ICANN71 | Virtual Policy Forum - Joint Meeting: ICANN Board and GNSO Council
Thursday, June 24, 2021 - 21:00 to 22:00 CEST

AARON JIMENEZ: Hello and welcome to the joint meeting between the Generic Names Supporting Organization Council and the ICANN Board. My name is Aaron Jimenez from the ICANN staff with a few housekeeping items before we begin.

We are holding this meeting in Zoom Webinar format, and the session is reserved for interaction between the GNSO Council and the ICANN Board members. We have the members of both groups promoted to panelists today, and they are the only ones able to speak. So the Q&A pod will be disabled but the chat will remain open for attendees to interact with one another.

However, the Board is only taking questions from the GNSO Council in this session.

For our panelists, a few reminders. Please raise your hand in Zoom in order to join the queue to participate. All panelists are muted by default, so please unmute yourself when you are given the floor. Please state your name for the record and the language you will speak, if speaking a language other than English.

Before speaking, please be sure to turn off all audible notifications on your devices. Please speak clearly and at a reasonable pace to allow for accurate interpretations.

We 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.

I now hand it over to Maarten Botterman, chair of the ICANN Org.

MAARTEN BOTTERMAN: Thanks, Aaron.

Thank you, everybody, for joining us, Philippe, GNSO Council, and all those in attendance. The Board and I are very happy to have these interactions because it helps us to really listen and engage with you on a level that -- for which currently this is the best means possible, the Zoom call.

So looking forward to a good conversation about the topics that you proposed.

Within our team, we've appointed some primary responders, but other Board members will engage as well as is appropriate. So looking forward to a fruitful discussion.

Philippe.

PHILIPPE FOUQUART: Thank you, Maarten. This is Philippe here. Good evening to you.

Good morning, good afternoon, good evening to all Board members. Thanks for having us. We look forward to this. And looking at the agenda that we put forward, I should say before we start that we appreciate that this -- these may be hopefully not one-directional, but there's a lot of information in there. It's material for discussion. But to be totally transparent, we considered asking for deferral, as we do on occasions. But we still considered it worthwhile to discuss these points.

So with this, I'll turn back to you, Maarten, and see whether there's anything else you would like to add before we go to the first item.

MAARTEN BOTTERMAN: I think without further ado, let's engage in the discussion.

You probably have people who would like to introduce the first topic.

PHILIPPE FOUQUART: Sure. I'll do it myself and see whether colleagues from the leadership or Council would chime in.

Basically, the first item on sub pro is around two points. The first is pretty much our recurrent question. I guess our Council Board meeting wouldn't be the same if we weren't asking for any news on the timeline for the ODP.
So that's what we're doing here.

But more seriously, the reason why we do this is also because of the liaison that we will need to appoint.

We did that -- for the SSAD, we will do the same. And for us to get prepared, that would certainly be useful for us to have some idea as to when that would be coming. We have a strategy for -- we call that a strategy for appointing the liaison. We will be reviewing this in the near future, hence the question.

Maybe Pam or Tania would like to add anything on this point?

PAM LITTLE: Nothing from me, Philippe. Thank you. It's Pam Little. Sorry.

PHILIPPE FOUQUART: So back to you, Maarten.

MAARTEN BOTTERMAN: Thank you. We still recognize your voice, Pam. But thanks for mentioning that.

Maarten Botterman here.

On sub pro, first, Avri, would you like to kick off on this response?

AVRI DORIA: Sure. I'd be happy to.

In terms of the sub pro ODP, we're currently working on it basically between the Milky Way project within Org and the sub pro caucus within the Board. We've been going back and forth on the questions, on the issues, on the length. And I think we're getting rather close now to getting ready to bring it to a motion to the Board.

I'm not exactly sure what date that meeting is on, but it's not very far from now.

I've sort of asked on the chat internally because I'm terrible at knowing dates. But I do believe it is within the next couple of months and such. And perhaps Maarten can add to that.

In terms of SAC114 -- and I won't go into details on it -- basically, like all comments and advice and everything else, it's being taken into account. Many of the questions are being factored into the investigations done as part of the ODP. One of the parts is, as has been often said, have the issues already been addressed or are they issues that still need to be addressed. So that's the kind of thing that we'll be looking for and then obviously looking into the substance of them and is there anything there that would make it necessary to consult with the GNSO further.

So I don't know if there's anybody on the Board that would like to say more. And Maarten can probably give you a better target on when this is coming up for decision. But I know that within the caucus, we're really working to try and get it finished up so that the Board does have a motion it can vote on. Thanks.

MAARTEN BOTTERMAN: Thanks for that introduction. And, of course, I could have kicked off by saying that, I mean, we are not there yet but we're preparing for a decision closely. And we hope to be able to do so before the end of July. We have probably one more discussion to go within

the Board, as we want to get the scope right and the message right. And as Avri said, a lot of preparatory work has been done and we're getting pretty close.

So...

PHILIPPE FOUQUART: Thanks.

MAARTEN BOTTERMAN: Anybody else wants to add?

PHILIPPE FOUQUART: Sorry.

GÖRAN MARBY: Can I make a comment?

MAARTEN BOTTERMAN: Göran, please.

GÖRAN MARBY: I see sometimes comments that "why an ODP, this is such an easy decision. Why don't we just get on with it?" I think for everybody

that was involved, which I wasn't but from what I hear from the last round, it takes some time to do this.

And the idea -- one of the ideas with the ODP is that it actually shortens the amount of time because it's going to give the Board better decision material to make decisions upon, that we can do transparently.

What happened last time was that the Board made a decision -- and I'm paraphrasing. I wasn't there, so I can only hear what people say. The Board made decisions and then it went a very long time before something happened. And there's a lot of criticism that part wasn't transparent.

The ODP is not a simple thing to do because there are a lot of questions that the Board would like to have answered. We will be public about when the Board is going to do the scoping but it's not something -- anybody thinks this is a quick turnaround time, a couple of months and then we suddenly launch a new program, I'm sorry to disappoint you. This process will take time, as it should.

The community has spent many, many years into doing this. And we are not -- I don't think that the community or especially the

GNSO -- and I would like to thank everybody who was involved in it -- wants us to rush it.

There are deliberate discussions that have to be taken. There are decisions that have to be made. And we're talking about building a system that has to take into account thousands and thousands probably of applicants. We all have to go through the applicant guidebook. We want to make this right, easier for the applicants going forward. And most importantly, there are things we want to get right, especially with the GNSO, before we do this. Thank you.

MAARTEN BOTTERMAN: So that means for the GNSO Council, probably the liaison appointment probably somewhere -- after summer but before the AGM, feeling-wise.

PHILIPPE FOUQUART: Thanks. Thanks, Maarten. Can I -- can I just add a couple of points, if I may? This is Philippe here.

MAARTEN BOTTERMAN: Please.

PHILIPPE FOUQUART: Thank you. Thank you, Maarten. Well, on the very last point that Göran raised, I think we had a number of exchanges within the GNSO on when the ODP concept was framed. But I think that if there were one point of agreement within the GNSO, it was precisely what you just said, i.e. the transparency that was needed prior to a Board's vote. And I think we pretty much all agree that that was in that respect very welcomed.

And just on the SAC114, since Avri touched the subject, we, indeed, had a small team within council to have a look at the report. And obviously I won't go into the details of what we came up with. And the reason for us to put this on the agenda was also to sort of convey our impressions informally as opposed to having a correspondence of sorts.

But, basically, we were surprised on a couple of points and mainly on the angle, i.e., the questioning of the concept of a new round, which seems to be the line of thought of the report and also the continuing increase of the number of TLDs. And that was put up front in the report. That seems to be the basis for pretty much all the arguments, along with others that have actually been addressed during the PDP itself. I'm sure we'll come on to that when the ODP is launched.

But I think I'm being fair in summarizing our discussions within Council to say that the angle and the questioning of that principle based on the mission of ICANN, for example, or based on the supposed inconsistency with the strategic plan for the fiscal year '21, '25 was sort of a moot point. And there was some concerns over that angle of approach.

I understand that the -- that the report might be somehow reviewed. And, obviously, we will share those elements with SSAC.

But just to say that we did have a look at that and there were some comments to say the least of concerns with the approach. Thanks.

MAARTEN BOTTERMAN: Thanks, Philippe.

Just to explain how we deal with the SAC114, Akinori leads the BTC, would like to initiate the response. Akinori, please.

AKINORI MAEMURA: Thank you very much, Maarten.

Thank you very much for the words on the concern on SAC114.

So, yes, from my understanding that SAC114, SSAC had started the discussion for the public comment for the sub pro final report. And then SAC114 was simply adopted after that.

It really conveys quite legitimate concern of SSAC for subsequent procedures. It's really great input, indeed, for the Board to consider that seriously.

But it's -- at the same time, it is, you know, in front of us for -- in the due course of considering the final report for our consideration.

And then I'd like to have much more fruitful discussion with the GNSO and the SSAC for this regard, for our consideration on to the sub pro final report. Thank you very much.

MAARTEN BOTTERMAN: Yes, thanks.

For clarity, Olga, you are so right. Your summer is my winter. So end of August, September probably.

Anybody wants to add to this? Philippe, please take it back. Yeah. Hope this helps.

PHILIPPE FOUQUART: Maarten, Philippe here. Yes, it does help. And, thanks, Akinori, for the background.

And I'm sure we'll be very happy to get involved somehow. We'll probably need to consider the right way do it within the ODP, or whichever way you see fit. But I'm sure that it would also be useful -- not even useful but important for us to convey these elements to you as the Board would consider the output of the ODP. Thank you.

MAARTEN BOTTERMAN: Thank you very much. That's, indeed, the intent. It's the interactiveness, the openness, the transparency in opening the window. Good.

Would you like to know more about IDN guidelines? Philippe?

PHILIPPE FOUQUART: Thank you, Maarten. And, yes, indeed. This second point is very much a heads-up from our perspective. As you would recall, Council requested deferral of the approval of the IDN implementation guidelines v4 late last year. And we were asked for advice as well on this. And in the course of the first -- the first few months of this year, we approved the launch of an EPDP on

IDN and considered the potential relationship between those two things, overlap possibly. And there's been a number of concerns expressed over application of work, policy-related issues emerging from this.

So we came up with elements that we'd like to convey to the Board through correspondence that we will send in a couple of weeks but would like to essentially provide you with the background for this. I'll turn to Kurt to elaborate on the rationale for this.

I think it's fair that we do this somehow in advance, and that's the spirit of having this on the agenda.

KURT PRITZ: Thanks. Thanks, Philippe. And thank you, Maarten. Pleased to be here, I think.

Yeah. So just to repeat a little bit -- and I'm going to take the liberty of sharing some slides to make up for my ineloquence.

So as you know, the IDN guidelines 4.0 have been created and are in implementation phase. And so the current approach calls for implementing them via the formation of an IDN operational track

working group to review the issues related to its implementation and develop a path working forward.

And as Philippe also said, the Council has launched the IDN EPDP whose charter has now been approved. And when the charter was developed, it was apparent that the IDN EPDP will consider some of the same issues addressed by the IDN guidelines. And so given that overall -- this overlap, there's a likelihood -- some likelihood that the IDN EPDP and the operational track will approach these issues from a different perspective and develop what might be contradicting results.

And in any case, both efforts will involve the same informed set of players, so might result in redundant work.

So just to create a picture, if you guys can see this okay, so in the beginning the IDN version 4.0 guidelines were created, passed on to ccTLDs, which can adopt them or not, and gTLDs where they become part of a contract similar to a consensus policy.

And so similar to a consensus policy, we need to take the language of the guidelines and beat that into some form that can be stuck into the contracts.

And during that process, these issues arose. These issues are in shorthand -- a shorthand version of the description of them. And I'm not an IDN -- and I shorten them from what Dennis Tan Tanaka who led the IDN charter authorship identified. So if we want more -- more detail into the issues, we can ask him.

But these issues: The same entity at the second level, consistent variant rules for each TLD, related obligations for contracted parties, these became somewhat difficult to figure out how to put into a contract. And there was some various residue and so some discussion. So the idea came up to create this operational track and then implement this operational track discussion to settle whatever issues there are.

I hope that background noise isn't too bad for you. It's part of living in southern California.

So in parallel, like I said, the GNSO oversaw the creation of the GNSO charter and now has launched the IDN EPDP which are going to -- which are going to discuss these very same issues.

And so what the Council decided by a sense of the Council, not a vote, at its last meeting is to pause the operational track. And, you know -- what Philippe said, we'll write a formal letter to the

Board asking you to pause adoption of Version 4.0 until these issues are settled.

And how we came to this conclusion was, first, we asked are any security, stability, or resilience issues addressed by Version 4.0 and got the answer back with the right amount of evidence that, no, there's not so there's no immediate need here. And so by doing this, as I said before, conflicting results between the operational track and the IDN EPDP will be avoided.

Looking at the -- if we were to look at the issues more carefully, we see that there are policy implications to these issues. And so we think the PDP is a better forum -- the traditional policy forum for doing that.

And, finally, we think that not doing the redundant work is more respectful of the use of volunteer resources and volunteer time. So this is -- you know, as managers of the policy process, this is a chance the Council gets to manage this and say, hey, look, we can streamline things, avoid some redundant work by rejiggering the timing.

So really -- you know, when I first became aware of this issue, it seemed to be very straightforward to me. And, finally, GNSO Council gets a chance to assert its role and do some good.

There are some additional side benefits to this, one is the ccNSO is also undertaking an IDN policy development effort more or less in parallel with the GNSO effort. And this will give us a chance to work with the ccNSO and in some way to mitigate or avoid any conflicts and outcomes because, you know, we want the IDN experience to be congruent for users, regardless of whether they've registered their name with a ccTLD or gTLD. And similarly, you know, there's some IDN issues with respect to implementing the sub pro consensus policy recommendations.

And so we'll be able to timely address any sub pro issues there so we don't get in the way of any implementation.

But that's essentially it. And I appreciate the chance to present pictures instead of -- instead of talking too much.

I'm standing by to ask questions, or we have other people that can probably answer them better than I.

MAARTEN BOTTERMAN: I think you bring up an issue that may benefit from a bit of discussion.

Akinori, can you indicate where we are?

AKINORI MAEMURA: Yeah. Thank you very much, Maarten.

Thank you very much, Kurt, for bringing the background for the IDN discussion. And I'm -- let me start first, start with appreciating the GNSO's efforts to consider the IDN thing. It is quite -- it consists of the big portion of the conversation for the sub pro if the IDN issue is appropriately taken into account.

And then I'm -- the ICANN community with cross-community efforts to bring up the IDN guideline from Version 3 to Version 4 is because we had some security concerns with the guidelines Version 3.

So in that time, we'd like to apply the guideline Version 4 as soon as possible, if you can. Then it's interim. I would like to have the guideline integrated into the policy sooner. But at the same time, it is really important to have that agreed through the policy process in the GNSO. So I understand the EPDP is the proper effort by the GNSO to take it seriously.

So I would like to have -- the GNSO to have the fruitful and proper consideration for the EPDP to integrate guideline Version 4 into -- as your policy.

That's first take of my comment. Thank you.

MAARTEN BOTTERMAN: It comes across as asking a question to change what had been agreed before with the community.

Merike, you had a question?

MERIKE KAEO: Yes, hi. Thank you very much. And thank you, Kurt, for -- I love the graphics.

I have a question. I was wondering how was it ascertained that there were no SSR issues?

KURT PRITZ: Yes, certainly. Thanks for the question and the previous question.

So I'm not the best to answer that, even though somehow I am the co-author of an earlier set of IDN guidelines. I know Dennis Tan Tanaka is on this call, and he's the author -- or the lead author of the IDN charter. So if we want to have that discussion, I think it would be terrific to get him to answer.

But I'm sure I would not -- I would botch that. So if we could promote Dennis to some sort of speaker level, that would be terrific.

MAARTEN BOTTERMAN: I think we can invite Dennis to speak to that.

KURT PRITZ: My neighborhood is deciding to make the most noise possible at this moment. Go ahead, Dennis.

DENNIS TAN TANAKA: Hello, yes, this is Dennis. Hello, Maarten. Hello, Kurt. Thank you, everyone.

So the question is how do we ascertain there are no SSR issues if we do not implement IDN guideline Version 4.0.

So as a baseline, the IDN guideline Version 3 is today currently in full force. And so guideline Version 3 is security and stability concerns.

The delta between Version 3 and Version 4 can be summarized in four new recommendations that are mandatory. There are additional six or so new additional recommendations or

guidelines, but they are optional for registry operators to implement.

So focusing on those four new mandatory, those -- and I can speak in detail. I'm sure you don't have those for your benefit, the guidelines aren't specific to you.

But let me just say -- so there is guideline 6(a) which requires the use of RFC7940 to represent label generation rule sets. So in simple terms, basically saying that instead of using a -- the current formats, the text, CSV files or text files for representing IDN tables, now let's use an XML format, the one that is describing RFC7940 to represent IDN tables.

So we're talking about the representation of a table, not actually the substance of it. So it's a change in format. So that's one new requirement that is in Version 4.

There are two new requirements that require -- not require, but talk about -- regarding the activation of domain names at the second level, how and in what instances a registry operator may activate variants of a second-level label and what other requirements in terms of to maintain the relationship between those variant labels.

Since the working group on IDN guidelines worked together, the RSTEP process went through a change -- I don't want to say change, but updated their process specifically in terms of IDNs. And so today if a registry operator desires to activate variants at the second level, they can do so through the RSTEP procedure. There is a standard language that registry operators can apply to.

And today Registry Agreements have very prescriptive obligations as far as whether they can activate or not activate variants and how to do that.

The IDN guidelines kind of circumvents that. I don't think there is any SSR issues there because Registry Agreements today dictate how registry operators need to -- they are greenlighted to offer variants and how they want to do. If they do not today, they can go through the RSTEP process which is a standard, very methodical processing in order to look for SSR issues and whatnot.

The other requirement is about harmonization of IDN tables. In simple terms, harmonization of IDN tables speaks to if a registry operator of a TLD have different variant tables, the variant rules need to be coherent among all those labels. And this is one of the areas where the IDN PDP will look at the same issue as well. So this overlapping creates a potential duplication of efforts.

And, basically, those are the four new requirements. And looking at those as specific items, right, we are talking about a format, how to publish an IDN table, we're talking about the activation of variants, how to manage the life cycle of it. And today the Registry Agreements -- I'm talking about the 2017 base agreement and also the RSTEP process provide the legal framework in order to set up those processes or offer those features.

MAARTEN BOTTERMAN: Okay. Thanks, Dennis. Dennis, I think you're going into a detail which may be very useful and necessary, but maybe this is not the right forum for dive this deep.

DENNIS TAN TANAKA: Correct.

MAARTEN BOTTERMAN: It's clear you've thought about it, and it's also clear it also requires some thoughts to understand this well. So basically understand because Kurt brought this at the request of the GNSO, that the GNSO feels it wants to move here so in a way to change what was set out as a plan.

And as I understand, you will send a formal letter to request that, Philippe. And one of the processes, particularly for the IDN -- Oh, Göran, please.

GÖRAN MARBY: Maybe I just ask a question. I wasn't here when this way of working was decided by the community, so I can't judge on how that was set up.

But I always had the impression that one of the things that we were trying to achieve was to make sure that the ICANN perspective and the country code operator's perspective was done in the same way and to make sure that -- because in the end, we all sort of serve the same thing and that's the Internet users of the world.

And I don't know this, and I'm just speculating, but if it turns into sort of a policy from the GNSO, doesn't that make it sort of an ICANN-centric thing in relationship to the country code operators where we really need to have working together? I don't know if that's a problem. Maybe I'm just wrong, but it's just one of my thoughts.

Because this is really a place where the country code community and their individual parts has to come together with us for the

benefit. But maybe I'm -- Kurt, if I'm wrong about all of this, then tell me. I'm fine with that.

MAARTEN BOTTERMAN: Yeah. So Kurt or Philippe? Both hands are up. Kurt.

PHILIPPE FOUQUART: For the last question -- thanks, Maarten -- I'll defer to Kurt and take it after that.

KURT PRITZ: Thanks very much, Philippe.

I just wanted to say that Dennis' explanation did have to go into some detail because we're trying to prove the null set here, right, that there are no security issues. So the only way to do that is to tick off each one of the issues that were there in saying this isn't one, this isn't one, this isn't one. So we did get into the weeds a little bit, but I think that was necessary to answer the question. Thanks.

MAARTEN BOTTERMAN: On the security question, first, maybe we can round this off with Merike. I guess it's worth looking into.

MERIKE KAEO: Yeah. I'm going to take this back to the SSAC just for a sanity check because I know that we have looked at IDN issues in the past. But I do appreciate the background.

MAARTEN BOTTERMAN: Thanks a lot.

Thanks for raising that.

Philippe, please.

PHILIPPE FOUQUART: Thanks. This is Philippe here. Thanks, Maarten.

Actually I'm glad that we, as Kurt put it, got into the weeds because our concern was precisely that it would be only one-directional and it wasn't. So I'm glad we had that discussion.

So, yes, indeed, that's a heads-up, as I said, for correspondence that will be coming in the next few days, maybe a week or two.

But we thought that was relevant to put that on the agenda. So thanks to all of those who contributed.

MAARTEN BOTTERMAN: Just to the nature of the correspondence, we don't need to not decide on the ODP for sub pro yet, right? Or should we hold our horses for that as well?

PHILIPPE FOUQUART: I don't think you do. I was referring to that one last point, on the IDN operational track.   So you'll get that.   And we'll take the liaison separately and according to the time line that you just provided. So thanks for that as well. Thanks, Maarten.

MAARTEN BOTTERMAN: Okay. Appreciate it.

And as Göran raised, we also need to understand better how this corresponds to the track that the CCs has also been going on, as some alignment is in the public interest, I would say, of the one global Internet.

Thank you very much for breaking the news. I look forward to your correspondence, and we'll deal with it appropriately as we tend to do together.

Yea. So I guess this is all for now on IDN guidelines. And I also now understand what's behind the little hyphen, "policy work versus operational updates." Appreciate it.

The progress in scoping work on accuracy of gTLD registration data.

PHILIPPE FOUQUART: Thanks. Thanks, Maarten. This is Philippe here.

And, yes, indeed, that's the third point that we wanted to put on the agenda. And as you would recall, we had a briefing from Org on that issue of accuracy. And we're preparing that scoping exercise. We reached out to SG&Cs as well as other SO/ACs to start thinking about that.

We had quite a number of expressions of interest on this, and we put together a small team to further work on scoping. And we wanted to provide you with an update on this.

And, Pam, I think you will take us through this.

PAM LITTLE: Yes, I will. Hi, everyone. Thanks Philippe. Pam Little for the record.

Hi, everyone. Especially greetings from the Board members who joined us at very odd hours. I just saw Akinori talking about IDNs at 4:00 in the morning. That was really tremendous effort.

Hi, Maarten.

So on the topic of accuracy, I'd like to provide the Board a brief update on where we are at the moment.

As Philippe mentioned, the Council has formed a small team working on a set of instructions, like terms of reference, if you'd like, to be provided to these yet-to-be-formed accuracy scoping team.

So before I talk about what's likely to be in these set of instructions, I prepared -- perhaps just a word about the Council small team as a sort of mechanism how we deal with complex topics or get work done in between Council meetings.

As Board members will know that Council meets once a month. So this is really a -- sort of an ad hoc team we put together to get work done. Otherwise, just once-a-month meeting doesn't cope with the workload we have.

And we, like the Board, have struggled a lot with what's on our plate over the last long while. So this small team is -- consists of a councilor from each GNSO SG&C and also two NomCom councilors.

We also have the GNSO liaison to the GAC in the small team as an observer. And so the small team is really kind of working towards a set of instructions that will be guiding the accuracy scoping team in terms of what their work is going to be and also will set out the composition of the scoping team and also some timeline of the scoping team.

So as you would imagine, the drafting exercise is sort of iterative. So at the moment, I think we're working on the third version of this set of instructions. And we likely probably have a final version.

And what's in the -- as the work is ongoing, so I need to say what's in there is probably going to -- subject to change, but I don't see any substantial or major change. So I'm reasonably confident to say what the tasks are likely to be for the accuracy scoping team.

So, firstly, we'll probably be asking the scoping team to take a good look at what's the contractual obligations in relation to accuracy under the current contract, including some of the consensus policy related to accuracy.

And then, also, take a look at how ICANN contractual compliance is monitoring, measuring, tracking, reporting on enforcing those contractual requirements.

And then another task will be -- for the accuracy scoping team is to assess whether those -- what's in the contract and what compliance -- ICANN compliance is doing are effective or fit for purpose and, if not, then come up with some -- identify what the issues are, what the gaps are, and then perhaps come up with some recommendations how those issues can be addressed and who should address them.

So that's sort of at a very high level. And so that is something we're still working through.

And in terms of the composition of the accuracy scoping team, at the moment, our thinking is probably two members -- up to two members from each interested SO/AC, SG&C. Obviously, we're looking for people who have the necessary expertise. For example, data protection, privacy expertise, and maybe data analytics, and also familiar with the policy issues.

And in terms of timing, at the moment, the scoping team is still aiming to wrap up our work in time for this topic to be discussed and perhaps approved by the GNSO Council at its July meeting.

So in order to do that, we need to finish our work, this drafting exercise, by the document deadline, which will be ten days before the July meeting. So that would be the 12th of July. So we're working towards that goal.

Obviously, we can't really launch this accuracy scoping team until the Council has considered this set of instructions and agreed to proceed.

So that's all I have at the moment. I would welcome any reaction from Board members or question from Board members. And then maybe we can also open the floor for other small team members who can -- who would like to chime in. I'll stop there. Thank you, Philippe.

MAARTEN BOTTERMAN: Thank you, Pam, for that clear introduction.

Becky, would you like to respond first?

BECKY BURR: Yes. I think we're very happy to get that update and understand what's going on.

And then I, honestly, hadn't really contemplated the intersection of privacy and accuracy in the way that you were talking about it because of the sense of the EPDP would deal with -- that we're going to get the privacy issues dealt with through that effort. And then the accuracy issues would fall in place as a result of that. So it's an interesting issue to chew on there.

We are -- the Board, I think, collectively is very hopeful about seeing progress in this area. It still -- it fits into the discussion that the entire community is having and having very actively on DNS abuse.

And it is a -- it is within ICANN's wheelhouse in an important way. But one of the ways of reading the picket fence is to say -- is to mean that the availability for legitimate purposes of accurate information enables other parts of the ecosystem to do their work.

So I think we're just anxious to see progress in this area.

PAM LITTLE: Thank you, Becky. Sorry, Maarten.

MAARTEN BOTTERMAN: No, please. Continue.

GÖRAN MARBY: Can I make a comment?

MAARTEN BOTTERMAN: Göran.

GÖRAN MARBY: I think it's very important in the scoping work to recognize the blog from Jamie. We have -- we have -- you know, we have a problem to check accuracy in the WHOIS due to GDPR. And if you would ask me what is the most important thing for the accuracy work from a compliance perspective, it's actually to get the change in the law, which we have proposed.

And I always caution that any policy out of ICANN should be able to be enforced by compliance. If it's not by local law, then we created maybe a bigger problem for ourselves.

And we've discussed this numerous times also during the ICANN71 meeting. When it comes to accuracy positions in the GDPR itself, I recommend maybe to have a read at the last point we made to -- in the answer to the GAC. In the annex to the GAC, we actually brought to the GAC's attention the invitation of the GDPR when it comes to accuracy provisions, pointing out that ICANN with a high probability, as the external lawyer says, already

fulfill the accuracy provisions of GDPR with the regulations that we have in the policies. The problem again, we have a hard problem to enforce it.

So I think that this is -- I'm looking forward to the results of the scoping and are looking forward to how you will -- it will not be easy. It will not be easy. If you want to help us, we have external lawyers and everybody else who can help you to scope those things. But I think this is one of those things where the accuracy -- there seems to be a lot of different opinions about interpretation of law.

And this is actually for one -- I mean, I'm not going to say we are the best at interpreting the law. But it seems to be fairly common views on what the accuracy provisions in GDPR means. And it's also a fact that ICANN compliance has a problem of actually checking the policies of accuracy.

And I think that goes down to a really hard problem. Looking forward to the results of your discussion.

MAARTEN BOTTERMAN: Please, Pam. I see your hand.

PAM LITTLE: Thank you, Maarten. Hi, Pam Little for the record again. Thank you, Göran, for that comment.

And I would also just add, Göran, as you know, there was some prior exchange between the Council and yourself from Org on the topic of accuracy and the problem with ARS or how to restart it, ARS. And that was a while back.

And since then, there was further discussion and there's further legal advice received from Bird & Bird on the point you just mentioned.

So the reason we now sort of -- you might have heard what I said, what's likely to be in this set of instructions for the scoping team is to really sort of try to not be bogged down in the conversation where the scoping team is going to sort of maybe discuss what accuracy means under GDPR.

We really want to sort of come back to say -- because of the briefing paper from Org actually indicates the contractual requirements in relation to accuracy have not been impacted by GDPR. It seems to be the enforcement part that has been impacted. So the ICANN compliance ability to check data and to

enforce accuracy obligations as well as the ARS that has been paused because of the -- of restrictions to access.

And so you are probably pleased to know in the scope -- in the set of instructions, we actually are expecting -- the Council is actually expecting the scoping team to actually look at that issue, but not sort of -- not sort of from Org's perspective as the party that enforces the contract or operate the ARS but sort of from a data-gathering perspective how you can get data out to measure the accuracy levels and to ascertain what are the appropriate accuracy levels for different purpose.

So that is something we probably would also like to share with the Board at this point, is if the accuracy scoping team comes back to -- comes up with a recommendation, say, we do need to commission a study or we need to do something to get data and there might be cost implications in which case obviously we will come to the Council and the Council would go to Org and the Board seeking assistance in terms of budgetary -- budget and resources to do that. But we are not there yet.

But in terms of access and the ARS difficulties and compliance challenges, that is very much, I think, covered in these instructions.

STEPHANIE PERRIN: Thank you, Pam. Stephanie Perrin for the record. I regret I'm a late addition to this accuracy preliminary team; but I hope to join the next one, the actual scoping team.

Jeff raised an important point, I think, in the chat a moment ago. The thing that we seem to be forgetting in the preliminary document which, of course, has not been released yet, is there are limitations on accuracy. And I've said this before. Apologize for repeating it. Government institutions do not willy-nilly chase after accuracy of data in taxpayer and citizen accounts. They have to consider the responsibility of the public purse.

You only go after the problems that inaccuracy relates. In other words, if you can't contact the individual, if the address you're sending a check to is the wrong one, then you need to improve your accuracy levels or at least have a remediation in place. But you don't willy-nilly spend money ensuring that a public registry is accurate.

And I think that we are still locked in the public registry thinking about WHOIS. The question that we should be asking is what the purposes of the collection of data is under GDPR which

necessarily impacts the amount of data and the accuracy level of that data and the actual purposes.

We do not gather data from registrants for the purpose of providing it to third parties. That's not a primary purpose. Now, we argued about that in the EPDPs and in the subsequent reports. But it's an issue that circles the drain, and it is now reappearing in the accuracy committee, I would say.

So I think we have to be very clear, when we say there's been minimal impact of the GDPR on the registration data, services, and accuracy, that's not quite true because we have now minimized the data collected and minimized the data made public. But that doesn't mean that we need to suddenly create a new pursuit of accuracy to rectify those conditions. We need to make sure that the data that we have is accurate for the purposes for which it was collected.

And the registrars are in the best place to ascertain whether it's accurate enough in my view because they are the ones serving the client and putting that name into operation.

Thank you. Sorry to be so long.

MAARTEN BOTTERMAN: Pam, you wanted to come in on this.

PAM LITTLE: Not on that. I saw Becky's hand up. I will yield to Becky first.

                      I just have one question for the Board before we wrap up, if I may.

MAARTEN BOTTERMAN: Becky, did you -- yes, please.

BECKY BURR: I think -- I think -- I understand everything Stephanie was saying.

                      I think as Jeff has pointed out, this issue of accuracy, of accurate data has been sort of a principle value since the very, very first contract with VeriSign in 1998. And, frankly, I do see it as a significant part of the DNS abuse discussion, enabling ICANN to stay within its mission, enabling others who have expertise in other problems to do their work.

                      So I understand that data protection argument you're making here, but I just feel like we need to also keep in mind that one of the purposes of the WHOIS registry from the beginning of time has

been to facilitate appropriate remediation by appropriate parties of problems, whatever kind of problems they are.

PAM LITTLE: Thank you, Becky. Maarten, if I may jump in, I just have a question for the Board and maybe more for Becky. and Göran.

Given the scope I just described for the scoping team, it's likely to involve a lot of discussion about how ICANN compliance enforce those contractual requirements and maybe potential impact for ARS. I'm just wondering whether the Board will be interested in having a -- some sort of a liaison to the accuracy scoping team so we -- so you can be involved or engaged and provide input early rather than later? If that is of interest -- you don't have to answer now -- maybe you could consider that and we could -- and you can let the Council know and we can factor that in.

With that, I will hand it back to Philippe.

GÖRAN MARBY: I think that's a great idea and something we can agree on. I just volunteer Jamie, if the Board agrees. Probably have to tell Jamie.

PAM LITTLE: That's great. Thank you. Thanks, Göran.

MAARTEN BOTTERMAN: Thank you for raising this. And I see the point. It's nice that we go beyond just complying with laws and things and really look at what needs to be done. So truly appreciate it.

So, yeah, we see that request. Very happy to help make it happen basically.

So this has been an interesting hour. Thank you for making it so interesting.

In summary, yeah, thanks for raising the issues, speaking up about your plans. And we look forward to, in particular, also your correspondence on IDN guidelines and how to proceed with that.

As we raised already, we see some connections that we need to take into consideration, too. But this is how you do it. You engage, you raise an issue, and then we engage. So thanks for the explanations as well.

And, Dennis, sorry for luring you into a very technical explanation. But thank you for giving us a taste of the thinking behind it. It does help.

And, Kurt, thanks for using pictures and not only words.

Yeah, with that, thank you very much, Philippe, for this exchange. I think it's been very useful again. I think the spirit that we want to engage with you is clear. It's one of mutual engagement, trying to make things happen together in support of obviously ICANN's mission.

So thanks.

PHILIPPE FOUQUART: That's, Maarten. Thanks for the dialogue. As I said, we were slightly worried there would be a one-directional conversation. So we are glad it was helpful. Thank you, all. Thanks, Maarten.

MAARTEN BOTTERMAN: So with that, see you next time.

[END OF TRANSCRIPT]