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, 29th of July, 2020, at 13:00 UTC.
	We will not be doing a rollcall 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 on the phone bridge, will be recorded after the call.
	We have received apologies from Joanna Kulesza, Vanda Scartezini, Cheryl Langdon-Orr, Silvia Herlein Leite, Tijani Ben Jemaa, Lutz Donnerhacke, and from Abdeldjalil Bachar Bong.
	From staff side, we have Evin Erdoğdu, Michelle DeSmyter, and myself, Yeşim Nazlar. I'll also be doing call management. Heidi Ullrich is expected to join us shortly, as well. Our Spanish interpreters on today's call are Claudia and David, and French interpreters are Camila and Claire.
	Before we get started, 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 another reminder is for the real-time transcription service that is being shared/provided on today's call. I have just shared the link here. Now, I would like to leave the floor back over to you, Olivier. Thanks so much.
OLIVIER CRÉPIN-LEBLOND:	Thank you very much for this, Yeşim. Welcome, everyone, to this week's Consolidated Policy Working Group call. Yeşim just mentioned a real-time text transcription. Really, really helpful for if you have problems with,

---

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

sometimes, your line dropping off or things. It's great to have the link opened up on the side, and you'll be able to see what you've missed in the time that you were not on the call, or that you were dropped from the call.

Either that, or sometimes you'll hear someone say something really stupid and you'll go, "Wait a minute. Did that person just say that?" and you'll be able to read it in real-time. I do that, and sometimes I even shock myself about things that I've just said a moment.

Anyway, moving on. Today, we're going to have our call based on our usual items, starting with the Expedited PDP Phase 2 update with Hadia Elminiawi and Alan Greenberg. We're reaching close to the end of this, so it might be one of the last times you hear from Hadia and Alan, or specifically … Maybe not all together, but definitely on this topic, since we're very close, now, to having the report move to the Generic Names Supporting Organization.

Next we have, after that, the Subsequent Procedures with Justine Chew that will take us through not one, not two, not three, but four—yes, you haven't gotten the wrong number, here—different presentations. So, we'll try and give Justine as much time as possible to take us through regarding geographic names, objections, GAC advice, and GAC early warnings of the types of objections and limited challenges in appeal mechanisms.

Then, after that, the policy comment updates will be shared with Jonathan Zuck and Evin Erdoğdu and any other business. That's when I ask if there is any other business to add to this agenda.

I'm not seeing any hands up. Justine is being very modest and saying she's not quite sure she can go through all four in 30 minutes. Justine Chew.

JUSTINE CHEW: Yes. Just for AOB, can I ask what has happened with the comment for the label generation … What was it called? Let me have a look. There was a public comment for label generation rules.

OLIVIER CRÉPIN-LEBLOND: Label generation rules for the root zone. That's in the action items.

JUSTINE CHEW: Yeah, that's it.

OLIVIER CRÉPIN-LEBLOND: [inaudible].

JUSTINE CHEW: Okay. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks, Justine. Evin Erdoğdu.

EVIN ERDOĞDU: Thanks, Olivier. Actually, just to address Justine's question on the root zone public comment, that was actually an action item from last week.

Jonathan has reviewed that with Bill Jouris, and as they reviewed the public comments they said that they did not find a significant end-user perspective to share for an ALAC statement on the topic. So, that has been marked as "no statement," as Bill had been the only one from the IDN Working Group to express interest in potentially drafting a statement. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this. Yes, I've also had confirmation from Bill on the chat that they found nothing requiring an At-Large response. If anybody thinks otherwise, then maybe speak when we treat the item in a moment. Not seeing any other hands up. Let's move onto our action items. The agenda is adopted as it currently is on our screen.

The only action item is, indeed, the one with Jonathan and Bill on the label generation rules for the root zone, version four. Does anyone object to this being put as "no statement" for the reason that it doesn't have much of an end-user component to it?

And just adding historical background to this, these are often very technical. The label generation rules are very technical, and we have had our IDN, Internationalized Domain Names, Working Group look at these, and very seldom have we found a need to speak about this.

So let's, then, continue. Let's go to our next agenda item. That's a warm welcome to Hadia Elminiawi and Alan Greenberg. Now, both of them presented some fantastic results for the working group on yesterday's ALAC call.

So, for those people that were on the ALAC call, this might be a little bit of a repeat. Let's go straight over to them. It shows 30 minutes here. I'm hoping that we can do this in slightly less than that, since the subject has been touched on and the ALAC is currently voting on a statement. I'm not sure who wishes to start, Hadia or Alan. You both have the floor.

YEŞIM NAZLAR: Olivier, just a note that Alan is not on the call for now, if I'm not mistaken. So, Hadia, if you would like to take over?

HADIA ELMINIAWI: Okay, thank you.

OLIVIER CRÉPIN-LEBLOND: I note that Hadia … Yeah, Hadia's iPhone is on the call. I'm not sure if Hadia herself is. Let's find out.

HADIA ELMINIAWI: Yes, I am. I am on the call. Hello?

OLIVIER CRÉPIN-LEBLOND: Go ahead, Hadia, you have the floor.

HADIA ELMINIAWI: Okay. Okay, thank you. Are we having the presentation from last time?

YEŞIM NAZLAR: Hadia, this is what we have on the agenda. Would you like me to display this presentation on the [inaudible]?

HADIA ELMINIAWI: Yeah. We can go through it. I thought that, maybe, Alan would have wanted to have his. But then, yeah, we can go through this agenda, through this presentation.

So, as you all know, the work at the Expedited Policy Development Process for gTLD Registration Data has come to an end. We have finalized the report and we ended up with a set of recommendations that describe how the System for Standardized Access/Disclosure will work.

So, quickly, we'll talk about the objective of the SSAD, how does it work, the initial report, the recommendations, the issue of automation, and the Standing Committee, which is the GNSO Standing Committee, which is supposed to be a vehicle for the evolution of the system.

So, if we could have the next slide, please? So, the objective of the System for Standardized Access/Disclosure is to have a predictable, transparent, and efficient system. It's a [mention], as before, those who need access to registrants' data, and that access should be, of course, lawful and for legitimate interest. And definitely, the SSAD must be compliant with the GDPR.

The only regulation or law that this report addresses is actually the General Data Protection Regulations law, and that was the initial purpose for which this team was put together. But having said so, the GDPR sets a very high bar and, most probably, if you comply with the GDPR, you'll

be complying with other partisan laws, as well. And the other thing that, throughout the report, we always say that, of course, local laws will and must be respected. If we can have the Next slide, please?

So, how does the SSAD work? The reason I am going to describe how the SSAD works … Because I'm not going to go through all of the recommendations. Again, the recommendations describe how the SSAD work.

So, requestors or users of the system will need to be accredited through an accreditation system, and there will be an accreditation authority that will accredit the users. This accreditation authority is foreseen to be ICANN Org, and ICANN Org can actually outsource this function to a third party.

Part of this process will include having identity providers. And again, the identity provider could be the accreditation entity or, again, this could be outsourced to a third party.

As your users are accredited, they will be able to use the system, like put requests for disclosure of data. This request is put forward through the centralized system. We have, here, something called the central gateway manager.

The central gateway manager receives those requests and checks if the request meets an automation criteria. If the request does meet the automation criteria, then the central gateway manager sends the request to the relevant contracted party and asks in the contracted party to disclose the requested data.

If the request does not meet the automation criteria, then the central gateway manager, again, directs the request to the relevant contracted party in order to look into the legitimacy and lawful basis of the request and decide whether to disclose the data or not.

In all cases, the data is going to be disclosed, whether it's through an automated system or through a manual system. The data is disclosed directly from the relevant contracted party to the requestor directly.

Now, here, the automation cases, we have identified there are only three. But that actually does not matter because we think, Alan and I—and I think what the policy says—that cases are to be automated if they are legally permissible and, of course, commercially feasible.

So, we did identify three cases, but, if we hadn't, any case that, potentially, is identified in the future that is commercially feasible and legally permissible should be automated.

So, we also have a logging system, a logging mechanism, that will enable the central gateway manager to follow the request and ensure that the service-level agreements are met. Then again, we have a recommendation that actually sets the [power] service-level agreements.

However, we are not sure yet if those service-level agreements will work perfectly or, maybe, will need to be adjusted after the actual operation of the system and after, maybe, six months, from three to nine months, we will have a report produced. And based on that report, SLAs could be revised again.

And then, this will be done from a GNSO Standing Committee, which will allow adding implementation improvements to the system, like allowing the system to evolve. And also, new cases could be added to automation through this mechanism.

And so, as we get new legal advice, or maybe advice from the European Data Protection Board in relation to some of the use-cases, we can add them as part of the implementation to the automated cases.

So, basically, this set of recommendations describes what I have just said. If we could go to the next slide, please? So, we had the initial report, and this addresses priority one issues, which is essentially the Standardized System for Access/Disclosure, the system itself, how it works and operates.

And then, we have priority two recommendations. Those were items deferred from Phase 1. If we could have the next slide, please? So, the priority one recommendations. We have 18 recommendations in this regard, and those 18 recommendations describe how the SSAD works, how I have just said.

So, we have accreditation recommendations, and then criteria and content of requests, how the requests are going to be acknowledged and the response, the priority levels—and that describes the service-level agreements—the automation, the Standing Committee, the logging, the audits.

So, those recommendations describe how the system works. And just to note, here, we have 18 recommendations that go so. So, what if we take out two or three? Then we change how this model works and it becomes

another model, not the one we actually agreed to. If we could have the next slide, please?

And then, we have priority two recommendations, and those were items deferred from Phase 1. And so, now we have purpose two, an ICANN Org purpose, which speaks about the security, and stability, and resiliency of the DNS data retention and city field, which is to be redacted, and the display of information of affiliated privacy proxy providers.

And then, we have two items that were … So, we have four priority two items in which we have been able to figure out a recommendation for them. And then, in relation to two of the items, the OCTO purpose, we decided that there is no need for an OCTO purpose because we now have an ICANN Org purpose that could actually speak to this if required, or address this if required.

And then, we have both the accuracy and WHOIS Accuracy Reporting System, and we reached a conclusion there where accuracy will not be addressed and the GNSO would look into this in the future.

We, the ALAC, and many other stakeholder groups do not agree to this conclusion. So, we certainly think that though, yes, we haven't been able to fully address and reach a conclusion in relation to accuracy in Phase 2. However, we think it is very important to know when and how this issue could be addressed and a recommendation put forward in its relation.

The reason with think that is that accuracy is actually required by GDPR and it is part of our work. So, currently, it has been deemed out of scope. However, we do not agree with that. GDPR requires accuracy [our applies

D] speaks about accuracy and that the data should be accurate for the purpose to which it's being processed.

And here, some contracted parties, and maybe the Non-Commercial Stakeholders Group, argued that it's only the interest of the data subject that needs to be taken into consideration. However, this is not how we see it, and this is not, also, what our legal advisors, Bird & Bird, said.

So, Bird & Bird said in a memo that was sent to us in April that, also, the purposes of the controller should sometimes be—and also commercial interests of the controller—taken into consideration, depending, of course, on the situation.

And they gave an example of, what if an employee is, for example … And that example is actually provided by the ICO of the UK. So, what if an employee, now, is applying for a job and the company is trying to verify the employee's data?

So, in this case, the company would maybe ask a third party to verify this, and in this case it's not the interest of the data subject that is being taken into consideration but it's the interest of the company that needs to verify, for its own purposes, the data of the data subject. So, again, that's an issue that we have put into the statement, accuracy, that we do not believe that it should be concluded like that.

And then, [other remain] a party to ICANN which have not been addressed. Or, to be perfectly fair, we did address them. We did try to tackle them but we were not able to reach conclusions in their regard. And this is not because there was no consensus but because they were not fully discussed.

So, for example, legal versus natural, there was a study that was supposed to be done by ICANN Org and, there, the study came after the report was concluded. So, we were not able to look into the matter after the study came. So, we definitely were not able to conclude our work in relation to legal versus natural. And also, we were not able to conclude our work in relation to the visibility of unique contacts to have uniform, anonymized e-mail addresses.

So, those are two items that, also, we request not to be silenced in the report and to explicitly say that those two items are still remaining and that we will need to be addressed in a timely manner, as are, of course, accuracy, which needs, also, to be discussed in a timely manner. If we could go to the next slide, please? Yeah.

So, basically, what I'm saying now is what we have in the ALAC statement for the conditional approval of the report. Could we have the next slide, please?

MICHELLE DESMYTER: One moment.

OLIVIER CRÉPIN-LEBLOND: We seem to have a bit of a problem on the slide deck at the moment.

HADIA ELMINIAWI: Okay. So now, the Recommendation 9, which speaks about automation of the SSAD processing. This recommendation, basically, says that contracted parties "must." The word "must," here, is important, because

"must" allows for ICANN Org to … Sorry, I just lost the screen. Just a second. Yeah. So, allows for the enforcement of compliance, and that's why "must" is important.

So, contracted parties must process in an automated manner disclosure decisions for any [inaudible] of requests for which automation is determined. And the automation is determined either through this policy, where we have full cases, or through recommendation number 19, which is a GNSO Standing Committee, which will allow for the evolution of the system or the improvement of the system as we go along.

And of course, that's only if it's technically and commercially feasible and legally permissible. And again, we say, for the avoidance of doubt, the ePDP team recommends that any categories of disclosure decisions that do not currently meet these criteria will not be foreclosed from consideration of automated disclosure in the future, subject to the process contained in recommendation number 18.

And this is, actually the paragraph that we insist on having in the report because it explicitly says that new cases could be addressed through recommendation number 18, and not deemed policy. Because if they're deemed policy, then you will need to initiate a PDP for that, and in order to add any new case to the system, that could take two years.

With respect to non-automated disclosure requests, the contracted parties may request the central gateway manager to automate the processing of the disclosure decisions of certain parts of the request or requests coming from certain requestors. So, contracted parties also can,

at any time, decide to automate some of the cases if they wish. If we could have the next slide, please?

So now, we have some [inaudible] for the contracted party. So, if the contracted party determines that automation of disclosure is not legal, or brings with it significant risk, they can actually inform ICANN Org and ask for an exemption. ICANN Org would look into this request if they find it justified that they can give this exemption to the contracted party. If at any point this request is deemed not necessary anymore, then ICANN Org must reverse the exemption.

In the context of further consideration of potential use-cases that are deemed legally permissible in the context of recommendation number 18, "legally permissible" is expected to be determined in the absence of authorization guidance, which is a law or a guidance from the European Data Protection Board, by the contracted parties or the party they are in the liability for the automated processing.

And again, this is something that adds a safeguard to the contracted parties because, definitely, they are part of the GNSO Standing Committee. And if, at any point, a case is put forward for consideration and they demonstrate that this actually brings significant risk to them, it is not being added. So, all the safeguards that revised by contracted parties are there. If we could have the next slide, please?

And then, recommendation number 18 speaks about the GNSO Standing Committee, and this committee will be responsible for the evolution, or the system. Or instead of using the word "evolution," because sometimes

people do not like it, it's mainly adding improvements to the system as we go along.

And the reason we particularly need this with the ePDP for gTLD registration data is that there are still a lot of unknowns. Now, there were two options. Now, either we wait and have no system until all of the unknowns are known, or we go forward with what we have and, as we know more, we improve our system.

We thought that the smartest way is actually to go the second way. Let's go ahead with what we have, have a system, and as we know more, we improve it. And that's why, again, the ALAC statement explicitly says that the evolution is important because, based on that, there was an agreement on this system. If we could go to the next slide, please?

So, the Standing Committee will be looking into the improvement of the service-level agreements for the automation, third-party purposes, financial sustainability, and operational and system enhancements. If we could have the next slide, please?

OLIVIER CRÉPIN-LEBLOND: Hadia? I think we might have [inaudible].

HADIA ELMINIAWI: Yes. Recommendations which require changes to existing ICANN consensus policies shall be recorded and maintained to be used in the issue scoping phase of future policy development.

So, through this GNSO Standing Committee, members put forward implementation issues or policy issues. Policy issues, definitely, will go through the policy path, a GNSO PDP. But implementation issues, the recommendation on implementation issues will be sent to the GNSO Council for consideration, adoption, and then for ICANN Org to implement.

And again, the things we see that are obviously implementation issues and not policy issues, adding new cases, because this policy already says the criteria for adding new cases, which is commercially and technically feasible and legally permissible. This is the criteria.

So, whenever we have a case that meets that with an implementation issue, it goes to the GNSO Council, is adopted, and then goes to the implementation and SLAs, also, changing the service-level agreements.

But having service-level agreements is also a part of the … Are in the contractual obligations between the contracted parties and ICANN. And also, issues in relation to financial issues.

So, basically, that's the role of this Standing Committee, is allow for improvements in a timely manner to the existing system. If we could have the next slide, please?

So, those are the concerns that, already, the ALAC statement addressed. The addition of new, automated cases is considered a policy issue because, definitely, they're not policy. It's an implementation issue.

This report already states the criteria of the policy. Other parts of the report also clearly state that new automated cases could be added through recommendation number 18.

And also, priority two remaining items need to be mentioned in the report, but we need to clearly mention that we were not able to conclude those issues. And we talk here about legal versus natural, accuracy, and feasibility of unique contacts to have a uniform anonymized domain address, and that those items need to be addressed in a timely manner.

So, basically, those are the main concerns that the ALAC has. Again, our work is done, and the statement is put up for a vote. And then, let's hope for the best, and let's hope that we can actually have this system that we all worked hard to have.

And when we say "all," it's not only us but also, I would say, the contracted parties, the Non-Commercial Stakeholder Groups, the SSAC, the ALAC, all of us. Even in spite of all our differences, we have all worked hard to have this system. It would be a pity to end up with no consensus and no system.

But again, if the agreed-upon system is not possible, then it's better not to have anything now. And maybe in the future, when we have guidance from the European Data Protection Board or some other legal advice, maybe the unified access model could, at some point in time, when there is sort of agreement between ICANN Org and controllership agreements in place between ICANN Org and the contracted parties, maybe it could be adopted. We don't know.

But at this point, though, either we actually go forward with what has been agreed upon or it makes no sense to adopt this system and we might have better options in the future. So, I stop here and thank you all. Happy to take any questions.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Hadia. I think that, on behalf of the whole community, it's probably about time to thank you and Alan for all the hours and hours, days, hours, months of work that you have put into this, and to really recognize that some of these processes are very complex, and it's great to have people like you who are able to spend the time and the effort to take us through these and represent the At-Large community in these purposes.

Now, we are kind of running out of time on this topic but I did want to take you to the statement that we're on at the moment because, effectively, the whole reason for Hadia giving you all these details is that there is a statement that is up for the ALAC to vote on right now. And in the meantime, I'm going to give the floor to Christopher Wilkinson, who might have a couple of words to say. Christopher, you have the floor, and then we'll go to Hadia to just point us to, I think, the [inaudible]. Christopher, you have the floor.

CHRISTOPHER WILKINSON: Thank you very much, Oliver. Thank you, Hadia and Alan. I confirm and reiterate Olivier's thanks. The statement contains some explicit and detailed conditions on which ALAC should support the report. These conditions seem, to me, eminently reasonable, and it's disappointing

that, after such a long negotiation and preparation in this Expedited PDP, we still have these lacunae and disagreements.

All I would say for present purposes is that … I may revert to this on the list. For present purposes, it is quite clear that, in such matters, GNSO is exercising too much power over not only the board but over its own community.

I think there is an institutional issue, here. We didn't move power and resources from the board to the community just for the GNSO Council to stand in and claim that they have the rights to agree or not to agree to what the community proposes.

I think it's most important that ALAC support these four conditions loudly, because you can't go on indefinitely, and I don't think, Hadia, you're right in hoping that things will get better in the future. I think it's high time that things get better now. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Christopher. Actually, just asking, scroll a little bit further down, you'll be able to see the final … There we go. Just a little higher up, sorry. Higher up. So, this final report, unfortunately, does none of this with any certainty. And I think that, Hadia, you mentioned there are some conditions that are given, here. If you could just take us through these briefly, please?

HADIA ELMINIAWI: Okay. Thank you. So, the final report does not mention specifically the … Okay. So, it actually did not mention the … It was silent about the legal

versus natural, about the distinction between the personal data of legal and natural persons.

However, I believe that, after the comments, we and other groups have put that it will not be silent on it. But let's see. The first thing addressed says, "Phase 1 allows the redaction of information about legal persons/companies, as well as natural persons/people," and also registrars and registries are doing such full redaction. They're also redacting regardless of geographic location.

We were supposed to address this and we were supposed to end up with a recommendation in this regard. We were not able to do that. The report was silent on it. But I think, now, it won't be silent on it. What we need is assurance that this will be addressed in a timely manner.

Accuracy, also, is important if we … Yeah. The conditions are a little bit down further, if you would like to go down to the conditions. Yeah. Those are the conditions, the four.

So, the first one is the GNSO Council agrees that any Evolution Standing Committee recommendation on additional SSAD decision use-cases that are in full accordance with the ePDP policy Recommendation 9.3 … And this criteria says and case that is technically and commercially feasible and legally permissible should be automated.

Again, it's our understanding that this is what should happen, and other parts of the report say that new cases could be added to recommendation number 18. But actually, when we ask to explicitly mention this where it belongs, which is in the recommendation number 18, some groups did not agree to that. That was alarming to us, and that's

why we now insist on having this explicit clarification. Legal versus natural accuracy … Yes?

OLIVIER CRÉPIN-LEBLOND: Yeah. Hadia, I'm sorry. I do need to jump in because we are kind of running out of time. But I gather than—

HADIA ELMINIAWI: Okay. So, those are the—

OLIVIER CRÉPIN-LEBLOND: All participants on the call will have been able to see what's on the screen at the moment. So, the conditions of what the GNSO should be doing. What happens if one of these is not done?

HADIA ELMINIAWI: Okay. So, one of these. Basically—

OLIVIER CRÉPIN-LEBLOND: One or more, but let's say one of these. Is the recommendation, then, that the ALAC would not be supporting the report at that point?

HADIA ELMINIAWI: Well, yes, because they are related. So, one and three, they are basically the same thing, more or less. Two speaks about the items that were not addressed, and we're not asking for addressing them now. We are just asking for a promise that they will be addressed in a timely manner.

So, basically, it's not a big ask. The ask in relation to the evolution of the system and the Standing Committee, that's part of the agreed-upon model. So, that's not something new, and other parts of the report also refer to it. We just need to verify that this is really what is going to happen. So, it's not really conditional but it is something that assures us that this will really happen.

And again, legal versus natural [and activity], we are not asking for a recommendation to be put forward now, but we're asking for a clear path forward. So yes, those are not difficult items to meet. So yes, definitely, if we don't have an evolution system, we don't have a system we agreed upon. So yes, we should [not] support the [system] put forward.

OLIVIER CRÉPIN-LEBLOND: Okay. Well, thank you—

HADIA ELMINIAWI: No, no, no.

OLIVIER CRÉPIN-LEBLOND: Very much for this, Hadia. Thank you.

HADIA ELMINIAWI: Thank you.

OLIVIER CRÉPIN-LEBLOND: We do need to move on. We've got other topics. But yes, well done, yet again. It's a bit sad—with no pun intended on this one, by the way—that we are in the position that we might, the community, the ALAC, not be able to support this final report.

At the end, it [seems we're] in the right direction. But we'll obviously see this in the next few weeks and months. This is just the beginning of the next phase. So, thank you, and let's now go to Justine Chew with some of her presentations. I understand that the rest of the agenda doesn't have much to touch on so, Justine, you pretty much have half an hour right now for those [inaudible].

JUSTINE CHEW: Thank you, Olivier. If I can ask for Hadia's …? Yeah, okay. I can hear some background noise. All right. Let's start with GeoNames, since that's where we left off in the call two weeks ago. I'm going to take you through a summary of the Work Track 5 Final Report on geographic names. I think that will help provide some context to what we're being asked to comment on.

And also, it would provide context to a couple of questions that a couple of the small team members would like to propose to this CPWG to see if we can come up with a consensus position whether to support some evolution or changes to what is being recorded in the report itself.

Now, in terms of the actual … How do you say? Whether we support or not support certain changes to the report, that's going to be handled via our statement, the ALAC statement, through the public comment. It

could also be handled via a minority statement if we choose to. But yeah, let's go through the specifics first.

So, moving onto slide number three. The takeaway, here—and this is where I start with the summary of the actual Work Track 5 on the report—is that, when we talk about GeoNames, it is not geographic names in the common sense of the word. It is what the Applicant Guidebook says is a geographic name.

So, typically, we use the AGB term to refer to what is actually a geographic name. So, something that may have geographic meaning to someone, but if it's not prescribed for in the Applicant Guidebook then it's not a GeoName, which is why we run into certain problems when it comes to applications for certain strings that may have geographic meaning but are not specified as a geographic name and, therefore, doesn't enjoy certain protections.

So, the second takeaway here is that the implementation for the 2012 round deferred from GNSO policy of 2007. So, the screen details will tell you what the differences are. I'm not going into details.

Moving onto slide number four. Now, the important thing here is that ICANN doesn't decide what a country is, or what a capital city is, or what a territory is, and so forth. So, by virtue of that, it has to adopt a certain list as [inaudible] resources in terms of having what a country is or what a territory is.

And some of these authoritative sources include the International Standards Organization, or the ISO, as well as UNESCO. Now, from the 2012 implementation, we see that there are limited categories of strings

recognized as geographic names, or what I said before, AGB terms, Applicant Guidebook terms.

So, these categories are seven in total, five pertaining to country and territory names, and two pertaining to city names. City names can be broken down into capital city names and non-capital city names. So, what they are is listed on the screen, so you can have a look at that.

But moving onto the next slide, the thing that we want to point out is that, in terms of even the AGB terms or the geographic names that are considered as geographic names per the AGB, differently, according to the AGB.

So, in terms of the country and territory names, there are certain ones which are not available at all for application or for delegation. So, these are the three you see on the left side of the screen.

In terms of category four and five, country and territory names, they are available but they are subject to preventive protection. What we mean by "preventive protection" is the applicant would need to get a letter of support or non-objection from the relevant government or local authority, whichever applies.

In terms of category four, the sub-national place-names follow what is listed in the ISO 3166-2 standard list. It's an exact match only, so if the string is not an exact match to this category four then it is not protected. Same with UNESCO and for the nine regions: if it's not on that list, then it is not protected.

But there is an extra layer of condition that applies because UNESCO M49 purports to kind of protect regions which may cross more than one country border. So, that's where you have the 60% rule. I'm not going to go into specifics of that. That has been in place since the last round. But the important thing to note is, again, the UNESCO M49 region list is limited. Interestingly, it doesn't cover things like Amazon.

In terms of city names, the one to note, especially, is category seven, non-capital city names, where a two-limb test would apply to determine whether preventive protection comes into play. The two-limb test is, one, the applicant must say that the TLD is to be used primarily for the purposes associated with the city name, and the string is a city name listed on official city documents. So, the two limbs must apply for the protection to come into place. It's not one or the other, it's both.

Moving onto slide number six, this just gives you an idea of what actually happened in the 2012 round. The important thing to note is there is an expert panel that conducts evaluations. In terms of geographic names, it's the Geographic Names Panel.

When applicants submit an application, they are encouraged to self-indicate whether the string that they're applying for is a geo name or not. But all the applications will go through the GeoNames panel, so even if the applicant doesn't say that they're applying for a GeoNames string, if the Geographic Names Panel determines that that string is a geo name, per the AGB classification, then the applicant should be treated as applying for a geographic names, and, therefore, would have to have acceptable measure of support or non-objection if, obviously, it applies. Well, I'll leave it to you to read the rest of what happened in 2012.

Moving onto slide number seven. I think it's important to just recap what is the existing, overarching ALAC/At-Large positions, and this is something that is recorded in our statement to the ALAC statement to the Work Track 5 supplemental Initial Report of December, 2018.

Obviously, we still question the need and the desirability of expanding the new gTLD program, or having more gTLDs. But aside from that, we also stated that it's important to have more predictability required for non-AGB terms with geographic significance and relevance.

Now, I said before that wherever there is deemed as a geographic name per AGB, so it's an AGB term, that's covered for within the rules. [Addressing] rules. But a lot of terms with geographic meanings aren't covered by the rules, and therefore may not necessarily be protected. As I said before, this is where we run into certain problems with communities and governments, per se.

Now, in terms of our existing position, the approach toward general applications for non-AGB terms, we did say that it should be, first and foremost, when we look at it, should prevent harm to end-users, or should not cause harm to end-users.

The second point is that there should be some respect to end-users' connections to geographic name places. So, many of the strings, the codes, and names with historical and economic significance or cultural values and sensitivities should still receive some consideration as geographic names, even though they're not defined as geographic names under the AGB. So, that's what we said in the past.

Part of the reason for this are that each gTLD is a unique piece of Internet real estate and, in the absence of sharing arrangements, delegation of a TLD grants exclusive control over that TLD to a registry operator.

So, basically, once it's delegated, it's gone. The control is ceded to the registry operator. Also, there are some folks who will say, and who take the position, that if there is no legal right to a string then it shouldn't be protected. Obviously, there are certain exceptions to that statement, but that's the general proposition that some people hold.

But we have also said that, even if the government and people lack the right under any international legal framework, there should still be some respect accorded to geographic names or geographic terms with geographic meaning.

And therefore, the intention, whether the applicant declares in intention to use the string in association with the [city] name or the geographic purposes is actually irrelevant.

And therefore, we normally would prefer a preventative protection mechanism to be in place, and such a mechanism would be expediently exercised by the respective government or public authority by way of informed consent.

However, in our deliberations for the response to the supplemental initial report, there was no clear consensus to protection being accorded to non-capital city names where the applicant declares that it is not going to use that string in association with the … Or for the purposes of the city name.

Moving onto slide number eight. This gets into a little bit about what the outcomes of the Work Track 5 were. Now, in terms of consensus reached by the Work Track 5, the consensus was reached in three areas. One is to continue to reserve two-character ASCII combinations as country-code TLDs. The second one was to maintain as not being available for application or delegation certain country and territory names. So, three categories you see on the left.

And the third outcome would be to maintain as available but requiring government support on the M49 region strings, and also country and territory names in respect of sub-national places, exact match only. Yeah. And UNESCO, the M49 regions, which I mentioned.

So, these are the three key areas that Work Track 5 did reach consensus on, and therefore they are recommendations to the effect of those. Now, what did Work Track 5 not reach consensus on? So, let's move onto slide number nine.

This is where we come to the issue that some of the members of the small team want to raise with this forum. There were five, basically, groups where the Work Track 5 didn't come to a conclusion or didn't come to any consensus to change within the context of the 2012 AGB.

The first one is languages and translation. So, in effect, it would be maintained, per the 2012 AGB, that any country names, basically any geographic names that are protected, would still be protected in any language, if it comes in any language.

Category of terms not included in the 2012 AGB, non-AGB terms. There were three proposals that were submitted to change the position of the

2012 AGB. Again, there was no consensus, no strong support for any of the proposals. Therefore, there is no recommendation of change.

Non-capital city names, there were two proposals that were considered. Again, no strong consensus, or no strong support, to follow through with either of the two. Therefore, no recommendation.

A resolution on a contention set involving GeoNames. Again, no agreement. Therefore, no resolution. There wasn't any strong support for any of the proposals for improving the process/the procedures. So, therefore, none of them were included in the final recommendations.

Now, in terms of … Sorry, can we move onto slide number ten? Maybe I'll get Christopher to speak to this slide while I have a bit of a sip of water. Christopher, would you like to take over?

CHRISTOPHER WILKINSON: Yes, that's fine. Thank you, Justine. Thank you for a very measured assessment to date of what was achieved – the little that was achieved. What we're saying here is that, first of all, there are serious issues affecting geographic names which are not discussed in Work Track 5, because questions of jurisdiction, notably, were dealt with with a different work track, and reserved names, as well, by the way.

As things stand at present under the AGB, registries only have to respect applicable law in the country of their incorporation. As a result, very few registries at all are registered in normal countries. There is a concentration in North America. There are very few in Europe. Most of the ones in Europe, to the best of my knowledge, are in Gibraltar.

So, it's a way for the registries, in effect, to escape any regulatory requirements on how they use a registry. This applies whether it's a country name, or a geographical name, or any other form of registry.

The second problem I have is this question of portfolio applications. We can't go into vertical integration now, but one result of the AGB was that a few companies, some of them by now quite well-known to us, have been able to accumulate very large numbers of top-level domains.

I think this was a pity. I called it, once, cybersquatting the dictionary. But applied to geographic names, this lacuna, this loophole, could have dramatic political effects on the relationship between many countries, and geographical areas, and ICANN, and the DNS.

Because there are companies, I'm now convinced, that have the resources, and probably have external capital available, to apply for as many registries as they want. This will increase the concentration of the power in the DNS and facilitate, in effect, the hijacking of geographic names in significant numbers into jurisdictions outside the country's concern.

I think this is a dangerous precedent. Justine has already discussed the limitations of proactive protection. A lot of the members of the work track were arguing for what they call "curative protection," but curative protection means that there has to be an objection, and there is a whole procedure whereby the country concerned could try, if they have time, and resources, and information to do so, to limit the damage. There is a strong case for introducing proactive protection for all geographical names.

Olivier, I could go on, but I don't think we need to. I think this has been done deliberately. Every argument to try and limit the damage for geographic names of these circumstances has been counteracted in Work Track 5. The co-leads have been unable to consider any of the proposals that have been made.

I think it is, frankly, politically dangerous, and it goes against the diversification of the Domain Name System. It goes against increased competition. In fact, it facilitates concentration of the Domain Name System.

If and when this applies more extensively to non-English languages, to my limited knowledge of non-English languages, I would expect issues to arise in non-English IDN domains which have not yet been addressed at all. Thank you.

JUSTINE CHEW: Thank you, Christopher. Okay. So, moving onto slide number 11. There are two of these areas which some of us in the small team looked into and tried to develop a way to see if there might be support within the CPWG and At-Large to have a different view of what is stated in the report, per se, or what's concluded in the report.

So, in terms of non-AGB terms, if we can go to slide number 12, I'm going to zoom-in onto just proposal one. I mentioned before there were three proposals which [are far] deliberated on under the non-AGB section.

I'm going to zoom into proposal one because that's probably the more wider-encompassing one, and also more feasible, probably, in respect of, or vis-à-vis, proposal two and proposal three.

So, what we looked at is … This pertains to what they call a "notification tool." I think it was mentioned in the last call by Marita. If we go onto slide number 13, we are looking to propose an adaptation of this "notification tool" concept.

So, again, I've replicated proposal one and then I shared on-screen, there, to just show you how the adaptation works. Now, the first one is, in the proposal itself, it called for applicants to contact the public authorities to put them on notice for certain strings that were being applied for.

We are seeing that, instead of requiring the applicants to contact, the contact team can be automated by ICANN Org having a database of some sort which is triggered, then, by an exact match of the application. It would trigger a notification to the relevant public authorities that the string is being applied for.

And how the database is to be populated is two ways. Number one is exact matches of adjectival forms of the ISO 3166-1 country names in the official languages of the relevant country.

What that means is, for example, "France" is protected as a country name under ISO 3166-1, but "French" is not necessarily. "French" is an adjectival form of "France."

So, we're asking that if somebody decides to apply for the string, "French," then, at least, the relevant public authority, presumably the

government of France, would be notified that somebody is applying for "French." So, that's one way of [conflating] the database.

The second way is that we would like to be able to give the opportunity for participating GAC members, emphasis on participating, to also submit terms which they feel have geographic meaning into this database.

Now, the submission is entirely optional. We're saying that it should be entirely optional. Basically, we are saying to get members, if you care about that string, then use the database to at least alert you that that string is being applied for. If you don't care, then do nothing.

If you decide to exercise the option, then it has to be supported by an official document. So, the name should be supported in terms of it being a founding or incorporation of an administrative division, giving a geographic place its name, or it is attested that the geographic place or feature has the name from time immemorial. ICANN can, obviously, publish this list to enhance predictability.

The notification itself doesn't place any obligation on the applicant to do anything, per se, because the purpose of the tool is just to notify the participating GAC members.

What actually happens is a notification is triggered. It is entirely up to that particular GAC member if they want to file. For example, if they examine the application and they don't have a problem with it, then they do nothing. If they have a concern about it, they could file a GAC early warning or they could submit or issue a GAC advice, or file an objection of some sort. But that is entirely up to the GAC member. It's not triggered, per se, by the notification.

And the concern with this tool is inspired by something that ICANN Org is already providing the GAC members to do with two-character ASCII strings at the second level – those that match two-character country codes.

And the purpose of this tool was actually to allow GAC to view them, to track them, to track such applications, to see if Compliance action was needed if they perceive abuse will take place.

And why do we say we should support a tool that helps GAC? Well, we definitely see GAC as part of the multistakeholder community, and in some cases, the countries actually consult other stakeholders in matters like this. And honestly, if they aren't the best party to vet and safeguard certain strings with geographic meaning, then who would be the right party? At this juncture, I ask if Yrjö would like to add anything, because some of these points were actually brought up by him. Yrjö?

YRJÖ LANSIPURO: Yeah. Thank you very much, Justine. I think you explained this extremely well and clearly, so there is really no need for me to say anything, except that I feel that this will be a very important measure.

Also, to answer some questions in the chat, I don't think that the database necessarily will be huge because, as Justine said, it's up to the GAC member of each government to decide whether they want to be part of this. I know many countries, many governments, don't care, but this would be an opportunity for those who care. Thank you.

JUSTINE CHEW:	Thank you, Yrjö. So, based on that … Sorry, I haven't been following the chat, so I appreciate that Yrjö has made some comment to that effect. So, based on our explanation of this adapted "notification tool" concept, we would like to post to this group here a question of whether you think ALAC should support it or not support it.

So, we can move to slide number 14, which is the poll question. I suppose I should pause here to see if there is any other clarification needed to what we are asking for. I'm not seeing any hands going up, so I assume that it's clear.

OLIVIER CRÉPIN-LEBLOND:	Yeah. Just jumping in, it says "poll approved." This is not an actual, official vote of the ALAC. This is just a temperature of the room from the people that are present—

JUSTINE CHEW:	Straw poll.

OLIVIER CRÉPIN-LEBLOND:	On our call today, just to give you a … Yeah, a straw poll. That's it. To give you an idea for the idea for the further discussions that we'll have in the future so that we can relate to this. Jonathan Zuck might have the exact wording for this.

JONATHAN ZUCK:	Oh, sure. Yeah. We call this a "temperature of the room" poll, etc., which is part of our report to the ALAC when they are considering the recommendations from the CPWG as an indicator of the strength of support in the community that backs up that recommendation.
	But I also had a separate question. Presumably, this database—or the ability of a country to register strings in this database, I guess it's a little bit like the Trademark Clearinghouse—would extend beyond the GAC to any country, or city, or other interested geographic entity. Is that true, or is it really just restricted to the GAC?
JUSTINE CHEW:	Thanks, Jonathan. I suppose Yrjö can probably provide more context, but in terms of what we're proposing, it is strictly for participating GAC members. The earlier proposal talked about also United Nations Member States, and, possibly, that would lead into an expanded database that, maybe, would alarm some people, which is why we thought we might stick to just GAC members at this juncture. Yrjö, do you want to say something more about this?
YRJÖ LANSIPURO:	Yeah. I agree with you, Justine. There are now, I think, 178 governments are members of the GAC. It covers the lion's part of the world. Being members of the GAC, that shows that they are interested in these matters. And then, of course, a third reason is a practical one. I also agree that this should be to GAC members.

JUSTINE CHEW: Jonathan, your hand is still up. I presume that's an old one, so I'm going to go to Marita.

JONATHAN ZUCK: Yeah, it's old. Sorry. I mean, I guess, if I might quickly put on my Christopher Wilkinson hat, I don't necessarily see why it would need to be restricted to those entities. The biggest objection I've heard, that Greg Shatan has raised in the past, with respect to a notification policy was, in fact, identifying who to notify.

Within a government, what's the relevant e-mail address, or something like that, for notification? If that database contains that information and it is just a notification, I don't actually see, as a database person, the size of a database being a [project for] concern, and I don't see anything wrong with anyone who wants to be registered to be notified about a particular string and not being able to be notified. That feels …

Once I've got a system in place for automatic notification and a database to store the connectors between strings and who to notify, I don't really see why there should be a limit on who can register to be notified. I mean, it's not even something that needs to go through legal review or anything again, because it's just a notification.

So it feels, in the era of modern computing, that if the database grew to have 20 million records in it, or something like that, it wouldn't really matter. I'm happy to discuss it further, but I guess that's my initial reaction as a software developer.

JUSTINE CHEW: Sure. I'm going to let Marita and then Christopher speak first before I try to answer [the lacunas and more]. Thanks. Marita?

MARITA MOLL: Yeah. Hi. Thanks. I think it's great to try and solve all problems at once, but if we're building on something that's already there, that's already one step toward the resolution, or partial resolution, of a problem.

I'd totally love to see a database which UNESCO, or UN, all these countries, could be part of it. But if it makes it actually possible to build on what GAC already has, then let's try not to solve all problems at once and try to take one step at a time. That's my only comment. I support it in both ways, but if we need to do this limited thing first, then let's do it.

JUSTINE CHEW: Thanks, Marita. Christopher?

CHRISTOPHER WILKINSON: Yes, thank you. But Jonathan, Yrjö, and Marita have said what is necessary. We should support this. Thank you.

JUSTINE CHEW: Okay. So, can we go to the straw poll?

MICHELLE DESMYTER: One moment, Justine. I'll pull up the first polling questions.

JUSTINE CHEW: Okay. So, the straw poll question is, should ALAC support the adapted "notification tool" concept as presented? Do you believe that ALAC should do nothing on this further, in which case you vote no, or do you believe ALAC should express support for this concept? In which case, please vote yes.

OLIVIER CRÉPIN-LEBLOND: The window should have opened up on your device, letting you choose A or B. Michelle, let us know when the voting is taking place, and we can include …

MICHELLE DESMYTER: One moment. I'll show the results. One moment.

JUSTINE CHEW: Okay. So, we have 100% voting yes, that ALAC should support such a concept. Okay. Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Do we not have [inaudible].

JUSTINE CHEW: Just a time check.

OLIVIER CRÉPIN-LEBLOND: Do we know how many people voted, just so we know kind of …? Because if it's like three people that voted yes, then I don't think it's worth much. But if we have—

JUDITH HELLERSTEIN: Olivier, it says 15.

OLIVIER CRÉPIN-LEBLOND: It doesn't on here. I don't get that.

JUDITH HELLERSTEIN: Yeah. On mine, it says 15.

JUSTINE CHEW: 15. So, is that a strong enough number? How many do we have? We have 33 people participating today, so only half of them voting.

OLIVIER CRÉPIN-LEBLOND: 33 people, including staff, today.

JUSTINE CHEW: So, presumably, the other half don't care one way or the other.

OLIVIER CRÉPIN-LEBLOND: Well, we do have—

JUSTINE CHEW: That's interesting to note.

OLIVIER CRÉPIN-LEBLOND: Well, we do have staff and interpreters on the call.

JUSTINE CHEW: Okay. So, let's say … I don't know. 25 people, then. 15 out of 25 people voted, so the other ten don't really care one way or the other. All right.

OLIVIER CRÉPIN-LEBLOND: Time-check-wise, yes, we do need to close soon, now, because we are beyond the end of this call.

JUSTINE CHEW: Okay.

MICHELLE DESMYTER: Did you want the second question, Justine?

JUSTINE CHEW: Well, I'll need time to run through the context for the second question, which is why I asked for a time check. So, can we carry on for about, maybe, ten minutes?

OLIVIER CRÉPIN-LEBLOND: We're going to be stretching it very far, Justine. I'm not sure. We do have to check with staff, because it's [inaudible] interpretation and also transcription.

JUDITH HELLERSTEIN: Yeah, we get charged extra to go [on longer.]

JUSTINE CHEW: Okay. So, if you want me to stop, I'm happy to stop and pick up at the next call. It's just that we keep lagging behind, that's all.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Justine. Yeah, we have gone beyond the 30 minutes. Maybe we need to allocate more than 30 minutes to this on our next call. Hopefully, we will be able to do so, and then shift through some of these a little faster. Unfortunately, we do have to move on swiftly to the next agenda item, and that's the policy work. I understand we can shift through those quite quickly, Evin and Jonathan.

EVIN ERDOĞDU: Thanks, Olivier. So, yeah, I'll go through this very quickly. We don't need the full ten minutes. "Recently ratified by the ALAC," those were actually ratified over the past week. But the executive summaries are there.

It was the LACRALO statement on their regional plan, and then the ccNSO PDP3. There are currently no public comments for decision, but there are quite a few updates on current statements.

And so, this was already covered, briefly, by Hadia earlier in the call, but the ALAC statement on ePDP is currently going under vote. The vote is going to close today and it will be submitted. So, that is on the public comment table, there, and you can check out the workspace with the statement.

Also undergoing vote is the third Accountability and Transparency Review Team, ATRT3, Final Report. This was finalized by Joanna and the drafting team on the OFB Working Group meeting yesterday.

And then, thirdly, going under vote is the Final Report of the Cross-Community Working Group on New gTLD Auction Proceeds. This is the ALAC statement with regard to that final report. This was also presented by ALAN during the OFB Working Group meeting yesterday, and the statement is on the workspace there, too.

Today, there has been an ALAC statement circulated by Marita and her drafting team regarding Enhancing the Effectiveness of ICANN's Multistakeholder Model. This is being shepherded by the OFB Working Group, but she has also circulated it on the CPWG list for feedback, so please do give that a look. So, lots of great activities starting off August, and I'll turn it over to Jonathan. Thanks so much.

JONATHAN ZUCK: Thanks. I don't think that I have anything to add. Back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Jonathan. I think we are now, then, onto any other business. not seeing any hands up. So, next week is most likely going to

be a bumper issue of Subsequent Procedures, since there is not that much policy going on, apart from Enhancing the Effectiveness of ICANN's Multistakeholder Model, but that's all dealt with by the OFB, Organizational and Financial Working Group. So we are, effectively, going to schedule a lot more time for Justine's topics and working in the small group. And when will that take place, actually, is the next question.

MICHELLE DESMYTER: Hi, Olivier. We are looking at next Wednesday, the 5th, at 17:00 UTC.

OLIVIER CRÉPIN-LEBLOND: I think you're breaking up.

MICHELLE DESMYTER: I'm sorry. Can you hear me?

OLIVIER CRÉPIN-LEBLOND: Not that well, but please go ahead.

MICHELLE DESMYTER: Okay. We have next Wednesday, the 5th, at 19:00 UTC.

OLIVIER CRÉPIN-LEBLOND: 19:00 UTC. Bearing in mind there is an At-Large Capacity Building Working Group call from 18:00 to 19:00, I think we might have to make sure there is no clash on this. But let's just pencil it down: 19:00 UTC for the 5th of August. Any other business?

I am not seeing any hands up, so thanks for our interpreters and to the real-time transcriber. I have checked it, it's all very, very accurate, so well done. And thanks, of course, to all of the people that have presented/made presentations today, and everyone who has attended on this call. Please follow-up on the mailing list. Jonathan, anything else to add before we close?

JONATHAN ZUCK: Nope. I'm good. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks. Have a very good morning, afternoon, evening, or night, wherever you are. Take care. Bye-bye.

MICHELLE DESMYTER: Thank you. The meeting has been adjourned.

[END OF TRANSCRIPTION]