpose, another party makes the rules how to access or how to collect data, then they are responsible. They might be commonly drawing responsibility in this case, but we do not have this in the case of ICANN because ICANN makes the rules and makes the only rules, only contract. No other party is making rules, how to process and how to collect data. That's my point. You might ignore it, it's okay, you can ignore me, that's okay. But do not extend the view that somebody will come up from heaven and help us. Thanks.

ALAN GREENBERG: To be clear, whether I accept it or not is completely irrelevant. We do have a number of European lawyers who are very heavily involved in GDPR who have given the statement… They have made statements that are not identical to what you say, and we have European people responsible for GDPR in very large companies in Europe who don't necessarily agree.

Part of it hinges, and I'm not an expert on this, but part of it hinges around the fact that the clients, the data that we're talking about, the relationship is managed by the registrars and to some extent that gives them some responsibility to do it. But, again, I'm not the expert and debating it on this call really is a waste of our time.

So, I agree it would be nice to have an answer. We should've settled it a long time ago. There is now a position that because different SSAD Models might have transferred data in different ways, that might have changed the model, that might have changed the result. Regardless we now are in a position where we have to determine the answer. And the data commissioners may agree or disagree ultimately, but that is one of the next things that has to be done.

I have one other comment to make. Hadia talked about the model that it could be a learning model, and there's been some discussion of artificial intelligence. Particularly, the SSAD could look at the result and then see if it can find patterns itself to make further decisions. Some people are pushing this heavily. I believe it's not practical because that essentially uses a neural network type of artificial intelligence where the SSAD could recognize patterns and make the right decision.

But because it can't come up with the thought process, the reasoning behind the decision, it's not something that we can really do under GDPR. Now, conceivably the SSAD could identify patterns and then human beings could try to find the rules that it's using. It's conceivable one could do that. It's a little bit hard to imagine in practice. So, the learning part is going to be a challenge and well, we'll just have to see where it goes. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. And thank you. It's Olivier speaking. I'm afraid I see Alberto still has his hand up and you also have your hand up. I gather these are hands from the previous discussions. We have a very busy call today so I would like to move on. But it's a very interesting and exciting discussion.

First I'm now hearing of this [inaudible]. And I don't know who we've just had on the call just now. Somebody wanted to have a chat. Speaking at the same time, yeah. So, yes, machine learning is an interesting one and we'll learn more about this next week and hopefully by then… When is that discussion with the Belgian Data Protection Authority supposed to happen, is it next week or is it later?

ALAN GREENBERG: I believe it's the 15th but not clear. Not clear we will get any… Well, not clear when we'll get any input back from it.

OLIVIER CRÉPIN-LEBLOND: Okay. Is there anything you'd like to share with us for this week, or we're fine?

ALAN GREENBERG: Nope. The only comment is the report will be published. It will be out I presume for the absolute minimum of 40 days and the ALAC is going to have to comment on it. So be prepared to put some work into it going forward.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. Thanks for this advance notice and thanks to both you and Hadia, and good luck on your three hour call tomorrow. Let's move on. And we now have the Subsequent Procedures with Justine Chew. Justine, you have the floor.

JUSTINE CHEW: Thank you, Olivier. This is Justine for the transcript. Hope I can be heard.

OLIVIER CRÉPIN-LEBLOND: Very clearly.

JUSTINE CHEW: Okay. Last week I talked about… Okay, great. Thank you very much. Last week I talked about the preliminary scorecards, the nature of how they're being generated and also the purpose for it moving forward. I'm not going to repeat myself. People who want to know about it can listen to the recording from last week.

Given the time, increasing time pressures that we're under now, and what I'm alluding to is going to be taken up by Yrjö later in the call or right after me anyway, I need to press on because we do have quite a number of topics that we need to cover. And so, I'm under a bit of pressure to table at least two scorecards each call, you know, unless some of the other members step up to do what I'm doing currently.

In terms of application fees and variable fees that was tabled, an earlier draft was tabled last week but we didn't have time to go through it. Now, all I can say is two things. One is it's been updated because there was a SubPro Call subsequent to last week's CPWG Call, so the link you see on the Agenda Wiki Page provides connection to an updated scorecard. In terms of…

Okay, that's not exactly what you see on the screen. What you see on the screen now is the updated list of topics. I wouldn't worry about the color coordination, that's just for me to track things. But I was actually referring to the second link under application [inaudible] topics, which is application fees and variable fees.

So, as I was saying, that an earlier version of that was tabled last week. We didn't have time to go through it. It is one topic that I would consider of medium priority, so I don't propose to spend time today to go through it. I may… What I may do is actually touch base with people who provided comments within the ALAC statement to the initial report of SubPro, see if they spot anything that we should be concerned about or something that is missing that we should re-raise. Okay.

Moving on, I would propose to go through the two draft preliminary scorecards. One on public interest commitments and safeguards and the second one on Universal Acceptance. Now, if we can go to, whoever's controlling the screen, if we can go to the public interest commitments scorecard, please.

YEŞIM NAZLAR: Justine? This is Yeşim speaking. Is this the correct one?

JUSTINE CHEW: Yes. Move your cursor down where you see public interest commitments and other safeguards. Nope. The next slot for discussion. You go back to the Agenda page, you see. Go back to the Agenda page.

YEŞIM NAZLAR: Yes.

JUSTINE CHEW: Go back to the Agenda page.

YEŞIM NAZLAR: I am already on the Agenda page. I believe it's not showing the proper page on your side.

JUSTINE CHEW: Okay. Then look under the third bullet for discussion. [inaudible] issues topics.

JONATHAN ZUCK: That's the link right there, Yeşim.

YEŞIM NAZLAR: Yes, okay. I was displaying this one actually. Justine, is it showing the correct one for you right now?

JUSTINE CHEW: You are showing application fees and variable fees.

JONATHAN ZUCK: No, it is showing the correct one, Justine.

OLIVIER CRÉPIN-LEBLOND: You have a delay.

JONATHAN ZUCK: A delay probably.

JUSTINE CHEW: Okay, fair enough. Okay, I will refer to my…

JONATHAN ZUCK: Go to the next slide, Yeşim, where you were and then I think that's where Justine wants to speak to.

JUSTINE CHEW: Okay, yeah.

JONATHAN ZUCK: Just pretend it's there.

JUSTINE CHEW: I'll refer to my… Okay. I'll refer to my desktop copy then. Okay. So, this particular topic is actually very strangely subject as Global Public Interest in SubPro terms, which is strange because it actually refers to public… Sorry. Can I proceed?

JONATHAN ZUCK: Yes, go ahead.

JUSTINE CHEW: Okay, sorry. Right, so I think that this particular topic is strangely subjected as Global Public Interest by within SubPro terms. It's strange because we, in SubPro, we're actually talking about public interest commitments and other safeguards under what SubPro has termed as Global Public Interests, which is why I have put this scorecard title as public interest commitments and other safeguards. Alright?

So, as before, in terms of format you see what are the related areas, what is the key issue which I will read out as to how best to handle public interest commitments, and we're talking about mandatory and voluntary PICs, as well as how to best handle other safeguards such as GAC Early Warnings, verified TLDs, based on the experiences and whatever data that has been available from 2012 round. Okay?

So, in terms of policy goals, you know, the key question is to the extent that mandatory and all voluntary PICs are carried forward into SubPro, how should they be codified in policy if at all? Alright? And then you can see a list of CCT Recommendations that is tied to this topic. I will come

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back to that, but I just wanted to highlight there's a reason why some of them are marked as question marks as well as a tick.

And then in terms of the actual recommendations that might be coming out from SubPro, if we look at Point Number 1 Mandatory PICs, there has been concerns reached that mandatory PICs should be codified as policy recommendations. Alright? So, in terms of this, what we would suggest is to just revisit with GAC to ensure that the mandatory PICs reflect the discussions between Public Safety Working Group and registries as appropriate. So, this is something, this is an example of something that we can take up with GAC, through the GAC Focus Group intersessional work that ALAC will be undertaking, and Yrjö will talk about that later. Okay?

So, in terms of voluntary PICs, this one… Okay. In terms of Points 2 A, B, C, D, and E, that's what's been concluded and so far as A, B, and C, I think that those are things that ALAC has supported through their statement before. So, I don't really see much of a problem with leaving those as is.

In terms of future ongoing intervention or pending intervention, there's a question that says, "Should there be limits to individual applicant voluntary PICs?" For example, if the PIC that is volunteered by an applicant touches on areas outside of ICANN's remit or goes beyond consensus policy, you know, those types of PICs, should we allow those, or should we disallow those, or should we allow those and just ignore them because they have no relevance in terms of the universe of ICANN?

And you know, the other two questions pertaining to whether voluntary PIC goes onto offer rights protection beyond the existing framework of protections, such as URS, RRDRP, and PDDRP. And if a PIC declines to offer proxy privacy services, that's not necessarily mandatory in so far as ICANN policy is concerned. So, do we care? Should we care whether PICs that are being offered by applicants touch on these four elements? Okay?

In terms of 1E, the conclusion derives that we should provide single registrant TLDs with exemptions and/or waivers to mandatory PICs as specified in Specification 11 3A and 11 3B. We need to clarify because what you see in the fourth column, the far right column, it says, "Clarify support exemptions or waivers only if alternative equally rigorous ways to achieve commitment." I suspect that this comment pertains to 11 3B and not 11 3A because 11 3A is about making sure that the registry provides in their registry/registrar agreements on entity abuse measures.

So, in cases of single registrant, we're talking about [inaudible], .brand TLDs, they would be a single registry and a single registrant, so they don't allow second level domain registrations by third parties or outside parties. So, there isn't a normal registry/registrar relationship in that situation so there's no need for provision of an RRA for entity abuse measures.

But 11 3B talks about making sure that the registry operator does conduct and needs to assess whether domains in their TLD are being used to perpetrate security threats. So, possibly that's something that

should still persist even if, you know, single registrant TLDs at play. Alright?

Now 1F talks about submission of voluntary PICs. Most of you know that PICs is a concept that came into play after the AGB 2012 was finalized. It's something that was introduced by GAC. So, in the last round there wasn't a mechanism, a proper mechanism to submit PICs. So, for the Subsequent Procedures, we're looking at how to provide a way for the applications to enable applicants to submit PICs. Alright, so there's something that is tied to the topic of systems and something that probably should be monitored in terms of implementation. Okay?

Verified TLDs, there was no high level agreements established in SubPro discussions pertaining to verified TLDs so I'm not sure what recommendations are going to come out, if any. So, this is something that I would suggest that we KIV and perhaps pick up in discussions with GAC also, whether there is a need for restrictions on registrations and use of domain name to improve public trust in the new gTLDs. Okay?

And pertaining also to use of panel skilled in consumer trust, and to identify, study, options to establish recommendations for data and reporting because you know, the lack of data and the reporting framework were two key elements that the CCTRT Final Report picked up as being missing from the last round. Okay?

Now, in terms of pending issues, these pertain to all the CCT Recommendations that have been identified as tied to this particular topic. I am not going to go through this except to say that there is a commitment by SubPro Working Group to revisit all the CCT

Recommendations to see whether, you know, the work that's been done so far has properly addressed each recommendation. So that's why you see in the Page 3, you see a note that SubPro Working Group is expected to revisit all these recommendations.

And the other point is, you know, we might want to at some point revisit whether all these recommendations are sufficiently addressed in the recent ALAC Advice to the Board on DNS Abuse. There was something late last year. Okay?

Okay, my ten minutes is up so I obviously don't have time to get into Universal Acceptance. The thing is maybe we should hop over what Yrjö has to speak to us about in terms of how we handle topics moving forward because in terms of each call that we have, there's always limited time for presentations so it's kind of hard for the small teams to present two topics at each call, let alone one. So, yes. So, I think I'll leave it as that at this point in time and can we move onto what Yrjö has to bring up please?

OLIVIER CRÉPIN-LEBLOND: Yeah, thanks. Well, thanks very much for this, Justine. Olivier Crépin-Leblond speaking. I wanted to first give the floor to Jonathan Zuck bearing in mind that the Universal Acceptance thing, I think that we should probably forward to our IDN Working Group for them to be up to date and to be able to devise some plan for responses and follow-up from At-Large on this.

And bearing in mind the discussions on PICs is likely to take 90 minutes because there's just so much that this community has criticized the

status quo about and wants stronger PICs and some want something completely different and so on. But Jonathan Zuck, you have the floor.

JONATHAN ZUCK: Yeah, I've almost sort of forgotten what the question was that I had. I agree with Olivier. I think we're going to need some single purpose calls to get through all of this, Justine, and as you say it's going to be too difficult to get through in tiny little bite sized pieces. I think we'll still need to break it up, but we're going to need some single purpose calls.

My original question actually had to do with PICs and just had to do with whether or not PICs should be prevented and the criteria under which should be prevented and one of them was falling outside of ICANN's remit. I was wondering if anybody had an example of that when that discussion came up. Are there examples of PICs that fall outside the remit?

Because I know a lot of PICs were about verifying the types of registrant, for example, and is that something that somehow falls outside of ICANN's remit or would that be something that's universally thought of as useful, like verifying that a bank is a bank or something like that? I was wondering what the example of a PIC that falls outside ICANN's remit looked like.

JUSTINE CHEW: Sure. This is Justine for the transcript. Yeah. This is Justine.

JONATHAN ZUCK: We can hear you. Go ahead.

OLIVIER CRÉPIN-LEBLOND: We heard you but probably not…

JUSTINE CHEW: I am expressing… I'm experiencing a delay. Yeah, so that's why I'm sort of reacting to repeats to what Jonathan has said. Now, in terms of verifying, what you talked about, verifying, that's under verified TLDs, not so much voluntary PICs. Voluntary PICs are purely voluntary.

And one example of an area that falls outside of ICANN remit would be freedom of expression content, to do with content. So, you know, you could have applicants submitting voluntary PICs that commit to regulating content somehow. So, that's at least something that a registry is entitled to do but is something that falls outside of ICANN's remit. Thanks.

OLIVIER CRÉPIN-LEBLOND: Christopher Wilkinson is next and then we'll have Yrjö and we'll have to move on. Christopher?

CHRISTOPHER WILKINSON: Thank you. Christopher Wilkinson for the record. Jonathan, just a quick remark. You can't possibly restrict PICs to the narrow technological definition of ICANN's remit. PICs extend to the policies that are being perused, good or bad, by the applicant and their registrants. There's no,

from my point of view, there's no link between the scope of PICs and what I agree with you is the ICANN remit. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Christopher. And Yrjö Lansipuro, please take us through the discussion with the GAC at the moment and, of course, bearing your comments as well.

YRJÖ LANSIPURO: Thank you, Olivier. This is Yrjö Lansipuro speaking. Yeah, I have good news from the GAC side. I have an email from Luisa Paez who is the Chair of the GAC Focus Group on the new gTLD procedures. As you remember, we decided that we agreed at the Joint ALAC GAC Meeting in Montreal that we'll try to have an intersessional meeting of this focus group, of the GAC, and those people from our side who are deep into this topic, that is to say the SubPro Group. And now what we have we have a suggestion from Luisa for the timing of the first intersessional meeting between the 10th and 17th of February. So, I'd like to ask Justine whether you think this would be doable for you and the small group.

OLIVIER CRÉPIN-LEBLOND: Justine Chew?

JUSTINE CHEW: I'm sorry. This is Justine for the transcript. I'm really experiencing a long significant delay, so the conversation was gabbled so I'm not quite sure what the question was. Could someone repeat it for me please?

YRJÖ LANSIPURO:	Well, this is Yrjö. I mentioned the timing that is suggested by Luisa Paez, by the Chair of the GAC Focus Group on gTLD, that we could have the first intersessional call in between February 10th and 17th. And I was asking you whether that would be doable from your point and from the point of the small group.
JUSTINE CHEW:	Right. The work of the small team progresses, you know, and you obviously have a monitoring role for that. In terms of what we take forward to discussion with GAC, I am open to guidance from CPWG as to whether the small team needs to get some reactions from CPWG first or should we just take what the small team has worked on and go run with those with GAC and then see what GAC says and then come back and report to CPWG on the discussions with GAC.

So, I mean, I'm open to what people prefer or what they might be more comfortable with. Bearing in mind timelines, obviously because as you note now it's very difficult to go through topic per each call. So, there is a time limit and there's also a time pressure in terms of things that we can bring to GAC if we were to be subjected to CPWG Calls. |
| OLIVIER CRÉPIN-LEBLOND: | Thanks for this, Justine. Yrjö, may I… It's Olivier speaking. May I suggest that you follow-up with Justine and see how we organize this? It's very likely that we'll have maybe one, maybe more than one single issue calls on Subsequent Procedures as we're now reaching the crunch time and there's a lot to digest. I'm very concerned about the time. Is there anything else you'd like to add, Justine, before we move on? |

YRJÖ LANSIPURO: Yeah, this is Yrjö Lansipuro speaking. Thank you, Olivier. Yeah, I can take it offline with Justine and with the rest of the small team. My feeling is that when GAC is now ready to talk to us, we could say yes, let's talk without even our point of view being set in stone. Just actually we should talk more about the process now. I mean, what is the way we go through, go about the cooperation? Thank you.

OLIVIER CRÉPIN-LEBLOND: Justine?

JUSTINE CHEW: I don't have anything else to add at this point, Olivier.

OLIVIER CRÉPIN-LEBLOND: Alright, thank you very much for this. Thank you again for this amazing amount of work, and as I said we'll follow-up with some single issue calls. Agenda Item Number 5, ICANN public comment on new gTLD Auction Proceeds. Alan Greenberg has been waiting to provide us his point of view. You've heard the view that Judith Hellerstein shared last week. We're in this unique situation when we have the people taking part in the discussion that are split over some of the findings. So, Alan, you have the floor.

ALAN GREENBERG:	Thank you very much. And I will be moderately quick. We've got 15 minutes allocated for this. I will not take that much but hopefully there will be time for any questions if anyone has any. If we could go to… We're on the first slide already. Just a quick summary, you've heard all this before but just to frame what I'm going to be saying.

The CCWG Auction Proceeds was formed three years ago. We may actually be a record for any Working Group within ICANN of PDP or CCWG to have taken this long and unfortunately not really come to a full conclusion. We're charged with developing a plan for recommendation to the Board on how to disperse the funds accumulated from the new gTLD Auctions where multiple bidders had selected the same string or similar strings.

The ALAC has five regionally balanced members. Well, they're not regionally balanced right now because Judith was appointed, I believe it was Judith, to replace the AFRALO Representative, but we have five members. And currently the fund has about 210 million dollars in it. That's a lot of money. Some of it may disappear because it has to do with the .web TLD which is still under dispute. But at this point there's at least 100 million and probably 200 million. Next slide, please.

The real question is what has been called the mechanism which has to be perhaps the worst name ever invented for this. The mechanism is essentially what structure does the group form that will be responsible for managing this overall process. Over the years we've looked at a number of different forms and try to find the merit of the various ones. We've looked at things ranging from an internal department to a wholly independent, not connected foundation. In other words, we take the

200 million, give it to someone else and it's up to them. That latter one was not possible because it would violate ICANN's Mission and Bylaws among other things. But we certainly have looked at many different options.

There were four options in the early, in the first interim report. Next slide, please. We're now down to three options, although the fourth one is mentioned in this current report. Essentially it comes down to an internal department of ICANN, an internal department where subcontracting would be done to a non-profit, and lastly is a wholly controlled foundation. Three has pretty well been discarded as being a very expensive way of going about it without an awful lot of benefits associated with the extra expense.

For all options that will be selected, for all options that are considered, the actual selection of the project, that is the evaluation of proposals and the decision making of who gets the grants will be an external independent organization and with no control by ICANN, the Board or ICANN Org, assuming of course it's making the recommendations within the guidelines it's been given, which is taken as true. Next slide, please.

Okay, the current status is Sébastien and I, and I don't know if Sébastien is on this call or not, he may want to speak, but I believe based on the last discussion that Sébastien and I had we are pretty well aligned with each other, favor Option A and Maureen, Vanda, and Judith favor Option B. Next slide.

Now, I'll give you very briefly… Again, I'm not going to be long winded about this. A is certainly the simplest one and it's the most flexible

because although it could be purely an internal department, ICANN very often outsources things which are not part of its core DNS business and there's a good chance this part could be outsourced.

The difference between A and B is B must outsource some undefined part of its work, so we haven't… Although it says it must outsource something to a non-profit, it doesn't say exactly what so we don't know quite what we're voting for if you select B, and it's unclear what non-profits might be interested or able to take this on. So, the whole thing is rather fuzzy. A could do exactly what B would do because it does have the option of outsourcing, but it's not restricted to doing it through a non-profit. Next slide. Okay.

I have three problems with the draft as it stands right now. Three out of five is clearly a majority, but it's a very poor consensus. And as far back as I can remember, on the rare times where we could not come to consensus on something to put in a comment, then we simply presented the various sides and we might've said one has slightly more support than the other. To present something as an ALAC position based on a three fifth majority I believe is not appropriate.

Now, it may well be the ALAC, the whole ALAC says, "Yes, we support that completely." And that's fine, and the report should be issued, the comment should be issued as such. But to present it based on the two thirds majority of the five members, I don't believe is appropriate. So, if the report were to stand, then I think the wording would have to reflect that there is no consensus among the members but the ALAC has selected this option. And that's fine. And that's where I was a bit

perturbed that this was put off to this week, because now we're only a week away from the report having to be submitted.

I don't believe it properly represents the position that Sébastien and I have put forward. And the third one is, in my mind, is the absolute worst part in that there are statements in the document that are at odds with each other, they say the exact opposite thing in two paragraphs apart from each other. Next slide, please.

And the inconsistency is that the comment says we don't trust A, an internal department, and let me go to the exact wording because it's important. As mentioned, our concerns on mechanism A relate to trust, transparency, and issues and the ease of ICANN Org interfering with the operation of the funds and the selection of successful applicants to the fund. However, two paragraphs later in talking about Recommendation 2 which is the recommendation to say there must be an independent panel, if At-Large agrees with the CCWG Auction Proceeds decision on Recommendation 2, an independent panel, as we strongly believe that there needs to be an independent panel of application panel to review and evaluate projects.

So, if you're saying we believe the independent panel is a strong one which is going to be independent, you can't say it's also going to be subject to interference. So, those two are really at odds with each other and I think it's very problematic if the main reason that you're opting for one thing over another is something which is logically inconsistent. So, that's where we sit right now.

I guess my position is I can't support the draft as submitted. It's surely within the ALAC's right to submit it if the ALAC chooses to. And at that point I and I presume Sébastien will submit another comment with our personal comments. But I think it's important that the ALAC understand that there is this position and the ALAC really needs to come to some conclusion. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Alan. Olivier Crépin-Leblond speaking and I see Sébastien Bachollet with his hand up. So, Sébastien, you have the floor.

SÉBASTIEN BACHOLLET: Yes. Thank you very much. Sébastien Bachollet speaking. Yeah, just to support completely Alan. And just to be clear with everybody, it's not so often that Alan and myself are aligned. We worked together since a long time and we are often not on the same side of the discussion. And just consider that as something that could be important.

I wanted to say a few additional things. The first is that we are, and I think it would be the next topic, we are supposed to discuss about trusting how to amend with trust in this organization. And at the same time, we want to amend that, and we want to believe in this discussion. The first thing we have in our hands to say, "Okay, let's trust the Staff to do the good work." And we can suggest then that they can, if they leave to some outsiders, how they can do it but leave them the possibility to do the good thing. We are saying, "No, no. We don't trust them. We need to have somebody else."

The third point, it's, and I am sorry, I will not be very a good person saying that, but I'm not sure at all that three against two is good and I am not sure that three to one end and two in the other end are really call. Remember, we have, because the AFRALO Representative was not able to fulfill his job, it was decided to have somebody from NARALO. And Judith came with her wish and she's still trying to push for that. Yes, she [inaudible], she agrees with two other members from ALAC but from representing ALAC or At-Large, but I don't think it's enough for her to say that we are the majority. It's not just a question of three against two.

And the last point I want to align with Alan and say that when you are a penholder you must be neutral and take all the input and put them saying that you have two sides of the coin when what are the plus and the minus of each position and what they are pushing for one or the other. It was not the case. It's why I consider that when in this situation, you really need as a CPWG to think about adding a neutral or not engaged penholder and asking for the one involved to be the penholder. I know that some others have done and [inaudible] but I think it could be a good thing for the future. Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Justine Chew is next.

JUSTINE CHEW: Thanks Olivier. This is Justine for the transcript. A question to both Alan and Sébastien, I have to confess that I've not studied the draft statement that's been prepared by Judith. But I wanted to ask both of

you whether you see any opportunity to amend the draft statement to a point where it becomes acceptable? Thank you.

ALAN GREENBERG: Can I try that, Olivier? I'll take that as an assent.

OLIVIER CRÉPIN-LEBLOND: Go ahead, Alan.

ALAN GREENBERG: Yeah. The original statement was less balanced than this one. It basically said there's two thirds that favor this and this is why. After Sébastien and I made a number of comments, there were some small changes which do acknowledge the fact that we not only disagree, but actually have reasons, although I don't think they were outlined very well in the report.

I've made my comments over a period, let's see, I don't know when they were actually made but I think going back to January 20th which is now three weeks ago almost, two and a half weeks ago, and there's been no adjustment in the report recently. So, you know, I'm not convinced that there's much opportunity. I can see the ALAC rejecting it if people agree but I'm not quite sure of the process. Certainly, I don't have the bandwidth right now to rewrite this report. And I'm not one of the volunteers to begin with.

Last thing I'll point out is Option A does include Option B as one of its implementation forms. You know, if indeed there is a non-profit and if

indeed we want to outsource that particular thing to a non-profit, it could devolve into Option B but of course has a lot more flexibility other than that.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. Now we have Eduardo Diaz and Jonathan Zuck to close this topic. So, Eduardo, you have the floor.

EDUARDO DIAZ: Thank you, Mister Chair. This is Eduardo for the record. I read the comment and now that I see Alan's presentation, it makes more sense. It definitely, A looks like a more flexible type of thing to do. If an independent, you know, if the problem is independence in terms of selecting projects and so forth, there's a comment that Alfredo made and I agree with that, that you can put in some sort of standing committee there made out of Community, Staff, whatever to select these projects which provides some flexibility.

And like Alan said, this is if what has evolved, if ICANN needs help in doing this and what's to go out and look for non-profits or what have you, they have the flexibility. I think, you know, if this document doesn't reach consensus, it's problematic. Sending a document out there for comments and having minority comments in it, it doesn't look good. So, you know, I think part of Section A is a way of going and I think if we can reach consensus, I think people can live with some sort of decision there to make that happen. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks, Eduardo. Jonathan Zuck, and Alan, you know, we really are running so late.

ALAN GREENBERG: No, I understand but there's something important that I need to say but let Jonathan go first.

OLIVIER CRÉPIN-LEBLOND: Okay. Jonathan and then you say a couple of words and then we have to move on. Jonathan Zuck.

JONATHAN ZUCK: Thanks, I guess I was going to say something pretty similar to Eduardo's, is that we should be trying to issue consensus advice and not say, "Well, there's this and there's that." I'm just not sure that's valuable from the standpoint of our own branding in our positions in the Community.

I guess I believe also, and this is just my personal opinion so I'm taking off my Chair hat, that we went through a lot of work to come up with accountability mechanisms and an Empowered Community and things like that which is designed specifically to prevent icann.org and the Board from taking actions that are out of order from the standpoint of the Community.

And I guess like Sébastien said, I think we need to assume that those mechanisms are working as opposed to constantly assuming that they won't and be prepared to engage the Empowered Community if necessary and to look to prevent behavior that we would find

unacceptable like reallocating the funds to internal accounts or something like that. But I think just this ongoing concern that they're going to unilaterally do something that we can't control belies the work that we did to put these accountability mechanisms in place. And so, I'm inclined to support not creating a whole new bureaucracy, etcetera, for this and to do something within ICANN as well. That's my personal recommendation.

OLIVIER CRÉPIN-LEBLOND: Closing off with Alan Greenberg.

ALAN GREENBERG: Yeah, thank you. Couple of points. Number one is any of the mechanisms, including a foundation if we went to that, would allow ICANN to reallocate the money for something else. It would have to do it before it was given to the things, and the money is going to be given to the process in trounces, in slices. So, there's always a chance that two years from now ICANN says, "Oops, we're taking 50 million dollars and doing something else." Any of the mechanisms allow that. And of course, that would have to have Community support. So, yes, it is possible, but it is possible with all of the mechanisms.

The situation we find ourselves in right now is if this document were to give a balanced position, then the ALAC could vote for it and I would have no problem. I believe it is not the case right now. But on the other hand, if the ALAC votes this down, then we're probably making no statement.

So, you know, we're between a rock and a hard place due to the timing at this point and we can't have a… We don't have time for an ALAC ballot and then rewrite the statement unless we magically get an extension, and I don't think we really will on this particular one. So, I don't know how to go forward at this point. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. Olivier speaking and I'm equally as baffled as to how to go and proceed forward on this. This ultimately needs to be an ALAC matter because the ALAC will have to ratify this statement at the end of day. Might I suggest a discussion among the ALAC on this and moving for them to decide what they want, and perhaps that Maureen needs to do a quick show of hands from ALAC members as to who is ready to support A and who is ready to support B and how that has to move forward.

Greg, I note your hand. Greg Shatan, I'm very concerned about the delay on this, how late we are. Jonathan mentioned a single purpose call for the ALAC on this topic. Perhaps, yeah, possibly. Greg Shatan, quickly, please.

GREG SHATAN: Thanks. Yes, I agree. The delay of weeks of getting to this point is unfortunate. I was going to suggest that I would be willing to try in the next say 24 to 48 hours to broker a more neutral comment. I have no particular dog in this fight, but I've probably written or edited over 60 public comments, so have some facility in this space.

Rather than throwing it up the ALAC to deal with this and ultimately see kind of one side of the, we'll see one thing in front of it, it'd be better to take, you know, a short, very short period of time to see if we can come up with something that can generate real consensus. And I'm happy to take the time in the next very short period of time to try to shape something that maybe everyone will be at least equally dissatisfied with, which is one definition of consensus. Thank you.

ALAN GREENBERG: Yeah, but you have to remove the logical inconsistency in doing that.

GREG SHATAN: Absolutely.

OLIVIER CRÉPIN-LEBLOND: Thanks for this. Yeah, thanks for this, Greg, and thanks for offering this. I think that the ALAC needs to discuss this quickly and then either mandate or ask you to come up with something balanced or vote on it and decide which way they want to go. Because one of the difficulties of course in making things balanced is that at the end of the day it shows no decision having been made, so there's always a bit of a problem here.

A single issue call might help to explain the details, so that's also a potential avenue forward. And the other thing I might suggest based on discussions I'm having with Jonathan as well here, is that maybe we should ask for, see if we can have an extension of a few days for a response, a follow-up on this. And really get the ALAC involved.

ALAN GREENBERG: I'll point out the comment is due in seven days.

OLIVIER CRÉPIN-LEBLOND: Yeah, well single issue call can be arranged within three days. And I suggest the ALAC to discuss it. Ultimately they're the ones that are going to vote and as we rightly said, those members that are not happy with whatever comes out of the pipeline will vote against and that will make it even worse when there's a weak point coming up.

ALAN GREENBERG: I'll point at the Staff Report is due in the 28th of February which is about the last time Staff can do anything before the Cancun Meeting. So, getting an extension, and they only have two weeks to do the report. So, getting an extension is not really very likely.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. Heidi, I'm calling onto you as I guess you are on the call. Is it possible for you to pick this one up with the ALAC, please?

HEIDI ULLRICH: Sorry, Olivier. Did you ask if it's possible for a single issue call just with the ALAC?

OLIVIER CRÉPIN-LEBLOND: For you to pick this one up with the ALAC, yeah. Work it out with Maureen, see what she decides on doing. It's not in our hands, it's not for us to decide on what the ALAC's going to want to do. If they want to just do an email discussion, then up to them. What we know is that there's seven days until this thing needs to be out, so this has to be worked out.

HEIDI ULLRICH: Sure, okay. I'll follow-up when she's awake. Thanks.

OLIVIER CRÉPIN-LEBLOND: I'm very concerned of the time and I'm back to Jonathan Zuck for the policy comment update as there a number of others that are still there. So, Jonathan and Evin, you have the floor.

EVIN ERDOĞDU: Thanks, Olivier. This is Evin. I'll be brief with the summary and turn it over so that we can have discussion. There were recently ratified statements by the ALAC. Well, one being the ATRT3 Draft Report and Executive Summary is to be determined soon. And ALAC Advice to the ICANN Board on the ISOC PIR Issue was submitted to the ICANN Board on the 31st of January, last week. And there is an AI from last week for a brief discussion on the Empowered Community's role in the ISOC PIR Issue, so we can come back to this.

Otherwise there are two public comments for decision. One being the .com registry agreement, which closes next week, and then the other is the Second Security Stability and Resiliency, SSR2, Review Team Draft

Report which closes on the 4th of March. And I'm not sure if Laurin Weissinger is on the call but he expressed interest in discussing this.

Otherwise there's also an ALAC Statement out for result and this was the Public Meetings public comment drafted by Judith Hellerstein. This was submitted to public comment and the ALAC is now voting on this. And there was also the new gTLD Auction Proceeds public comment which was just discussed and there will be a single issue call soon to be set up with the ALAC.

Finally, there is the Draft FY 21 and 25 Operating and Financial Plan and Draft FY 21 Operating Plan and Budget public comment, and we have Marita I believe here to discuss her issues regarding the MultiStakeholder Model portion of this public comment only. And just to note the Finance and Budget Subcommittee has discussed this public comment and Ricardo Holmquist has drafted a brief statement on the general public comment and that's a link to the Agenda for your review. So, I'll turn it back over to you, Jonathan, maybe you want to start with the Empowered Community ISOC PIR, or however you want to take it. Thanks very much.

JONATHAN ZUCK: Thanks, Evin. One of the things that I wanted to make sure didn't fall between the cracks was the ASO Request to the Empowered Community to get behind the notion of an information request. And I just wanted to get people's views on that because presumably at some point we'll be asked directly whether we support that as part of the Empowered Community.

For those who are not aware, this is related to the ISOC PIR issue. And the ASO tried to activate the Empowered Community to force a document disclosure by ICANN on all the correspondence that's taken place related to this sale. And there's a lot going on where there's been expectations of confidentiality. And the California Attorney General has requested documents that have been marked as confidential. So, it's an ongoing issue but I'm curious to get people's feedback on this, and Sébastien has brought this up on a couple of calls.

I wanted to make sure we just didn't ignore the issue because it's out there as something about which we'll be asked our opinion at some undetermined time. So, I wanted to just open up a short discussion on that even though we have a fairly short period of time. So, I'm just going to go through the que starting with Eduardo.

EDUARDO DIAZ: I wasn't listening to you. Can you continue?

JONATHAN ZUCK: Okay. Sébastien, please go ahead. Sébastien, we can't hear you if you're speaking.

SÉBASTIEN BACHOLLET: I didn't… When you changed the… Sorry. Sébastien Bachollet speaking. When you changed your phone as I talk at the same time as you. Sorry. I wanted to first of all to say that my three colleagues from the ATRT3 are traveling to Brussels. As I am closer, I am with you today. I just wanted to make one short remark on that, just for a process question.

When we, it's happened that we are real late when processing a report, it's a really a pity because the report as voted by ALAC didn't have my full agreement and I am sure I am not in agreement of the other members of the ATRT3. And here it's not because we didn't agree. We agreed together but disagree with some parts of the comment that was made. But it was very difficult at the end of the day to have the work done properly and at the same time turning, sending the report to the right period of time and quick vote from ALAC. We need to announce our process.

And I just want to answer your question about the .org and the question put by ASO. I have just one single question. Why does five [inaudible] who are members of ISOC didn't wash the laundry within ISOC and not put that within ICANN? I really don't understand. I can't understand if an ALS was not an ISOC Chapter put questions here from ICANN because it's the only place where they can put it. But from the members of ISOC, they are all members of ISOC, they are all members and why they don't do that within this home and not within ICANN? Thank you.

JONATHAN ZUCK: Thanks, Sébastien. I don't know if we've got an answer to that question about ISOC internal on this call, but we could certainly pose that question. Greg Shatan.

GREG SHATAN: Thanks. Greg Shatan for the record. I think that the reason that this came about was, as far as I can tell, there was essentially a call at a request, I won't use the lobbying word, a request sent to the

Empowered Community Representatives, which… And to Christa [inaudible] which did not make it onto the Empowered Community List because it was sent by a non-participant to that list.

It actually would be great if Maureen Hilyard who did receive it, probably indirectly from Christa, could circulate that to the CPWG so that we could see the request that originally was made which came from NTEN, Which is one of the non-profits that is behind the save.org website and may or not may not be aligned with the [inaudible] Coalition. I'm unclear. But that's where this came from.

The explanation is that the Empowered Community Representatives spoke among themselves and said that the ASO was the most neutral to put this forward. That did not come from a member of the Empowered Community and again it would be great if Maureen could confirm or amend that understanding of how this request came to be.

I would not support this request because it is overbroad and goes beyond the inspection rights in Section 22.7 of the Bylaws, which would limit it to accounting books and records. There is no right to make the request that was made. It's improper and out of place. It's unfortunate that it was put out there as if it fit within the inspection right. I would… If there's going to be any request, it should be limited to what is within the four corners. But I would be very concerned about the EC as a whole legitimizing this request.

I recognize that a single decisional participant can request this inspection, and ASO is within their right as one participant to do so, though they went way beyond their rights in what their request is. So, if

anything was to be put forward, I would actually say that we should suggest that ASO withdraw their overreaching request and that in turn the decisional participants, if they wish, could request what is allowed which is the accounting books and records and the minutes of the Board and Board Committee Meetings only.

And everything after that is just, seems to be some sort of grandstanding where the ASO didn't realize that they were being used, and by extension the Empowered Community was being used, unfortunately, to advance an improper request with, you know, perhaps motives that don't fall within the ASO's motives. Thanks.

JONATHAN ZUCK: Thanks, Greg. I'll go to Alan next, but that may suggest an actual communication to that effect so that ASO withdraws this request or refines its requests going forward. Because I think at the point of which ASO made the request, it seems to be relevant why they did it and more that they did it. So, asking them to rescope their request may be the most appropriate response. But, Alan, go ahead.

ALAN GREENBERG: Yeah, thank you. And I wouldn't want to attribute motive to what was done. But I raised my hand to point out something that Greg already said, that most of the Empowered Community rights have to be made by the Empowered Community as a group with a certain number allowed to disagree but it has to be a strong consensus.

The inspection rights is not one of those. Inspection rights, any of the Empowered Community can simply ask, but as Greg pointed out, it's limited to certain documents. So, we seem to be in a rather awkward place at this point. Thank you.

JONATHAN ZUCK: Thanks again, Alan and Greg. I guess the question is would it be possible, Greg, for you to draft something quick that would be a notice to ASO about the boundaries of the request and ask them to further refine it? I just wanted to raise it on this call in case they came to us directly and asked us to support this and I wanted to know that we had a position on it but it seems very clearly that our position has to begin with a request that is actually within the bounds of the Bylaws, and so maybe a quick note to them from Maureen would be helpful.

GREG SHATAN: This is Greg. I'd be happy to do so. However, I believe that the time period by which they requested the response from ICANN is either hard on us or may have already passed.

JONATHAN ZUCK: Okay.

GREG SHATAN: So, I guess the question is whether we could be overtaken by events. In other words, ICANN could respond and in which case… But then again, you know, I don't know. So, I will draft something quick because I was

noodling in the email on this topic anyway. And then we'll at least have that as an informative position whether we use it, anyway. Because I think I haven't seen anybody really make this comment but it's pretty clear on its face and I'm sure other people have thought it. I just think we should have something to use.

JONATHAN ZUCK: Okay great.

GREG SHATAN: Thanks.

JONATHAN ZUCK: I appreciate it. Thanks a lot. Olivier, that's it for that topic. And I think that's the only one that we need to revisit out of the public comment issues in Evin's slide. Unless, Evin, you want to remind me of something else I wanted to talk about that I've forgotten.

EVIN ERDOĞDU: No, I mean I don't know if there was time for the At-Large Policy Platform this week or if you just wanted to comment on that next week?

JONATHAN ZUCK: Yeah, let's put that off. One of the things I wanted… I'll just put it out there for people. Sébastien has gotten back to me with some specific recommendations around text in the document that Steven and I put

together. But I also have a recollection that some, including Sébastien, had expressed some concern that we had excluded gender diversity from the At-Large Policy Platform because we believed that it was out of ICANN's remit to work on that. And there was some pushback at the last meeting on that topic.

And so, I guess I wanted to just put that into people's minds that if there's a way for gender diversity to be within ICANN's remit or a slight of it within ICANN's remit, I'd be happy to hear about it, but we can bring it up on a future call. So, thanks. We don't need to do it today.

OLIVIER CRÉPIN-LEBLOND: Jonathan, it's Olivier Crépin-Leblond speaking.

JONATHAN ZUCK: Thank you, Olivier.

OLIVIER CRÉPIN-LEBLOND: I believe we still Marita Moll on the policy who has a presentation and a follow-up on her input contributing to the MultiStakeholder Model portion of the public comment on the Draft Fiscal Year 21 25 Operating and Financial Plan.

JONATHAN ZUCK: Olivier, you might be on mute. We don't hear you.

OLIVIER CRÉPIN-LEBLOND: I definitely am on mute. Okay, this sucks. I think that it's all of the… How do I…?

JONATHAN ZUCK: Okay, I guess I'm going to continue on and…

OLIVIER CRÉPIN-LEBLOND: Am I unmuted now?

SÉBASTIEN BACHOLLET: Olivier, [inaudible].

JONATHAN ZUCK: Why don't we give some time to Marita to talk about the MultiStakeholder Model response. And no, Olivier, we still don't hear you.

OLIVIER CRÉPIN-LEBLOND: Oh, dear, it's the bloody split. Somebody has muted the phone line.

YEŞIM NAZLAR: Olivier, I'm able to hear you. Can you hear me? I'm speaking through the phone bridge.

OLIVIER CRÉPIN-LEBLOND: I know. I can hear you, Yeşim, but the people on the Adobe, on the Adigo, on the Zoom cannot because somebody has muted the Adigo Operator [inaudible]. There you go. That's more like it.

JONATHAN ZUCK: Now we hear you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this, Jonathan. Sorry. It's not my fault. It's actually the Adigo Operator was muted for some reason. So, we had a different conversation going on on Adigo than you had on the Zoom. I was just going to mention Marita Moll's issue brief on the MultiStakeholder response priority ranking that she was going to talk about today and I believe we still have about five minutes for that because we have an extension with the interpreters.

So, should we take this up now? And that's of the course the response contributing to the MultiStakeholder Model portion of the public comment on the Draft Fiscal Year 21 25 Operating and Financial Plan and Draft Fiscal Year 21 Operating Plan and Budget.

JONATHAN ZUCK: Marita, are you…

OLIVIER CRÉPIN-LEBLOND: Now I'm not hearing anyone.

YEŞİM NAZLAR:	Sorry, this is Yeşim speaking. I'm just checking if Marita Moll is on the phone bridge. I'm not seeing her on Zoom but if not [inaudible]. She is not on the phone bridge either.
JONATHAN ZUCK:	Alright, so we'll move past her then.
OLIVIER CRÉPIN-LEBLOND:	We'll have to do it next week then. Yes, I'm not seeing. It's Olivier speaking. I'm not seeing her on the list of attendees either as present.
YEŞİM NAZLAR:	And she's not on the phone bridge either. Just confirmed by Adigo. She's not on the call.
OLIVIER CRÉPIN-LEBLOND:	Okay. So, perhaps a thing next week then. We'll have to follow-up on that. We still have time. The deadline for this statement is February the 25th. I'm not sure what the process will be, though, whether this will be submitted by the Finance and Budget Subcommittee so we as a Consolidated Policy Working Group need to submit the part about the MultiStakeholder Model over to the Finance and Budget Subcommittee and then they send it over. Not quite sure about that one. Okay.
	Well, we're not going to get an answer here so we'll follow-up on this afterwards by email just to make sure we've got a process running

correctly. Okay, excellent. So, we don't have any Agenda Item Number 7, which means we are now in any other business.

And here, there is still a reminder that starting from 2020, the CPWG Monthly Reports will note presenters and presentations and so on, and you can see those shown here. Should I just give you the floor, Evin, so you could take us through this, please? Evin Erdoğdu.

EVIN ERDOĞDU: Oh, hi. Yes, sure. Thank you, Olivier. This is Evin speaking. Well, this was briefly mentioned a few weeks ago on a CPWG Call so I just wanted to get your input on it. This isn't up to date as of today but starting in 2020, we are starting to just place and note individuals, whether they're ALAC Leaders or any newcomers that are giving presentations related to policy and anything related to the CPWG, and then also having a repository for all those presentations in one place.

So, within a few more weeks I think this page will be more useful. People can start to reference presentations there. Otherwise, they will always be found on the Agendas of CPWG Meetings but just to give you a head's up, this is kind of a new resource. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Evin. It's Olivier speaking. And I think this should be really publicized on the mailing list, as well. And especially with newcomers because it's a great resource for people to catch up with and certainly catch up on policy matters. It's so important. So, thank you for that. Right, I think that we… I'm not seeing any other

hands up. So, all we need to do then is to find out our next call next week.

YEŞIM NAZLAR: Thank you, Olivier. This is Yeşim speaking. So, as we're rotating, next call, next week will be on Wednesday 12th of February at 19:00 UTC.

OLIVIER CRÉPIN-LEBLOND: Wednesday 12th of February, 19:00 UTC. I think someone is speaking but very far away. I can't hear them. I have a feeling it's someone on another call. Okay. Thanks everyone for everything. Thanks. A very special thanks for the operators and well, for the interpreters who stayed an extra 15 minutes.

As I mentioned earlier, you're going to get, you're all going to get a survey on the Real Time Transcription. We have several Action Items to follow-up with after this call and there's certainly an Action Item to follow-up with on the ALAC on the issue that we just spoke about. So, thank you everyone and this call… Unless, Jonathan, you have anything else to add?

JONATHAN ZUCK: Nope, I'm good. Thanks, Olivier.

OLIVIER CRÉPIN-LEBLOND: Okay. Well, thanks everyone. Thanks for your great participation. We had a great turnout again today and have a very good morning,

afternoon, evening, or night wherever you are in the world. Thank you and speak to you next week. Bye-bye.

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

[END OF TRANSCRIPTION]