
YESIM NAZLAR:

Welcome to the At-Large Consolidated Policy Working Group call taking place on Wednesday, 3rd of June 2020 at 13:00 UTC.

We will not be doing a roll call due to the increased number of attendees as well as for the sake of time. However, all attendees both on the Zoom room as well as the phone bridge will be recorded after the call.

We have received apologies from Roberto Gaetano and Sylvia Herlein Leite.

From staff's side, we have Evin Erdogan and myself, Yesim Nazlar present on today's call, and Heidi Ullrich will be joining us shortly as well. Our Spanish interpreters are Lilian and Veronica, and French interpreters are Claire and Isabelle.

Before we start, just a kind reminder to please state your names before speaking, not only for the transcription but also for the interpretation purposes as well, please. And one final reminder is for the real-time transcription service, of course. As usual, I'm just going to share the link her. Please do check the service. And now I would like to leave the floor over to you, Olivier. Thanks so much.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Yesim. Welcome, everyone, to this Consolidated Policy Working Group call. Today, we're going to see a

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slightly different format in our agenda, starting with the working group updates—and we've put all of the different working group updates together. So that includes the expedited policy development process phase two update, the ATRT—Accountability, Transparency Review Team—final report, and the Subsequent Procedures. So we'll have Alan Greenberg, Hadia Elminiawi, Sébastien Bachollet and Justine Chew that will be speaking to us for most of the call today, actually. And then we'll have the policy comment updates with Jonathan Zuck and Evin Erdogdu that will deal with the rest of the policy comments.

If we have some time, hopefully, we'll be able to look at the At-Large and ALAC ICANN 68 talking points with Jonathan, and finally, Any Other Business at the end. And then you'll see the resources. Just at the bottom of the page, there's additional resources, and these relates specifically to the subsequent procedures status of the different scorecards that Justine Chew and her team are putting together.

Any comments, questions, changes to the agenda or additions? Any Other Business? Just noting that Jonathan added that none of those working group updates are fixed, so could be there or could be missing depending on whether there's something happening or not.

I don't see any hands up, so we can adopt the agenda as it currently is on the screen and move on to our action items from our last call, the 27th of May. Our action items are all completed. Is there any comment or question on any of these? No comments? Thank you, everyone. That effectively then takes us to the working group updates and we'll start with the expedited policy development process phase two update with Hadia Elminiawi and Alan Greenberg. Thank you.

ALAN GREENBERG:

I guess I'll start. Very short report right now, but actually substantive. We met yesterday. We had scheduled a three-hour meeting and we actually finished in under two hours yesterday. We are actually making some progress. The substantive issue that was certainly the largest issue in our mind is the evolution of the SSAD going forward, that the proposal was just not acceptable to us because it was a GNSO-based process. And for a number of reasons, that just wouldn't fly, both in composition of the group and in how decisions, recommendations would have to be implemented requiring a supermajority of the GNSO, which is equivalent to what is needed for policy changes.

It became very clear when we addressed the issue yesterday that all of the ACs, plus the business and IPC constituencies within the noncommercial users, within the commercial users, it was just not acceptable. And a proposal was made, close to what we were talking about before, that is, a new group be formed, not modeled on any existing group because there is no existing group that we could find that would be comparable, which would make recommendations and be implemented, period, following a comment period, of course.

And I expected very significant pushback from the contracted parties that we didn't get. It may still materialize. And from the NCSG, for that matter. It has been remanded to a small group, of which Hadia and I are both part of, and I'm semi-optimistic we may come up with a recommendation which might be acceptable to us. It was very clear in the discussion yesterday that if we went forward with the GNSO-based

solution, it would simply not be acceptable to too much of the group and they certainly couldn't say there was a consensus supporting it.

So I'm somewhat optimistic on that. We have a huge amount of homework to do by Friday, and I'll paste in the chat the pointers to the links if anyone really wants to look at them. One second. There are two sets of documents and about 20 or 30 documents to look at, of which we are supposed to at this point identify anything that we can't live with, our drop-dead issues. So Hadia and I have a little bit of homework to do. Anyone who wants to contribute to it, you're welcome to. But we're talking about a good number of hours.

So that's about all I have. I'm somewhat optimistic, more so than I've been in a few weeks, and we'll see where it goes. Hadia, do you have anything to add?

HADIA ELMINIAWI:

Thank you, Alan. No, I don't think I do have anything to add. I actually was going to tell them what the current mechanism is. But as Alan said, that mechanism—so yesterday, we have been discussing this mechanism that will be used to improve with the SSAD, and the recommendation [inaudible] has been changed from a mechanism for evolution to a review of implement of certain policy recommendations.

That does not worry us much, [though it needs to be a review of the implementation guidance of certain policy recommendations as it's intended actually to] improve the implementation guidance so that we can have a more efficient and robust system. And any changes in

policies will still have to go through the GNSO [inaudible] like a PDP or an EPDP.

So the current solution suggests using an existing GNSO guidance process called “GNSO guidance process EPDP,” which was created to provide interpretation or assist in providing clarity with regards to the implementation of GNSO policy recommendations, and more specifically, issues related to the new generic top-level domain program.

So that process has several problems, the first of which is the composition itself of the group and the representation, especially of the advisory committee, and another also big unknown or big, I think, problem with that process is also the outcome of the process is totally in the hands of the GNSO, though it’s an implementation issue and not really a policy issue. And none of the ACs are included in that.

So again, there was, as Alan mentioned, a suggestion to form a group that would actually review the implementation guidance [inaudible] about the implementation guidance—

OLIVIER CRÉPIN-LEBLOND: Hadia, we’re kind of losing you.

HADIA ELMINIAWI: Okay, so the implementation guidance will be addressing not only the issue of automation, which is recommendation 7, but the group is also expected to discuss service level agreements, third-party purposes, information in relation to the financial sustainability of the system, [inaudible] and system enhancement issues. So it’s not only about

automation, and there was a suggestion to add to that centralization as well.

As we go forward, we start realizing that we may be focusing more on the concept of centralization and less on automation could make more sense and could be more beneficial.

So I'm optimistic too, and I think it was very good that yesterday, the suggestion did not receive opposition from other groups, and tomorrow we are having our meeting in this regard. Again, we are currently reviewing the final report, and it is due to be done by Friday and we have started reading through it, and basically what needs to be done is to go through each recommendation and make sure that we agree with it and also make sure that it does not contradict with some other recommendations.

We are going to also go through the addendum and the comments provided in this regard. So basically, that's it for me, and thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Hadia. The floor is open for any comments or questions. Not seeing any hands up at the moment, so thanks very much for your updates. It's good to see that things are moving again. It seems to be moving a bit and then stopping a bit, but at least there's some progress here. We can now move to the ATRT final report, Accountability and Transparency Review Team final report with Sébastien Bachollet who has a presentation, and if you want to have a copy of that presentation, you can reload your agenda and it's been added in the last few minutes on the agenda. Over to you, Sébastien.

SÉBASTIEN BACHOLLET: Thank you, Olivier. I am with my colleague from the ATRT3. I think we will share even if we are not really coordinated and prepared, but I think I will first give the floor to Cheryl who was the co-chair of the ATRT3, and I think it's better if she starts, if she agrees to start the discussion on ATRT3. Thank you.

CHERYL LANGDON-ORR: Okay then. Of course, as I've just popped into chat, our compatriots, Daniel and Vanda are also here today. And thank you, Sébastien, for quickly putting together these couple of slides. I think if you will indulge us, Olivier and Jonathan, at a later date, it would be a good thing for us to have a more fulsome discussion. I suspect, however, it may very well be that this is the remit of the OFBC because there's not so much in the policy area here in the recommendations, but rather, in the operations area as we split up as we have it now.

As you can see from the prologue, there's been a little bit of background that of course was introduced on a couple of other calls. So the CPWG, Sébastien has taken us through more extensively on the history of all this, but you can see that the subjects for accountability and transparency that we reviewed there, we did indeed decide that there were—at the end, you'll find that there is a beginning to our almost 360-page report, 345 or something at least count.

A prologue has been written, and in this—this is material you will not be familiar with from previous presentations—we list things that we recognized but have chosen not to address. We certainly—and I know

they won't be a surprise to most of you, and Sébastien—I'll give him back the floor for the next slide for example as we look at our particular five recommendations that we made.

But just before you roll forward, if you look at those four dot points at the end there, we do list things that are of particular importance and do have an effect, I believe, on the accountability and transparency—certainly the accountability—of ICANN but that were out of our remit or simply things that occurred too late in the process to be included. The change of ownership of the .org registry and some of what happened around that, some of the EPDP processes, particularly this end part that we've heard regularly from Alan and Hadia, the issues of course with our popular tune, domain name system abuse, and certainly some of the consequences of COVID-19.

So thank you for the opportunity to get us started. We want to leave time for some questions as well. But Sébastien, perhaps you can take us through to the next slide and the five recommendations, one of which of course is particularly important from our perspective. Over to you, Sébastien.

SÉBASTIEN BACHOLLET: Thank you very much, Cheryl. We have five recommendations made by our team. It's one about public input. Here, it's in order of [inaudible] in the document. The second in section 7, assessment of the implementation of ATRT2 recommendations, section 8, assessment of periodic, now specific, and organizational reviews, section 9, accountability and transparency relating to strategic and operational

plan, including accountability indicators, and section 10, prioritization and rationalization of activity, policy and recommendation. I will start with the first one and I will try to go as quick as possible. Next slide, please.

Just to give you a [flavor] of what we are doing, and this one is a little bit more complete in the PowerPoint than the others. Sorry for that. The first one is about periodic or specific and organizational review. It's a high priority recommendation, and as you can see—and it's more detail in the report—we suggest to suspend RDS reviews. We suggest to have one additional CCT and to suspend also the security and stability review. There is a full explanation in the report about ATRT, we suggest some slight changes and enhancement, and we can come back on that in a future presentation in one of the At-Large groups to give more details.

And a very important element, it's a proposal of creation of a new holistic review who will have goal to have a vision of the whole organization and relationship between SO and ACs as the last one was done in 2002. We think it could be the next one very important to be done as a first step for the next reviews. Next slide, please.

Okay, we have also proposal for organizational review to evolve them, to enhance them, to do continuous improvements, and that's something we'll have to discuss in detail because it'll be one point important for At-Large how we handle that for us in the future. Next slide, please.

That's the design of the timing for each of the reviews. We'll not go into any detail on that, but you see we tried to work quite closely to see how

it could be organized in the future and the implementation could be easily done. Thank you. Next slide, please.

May I ask either Vanda or Daniel if you want to go through the four other sections or two of them if you ...

VANDA SCARTEZINI: Yeah. Sébastien, for the benefit of time, I believe you go. If we have some points, we can raise our hand. Thank you.

SÉBASTIEN BACHOLLET: Thank you, Vanda, but I don't want to dismiss your work and your participation in that, and I wanted to highlight that we were all working hard on that. Okay, it's just to show that prioritization and rationalization of activities, policies and recommendations, it's for ATRT3 a high priority. We take into account all the work done, actually, and we didn't add something totally different. We want to be aligned with what is done and we had some proposals on that. Next slide, please.

And we start to have, here, it's a medium priority. It's accountability and transparency relating to strategic and operational plan including accountability indicators. We get through in detail with the current accountability indicator and we suggest some change in the future. Next slide, please.

I think it's related to public input. One of the more important parts about here is that we think that public inputs must be in one place and not all over the place with blogs, comments and so on and with other

proposal. But that's, for us, a low priority as we need to set up the priority for each recommendation. That is the new way of working for the reviews. Next slide, please.

It's also a low priority. It's the assessment of the implementation of ATRT2 recommendations. Not that it's not important, but ATRT2 five years ago and we hope that work to prioritize this recommendation will be taken into the work done related to the previous section. I will stop here, and as Cheryl said, I am sure that we will be very happy to give to any At-Large group a more in-depth presentation of what we as a group have done. Thank you very much, and Cheryl, if I can give you the last word, it will be great. Thank you very much, Cheryl.

CHERYL LANGDON-ORR:

No problem at all. Thank you very much, Sébastien, and I do apologize for not having singled out León, who we technically didn't own but we like to keep our ownership clear of. León, of course, was appointed to ATRT3 to replace Maarten when he became chair of the ICANN board. Maarten has previously served as the board member on ATRT3 and León stepped up to the job. So we really have had good representation in this process, almost equal to the number of seats that the GNSO had, although not all of those were particularly active on the roundtable of ATRT3.

If I can just get you to perhaps remember back to that high-priority area that was on slide four and five that Sébastien took us through that is the one part of all of the five, and whilst they don't take very long to say, there was a huge amount of material in the document to back up all of

those, if you want to just roll back partly so it could be part of that slide and part of the one before, that would be terrific.

This section 8 part, the specific and organizational reviews, is the one thing, the one area that we did not receive complete consensus on. We had one member abstain from everything, but then they had rarely been able to join us for the majority of our work anyway. So that abstention seems to be perfectly reasonable. But we did have one abstention on this particular area, so you will hear from other parts of ICANN. It, at the moment, is purely limited to the Noncommercial Stakeholder Group that by changing to an overall and holistic review, and indeed [looking at] evolving into organizational reviews that are a continuous improvement program, where we have accountability within and between each of the SOs and ACs and indeed the Nominating Committee, is somehow a loss of the standards and quality. And of course, Sébastien, Wolfgang indeed from the noncommercial side of the table, and Vanda, Daniel and I will argue until the cows come how that that is not the case. But we can go into that in much greater detail later on.

Thank you for indulging us for a minute or two longer. I believe I answered Holly's question in chat regarding the priority for the ATRT2 recommendations. And Nadira, the low priority for the public input is in fact rather that the mechanisms that we are making our suggestions now are not things that take particularly—how to say this—it is not that they are not important, it is that in the planning of when they need to be done and how they need to be implemented, [inaudible]. So that explains priority and prioritization itself is a dark and complicated art that we go into in great detail. So if you would like us back at some

stage, we will be able to give you a great deal more information, and of course, we would probably think this belongs to the [inaudible] as well. Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Cheryl, and thanks to you, Sébastien, both of you, for taking us through these sections. I'm asking if there are any other questions. One of the great things, of course, is that both of you ended up reading the group chat as well, which means I can basically go home. Oh, wait, I am home. But I can shut up and let the flow go.

I'm not seeing anyone having their hands up, so thanks for this, and of course, if you have any further follow-up on that, we can follow up on the mailing list as we always do. So next, we now have the subsequent procedures and Justine Chew today is going to take us through a number of things, but I can't see a presentation. So I know she's hard at work to prepare for this call. Over to you, Justine.

JUSTINE CHEW: Thank you, Olivier. Actually, I do have two presentations. I've just uploaded them as hyperlinks rather than the usual [embeds] you see with the cover. I thought I was taking up too much space in the agenda page each week.

Anyway, firstly I have to apologize, I'm actually not very organized for today. I have a lot of time in terms of the call, but I didn't have a lot of time to prepare or to actually try and trim down my presentations. They

are long but I'm going to skip through quite a number of the slides. So, could we start with the community-based applications? Thank you.

Okay, so this is something that I sort of spoke about maybe—I can't remember when it was, two weeks ago, maybe a week ago. Time is passing very quickly. In any case, we hadn't actually gone through the recommendations from SubPro because I was trying to prioritize time for sort of settling or finalizing the proposed revised CPE criteria and guidelines, the document that some of us have been working on in a Google doc form.

So I'm now coming back to looking at the actual recommendations coming out of SubPro PDP working group for a couple of reasons. One is some of this may actually go into our interventions for ICANN 68, so I really needed some indications of whether the direction that we're taking here is kind of endorsed by At-Large or not. And if it's not, then we need to do some remedial work.

In any case—and also, much of the recommendations that you see in the set of slides has got to do with CPE anyway, community priority evaluations. So that's why I wanted more time to focus on the CPE guidelines that we're working. Next slide, please.

As I said, I'm going to try to skip through this so we can maybe end the call early and create some record. Anyway, in terms of the key issues in subsequent procedures for community-based applications, CPE, it's basically two things. One is that there is going to be retention of the community-based application versus the standard application. So in the 2012 round, we had these two types of applications, which is either

you're a standard application or you're a community-based application. So that looks like it's going to move forward and be taken up again in the next round.

Now, in terms of community-based application, the difference between a community-based application, a CBA and a standard one is that if you're a community-based application, you'll be required to answer additional questions relating to your community TLD as why you're using it or why should you qualify as a community TLD, and also the opportunity to participate in CPE if you choose to, if your string ends up in an contention set.

And obviously, the second point that's key here is the CPE itself, the evaluation process which we know now that it encountered a lot of issues and complaints and that sort of thing. So that's something that we're trying very hard to fix, look into fixing. And also, touching upon CCT recommendation number 34 which deals with community-based applications and CPE itself.

So going to the next slide, this just talks about what—it's not a new slide—ALAC statements have touched upon in the past, and you'll see a note on recommendation 34. That's what it talks about anyway.

The next slide, number four, is just a recap in a little more detail of the comments that ALAC and At-Large have made pertaining to CPE. So this is a list of some of the things that were taken into consideration where we were doing our review work on the CPE guidelines. So that's for reference only.

Now, coming on to slide five, this is a thought that I had while I was trying to update the slides. In terms of moving this particular topic forward, as I said when I started my session here, the small team and I really need some indications of endorsement as to the approach we're taking. That's what I mean by saying what are our positions and in step number one, which involves CPWG deliberations, and what we are trying to get at would possibly feed into some kind of community discussion in our positions for our session at ICANN 68. This is obviously just a thought, which would take place end of June. And then obviously, the ultimate goal is to have it go into part of the ALAC statement to the SubPro PDP working group final report when that comes out, and we're looking at possibly July for the call for public comment periods in July.

The idea also is to monitor to see if there's any additional input that is needed to be taken up separately outside of SubPro PDP working group, and that could possibly come in the form of ALAC advice to the board. So that's something to just keep in mind, especially if anything that we choose to give advice on falls not squarely within the remit of SubPro. So this is an approach that I'm thinking of.

Moving on to slide six, where you see the complication—if I could put it that way—arise is there are actually many things that we could be involved in per se, but given time and resources, we probably need to just train our efforts on certain aspects of it.

So in terms of the deliberations moving forward here, I look at it from two points of view: one is that obviously, we would want to consider putting in some responses to the SubPro recommendations, so that's 1A, as you see highlighted in yellow, and then the other aspect of it is

details that are not necessarily covered or specified in the SubPro recommendations itself. And these things could be such things as asking for increased community participation in the ICANN selection of CPE service provider or panel, or evaluators is something that we talked about repeatedly.

Covering obviously the bullets at the far right, things also such as changes to the CPE process, for example, not having a separate call for letters of support or opposition, but incorporating that process into the application, application comment and objection processes that we already have specified in the AGB.

Also, changes to the CPE criteria and guidelines, which is the Google doc that I'm talking about that we've been working on, which is actually a proposed revision of the earlier guidelines that were adopted and used for the 2012 round, and the last aspect would be looking at the RRDRP which is the registry—well, it's the dispute resolution process that deals with registry commitments for community TLDs. So I would like to get a little bit more into A1 and 1B(3) in moving our positions forwards.

So moving on to looking at the actual recommendations themselves, slide eight, here is where we start looking back at the SubPro PDP recommendations that's expected to be incorporated into the final report. Now, affirmation one deals specifically with the 2007 policy, which is basically to affirm two implementation guidelines, F and H, as you see on the left side. And I'm just going to go straight into talking about the impact of this particular affirmation number one, which is that it's going to basically retain the approach for community-based applications, so moving forward, we will still have the standard

application versus the community-based application, the two types of applications.

The second impact would be that prioritization via CPE is also going to be taken forward and incorporated in the next round, and the third impact would be that complaints will still be handled by a third-party dispute resolution providers which would be provided by ICANN.

So unless people have questions or concerns about this, I'd like to move on. So I'm going to just pause for maybe ten seconds to see if anyone has anything to contribute at this point.

Okay, moving on, slide nine, this is where I said that I wasn't as organized today as I normally try to be. I was trying to pare down my slides and I just ran out of time, so I had to do a makeshift process. What you see is the slides that I'm going to concentrate on will be followed up by the slide that has the details of what I'm speaking to at a particular point in time. So this slide nine is the details of the earlier slide eight. It's just nice to have all the details in one place and you don't have to go and look for stuff.

Moving on to slide ten, I'm assuming that nobody has any objections to supporting affirmation one. If you do, please speak up or make your point in the chat. Moving on to slide ten, this again is not a new slide. I think I've spoken to this before in an earlier call, maybe a couple weeks ago.

This is the list of some of the identified issues from the last round which Work Track 5 of the SubPro PDP working group looked into, and tried to

draw general conclusions or recommendations that could address these challenges, these identified issues.

Value added to it would be the small teams intervention as you see in the blue text, which deals more with the specificity. So a lot of the res that are coming out of SubPro are very high-level, very general, not objectionable, but they don't necessarily go down to the detail that would help actually address challenges.

So in particular, for example here, there is a list of things that we could possibly take up if we want to push the point of community participation in the evaluator selection, because we need to ask questions about the qualification of the evaluators, how would we better manage conflict of interest risks moving forward and the cost involved in undertaking CPE, and that sort of thing.

I see Marita's hand up. Marita, go ahead.

MARITA MOLL:

Hi. I just want to highlight what Justine is saying here with respect to the items in the blue column. Whereas we were not asking for changes at the high level as we just saw about three slides back, the most important changes, I think, that we're asking for are right here, because these are changes. These will impact the high-level, being able to have some say about what happens or the composition of this committee will make a huge difference, I think at the actual implementation level, and I really think that this is something we should stick to. This should be [inaudible] high-priority item that we're not willing to give away. Thank you.

JUSTINE CHEW: Thank you, Marita. Seeing no hands or any other questions, I shall move on. Now we come to slide 11. Holly, I see your hand up. Go ahead.

HOLLY RAICHE: I still come back to, have you covered the concerns that we expressed probably three to five weeks ago, the definition of actually what is community? All those sorts of issues. Those are the ones that we flagged as really important. Are we assuming that all of those have been put down as issues of concern? Because why are we concerned about the process, why are we concerned about the guidelines? We're actually concerned about all of that because what seems to have happened, number one, there were applicants and there was concern about, well, are they a community or not? How do you define a community or not? And if you define it in a particular way, do you get the support or not?

Those are the sorts of things, the definitions that in fact, it's almost as if the blue column is necessary to properly interpret the sorts of things we're worried about. So it's like, for me, what happened to the really fundamental issues? Are we assuming that we're already dealing with those? Thank you.

JUSTINE CHEW: Okay. Thank you, Holly. In short, if I may answer, there are some aspects of what you've raised which are covered in the guidelines and the guidelines are a reflection of what's in the—okay, part of the guidelines

is a reflection of what's in the AGB. So in terms of for example community definitions, that's in the AGB, and if we make changes to the guidelines, then we are also proposing to make changes to the AGB because they are interlinked, they're not independent of each other.

So some aspects of it that you raised is captured within our proposed revision of the CPE guidelines. Some of the other things, for example selection of the CPE service provider, that's not necessarily caught in the CPE guidelines per se, so we'll have to formulate some kind of approach to address that particular issue, which is why if you go back to slide six, I'm saying that today, I'm only going to concentrate on 1A and 1B3 per se, so the selection panel issues is captured under 1B1 which as I said, I haven't really had too much time to think ahead and work it out.

But Holly, if you have read the revised proposed guidelines that we've been working on, then I think you will see some of the things that we're trying to address in that particular document, and I will try to touch a little bit on that as we go along in this particular presentation. I hope that is a satisfactory answer for now.

Okay, let's go back to slide 11 very quickly. Slide 11 is where we start looking at the actual recommendations pertaining to CPE. I'm trying to group things together so that we can move faster.

Recommendations two and three basically purport to improve the CPE process via three aspects of transparency, predictability, efficiency, and again, these are targeted at a very high level. The details will go into implementation per se, and some of it is possibly captured in the guidelines. That's a separate document.

So what I see as intervention needed specifically is, again, a review of the CPE process, which is 1B1, the review of the CPE criteria and guidelines, and also, the community participation in evaluator selection. No questions?

Moving forward, slide 12 is the details of the earlier slide so I'm not going to go into that. That is just for reference. Slide 13, the use of recommendation four and six, and it's specifically targeted at the CPE evaluators, per se.

So taken together, the impact of these two recommendations would be—it purports to facilitate continued use of the CQ, which is clarifying questions mechanism, or an equivalent. Again, the details are to be sorted in implementation, and the recommendation six per se deals with independent research which results in independent research by evaluator being allowed, but the fact that whatever they come up with in terms of research would still have to be accountable and open to a reply by the applicant, the issue being that in the past round, there were maybe at least one incident where it was said that the evaluators had a particular train of thought and they actually went out and found research that supported their way of thinking rather than looking at the questions or the application objectively. So they had sort of made up their mind and they were looking for research to justify their mind being made up. So in a sense, they may not necessarily be objective looking at the application.

So the working group is trying to limit that sort of undesirable consequences so that of course, the evaluators are allowed to do independent research, they are supposed to be doing research to verify

certain things, but the issue then would be they need to be cautioned so as to not assume an advocacy role for or against such a community or application per se.

Okay, and the other thing is although the CQ mechanism was available last round, there was also complaints that the evaluators didn't actually use them and in fact declined to sue them. So the question would then be, is there a need for us to compel the use of the CQ mechanism somehow rather than have it at the discretion of the evaluators but more to compel them to use it?

Okay, anyone has any thoughts on this? The last point I raised about compelling the use of the CQ mechanism, that possibly could be mitigated by this new thing about allowing applicants the opportunity to answer any independent research which may be unfavorable to them [that's found] by the evaluator. So that possibly would force a discussion between the evaluator and the applicant, which is in effect some kind of CQ mechanism.

Okay, I see Jonathan says it's a good suggestion. I don't see any other hands up or comments per se. So it looks like we are okay with this. Skipping through slide 14 and 15, which is details for recommendations four and six, moving on to recommendation five which is on slide 16, recommendation five deals with the issue of opposition and the recommendation is to try to mitigate the damage that came out of an imbalance in the way that evaluators considered letters of opposition against the support for an application. So in a sense that, for example— one letter of opposition from a small group seem to outweigh the myriad of support that an application could have received, and that

affected the scoring that the applicant actually received. We can go a little bit into the scoring mechanism, but there's some threshold that says that if you have no opposition of relevance, then you score [two max,] or if you have one, you score no more than one. So in that sense, it would affect the scores that the applicant would get if the evaluator sees that a particular opposition gives it too much weight than they should have.

So again, it's a very high-level recommendation. It doesn't go into details and to actually addressing or avoiding imbalance in the next round. And this is something that we have also tried to address within the CPE, the guidelines revision.

[18,] just to highlight that one of the things that's still pending is the issue of the composition of the CPE panel that we have been pushing, and not only us, but I think GAC is also saying the same thing, that the composition of the CPE panel should have significant expertise in applying [the concept of] community. So we're hoping to push this forward in a number of ways, which is to, one, who will get appointed as a service provider, and number two is to [exert] some sort of influence by community experts within the evaluation process and [inaudible]

OLIVIER CRÉPIN-LEBLOND: Have we lost Justine?

JUSTINE CHEW: The RRDRP. Registration [inaudible] because it just says that it affirms the use of or the implementation of the PIC DRP and the RRDRP, and it

says that for both the two DRPs, clearer, more detail and better defined guidance on the scope of procedure, the role of parties and the adjudication process must be publicly available. Yes, that's all well and good, but what is the actual impact? We don't know. So this is possibly something that may have a line into the PIC DRP angle that we're trying to get at for ICANN 68.

Okay, so I'll very quickly go into the CPE guidelines themselves, the step 1B3, moving to slide 21. Again, this is not a new slide, but just to highlight, these are the areas of concern that we thought needed fixing as marked by the red.

Without going too much into detail because I think you really need to have a look at this document to appreciate the complications and the linkages and the impact of certain things, but in terms of the approach that we've taken in coming up with the revision—

OLIVIER CRÉPIN-LEBLOND: Justine—

JUSTINE CHEW: Moving on to Slide 22, these are some of the principles—

OLIVIER CRÉPIN-LEBLOND: If I can just jump in.

JUSTINE CHEW: —and ideas that have motivated our—

OLIVIER CRÉPIN-LEBLOND: Can you hear us, Justine? There seems to be a problem with your sound. I'm not quite sure what the problem is, it seems to be some kind of a digital slowdown, literally. Does everyone else have the same problem? I see "bad sound," Alan mentioned this. Yesim, is there an issue here?

So, Adigo has just connected me back to the Adigo bridge because I dropped off as well, but it really is a case of whether Adigo is able to connect to the Zoom bridge.

If we can wait another minute or so, and if it's died off, then it's a major problem. It might take—

YESIM NAZLAR: [inaudible] the one with the number starting 180 belongs to Adigo, so let's see if we'll be able to get that sorted.

OLIVIER CRÉPIN-LEBLOND: It's working. Can you hear me now?

YESIM NAZLAR: Okay, so just—perfect, Adigo is back. Apologies for this technical issue. I believe, back over to Justine.

JUSTINE CHEW: Thank you. So just continuing on from where I stopped, which was point three, in terms of revamping the scoring scale and the threshold to

prevail, now, we didn't actually revamp the scoring scale but we tweaked some of the sub-criteria to make it easier or expand the possibility of scoring something as opposed to not scoring anything at all. So in terms of the 2012 guidelines, it was things like you're either clearly this or you're not, and then you're going to score one for being clearly something and zero for clearly not. So there was nothing in-between.

So we tried to expand the scale a little bit to say that instead of making it just "clearly," you could have things like "reasonably," delineated so you could still possibly score, and that could help increase the chances of applicants which are not the standard, conventional-type applicants, to at least score something in a particular criteria.

And just going back to Holly's comment about definition of community, you see the community definition that was suggested by the council of Europe, and that's something that we've actually adopted and inserted into the revised guidelines.

And then number four would be negative application comment objections, and that is opposition. Basically, the thing about double jeopardy is that in the earlier round, you had kind of ended up having two rounds of public comments where people who were opposing an application had two bites at the apple to try and bring an application down or oppose an application. And we thought that was kind of unfair, because why should community-based applications be subjected to two periods of community comments or application comments and the standard ones only are subjected to one application comment period.

And then we have things like a party that was supporting another applicant when it submitted at the 11th hour a letter of opposition to an opposing applicant, and that was taken as relevant and it affected the score of the application that they were opposing. So that came in at the 11th hour and there was no way to refute or to try and challenge it or try to explain or rationalize it. So it was basically unfair to the applicant.

And five, six and seven have got to do with the process itself, and that's quite clear cut. Now, in terms of the issues and the fixes, I'm just going to try and show you some of the complications that we had to deal with. So, moving on to slide 23, we know that the CPE itself covers four criteria.

This is criterion number one which is community establishment, and you see the issues in the red text. So the sub-criterion A1 delineation is basically asking, is the community clearly delineated, organized and preexisting? So you needed to fulfill or satisfy all of these elements of being a community, being clearly delineated, being organized and preexisting in order to score full marks.

So when you talk about clearly delineated, there was a bias towards more structured communities like trade organizations, commercial entities, the kind of organizations that had very structured membership, clear membership rules, card carrying members, that sort of thing, and that is not necessarily the characteristics of all kinds of communities.

So if you look at for example a community like the native Americans, they don't actually carry a card that says "I'm a native American." So

there isn't a structured membership, per se and they're clearly not necessarily well-organized as a trade union or association would be.

So you can see the clear bias against the kind of communities that we are looking to support with things like this clearly delineated sub-criterion. So in order to fix those sort of things, we proposed to add another layer of scoring, which is reasonably delineated, as we see on the right-hand side, green text. So that's an example of a fix that we are proposing in order to try and increase the chances of a nonstandard applicant, a nonconventional applicant being able to score something if not full marks. And the idea is not to disadvantage communities that are less resourced, less structured, smaller in size, having that sort of characteristics.

So it's very hard for me to go into every single detail that you see here, so I'm just trying to give you an idea of the elements that we grapple with when we're looking at the guidelines and trying to revise the guidelines per se.

So if I can just move on to slide 24, the other sub-criterion under criterion one would be 1B extension. Extension, they talk about using dimensions of the community member number, geographic reach as a possible way of assessing extension. So again, member numbers may not necessarily be the best criteria to look at.

If you're talking about a small community, then obviously, the number members are going to be small. Does that mean that they're not a good candidate for a TLD? We don't know. They could be. It depends on the community. But it shouldn't be that a small number of members would

be an automatic cross that this entitles them to getting a TLD, and therefore not being able to score something under this criterion. So that's another example of the issue that we saw as being unfair and needed fixing.

Moving on to slide 25, nexus, this is a bit more complicated, but you get the idea that there are some things which are clearly challenging for the nonconventional communities that needed us to address in order for them to be able to score something in these criterion.

And if I can just go on to the last slide, because I don't want to carry on too long, in terms of the fixes that we are trying to propose, as I said, they're done in the hope of helping the small applicant, the unconventional community to at least score something in particular sub-criteria or criteria.

But at the end of the day, there is also this threshold to prevail, which is that the applicant must score—can we go to slide 27, please, the last slide? The applicant must score 14 points out of a maximum 16 in order to prevail in CPE. So 14 points out of 16 is the threshold.

In addition to making it easier for unconventional communities to score in the four criteria. There was also a proposition to lower the overall threshold, because some people thought 14 out of 16 was almost impossible to get for the unconventional community. So there was this proposition that we should look at lowering the threshold for 14 to something more reasonable. We don't know what that is per se. It could be 12 because each of the criteria is a maximum of four points, that's

how you get a maximum of 16. So if we take 75% of 16, that's 12 points, so that's a proposition.

The question is, do we think that is necessary? Do we think it's a good idea? Do we think 12 out of 16 is a reasonable threshold? Remember that we don't really want to lower the threshold too much because we still want people or applicants to be able to satisfy the sub-criteria and not make it too easy for them to prevail. Any thoughts on that?

Okay, I'm looking at the chat. Hadia, go ahead, please.

HADIA ELMINIAWI:

Thank you, Justine. My concern here is how to determine what is reasonable. I think, to determine that, you might need to rely on previous data and maybe some other data available. So maybe 75% of the total is good, maybe not. How do we determine what's good and what's not? I think based on available data, if there is any. Thank you.

JUSTINE CHEW:

Thank you. There actually is available data. We will have to go back and examine the scores. I did do analysis of six applications and to see how they were scoring. I can go back and have a look to see what might be reasonable and put something on the list.

I do see also some support for lowering it, and some people are saying in the chat that 12 out of 16 may be workable. But I will take Hadia's point into consideration, and let me have a look at the six applications that I analyzed before for the single purpose call and see if I can try and justify 12 out of 16 being reasonable.

Christopher, go ahead, please.

CHRISTOPHER WILKINSON: Thank you, Justine. On this specific point, a thought had occurred to me because as things stand, whatever the threshold is, whether you reach the threshold or not is very sensitive to the yes or no, one or zero results of specific criteria. And to give the evaluators greater flexibility and to moderate them in their evaluation, instead of one being the maximum, I wonder what would happen if five was the maximum and if the evaluators were allowed to evaluate in a range between zero, of course, and five as the maximum.

Of course, the totals and threshold numbers would change, but I'm not against a high threshold because I'm concerned that the way the distinct criteria are evaluated is a bit too black and white and will contribute to uncertainty and the limit might contribute to wrong decisions. Just a thought. I haven't been able to analyze this because I've never seen any evaluation data from the 2012 round. Thank you very much.

JUSTINE CHEW: Okay. I don't really know how to answer your suggestion about expanding the scoring scale. As I said, it was something that was mentioned by somebody, but in examining the actual document, it was actually very hard to fit the evaluation per se to match the scale of, say, zero to five as opposed to zero to three. And also, don't forget that there are four sub criterion, so they have to carry the same maximum

score. For example, in this case, we're looking at four because you have an equal weight range across the four sub-criteria.

So once you start changing the scale for one, then you really need to start changing the scale for all the other sub-criteria, and then it gets a bit complicated. So I might suggest, Christopher, if you have a look at— if you can't get access to the Google doc, which I don't see why not, go back to the single purpose call for CPE, have a look at the second one where in my presentation I did include analysis of six of the applications as comparison, and then you see how the scoring was done for each of the four sub-criteria. Okay?

So basically, from what I have said so far, are people generally comfortable with moving this forward as an At-Large position? This being the At-Large direction and intervention for CPE. And if not, what are the things that we need to really nail down before we come to this level of comfort of endorsement? Alan?

OLIVIER CRÉPIN-LEBLOND: Justine, I think I'm going to have to jump in because we are running out of time. So we'll go through Alan and then that will have to be the last question on this topic. Thank you.

ALAN GREENBERG: The only thing I think I want to take into account as we—I'm not giving a particular negative, but recognize that if we set the criteria too low—and I don't know what too low is, but it's conceivable if we lower the

thresholds on individual scoring and lower the overall total, the two together may be going too far.

Number one, remember, we are saying that anyone who classifies as a community applicant absolutely wins over any other commercial applicant. So we're giving them a pretty big bonus and we want to make sure that we're not doing it unreasonably.

The second is, it is conceivable that we could have multiple applications for a single string that all meet the community threshold, and then they have to compete with each other probably under auction or something like that, or come together and merge.

So just have to think about the implications of lowering the thresholds enough to make sure that we're still only getting quality applications out of it and the chance of having multiple ones implies we may end up in an auction-type process, which is not going to be necessarily good for applicants that don't have a lot of resources available. So just those to consider as we move forward. Thank you.

JUSTINE CHEW:

Thanks, Alan. Yeah, that's very true, because that's why I have in this particular slide the point about you need to balance increasing accessibility to deserving communities without opening flood gates. So the point about opening flood gates is the one that I'm sort of asking with lowering the threshold to whatever it may be.

So I still kind of need an indication of whether we think we are moving in the right direction, because if we think we are, then I wouldn't mind

floating the work that was done to say for example GAC members to see if they have any comments or if they might support it, because they have also said that they are kind of uncomfortable with the lack of specificity when it comes to making improvements to the CPE process. So the work that was done could possibly constitute something more concrete to look at and may get some support in some way or another.

So basically, what I'm asking is, do people feel uncomfortable with us moving this forward with other groups and [approaching] them to have a look and see whether they would object to it or support it? Alan's saying that "I think we are moving in the right direction. The only concern is we're going too far."

All right. Jonathan, you have your hand up.

JONATHAN ZUCK:

Thanks, Justine. This is great work and I think a really important topic for us. While I share Alan's concern about the ultimate outcomes potentially going too far, I feel like this is a huge negotiation and that there'll be people pushing back from all sides on whatever we put out there. So I think the risk of the ultimate solution going too far is fairly low. That's why I'm pretty supportive of taking an aggressive approach here in the near-term, and certainly sharing it with some others at the GAC.

JUSTINE CHEW: Thanks for that. So I guess I'm not hearing any objections if we took this proposed revision to [broach] with GAC to see if they would like to support it in some manner.

Okay, any other objections or comments to this? Because I'm seeing that it's already 10:30. Thanks for the [support, Marita.]

OLIVIER CRÉPIN-LEBLOND: Sorry we indeed passed the ... Thank you.

JUSTINE CHEW: Yeah, so I think I should just hand it back to the chairs. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Justine. Again, an amazing, excellent piece of work. We do have an extension today with the interpreters. It's a 15-minute extension, so we're going to miss the talking points for the ICANN meeting, but we can go swiftly through the policy comment updates. As usual, just before I hand over to Jonathan for the policy comment, on SubPro, there is a workspace, so please check the SubPro updates workspace for further information and all the other topics in addition to this one. Thank you, and over to Jonathan and Evin Erdogdu.

EVIN ERDOGDU: Thanks, Olivier. I'll just go quickly through this. There's one public comment for decision, and that's the Latin America and Caribbean LAC regional strategic plan for FY21 to 2025, and we're coordinating with

both the OFB working group as well as LACRALO leadership on potentially developing a statement for this, so that's good news.

And there were two statements recently submitted to public comment. The first was the AFRALO statement on the ICANN Africa regional plan for FY21-25. That's been ratified by the AFRALO leadership team and it's currently being ratified by the ALAC, and also submitted just this past Monday was the draft PTI FY21-24 strategic plan, and this is currently undergoing ALAC ratification vote.

In addition to this, the NCAP study one proposed final report. Justine Chew is a member of the drafting team and there is a presentation linked to the agenda there, so maybe she'd like to say a few words about this. And then also being drafted is the ccNSO PDP 3 which Barrack presented on during a prior CPWG meeting. So perhaps the group could discuss those two public comments. I'll hand it over to Jonathan. Thank you.

JONATHAN ZUCK:

Thanks, Evin. Do either of you wish to speak up on the things on which you're drafting? I guess the first is to Justine if you wanted to mention anything about the NCAP.

JUSTINE CHEW:

Sure. Just very quickly, last week, I presented on the topic of name collisions and I also included a recommendation on what to do with the NCAP study one proposed final report. Or rather, I presented two options and people chose the option of providing a general

acknowledgement of this work product and to include strong support for SSAC's onward action with studies two and three and also to urge ICANN to support SSAC's endeavor. So I've just drafted something quite short to capture those points. The statement on the Wiki has been out for almost a week, so people are welcome to have a look.

We still have some time before it's due. I think it's due on the 17th of June, so by all means, comment on it. Thanks.

JONATHAN ZUCK: Thanks, Justine. Evin, what was the other one that [inaudible] a comment on? The Africa regional plan?

EVIN ERDOGDU: Actually, that was just submitted, but Barrack Otieno had presented during a prior CPWG meeting on the ccNSO PDP 3. I also note that Hadia is a part of the drafting team. I'm not sure if she would like to make some comments on this, but this is ALS in progress and the due date for this is the 10th of July.

JONATHAN ZUCK: Hadia, do you have anything you want to add on this call?

HADIA ELMINIAWI: Thanks. No, we don't have a draft ready yet. Thank you.

JONATHAN ZUCK: Okay. Thank you. First step, ideally, would be just talking points, not drafted language, because if you want to get consensus here, that'll be easier to do with bullets than prose, but I'll just keep repeating that.

I think that is it, Olivier. Back to you, and you can skip number five.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Jonathan. So we're going to miss agenda item five, move it to next week, and we're now into Any Other Business. And in Any Other Business, there is of course the At-Large geo names survey single issue call, that will take place tomorrow. Jonathan, a couple of words on that, please.

JONATHAN ZUCK: Yes, definitely. Just as a reminder, this is not your typical call single purpose, although there is a single purpose. It is for people who have not yet taken the survey to take the survey with the benefit of interpretation and the ability to ask me questions if a particular question is confusing. So if you've taken the geo names survey already, then I don't have any expectation of you being on the call. But I would hope that you would help evangelize the call so that we can get as many people as possible from the RALOs and the ALSes on to the call so that we're just getting as broad base of understanding of what people's feelings are regarding as possible.

So if you've taken it, you don't need to be on it, but I still hope that you will promote it. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Jonathan. Any other comments or questions, or any other points in any other business? I'm not seeing any hands up so far. Just a kind reminder of the consensus playbook that can be downloaded from the link that's on the screen, and also, if you have some time, make yourself knowledgeable about the GNSO PDP 3.0 in the At-Large PDP 3.0 workspace.

Let's have a look, in the absence of any further hands up, when our next call could or should be.

YESIM NAZLAR: Thank you, Olivier. The next call will be next Wednesday, 10th of June at 19:00 UTC [inaudible].

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much for this. Any comments or questions? I think everything should be fine. I'm just checking. I thought I might be conflicted, but no, I'm not. Okay. Apologies for this.

Well, then with this, thank you so much, everyone. Thanks to our interpreters for having remained an additional ten minutes, and apologies for today's mishaps. The technology sometimes that we take for granted seems to be going a little wrong. But it was quickly fixed, so thanks to Adigo for fixing this, and to our staff, of course, who have been wonderful.

Have a very good morning, afternoon, evening or night, and see you both on the Internet on next week's call. Thank you and goodbye.

YESIM NAZLAR: Thank you all. This meeting is now adjourned. Have a great rest of the day. and once again, apologies for the technical issues. Bye.

[END OF TRANSCRIPTION]