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ICANN71 | Virtual Policy Forum - Joint Meeting: ICANN Board and CSG  
Monday, June 21, 2021 - 20:00 to 21:30 CEST

FRANCO CARRASCO: Hello, and welcome to the joint meeting between the Commercial Stakeholders Group and the ICANN Board. Please note that we are holding this meeting as a Zoom webinar.

This session is reserved exclusively for interaction between the CSG and the ICANN Board members. Certain members of both groups will be promoted to panelists today; however, all CSG members in attendance are welcome to raise your hands and will be placed in the queue.

For our panelists, please raise your hand in Zoom in order to join the queue to participate. All panelists are muted by default, so you may unmute yourself when you are given the floor.

Before speaking, please ensure that you have all your audible notifications muted, and clearly state your name and the language you will be speaking if other than English. Please also remember to speak slowly for the scribes and the interpreters.

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Finally, we kindly ask everyone in this meeting to abide by the ICANN Expected Standards of Behavior. You may view these on the link provided in the Zoom chat.

Having said this, I will now give the floor to Maarten Botterman, Chair of the ICANN Board.

Maarten, the floor is yours.

MAARTEN BOTTERMAN: Thank you very much, Franco.

Welcome, everybody. Welcome, Wolf-Ulrich, other CSG members. Welcome to my colleagues of the Board and of the organizations who support us in this, and welcome to all those that have an interest in this session.

Interactions with the community are a priority for the Board, and we really enjoy having the opportunity to exchange with your thoughts on the subject that is on your mind. And we really look forward to the subjects that you proposed today.

And because of Matthew being appointed by you and being very well aware of your priorities, it seemed to be best to have him -- sorry -- to have him moderate the session.

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So with that, I'd love to give the word to Matthew, and I look forward to the discussion.

Matthew, please.

MATTHEW SHEARS: Thank you, Maarten. This is Matthew Shears, for the record.

Welcome, everybody, to this meeting.

We're going to jump into the agenda. We've got a full agenda here from the Commercial Stakeholders Group, an excellent set of issues. And I'm going to turn it over to Wolf-Ulrich Knoben who is going to walk us through these and I'm assuming introduce each of the areas, and then we'll have an open discussion around each of them.

We have a number of different board members who will be addressing some of these points.

But we're looking forward to having a very robust and interesting discussion.

Wolf-Ulrich, over to you.

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**WOLF-ULRICH KNOBEN:** Thank you, Maarten and Matthew, for the welcome. Welcome from our side. And I do this on behalf of the CSG. You know that we have the habit to rotate between the constituencies of the CSG, from time to time, the chair of that, and it is now my obligation this time to chair that.

So to be clear, for the agenda of today, what we are doing is so we would like to discuss with you those points which are here outlined. And we did that already some weeks ago with -- in a meeting which we usually have also at ICANN meetings with our so-called GNSO-appointed board member. So it's Matthew, Sarah, and the others who were also available. And so we had an exchange with them also. And it's our hope that we could provide you an insight of our views at the time being to those points and to all of the board members that we can get also reflections on that from other board members, not just from the ones we have already discussed with.

Further on, to make clear, it's not a kind of panel as it's just for the audience to know. So we don't have panels here for those items. We have appointed CSG members who would like to introduce in those items, and then we will have an open discussion around that. So -- and I, with your help, Matthew, try well to navigate through that and to moderate it as usual.

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So having that, this -- the last point is, which is not yet on the agenda, and I came late with that, that suggestion, because it was a latest session, we had last week at the ICANN meeting about the future ICANN Public Meetings. And I was thinking it may be worthwhile to come back to that item if we have time at the end. So just to say that. But it may be interest to reflect from the CSG as well some ideas with regard to that. So that should be added in case we have some time at the end for that.

So with that, we have members of the CSG who would like to -- to do the first step. I think it's Mason and/or Steve DelBianco. Mason, who would like to start, please. And then we -- I think we have to go on to the next slide where the details -- no. I was sending the more detailed presentation slide, which may be not available. So then let's go back to the first slide, and then...

Yeah. Here it is.

And so hand over to Mason.

MASON COLE: Thank you, Wolf-Ulrich. Can you hear me okay?

WOLF-ULRICH KNOBEN: Yes.

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MASON COLE:

All right. Well, good morning, good afternoon, good evening to everyone again. Mason Cole on behalf of the business constituency and the CSG. And let me just say thank you again to our Board colleagues for making time for the CSG today. We always look forward to these interactions, and we hope for a good one today.

So let me just give a bit of background first on priorities as outlined by the CSG, and why the need to establish these priorities on the CSG side.

We had a meeting about two months ago where it became clear that we were going to need to outline priorities for the CSG; otherwise, we would get overwhelmed by the amount of work that is in front of us. So what the CSG decided was that we needed to establish priorities to guide our actions from the strategy forward instead of from the tactics backward. And that helps us make decisions on where to engage, with whom to engage, and how to engage, both within and outside ICANN circles.

And these priorities help us focus our work on the issues where we need the most impact, and it helps us de-emphasize, at least trailer, issues of lesser importance that may be held off for another time.

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So let me just run through the priorities briefly, and then, Wolf-Ulrich, I suppose we can open it up for questions after that.

So first priority: Decrease the incidences of DNS abuse. I know this has been on everyone's priority list for some time now, which is gratifying to see because DNS abuse is an ongoing problem. But what we have in mind here is that obviously we want to positively impact the -- and by "positively," obviously decrease the incidences of DNS abuse, measured by both inside and outside ICANN sources. And to do that, what we've advocated for is maintaining a flexible and suitably broad definition of DNS abuse. Help ICANN secure contractual tools necessary to further combat DNS abuse. Participate in cooperative industry efforts to address abuse. And just on behalf of the CSG, let me pause there briefly just to applaud contracted parties for the proactive work that they've done on DNS abuse. Those voluntary efforts are very welcomed. In our point of view, in instances, they may not go quite far enough to actually have an impact industry-wide on abuse, but we're glad to see them. So we want to participate in those cooperative industry efforts. And then at the end of the day again, positively impact the levels of DNS abuse as it's measured by ICANN itself and by outside sources.



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Second priority is to improve the ICANN compliance function. And I know we have some of our compliance colleagues on the phone today. That's good to see. Thank you very much.

Our idea is here, get better contractual tools in place to address various issues that arise in ICANN circles; make sure that the ICANN compliance function is adequately staffed; improve transparency and public reporting on compliance activity.

We'd like to reinstate the accuracy reporting system and help ICANN define a standard abuse reporting and response mechanisms, including timelines for everybody involved.

All right. Third priority: Improve legitimate access to domain name registration data.

I'm sorry. I'm going a bit out of order here. You'll pardon me from speaking from a couple of notes just so I cover everything.

So improving legitimate access to domain name registration data obviously is the focus of the EPDP and others who are active on this issue. But the CSG's priority is to seize on community support for data accuracy, continue our good-faith participation in EPDP work with an eye toward making sure that governmental developments are factored in as necessary, and then continue to

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engage with GAC and the governments as active participants in registration data policy.

And then our first priority: Bring ICANN up to date on its obligations to the community. I know we've talked about this on past occasions in terms of prioritization, and that's an ongoing discussion.

But what we'd like to see is completion of work on recommendations from the CCT review team, complete work on recommendations from the Security and Stability Review 2 Team; see through the implementation of PPSAI; and then align ICANN review activity with community input.

Now, those are the first four priorities as we've identified them. There's a fifth, as you see on the screen here, and that has to do with ATRT3 recommendations.

And for that point, Wolf-Ulrich, I believe Heather is going to address or you. Pardon me for the awkward hand-off here.

WOLF-ULRICH KNOBEN: Thanks for that, Mason.

I would say, well, it's Tony and Heather both.

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MASON COLE: Very good.

WOLF-ULRICH KNOBEN: But I would say, if I may, before we have them repeat at the end again, maybe starting with the discussion about these with ICANN, so everybody is on the same level.

Why not to start a discussion about the first items. I would say we have two packages here in that bunch before you. You have brought up that is the one -- the last one is to bring ICANN up to date with the obligations -- with regards to the recommendations and the implementation of recommendations and then the other ones.

We can do it one by one. What do you prefer, Mason? Do we start with the DNS abuse?

MASON COLE: That would be fine. I defer to the Board. I know we've had discussions on these at various levels with our appointed Board members. So I, again, defer to the Board on which of these they'd like to take up first. We can discuss any of them.

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WOLF-ULRICH KNOBEN: Matthew, is that okay with DNS abuse to start with?

MATTHEW SHEARS: Yes.

WOLF-ULRICH KNOBEN: Let me just briefly say one word, is, you know, it is so-called CSG priorities. So that means within the CSG, as we are diverse within the CSG. In some of our constituencies, our opinions are diverse as well on these priorities to some extent. So it is to be said that we don't have any specific recommendation on the level of CSG. What we try is to find consensus of many of the items related to the issues we have with all the items. But that is not the major goal. If we can't, we leave it as it is, just for the process here internally.

MATTHEW SHEARS: Thank you, Wolf-Ulrich. Completely understood.

And, Mason, thank you very much for walking us through the subject areas. Now, obviously on the Board we have a number of individuals who have -- who would take a lead on particular issues. So we'll try and involve as many of the Board members as possible on different ones, but you may well hear from some of

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those you heard from in the prior meeting because they are the topic leads, of course.

So with that said, let's jump into DNS abuse. And I think what I'm going to ask is that Sarah and possibly Becky -- I think Sarah would just kind of lead us off, and then we'll see where the conversation goes.

SARAH DEUTSCH:

Great. Thank you so much, Matthew. And we're very pleased to talk about this issue with you. I think Mason was exactly right in focusing on how to positively impact the level of DNS abuse and its increasingly becoming a priority topic, not just for the CSG but really for the entire community. And we're very pleased to see, you know, the attention that's being paid to it.

And we believe that there are going to be meaningful solutions that can be found inside the multistakeholder model. So I guess the first step, though, that we see is that the community will first need to align on scoping the problem and figuring out how to address it. And I do think there will be a -- it's fair to say, a meaningful debate on how to define DNS abuse. And we will be watching and waiting to see how that plays out.

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But I did want to share with you at least on the Board side several things that are happening on our end of the equation. First, we've held several deep-dive sessions on DNS abuse which I co-led with Becky. And we have a new Board caucus group devoted to DNS abuse that's in the process of being set up.

And just to let you know, these caucus groups are not created randomly but they are created for important issues. So this should at least confirm to you that the Board is taking this issue quite seriously.

And for those of you who are unaware, I also wanted to share some information on Org and OCTO's side on their continuing work on producing tools and data to help the community's understanding.

As you know, Org is focusing on technical abuse it refers to as DNS security threats, which are malware, botnets, phishing, spam as a vector for one of those. First -- and this might be of special interest to the CSG -- is that Org recently reached out to the contracted parties house to extend the DAAR program to obtain registrar-level data about domain name threats. So having new registrars' specific data for research purposes like DAAR is going to be extremely helpful.

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The other item you might have heard about is that ICANN is going to be increasing the linguistic diversity of its sticker project. That will be useful to identify COVID-19-related domain names that are used for malicious purposes.

And the Board is going to be considering the SSR2 final report and especially those parts of the report -- the recommendations there relating to domain name abuse.

So at least from our point of view, the next step is looking forward to the community discussions on how this proposal will develop. And we know this issue has been going on for a really long time. There's already been a lot of thoughtful discussion and we acknowledge that the CSG has really been on the front lines in an effort to protect consumers from domain name abuse.

And as we learn from our own deep-dive sessions, this is a really complex issue. And there are many different actors across the ecosystem. So as a Board, we're looking carefully at the different parties and their roles and responsibilities. And so the way I see it at least personally is that some solutions are going to sit squarely within ICANN. Others are best practices that are being developed that are adjacent to ICANN and still others may occur entirely outside the ICANN process.

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But, again, from the Board perspective, we're watching those big-picture issues, but we're really concentrated on the pieces that sit within the intersection of ICANN's remit and the bylaws. So, again, we think they're separate but vital roles for Board, Org, and community and we're mindful to be looking at all the options while taking care not to preempt the role of the community in driving this process.

So I think with that, I'll stop and see -- hand it back to you, Wolf-Ulrich or Matthew, for discussion.

MATTHEW SHEARS: Thanks very much, Sarah. I'm not sure if anybody else on the Board would like to jump in at this point in time.

Maarten, perhaps, or --

MAARTEN BOTTERMAN: Let me just add that, in a way, this is existential, and this is also why it has such a lot of interest. This is something we need to deal with well because this is crucial to the future of the Internet. And in that, we need to focus on what we can actually contribute for that to support and to understand the (indiscernible).



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So where all interest from all stakeholders within CSG and beyond CSG come together is that we will need to be handling this as a good steward of our specific mission. So that's very clear to the Board.

And other than that, nothing to add to that excellent introduction by Sarah.

Thank you.

MATTHEW SHEARS: Thanks, Maarten.

Wolf-Ulrich, any follow-up or questions from your side?

WOLF-ULRICH KNOBEN: Yes. There are questions. I see Mason.

MASON COLE: Thank you, Wolf-Ulrich. Thank you, Matthew.

I just wanted, on the issue of the definition of DNS abuse, I wanted to follow up on Sarah's comment because it's an important one.

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I know that there is quite a bit of discussion about a definition of DNS abuse. The contracted parties have talked about five areas, including spam, as Sarah pointed out, as a vector for other forms of abuse.

The CSG has taken note of two pieces of input, one from the SSR2 review team and one also from the SSAC, both of which call for taking care with the definition of DNS abuse and recognizing that it probably needs to change over time and remain flexible and appropriately inclusive because types of DNS abuse show up and disappear and then may show up again. The DNS abuse tends to wax and wane according to how abuse practitioners go about doing what they do.

And so I think the CSG would want to respectfully encourage the Board to think carefully as well about the definition of abuse itself within ICANN's remit so we can be as inclusive as we can in the work that we do against abuse.

So I just wanted to raise that with the Board. Thank you, Matthew.

MATTHEW SHEARS: Thank you, Mason.

I see Becky's hand is up.

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BECKY BURR: Yeah, thanks. And just to that point, Mason, I think Sarah mentioned that the Board is really looking at sort of where -- the intersection of sort of abuse and ICANN's remit and the entire broader environment. And so I think to your point, this is not inconsistent.

One of the reasons that we're trying to figure out where things fit in the -- in the larger environment is because at some level there's going to be kinds of abuse that are outside of ICANN's remit. We don't want to ignore that, but we also want to stay within our bylaws.

So understanding who is best placed to do what with respect to what kinds of problems is an important preliminary undertaking. But the caution to be careful and flexible while doing that certainly makes sense.

MATTHEW SHEARS: Thanks, Becky.

Anybody else for follow up?

WOLF-ULRICH KNOBEN: Yes, if I may. Wolf-Ulrich.

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MATTHEW SHEARS: Yes.

WOLF-ULRICH KNOBEN: Just briefly, so because that is -- I was surprised, you know, during ICANN71 last week, you know, to hear in the related session, some people were saying, okay, well, the -- the easy definitions as laid down in the SSAC document 115 just covers -- there was a figure given, just covers 2% of what is meant, what we see as abuse, and the last one, the last 98% are missing here.

So it may be a little bit okay to -- to not fairly calculate it. But anyway, so it seems to be for some of the groups a really dis- -- well, not really clear what is in and what is not in. And, therefore, I would really much appreciate what Becky said, you know, that the Board has an eye on that, what is really in ICANN's remit here, and that so that we are talking about that just, and not starting about content abuse and what is all of that related.

As we, from our constituency, the ISP, so we had also a session with the -- about the SSAC document, and so we are just also working on that with regard to the definitions and the impact on that on what is our business.

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So just to finish with that, it's important, and really there should be a control function by the Board here.

Thank you.

MATTHEW SHEARS: Thank you, Wolf-Ulrich.

And I just wanted to come back to what Sarah said earlier on. This is a key issue for us. We're obviously looking at what is within the remit, and it's important for us to have a full sense as to the data, the roles and responsibilities, where the abuse sits, you know, in the ecosystem. And so all of that is a part of the considerations that we are -- we are going through at the moment.

So with that, shall we move on to the next issue?

WOLF-ULRICH KNOBEN: Mason, would you go for that? Improve legitimate access to domain name registration data. I just wonder, so whether you just say again some few words, and then we dive into the discussion?

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MASON COLE: Sure, Wolf-Ulrich.

Mason Cole again. I think the objective here is on the slide. The idea is -- I mean, obviously we're -- the CSG is interested in improving legitimate access to domain name registration data within the bounds of the law. And a part of the reason is as a method to match the increased occurrence of DNS abuse and other legitimate investigatory needs by law enforcement or rightsholders or others. And I know that, obviously, the past three years have brought a lot of activity on this front, especially with the EPDP. The EPDP outcomes are laudable but don't fulfill every need of the community, at least not so far, and the CSG wants to play its part in making sure that, again, within the bounds of legal restraints, that access to domain name registration data is as inclusive and carefully inclusive as possible. So that's where we're coming from, Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Matthew, from the Board, any --

MATTHEW SHEARS: Yes.

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WOLF-ULRICH KNOBEN: -- comments?

MATTHEW SHEARS: Yes. Thank you, Mason. I'm going to turn it over to Becky.

BECKY BURR: Yes, I'm sure I'm not the only person on the Board who has views on this. And Mason correctly notes that we have a bit of a quandary because there is a law that -- that is at least unclear and may be confused. And the question that we are all struggling with, or at least that I am struggling with, is in a situation where ICANN (indiscernible) like that, it has tried incredibly hard to get actionable advice and guidance from the Data Protection Authority. That advice has not been forthcoming. And to the best of our knowledge and based on input from legal counsel to the EPDP, the -- the risk of getting this wrong falls largely on the contracted parties registry reserve (indiscernible) who are making the determination to disclose or not disclose personal data.

Given that that puts ICANN org, you know, in a pretty difficult decision with respect to imposing its views as to what is appropriate legal under the law on contracted parties who are actually going to be held responsible for the law.

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So I -- I share the desire to have this important information available to those who need it for legitimate purpose, but I do think that we could really use a hand in getting actionable guidance from Data Protection Authorities who could help us reach a shared understanding of what is actually permitted by the law.

MATTHEW SHEARS: Thanks, Becky.

Anybody else want to come in on this?

GÖRAN MARBY: May I say something?

MATTHEW SHEARS: Of course, Göran. Please.

GÖRAN MARBY: Becky is so right in what she says, but you can also say that it's even more complicated than that, because when we actually do receive advice, sometimes the European Commission doesn't agree with that advice. I'm going to take the advice about national and legal persons. The -- There, the Data Protection Authorities gave us official guidance, which is a term in the law



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which the European Commission doesn't agree with, which makes it just slightly confusing for everybody.

So I agree with Sally. I just wanted to add that little bit of a touch to it as well.

MATTHEW SHEARS: Thanks, Göran.

Anyone else for follow-up, comments or questions?

MAARTEN BOTTERMAN: Wolf-Ulrich, if anything, are there special -- specific concerns from you guys?

MATTHEW SHEARS: Wolf-Ulrich, does anybody -- Mason.

MASON COLE: Thank you, Matthew. And thank you for the question, Maarten. I think the overarching concern on the part of the CSG in this area is whether or not there -- within, again, the law there's going to be the opportunity for legitimate access to domain name registration data. We're -- I think many in the community are

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frustrated, at least for now, in terms of the ability to get at registration data because it's so heavily redacted.

You know, this may wash out over time as everybody gets more conversant with the ins and outs of the law and with their own comfort in providing data. But, you know, if you see recent research, I would point to a recent study by the -- by M3AAWG and the Anti-Phishing Working Group that discussed the frustration on the part of many in the community where WHOIS data may be overreacted or the interpretation of GDPR may be misapplied to the idea of domain name registration data.

So I think we're concerned over the long term that restriction on data may be too harsh and that we won't have the opportunity to -- for law enforcement to conduct investigations, we may not have the opportunity to adequately enforce IP rights, we may not have the opportunity to otherwise use WHOIS data for legitimate purposes, and that's concerning over the long term.

So that's where I think the CSG's thinking is coming from. I don't want to do all the talking here. If there are others, then I'll be quiet for now.

So thank you.

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WOLF-ULRICH KNOBEN: And Wolf-Ulrich speaking. So I see also in the chat some comments. And maybe that -- the question about the joint controller role is also raised here in the chat. And, Dean, if you like to jump in here.

DEAN MARKS: Thanks so much, Wolf-Ulrich. Dean Marks for the record. I hope you all can hear me. Can you hear me okay? Wonderful.

WOLF-ULRICH KNOBEN: Okay.

DEAN MARKS: Yeah. I wanted to ask, because I understand what all of the efforts that ICANN org took in the beginning of the process back in 2018 to get clarification on these issues of controllership and joint controllership, and with ICANN org potentially being able to relieve contracted parties of the liability for making disclosures. Adequate guidance was never received to be able to take those steps forward, and it's been an understandable source of disappointment and frustration for ICANN org and the community.

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My question relates to the issue of controllership now because my understanding is that in terms of ICANN's ability -- ICANN org's willingness, for example, now to do the accuracy reporting system, do audits on accuracy of WHOIS, which ICANN org in its most recent June 14th compliance report stresses, has stressed the importance that compliance relies not only on complaints received but on proactive monitoring and on audit-related activities. I'm taking that language directly from the June 14th report of last week.

If ICANN org is taking the position that it is not a controller or a joint controller, then how is it able to take on that proactive monitoring and audit-related activities? That's my first question.

And my second question is, is ICANN taking the position, org, that it is not a joint controller? And if it is taking that position, why and under what advice?

Thank you.

MATTHEW SHEARS:

Thank you, Dean. I think Göran would probably want to answer that.

GÖRAN MARBY:

Thank you, Dean, and thank you, Mason. These are things that we have discussed numerous times, and I hope this conversation could sort of lead to the evidence. And by starting -- Let's start with the M3AAWG report. By the way, just for you to know we are members of the M3AAWG. ICANN was never invited to do that, to be a part of it.

So I reached out to them and asked them what specifically do you think that we overreached? And they answered back to me that they think that ICANN overreached in the sense of that we applied the GDPR rules for all domain names. I asked them the question, does that mean that you accept that we did the right thing for GDPR? And I haven't received the question -- an answer to that question.

So my point is for that one, I'm not really sure what they asked for in that one. We are -- And evidence that we did things right is if you look at the .EU, they have retracted the same information as we asked in the ICANN policy to do. You can easily check that by going into .EU's or EURid's home page about privacy.

So I hope that kind sort of answers the question. The ques- -- Yes, we did ask -- I mean, everybody agrees -- remember, we got guidance from the Data Protection Authorities. And the word

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guidance has a big G. It was a capital G. I mean that sounds that that's legally binding. And that is -- when they issued that, that's something you go to the court with, because in the law, it says that with the Data Protection Authorities, can come together and actually give, you know, that kind of advice, which is then applicable for all member states.

So never forget that we actually got that advice through hard work, and I think we actually saved the WHOIS system at all by having that. But they basically said you're going to keep some things open, but some things, information, is deemed private, and you have to have legal reason for getting access to this data.

A point of evidence that we did it right is actually the NIS2 legislation that have the same sort of definition who is responsible for making what we call the balancing test by actually pointing to the contracted parties directly and telling them we're going to -- if they do this right, and I'm not a lawyer, so I'm take it on from a nonlegal perspective -- relieve the contracted parties from the sort of burden of the -- if some -- if they -- they make it easy for them to make the -- to make the balancing test. ICANN is not mentioned there.

So that's sort of -- I think we can end the discussion if ICANN is control or not. The guidance from the Data Protection

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Authorities, the European Commission in their legislation, all the lawyers around it are saying that it's not as easy to say who is the controller for all of it because, as the DPA says, you can be controller of one part without being controller for another part. And it's fairly obvious that ICANN doesn't have the data, we don't have access to the data, which I will come back to, and we don't make the balancing test.

So I'm happy to disagree with you, but you're not only disagreeing with ICANN org. You're actually disagreeing with --

DEAN MARKS: Thanks, Göran. Thank you so much for that answer.

GÖRAN MARBY: Hang on. I'm not done yet.

DEAN MARKS: Oh, I'm sorry. I thought you were. I did not mean to interrupt you. So sorry.

GÖRAN MARBY: The last part of that, we actually did ask the Data Protection Authorities for having ICANN legally responsible, to make ICANN org the legal entity responsible for the balancing test. We thought

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we figured out a nice way to do that within the law. We proposed that through the strawberry model. We went to the Belgium DPA who looked at us and said this is not -- maybe not the worst idea in the world, basically, and then turned to the European Commission and said, "We can't do this. You have to help us go to the Data Protection Board because the European Commission has the ability legally to ask questions directly to the Data Protection Board. European Commission is not allowed to make assumptions about the implementation of the law, but they can ask the question. Unfortunately, it stopped there. And as I said, before the European Commission didn't take that stand. So that's why the strawberry process didn't (indiscernible). What they did instead was to come up with the NIS2 legislation.

And one other thing is to point, Dean, and you and I have discussed this, ICANN org legally doesn't have the same access to WHOIS data as we had before. We're in the same position as the people who complains in the M3AAWG report. We don't have that -- We don't have that access. And even worse than that, the report just doesn't have access to the data either. So it's very hard for us to check the accuracy of data we don't have access to.

If someone comes and tells us that they think there is a bad information, however they figure that out, what we can do is to



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ask the contracted party and they have to do a balancing test to give that data to us. We are in exactly the same situation.

We have actually proposed to the European Parliament that when they do the NIS2 legislation that they should have ICANN compliance and ICANN OCTO to have access to this data, so we become part of the legal course to get access to the data, which we don't have today. So I'm just so happy that we can continue to debate this.

I asked you for a very long time, give us the legal basis for your assumptions. We would love to have that.

Thank you. Now, Dean, over to you.

DEAN MARKS:

Thank you so much, Göran. And my question really was going to the end of your conversation which is about since ICANN Org requires the collection of WHOIS data in its contracts? Correct, Göran? Wouldn't you say that ICANN requires the collection of WHOIS data --

GÖRAN MARBY:

I think I want to hear the full question before I answer, Dean, if that's okay.

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DEAN MARKS:                    Anyway, I just don't understand -- I guess the question I've been asking was not about ICANN Org making disclosure provisions on WHOIS data. It was about ICANN Org as a joint controller by requiring WHOIS data be collected in the first place under its contracts with registrars, whether that gives it access. You're saying it doesn't give it access.

I'm just wondering about -- I didn't see anything in anything I read from the data protection authority or anybody else that said, no, ICANN is not a joint controller; no, ICANN cannot get access to add up if it wants to do auditing of accuracy.

I'm asking where that advice came from. Can you point me to anything? Just a simple question. Thank you.

MATTHEW SHEARS:            Thanks, Dean. I want to bring in Becky at this point.

BECKY BURR:                    So I'm a little confused about the question, Dean, so let me just explore this.

ICANN contracts do require that contracted parties to collect certain kinds of information and to make it available to those with

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a legitimate interest that is not outweighed by the privacy -- governmental privacy interest of the individual.

DEAN MARKS: But, Becky, with all due respect, isn't that to third-party requesters as opposed to ICANN as the joint controller for ICANN Org to get access to the data? Aren't you confusing third-party access for the data where the balancing test occurs versus ICANN Org as a joint controller getting access?

BECKY BURR: Dean -- I'm sorry. I wasn't finished, Dean, because I don't think I'm confusing anything. I think that there are two issues.

One is does ICANN have a right to get -- does ICANN have a legitimate interest in getting access to that data for particular purposes. And we tried and worked very hard to make sure that ICANN had a purpose under the EPDP issue with respect to security, stability, and resilience.

So ICANN may under certain appropriate circumstances have a right to access the data but not all of the data all of the time. But, again, ICANN can assert a legitimate interest but that individual registry or registrar who's being asked to disclose has to make a determination about whether they agree with that.

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Now -- so that does not make ICANN a joint controller for purposes of making the decision about disclosure, and that's what we're talking about here. Because, you know, we can -- you have -- for this -- who's the controller and who's the processor in any situation, you have to slice and dice the who is making a decision about the processing that's taking place at that moment.

So I don't -- I mean, I actually don't think -- ICANN does not have physical control over the data and is not in a position to make a decision about whether to turn -- to release it or not.

Nor can ICANN Org force contracted parties -- I mean, I think there are -- it would be a very difficult situation for ICANN Org to essentially impose its view of what the law required on a contracted party who would be responsible for the consequences of that.

That is not to say that I disagree with you that ICANN Org has a legitimate interest in certain situations for accessing the data.

MATTHEW SHEARS: Thanks, Becky.

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DEAN MARKS: Thanks so much, Becky and Göran. I appreciate the conversation. I understand the negotiations that have been going on for quite a while with data processing agreements with the contracted parties. But I'm not sure the contracted parties necessarily share that view.

But maybe you can describe what's happening with that because these issues on ICANN Org being able to access the data without going through the balancing test, for example, for issues of compliance are super important. What you and Göran have just described have said, okay, ICANN Org is no longer able to do proactive compliance, no longer able to do auditing, is that correct, on accuracy?

GÖRAN MARBY: There is an excellent report written by compliance Jamie which I recommend, Dean, to read. I can post it here.

DEAN MARKS: I just read it, Göran. It was unclear.

MATTHEW SHEARS: Dean and Göran, I just realized this conversation could probably go on for quite some time. I see there's another hand up.

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Maybe we can take Mark's question and then, Wolf-Ulrich, just in the interest of time perhaps address some of the other points that were raised by the CSG.

DEAN MARKS: Thank you so much.

MATTHEW SHEARS: Mark?

MARK SVANCAREK: Thanks. This is Mark.

I guess I have two points. One of them is, it's pretty clear that the request by ICANN for the purposes of checking accuracy would pass a balancing test. It's completely proportional. It's the sort of balancing test that would be automatable, and I don't believe anyone who says they have gotten advice otherwise.

So my first question is: Is ICANN even asking for this data anymore? If you are not asking for it, whether there's a balancing test or not is a moot point.

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And so my first assertion is that you should be asking. Those requests should all be granted, and I just get the impression that you're not asking anymore, and I don't understand why.

The second observation is related to this joint controller status, yeah, that's a separate agreement that ICANN has to enter into with all the contracted parties. And I understand that's not something that has happened yet. It's not confirmed automatically by any of your other contracts.

What I hear from the IRT is that this is sort of permanently stalled because ICANN doesn't want to be a joint controller. I have no idea if that's factually true or not, but I would like to hear more about that.

So those are my two observations and questions. Thank you.

**MATTHEW SHEARS:** Thanks, Mark. I don't know if Becky or Göran wants to give us a quick answer to those questions or something to pursue in another discussion.

**GÖRAN MARBY:** May I start, and Becky can fill in?

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Unfortunately, a contract doesn't change the roles according to GDPR. So even if we sort of went out and recognized whatever you want us to recognize, it doesn't change the who actually makes the decision. It will be at the risk of the contracted party if ICANN made the decision about it.

Whatever joint controllership -- even if we were seen as joint controllers in this, the only thing that would happen is that we would also have to pay fines, which we already said we are fine to pay fines if we make the decision ourselves. That's the strawberry model. But the contracted party still has the responsibility for doing a balancing test.

MARK SVANCAREK: Göran, I feel like you dodged my question.

So my question isn't focusing on --

[ Multiple speakers ]

GÖRAN MARBY: I actually answered your question.



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MARK SVANCAREK: Well, I think you said it doesn't matter if we enter into a joint controller agreement; but that's not a reason to not enter into a joint controller agreement.

But let's go to the first question, though. Are you asking for the data? And are they performing balancing tests related to your requests for the data?

GÖRAN MARBY: We do, and you can see that in the report from Jamie. It's just that for practical reasons, the requests into compliance has gone down dramatically because the reporters don't have access to the data either.

So it's hard to do what I think Dean called sort of a preemptive thing to go out and ask things because when it comes to GDPR -- and this is not a buck. This is the essential reason behind it, Mark.

You may not like the answers. I'm sorry.

MARK SVANCAREK: It's not about me liking the answers. It's about -- no, it's about --

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GÖRAN MARBY: But we --

MARK SVANCAREK: I just don't think this is a matter of GDPR. That's just really what my issue is.

You have this public interest relationship. You can ask for the data. It's a completely proportional request.

Therefore, under 61(f), there is no reason why such a request should be denied and there's nothing stopping you from making these proactive requests.

That's our legal position, and I don't understand why it's anybody else's different position. And that's where I would like to --

**[ Multiple speakers ]**

GÖRAN MARBY: First of all, most people have that.

And just to point out, ICANN doesn't have a public interest part in this one because according to the GDPR law, the only one that can

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declare public interest according to it is the member states of the E.U.

ICANN cannot say that this is a public interest part because we are public interest. The only --

**[ Multiple speakers ]**

MARK SVANCAREK: No, we're talking about legitimate interests. So you are right. We are not talking about the GDPR basis of public interest. But you are a public interest corporation, and your evaluation of the accuracy is in some sort of generalized public interest, you're right, not legally as defined under GDPR. So public interest with a lowercase "public interest."

Again, it's a proportional request. You have some sort of oversight over the DNS. You have an interest in checking the accuracy. They have a contractual requirement in ensuring the accuracy. These requests should be very straightforward and automatically granted. And if they're not being automatically granted, it would be a good question as to why. That's all.

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MATTHEW SHEARS: Okay. Can I just suggest that perhaps we ask Becky to -- because she has her hand up, and then we can move on to something else.

But I did want to also just remind us all to not speak over each other, just as a common courtesy. But also to remember this is being recorded and the transcription and the services do need us to introduce ourselves and to be able to keep track of the discussion.

So maybe, Becky, if you want to jump in on this point and then we can -- Wolf-Ulrich, maybe we can move to another subject.

BECKY BURR: Yeah. I just want to -- I just want to observe that the conversation that we just had is a conversation I've heard a lot of times in the course of the EPDP discussions where people are in corners and there are assertions about what GDPR says and what is absolutely proportionate and there's no question about it and whatever.

I mean, I think that you are right, Mark, that if somebody complains to ICANN that there is inaccurate data, ICANN should be judged to have a legitimate interest to access that data and confirm or not whether, in fact, that's the case. That's the way I would argue it. That doesn't mean that ICANN can access all of it

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proactively without a complaint because I think that -- I think that if you look at the memos we got from Bird & Bird on the issue of automated processing, they would have -- they took a different view of it.

So all I'm saying is when we get into corners about GDPR definitely says this is true and GDPR definitely says this is not true and this is what it means and this is not what it means, I think the answer is the problem is we don't know. And we've been trying and trying to get answers, and we have not succeeded but not for lack of trying.

MATTHEW SHEARS: Thanks, Becky.

WOLF-ULRICH KNOBEN: Thanks for this lively discussion about that. So we move ahead. We just have an hour to go.

I'm wondering whether for the next point, which is about ICANN compliance function, whether part of it has already been covered. Is there a need from our colleagues from the CSG side to raise specific points which have not been raised yet?

Doesn't seem the case.

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Mason. Sorry.

MASON COLE: Sorry, Wolf-Ulrich. Mason Cole here.

I would be interested in hearing from ICANN Org about -- specifically about improving contracts in a way that would help satisfy obligations to enforce either current terms or developing terms in the contract to deal with DNS abuse or other problems with the DNS. We've heard from compliance that they may not have the tools that they would like to have. Is that something that ICANN Org would like to seek? And if so, how can the community cooperate in such an effort? That's my question. Thank you.

MATTHEW SHEARS: Thanks, Mason. I think that one will have to go to Göran, or perhaps Jamie. Or anyone else on the Board?

I'm not seeing any takers.

WOLF-ULRICH KNOBEN: All right. What was -- Maarten, please.

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MAARTEN BOTTERMAN: It's a question to the Org, so it would be inappropriate for the Board to mention. But it's also not the right platform for it. I think if that question is to be asked, it needs to be asked in other ways.

But I don't know, Göran, I don't know if it would be appropriate to address this point.

GÖRAN MARBY: You mean Dean's question in the chat?

MATTHEW SHEARS: No, the issue that Mason raised about running more tools for compliance.

GÖRAN MARBY: Sorry. Something happened with my connection, so I sort of missed. Sorry about that. Could you repeat the question?

MAARTEN BOTTERMAN: Mason asked about contract enforcement and compliance, how that could be improved basically, right?

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GÖRAN MARBY: I know you're not going to like the answer. But contract improvements, whatever you call it, come from ICANN policy work. And we are prohibited by bylaws, both ICANN Org and ICANN Board.

With that said, we do sometimes go to the contracted parties in a public interest transparent way and ask for what we think are better interpretation on new things. And we did that actually last week when we asked the contracted parties, especially the registries, to give us access or -- so we can use data to improve the DAAR report, also giving more information about the registrars so we can continue to add that in the DAAR report.

So that's one example of the things we're doing from a transaction standpoint. I hope that answered the question.

MATTHEW SHEARS: Thanks, Göran.

Mason, Wolf-Ulrich?

WOLF-ULRICH KNOBEN: Well, I think we go to the next point here. It is about, then, the question of the completion of work on recommendations in



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context with prioritization of work. I know that this was several times presented from Org as well and as we discussed.

And I wonder, Mason, do we have, in this respect, specific questions?

MASON COLE: Mason here, Wolf-Ulrich.

I know we brought this up. We had an extensive discussion with Board members previously about the issue of prioritization within ICANN. So if other Board members want to chime in on this, I think we'd be all ears. I can go through our facts again, if that would be helpful to spur the discussion, whatever is most helpful.

MATTHEW SHEARS: Wolf-Ulrich, if I can suggest perhaps Danko and Becky have been leading this. But it might be interesting to hear from Danko who has been engaged in the prioritization work to give a different perspective, or an additional perspective.

Danko, do you want to jump?

DANKO JEVTOVIC: Yes, thank you, Matthew, for the opportunity.

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I was at the moment reading this slide and the question of how to bring ICANN up to date on the obligations to the community. This is something that's very much in our thoughts every day how to do all the work that is in front of us. And, of course, there is subjective prioritization. And Becky's caucus group is leading that, and we discuss that a lot.

And we are preparing the framework -- well, the Org and the Board are preparing the framework on how to do that, and it's a complicated process that's also connected to the ATRT3.

But as you introduced, Matthew, my point is more about the increased workload that needs to be done. So however we prioritize work, a lot of that is incoming. For example, this slide I also read SSR2 recommendations, and we received, I believe, 60-something of them. And now we are -- Board is -- Board caucus and the full Board is working on dealing with that report and giving additional instructions to the ICANN Org, what needs to be done and, of course, what needs to be prioritized.

So we all know about the SSAD, the sub pro, auction proceeds, and all those things.

So we are thinking how to increase the capacity because this is the only way to deal with all this in a reasonable time frame.

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And we are working on that on numerous fronts. One of that is, of course, work by the planning -- ICANN planning department.

Another thing is thinking about funding structures for the incoming work. And the Board has created a supplemental fund for implementation of community recommendations. It's a bit of a long name, but we call it SFICR.

And for SFICR, we can fund the community initiatives that are multiyear projects that are more complicated and significant than something that works for the yearly budget.

Of course everything with SFICR will be part of the yearly budget cycle, and it has to be approved by the Board, but this is a funding instrument that will help us do this work.

But also, we are thinking about the increased number of work hours that we need to have to do all of this. So my point is that Board is not working only on prioritization and finding way how to do it best but also on the increased resources that will actually fulfill the CSG priorities I see here.

So, Becky, do you want to add something from the prioritization side?

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BECKY BURR: Well, I think everything that you said with -- in that regard is equally applicable to the prioritization. The planning department has started consultations with the community. I guess in May these started with respect to the prioritization mechanisms, prioritization framework. They've got a very established set of questions and principles answered of responsibilities, roles and responsibilities that they are talking with the community about. And I believe that as we proceed through this next budget cycle, we'll see a sort of community informed pilot on the prioritization mechanism.

DANKO JEVTOVIC: And if there are particular questions, we'll be more than happy to answer.

WOLF-ULRICH KNOBEN: Thank you -- thank you, Danko. Wolf-Ulrich speaking.

So prioritization is, for every unit here, for every stakeholder group is, and the Council, GNSO, and so, is -- from the beginning it is an issue.

So I remember that time when I was first on Council, GNSO Council, it's more than ten years ago, so we started a project to

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prioritize. And in the end, there were tools available, software tools and what else, you know, and they might be more sophisticated today, even.

So in the end, it was a mess because we didn't have the time, you know, to really use these kinds of tools, and so we gave up with the resourcing.

So what I wanted to say is if those kinds of things are going to be implemented and purchased by ICANN, so please take that care about that you don't overload those kinds of tools with any kind of -- of detailed aspects which may lead you to -- to -- to expectations which you never can fulfill.

So keep it as -- as easy and as simple as possible, and then it may help.

So that's my -- my experience.

DANKO JEVTOVIC:

If I may comment, thank you very much for the experience. Well, I wasn't there ten years ago, but it was a bit of different times because also ICANN budget was growing in a faster percentage than in terms of now and now we are facing a lot of incoming work.

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But one of the important roles of the Board is our oversight role, and we are overseeing how the ICANN org works and also effectiveness of the organization. And in my personal opinion, I believe it's also the view of the Board in last few years, the effectiveness of the work of ICANN org has increased significantly, and we are now (indiscernible) the point where efficiency is very, very good and significant gains in the output cannot be achieved by further optimizations.

On another hand, because of COVID and lots of work, there is a risk of asking staff to do more than it's realistically possible. So we have to be careful. And we of course need to keep the prioritization simple. It's one of the principles of the framework that is in process of developing. And we have now Xavier who is leading the planning effort, but we also have, inside ICANN now, the project planning network that is working hard, is coordinated to have a systemic and aligned approach throughout the organization, because I believe one of the keys for good management is not only simplicity but a strategic fit that will align the work in a way that you really get results.

So thank you for this message.

MATTHEW SHEARS: Thanks, Danko.

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Actually, Wolf-Ulrich, I was just wondering if we could ask Xavier just to comment on these last points. I think that would be very useful, if that's okay.

Xavier?

DANKO JEVTOVIC: You seem to be muted, Xavier. Sorry.

XAVIER CALVEZ: Can you hear me now?

DANKO JEVTOVIC: Yeah.

XAVIER CALVEZ: Thank you. Sorry.

Thank you, Wolf-Ulrich. And I know you have participated to a presentation that we've made about the current prioritization framework project that we have initiated. And you may remember that what you just said is something we take very much into account. It's been set as a principle of what we need to achieve that the system needs to be simple, to your point. If it's not simple enough to be possible to use by everyone, to be used

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by everyone, then it will not work. And then we will go through another failure as the one you are referring to, which I also don't know about, but nonetheless, I very much believe that it may have been true and that the lack of simplicity has been an obstacle.

So it needs to be simple. It needs to be open. It needs to be effective. And it needs to be simple enough to allow everyone to be able to participate. So that's an objective of what we're in the process of trying to develop.

Second comment on that, and to try to reassure you about the community input into this framework of prioritization, it will be developed through community engagement. It will not be developed by org and then to be thrown at the community to use. It will be developed with community input and engagement and as a result of that community input and engagement. And, therefore -- And I'm thankful to this group to show this as a priority, because you're showing that it's important to you, and I'm hoping you will manage to translate that importance into participation into the process of development and design and, therefore, be able to have the influence and impact on that -- those tools to make sure they are simple, to make sure they are useful, to make sure they are suitable to being used by the community organizations, including not taking too much time.



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We need to find something simple, quick, and effective. It's not going to be easy, but I think that those are the right principles. Those are the right criteria for success.

So again, thank you for putting this as a priority. Thank you for your upcoming participation in designing this so that we design the right thing together.

Thank you, Matthew.

MATTHEW SHEARS: Thank you very much, Xavier.

Wolf-Ulrich, back to you.

WOLF-ULRICH KNOBEN: Okay. Thanks very much for that.

Let's move to the last point here and from our priorities. ATRT recommendation and with regards to holistic review. And Heather is even -- okay. She found time, very early morning. I would like to hand over to you, Heather. Please, go ahead.

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HEATHER FORREST: Thanks very much, Wolf. And thank you very much, Xavier, for the fantastic sort of lead into this topic as well. And, yes, Wolf-Ulrich, it was advantageous to put this one last. It's now 5:18 in the morning, so not terrible.

I suppose maybe first thing to say as a sort of windup is thank you to all those who were involved in ICANN71. Its very clear improvements have been made since we were so abruptly our margaritas in Cancun. So I think it's been really helpful to see the way that things have evolved from the planning and the org side. So thanks for that.

Related to this final priority, you, of course won't be surprised to see that this is on the priority list for these three constituencies. We appreciated the update on the Work Stream 2 stuff that came about a month ago, but I suppose in -- in just touching base, this is one that I think is on our list again. No surprise that it's on the priority list given that we raised the matter in sort of November-ish after ICANN69. We had a few sporadic discussions about it in the beginning of the year. But I have to say from the CSG perspective, we have not advanced our -- you know, any sort of work on ATRT3 because we're not entirely sure where this is and what's going on.

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So I suppose my -- my request or recommendation would be I think on the ATRT3 page, the last update we have under Key News and Updates is Maarten's blog of the 4th of December of 2020.

So I think it's timely for not just an update here; to understand what's going on in relation to ATRT3, and particularly these three important points of scope and timing and impact, but to give a more formal update on -- if not on that page, then somewhere else prominent so that we all have a sense as to what's going on.

With that as an introduction, I'll be very happy, if I may, to turn it to my colleague Tony Holmes from the ISPCP to follow up on any particular points.

But thank you very much.

WOLF-ULRICH KNOBEN: Thanks, Heather.

Tony, please.

TONY HOLMES: Thank you very much, Heather, and board members. I think it's worth building on what Heather said here, because this is a particular issue that's of prime importance. It's one of the

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priorities for this stakeholder group, for sure. And it isn't helped by the fact that when the Board basically accept and endorse recommendations, they have a timeline on them, and the timeline for commencing the holistic review was not later than one year after the Board agreed that recommendation. And recently we've been told that that is impossible to meet. We won't meet that at all. And that really, I think, builds the frustration that we have around this particular issue.

The fact that we were definitely working towards that timeline and now we're told we're not going to make it reflects negatively on ICANN. It frustrates the community members. And if anything, it causes a lack of clarity, but also questions of commitment of everyone to actually honor these things.

So whilst we are fully aware of the issues that surround the prioritization that ICANN have, I think a number of us would look at where we are now, and they certainly would question the efficiency of the organization at the moment. Truly, that's the reason we're having in priority review.

But we really need some urgent attention to what are issues that are at the top of that list. And I'm very pleased to hear that prioritization comes back to the community. It won't be

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developed by org. But we need to recognize there are also time constraints to that as well. We need time to do that work.

So this is a plea as much as anything to say you gave a commitment to us that you would honor a timeline. You're now telling us you can't meet that timeline. Please give us some information as to when we can expect some action on some of these things. And just to defer all of these discussions to an approach that says, "Well, we're working on it, and we'll come back to you later" is really not gelling very well at all at the moment.

So with that, I will turn back to Wolf-Ulrich and welcome any comments from board members.

Thank you.

WOLF-ULRICH KNOBEN: Thank you, Tony.

There have been some comments on the chat.

MATTHEW SHEARS: Wolf-Ulrich?

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WOLF-ULRICH KNOBEN: Yeah.

MATTHEW SHEARS: Would it be all right if Avri just -- just makes a couple comments on this?

WOLF-ULRICH KNOBEN: Yes.

MATTHEW SHEARS: Just to clear up some misunderstandings.

WOLF-ULRICH KNOBEN: I was just going to --

MATTHEW SHEARS: And what we see as the way forward.

AVRI DORIA: Thank you. This is Avri speaking.

One of the things -- and, you know, we have talked about it a few times. One of the things I wanted to mention is that this was, indeed, made -- okay; I say it was made clear. It was certainly

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made explicit in the recommendation's approval that the one-year timeline could not be met. And it was made at the time of the recommendation.

To compound that, the ATRT3 recommendations are, indeed, among the things that need to be prioritized. In other words, you know, if we were to just do everything in line, they would come after everything else. Now, that doesn't necessarily seem reasonable, but it's not for me to decide because ATRT3 may, indeed, affect some of the other recommendations.

So in terms of the holistic review, which is an integral part of the ATRT3 recommendations, those are something that will take bandwidth from the community, it will take a fair amount of concentrated work from the org staff, et cetera. So it is an item that, both in terms of budget and in terms of timing, still needs to be prioritized.

Now the case still remains, as was also mentioned, in the -- in the decision by the Board that at the time at which we start to put together the pilot for the first holistic, that it will be a community effort to put together the terms of reference. So you are not, at this point, missing on anything. While within the Board and org there have certainly been some discussions about how it might be possible to elicit this priority and a term of reference from the

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community, those discussions sort of go on in the background but nothing is planned yet. It's basically how do we understand this so that the community involvement can be best done, can be most quickly done once it is the thing that is prioritized to happen.

So in terms of the timing, that has -- as I say, it was clearly stated. I keep saying "clearly." Obviously it wasn't clear enough so I should lose that word. But it was explicitly stated that the one-year timeline could not be met at the time the decision was made, you know.

And I would like to see these things start up sooner than later, but really we are dependent now on what comes out of the prioritization work.

MATTHEW SHEARS: Thanks, Avri.

I see Heather's hand is up.

HEATHER FORREST: Thanks, Matthew. That's kind. And thanks, Avri. And I think we can all appreciate that, you know, the pie -- the size of the pie is the same and the allocation of resources is difficult.



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I suppose one of the things that we have to bear in mind in terms of the timing is I've just gone ahead and had a look to double-check that I don't misspeak here. The -- you know, the timing issues -- any delay in the timing, what that's going to do is it's going to bump into other things. And even the preceding item on this agenda kind of signals that, you know, lumping together CCTRT, SSR2, PPSAI and so on. One domino kind of knocks over others. And I am just mindful of the fact that the GNSO Council has just kicked off something that, although it's not a review, it's something, you know, that you could kind of really put into that the improvements bucket, this continuous framework for improvements. And the Council's Action Decision Radar still has on its zero days to one month timeline both the commencement of GNSO3 and this kind of monitoring of ATRT3.

So I suppose I'm nervous that we've already got quite a few things that have fallen into this bucket of review or holistic review that are kind of related to it. The evolving the multistakeholder model stuff, there's lots of stuff in here. And I suppose if we do -- if we do delay the holistic review further, there needs to be some way to try and corral all of these different efforts, so we don't pile even more on between now and when the holistic review begins.

Thanks. Avri, I know that's challenging and difficult, but something we all need to think about.

AVRI DORIA:

Yeah, if I can respond. I very much agree with you. And I think it's going to be a lot up to, you know, the people in the community to sort of make that point when you're doing the prioritization; that, you know, that this, indeed, has a very high priority to you. You know, there will be a decision about the GNSO3 announced in the near future. And the things that go on internal in GNSO are then again a different issue. You know, it's always been an easy statement to make and yet a true one that the GNSO can look at its own construction, its own improvements, it's on schedule of changes anytime it wants without the Board or org's, you know, by your leave. So there's a certain amount that certainly no one can really interfere with the GNSO, but I certainly understand what you're saying, at least I think I do, about the interplay of all these elements.

So, you know, I look forward to the conversations about prioritization where this really does get fleshed out.

And that will be an interesting conversation because I've heard similar things about the holistic review from other, you know, SOs and ACs, about, you know, what they thought was important for a holistic review. So that will be a very exciting conversation, and I look forward to it.

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MATTHEW SHEARS: Thanks, Avri.

Wolf-Ulrich, I'm very mindful of time, but I know that Maarten wanted to jump in on this point as well.

So, Maarten, you want to go ahead?

MAARTEN BOTTERMAN: Well, just to emphasize how crucial it is that we get this right together.

One of the things that was happening after the transition is that there was a lot of focus on the reviews to continue to improve, next to the Work Stream 2, et cetera. And obviously ATRT has clearly recognized that. Now we have gone through a certain phase, and it's time to move on towards the next phase in which the community is very empowered to -- to continue -- and encouraged to continue to improve their own processes and their own effects, and on top of that have a kind of holistic review approach.

Now, it's really essential that this is done and done well. And in this, we are preparing for it. And it's as important to keep us going as the content work itself that we talked about earlier. So rest

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assured of our very serious focus on this and our commitment to work with the organization and with the community to see this happen.

Tonight -- today, earlier today, we did officially postpone the GNSO3 organizationally survey, particularly for reason, to create the space that is necessary to set this up well. And, yes, I'm with you. I would love to have seen it started already six months ago. And it's just more important that we get it right and that we are prepared to set up to do it than to do it fast. But it does have our very high interest and commitment.

MATTHEW SHEARS: Thank you, Maarten.

Wolf-Ulrich, I'm going to turn it back to you because I see we're running a bit over time. I'm afraid we won't get to the last point about future meetings, but maybe that's for another day.

WOLF-ULRICH KNOBEN: Yes. Thanks very much. I'm also mindful of time. Sorry, you know, it's -- every time, also we have sometimes to discuss some of these points earlier, so it comes back to us. So we need more time for that.

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So I would like to -- we have two items. One was a question with new gTLDs and IDNs with universal acceptance, that we send you the question of that -- of that. And we would like to ask you, really, to get an answer to that or an opinion on that in short time. So that was because, you know, universal acceptance is of interest to us. Also the question of how new gTLDs will be designed in the future. And Christian is saying he's going to submit that question. So I would like to have that.

In regard to the other item which came on short-term, so future meetings, I wish -- let me say on the Board side, do you have to decide in July about that, what is going on with Seattle? There was one question in the chat I would like to point you to take an eye on the level of vaccination in the Seattle area around so that it's -- that might be a point well also to see.

And, yeah, we could end with that. So with that, thank you very much for all the discussion about that. And I would like to give you back the floor.

MATTHEW SHEARS: Thank you very much, Wolf-Ulrich.

Really appreciate the discussion.

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And just to reinforce probably what you heard from all of the Board here, which is these are key issues across the Board. And we are very aware of the amount of work that needs to be done, the amount of recommendations that need to be put in place, the importance of moving forward on ATRT3. So it's not like we are similarly assuaged on the value and importance of moving forward on the many issues we were talking about today.

I just wanted to mention, to say on the issue of controllership, Göran and Org will be forwarding a paper to you so that there can be some further discussion around that issue.

With that, I would like to thank everyone. Thank you for your patience. We started a little late, running a little late. But thank you very much for an excellent session. And we're looking forward to seeing you again soon.

Thanks, all.

WOLF-ULRICH KNOBEN: Thank you, bye.

Bye-bye.

**[ END OF TRANSCRIPT ]**