
LEON GRUNDMANN: Thanks, Lars. Hello, and welcome to the 8th meeting of the Subsequent Procedures Implementation Review Team on the 22nd of August 2023 at 13:00 UTC.

My name is Leon Grundmann and I am the remote participation manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

During the session questions or comments submitted in chat will only be read aloud if put in the proper form as noted in the chat. We will read questions and comments aloud during the time set by the facilitator of the session. If you would like to ask your question or make a comment verbally, please raise your hand. When called upon, kindly unmute your microphone and take the floor. Please state your name for the record and speak clearly at a reasonable pace. Mute your microphone when you are done speaking. To ensure transparency of participation in ICANN's multistakeholder model, we ask that you sign into Zoom sessions using your full name, for example, a first name and last name or surname. You may be removed from the session if you do not sign in using your full name. With that, I will hand the floor over to Lars.

LARS HOFFMANN: Thank you, Leon. I appreciate that. Welcome, everyone. Good morning, good afternoon, and good evening. Good night, I think, for some. Welcome to our call today. Leon will share screen in a moment to put up the agenda. We have a couple of new people on the call today. So

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

welcome to everybody. Obviously, this is an open group and we may have people join obviously throughout the work.

So the first thing we do, we ask for updates to SOIs and I also will use this as a reminder that still not everybody who signed up for the group has an SOI. I'm going to get the thread last time. I'll do this again. At some point, we will take people off the list. We will warn you numerous times before that happens. But please do the ICANN due diligence to have a Statement of Interest uploaded. We will help you to do that if there's any concerns or any problems that you encounter. Just reach out. Then it also behooves me to ask whether anybody who has an SOI has made any changes to it since we last met. As a courtesy, it'd be great to let that known to the group. Let's see if there's any hands.

CHING CHIAO:

Hello, Lars. This is Ching again. Hi, everybody. This is Ching Chiao from BC. But just to let everybody knows that my SOI hasn't been updated yet. I'm trying to do it. So hopefully in the next few days, I'll be getting my latest SOI done. Thanks for having me again.

LARS HOFFMANN:

Thank you. I appreciate that. Good. Here's the agenda, quick stats overview. It goes a little bit to the reporting that we were working on the background, we discussed it as a group. We turn briefly to the Predictability Framework. And actually, there's a slight change that occurred on the agenda overnight, I'll get to that in a minute. Overnight as far as I'm concerned. And then revisit the language on the applicant freedom of expression. I want to give a quick update as well on our

workshop that happened last week around some of the Applicant Guidebook topics, and what that means for this group. And then discuss upcoming meetings or at least highlight those. Part of that also is I think a quick preview of the ICANN78 face-to-face session. So with that, if I can see the next couple of slides, I don't have the deck up in the background. So one more please, Leon. Thanks.

So this is the dashboard, I guess we call it, that we're working on. We hopefully will get this interactively on to, the very least, the wiki page. In the not too distant future, there's some technical aspects to it and other issues that give us a little bit of a headache at the moment. But the goal is we need to have these stats. Can I see the next slide, Leon?

That's kind of the participation. I think this is the meaty part that we have up there. There's a disclaimer at the bottom. So please still consume/digest this with the appropriate level of caveats or a grain of salt added to that or however you want to phrase it. These are not hard numbers. The countdown there is the number until the 1st of May 2025, 648 days. The bottom, the board numbers here on the outputs is also correct. But the numbers on the left here, I think I spoke to that before. We essentially tried to kind of capture the work that goes into getting a topic from "nothing". So from having the recommendation to Board-approved Applicant Guidebook language. So as you can imagine, that's really not hard science. But we're trying to update the work that we do in the background. And so I think it gives you an idea that whether it's 6.3 or 8%, I don't think that's the point here. But I think we want to see progress in the percentage number on a consistent basis, and so that's why we put that up there. I hope this is helpful. As I said, I want to show

this, if possible, at every call. I also want to have this online as soon as feasible.

Yeah, Jeff, exactly right. So we are working on that as well. Jeff is saying that should be also a warning of whether we are on track or whether we're behind. We're working on that as well. The question is how we measure the milestones because you don't want to raise a flag too late or too early. So we're working on that as well. You're quite right, that will be part of this as well. Very good. With that, I think we can go and share, please, Leon, the flowchart that we shared with the group during our last call. Thank you.

So, as I said, and I'm going to talk about that in a moment or after the substantive topics, we had an in-person meeting last week, a few of us got together. And while the predictability wasn't actually part of that meeting, we did discuss it and a couple of things came up, especially as we were trying to update the actual language that describes the flowchart. So I think, at some point, we decided to stop trying to fiddle with the language and potentially cause upset because we didn't get something quite right or there was some people internally saw things slightly differently and interpreted this flowchart slightly differently. So rather than do that, we want to talk to you about this one more time.

Essentially, I have two questions for you. And I'm going to start with probably the easiest one. It's an open question to the group. Is there a need to have written language that describes the flowchart? Or is it sufficient to have a reference in the Applicant Guidebook? Section—I'm making this up now—Section 2, Predictability, that says, "Changes to program will occur in a predictable manner according to the

Predictability Framework detailed in the flowchart in Annex 15.” In other words, are these flowcharts sufficient to give everybody a clear understanding of how the Predictability Framework works? And my hope is that the group says yes to that. I think it would make everybody’s life easier, but I’d understand if there’s hesitation around that from some people, so I really invite you to respond. The reason being, as I said, that we figured that once you start to kind of write this in language, it gets very complex because you want to make sure that everything is really detail explained. Whereas here, I think the roles and responsibility are clear. And it’s probably also for people who are from the outside easier to digest.

I see Jeff his hand is up. So if there’s any thoughts on that as a principle for this topic area, that would be great. And then I have a second issue on the substance that I’ll ask the group after this. Jeff, please.

JEFF NEUMAN:

Thanks. Hopefully, you can hear me. I’m using a new headset. While I understand it’s difficult to write the language and I don’t want to make life difficult, I think some of these squares and shapes were written very much in short form and colloquial. So I think there are terms here that need to be defined. I think there’s probably a medium ground where we may not have to write a huge amount of explanatory language, but we might have to expand a little bit on these boxes. Remember you guys tried to fit the complete explanation in these little shapes. So I do think that some sort of additional language is needed but recognize your difficulties, so sort of like a halfway.

LARS HOFFMANN: Thanks, Jeff. First of all, obviously, any other views are also invited. I see Sam's comment here I'll read in a moment. But Jeff, while the hand is up, is there a chance that I could ask you to maybe point us—not now but take a moment in the coming days or later today—point us to the specific areas where you think ... I'm not challenging you. I completely agree with you. But I just want to understand where you think that more language is needed so that we focus on the right areas. I think that would be helpful as well. Thank you.

JEFF NEUMAN: Yeah. I'll certainly do a more thorough look through. But I mean, when we talk about Board considers policy guidance, advice in accordance with applicable Bylaw requirements, that's very short form for the GNSO or any supporting organization kind of mechanisms. Again, you tried to fit it in the box, which is perfect because that's what charts are for. And there are terms in here. So, when you said there was language or the language would just say we'll implement it in accordance with the framework, there were terms that were defined in the final report, which I'm assuming—will that be written out? Because I thought I did you see that already. Or am I just hallucinating? A bunch of meetings back, you had these types of changes go through this process. There was more written around it. Or am I misremembering? Thanks, Lars.

LARS HOFFMANN: Thank you, Jeff. I'm not sure there's more processes in the document. But I hear what you say on the shorthand.

Justine, it's a very good point you raised, and in fact, we're also discussing that internally. We kind of used that sloppily here very much. So you're right about that, ICANN Board and Org. We're actually in discussion because this will be an outside document when and how to use ICANN Org at all since obviously any contracts and etc. will be made with the Internet Corporation of Assigned Names and Numbers, which just ICANN, which doesn't have the Org in it. So there's questions around that as well. But we'll certainly make sure that there's consistently throughout. Thanks.

Sam also noted here "That looks good. But should be there be a process for viewers to pose a question? Question may call for additional online information." Sam, can I ask you for that? Do you mean questions on the program or questions for this group to provide feedback on the work we do? Are you looking at the future when the program is in place that somebody can ask questions then about the program? I'm sorry if I'm—

SAM LANFRANCO: No. It's for the future, when they're asking questions in the future.

LARS HOFFMANN: Okay. Right. I understand. Yeah. That's very good. We, in fact, actually talked about this internally the other day that there was a way to contact ICANN Org last time around. And that certainly will feature in the Applicant Guidebook as a whole a way to contact ICANN about any questions on the program. But it's one noted. Yes, I'm putting the finger in there. This is very true. Noting that there's ICANN and Org in the

chart. That's right. Good. We're using this interchangeably, though. So at the moment, there's certainly no thoughts or deliberate meaning behind that or different meanings that were attached to it. We'd use it interchangeably and I hasten to say sloppily around the document here, we'll clean that up, ICANN and ICANN Org. Good. Okay. Oh, Jeff, please go ahead.

JEFF NEUMAN: When you say the charts, this is the first chart, right? But if you go to the second one, you meant that both charts would just be in chart form, not written. But on the second chart, there's these blocks in blue, like a royal kind of blue, that describe the change or just says non-minor, whatever the change labels are. Those need to be defined in language, right?

LARS HOFFMANN: Sorry, Jeff, I interrupted. Yes, you're right. You're absolutely right.

JEFF NEUMAN: That's what I was trying to say. I don't even know what shape that is.

LARS HOFFMANN: I think it's [inaudible].

JEFF NEUMAN: All right. There you go. It's a parallel. No, it's not a parallelogram. Okay. Four-sided object.

LARS HOFFMANN: Royal blue.

JEFF NEUMAN: Yeah, those need minor operational change, non-minor operational change, policy change. Those things need definition. But polygon. Thanks, Justine. [Inaudible]. You guys are bringing back my math days. Thanks.

LARS HOFFMANN: Thanks, Jeff. Absolutely. Those obviously have to be defined. I think you just talked about that being defined as part of the topic 18 Terms of Conditions, 100% that is critical and that absolutely needs to be in writing. That certainly would not be forgone by what I talked about earlier. I could not agree more with you. Thank you. Gopal has his hand up or her hand up. I'm sorry, I don't know.

GOPAL TADEPALLI: Thank you. Thank you very much. I am seeing two clear paths. One, the Bylaws process. The other one that takes through SPIRT. Now, how do we know that these two are in synchronous or are in tandem before the last joining block comes? The first path is the Bylaws process path that goes straight, the top one. The second one is something that takes us to the SPIRT process. There is a choice towards the end where they have to merge. But how do we know that the Bylaw change is compatible with what the parallel track is? Where are the synchronizing points?

LARS HOFFMANN: Sorry, Gopal. Can I just ask you? Are you talking about the other—

GOPAL TADEPALLI: Predictability chart one. That is not the one that I'm seeing, the earlier one. My apologies.

LARS HOFFMANN: Oh, good. Leon, can you put up the other chart, please?

GOPAL TADEPALLI: Thank you. Thank you so much.

LARS HOFFMANN: The other tab.

GOPAL TADEPALLI: Oh, yes.

LEON GRUNDMANN: Sorry, the Zoom panel seems to be in the way.

LARS HOFFMANN: I can see it. You have got the second window open. Just the chart we saw before.

LEON GRUNDMANN: Yeah. Can we drag it down? No, I can do it. Yes.

LARS HOFFMANN: Thanks, Leon. Sorry.

GOPAL TADEPALLI: Yes. Thank you so much. Please look at the top part, the Bylaws process, it goes straight without any concern about the second path, it's a parallel path. It's going straight until it gets closer to the green box at the back end of the flowchart, the green box. Nice diagram. So this is a Bylaws process.

The second path is going through the SPIRT, that is the people who may invite and then let them suggest what is happening. And that also goes straight to the green box. Until they get to the green box, there is no synchronization point, they go independently. How do we know that the Bylaw change process is compatible with the other process until we reach the green box?

LARS HOFFMANN: Yeah, Gopal, thank you. Leon, if you can just move a little bit to the left so we can just see maybe just the—stop. That's perfect, as far as I'm concerned anyway. I don't know how it looks on different screens. Gopal, really, just the way that there could be a decision or we come to a point where a change to the program is needed. So there's two different processes how that could happen. Essentially, the Board can

tell ICANN Org for whatever reason that something has to change, for whatever reason within the Bylaws and within the realm of obviously what the Board can do. I hope that goes without saying. The Board wouldn't do anything against the Bylaws. So one of these are the advice processes and the GGP process. And so if the Board decides that based on input they've received from the community, the new gTLD program cannot curtail what the GAC, what the ALAC, what the ccNSO can do. So if the Board wants to see a change because of something that the community has developed in the processes that are established, then the Predictability Framework comes into play. So we get to the green button same way.

Then specifically for this program, the GNSO Council as the organization who developed or approved the policies, overseen policy development of this program, as detailed in the final report has also a mechanism to work with a SPIRT to initiate the process to this program. That process is obviously not detailed in the Bylaws because it's a program-specific ability, competence that the Council and the SPIRT have. But that shouldn't supersede anything that the SOs and ACs can do. So we tried to portray that here to kind of make sure that changes can happen, yes, because the Council believes that something may have to change. But also because the Board directs ICANN to make a change, or indeed, this is in fact, at the very top right, the last blue square there—there's no square at all. In fact, it's an oval. I'm doing very badly. ICANN Org as the operator of the program could also determine the changes required. Usually that will happen because of something that happens from the outside, but again would then initiate the Predictability Framework.

So these are really just starting points on how we get to the framework itself, which is the next slide. And maybe I talked a little bit too long, but I know there's a lot of new people on the call so I wanted to expand here a little bit. I hope that makes sense. And I think some of the comments in the chat have confirmed that. Thanks.

Yeah. How the Bylaws processes, so whatever the Bylaws say, Bylaws happen to say. Some of these may lead to a Board decision that could impact the program, and so that is reflected here. So these are very different processes that happen independently from another. There's a chance that there's never ever going to be a change that initiated through advice delivered by the ALAC. Similarly, there's a chance that never changes initiated because of something that Council and the SPIRT decide. So they are independent and separate from one another. But they get us to the point of here the different ways how we can get to a point where we need to invoke the Predictability Framework, aka where change to the program needs to occur.

GOPAL TADEPALLI: Thanks. Thank you very much.

LARS HOFFMANN: Good. This tracking question—and, Jeff, I noted, I gave a thumbs up. I noted your chat message as well. Leon, if you can go to the other framework one more time. Thank you. So now a substantive question here to the group. If you go a little bit to the right, please, Leon? I just want to show the policy change. Yeah. And then a little bit down so we can see the bottom. Perfect.

We stumbled—stumbled is the wrong word. Some of the drafting got difficult around this. We presented this obviously last week, last meeting. It feels like last week to me, but I know it wasn't. It was last month. If there is a change required, that is what we use here, that is essentially not consistent with existing policy with a recommendation from the final report is what we mean by that. It's a recommendation from the final report, we've implemented that, and now we have to change something. And if we did that, it would be no longer be consistent with the final report. So first of all, that scenario, we want to avoid at all costs. The Council in fact has said, we asked a clarifying question around this as well during the ODA ODP, that any policy change should only apply to the next round. And really, during the ongoing round, policy changes should only occur in the most extraordinary of circumstances. And certainly, that is not only understood but fully supported, obviously. However, there could be a scenario where something in practice doesn't work out as an external circumstance and we need to do something now that is not aligned with the language that was approved not just by the Council but also by the Board, obviously. And if that has to happen for the ongoing round, we believe that it would really be something that is quite extraordinary and would, in fact, if we don't do it, it would impact the operability of the program. It can't be a nice-to-have change. It must be essentially the factor on the ground. It must be a need-to-have change; otherwise, we can't continue.

So I really wanted to get your feedback here and your sentiment here on this. So because we believe it would be such an extraordinary situation is that we have this Council decision here and also a potential

Board decision on something that needs to be implemented that is inconsistent with the policy. What are the concerns in the group around this? Jeff? I don't know if Cheryl's on. I'm sorry. I don't have the list in front of me as the co-chairs of the PDP. Obviously, you will recall I'm sure, the discussions, others who are part of the PDP as well. And also the Council liaison, Susan. I don't want to do any cold calling, but I really want you and we can come back to this at a later stage. It feels that as we have it here, Council and Board need to be involved to kind of "approve" such a change. Internally, we said, "Look, if we do something that is inconsistent with the Board-approved and Council-approved recommendation, then we can't actually do that." So it's not possible unless the policy is changed per Bylaws. That's not feasible. On the other hand, is there a scenario that we can imagine that we will have to do something or stop the program otherwise? Maybe. And then, does that have time for EPDP to run its course while the program is then stopped? That seems very dramatic as well, right? Jeff, just one more thought. I see your hand is up. Thank you for that. We are discussing also hypothetically, obviously, right? Where we said this internally as well, once we come to it in the program, I think once we talk to the SPIRT and to the Council and to the Board at the time, I'm sure we can come up with a solution that will work to everybody's satisfaction. But obviously, here is the challenge to do this in the abstract where you really want to make sure that no process, no due diligence is overlooked, and that there is no undue processes that are being documented. So with that, I'm going to pass it on to Jeff for his comment. Thanks.

JEFF NEUMAN:

Thanks. This is just going off of what I can recall. And maybe Susan and Anne have different recollection. I know Cheryl's not on today. But from my recollection, it wasn't that the Council needed to affirm, or even the Board for that matter, it was more of a duty of the Council to bring it up. So it's not like ICANN Org needs to wait. They'll announce the change or the action or whatever it is, and I'm sure they'll be noticed, and if the Council wants to raise something, it can. At least in my view and from what I recall, it was not you have to wait for an affirmation from Council or anything like that.

LARS HOFFMANN:

Jeff, sorry—there's no hands up—if we talk about another consensus policy on something else, we can't just change something that is based on consensus Board-approved, Council-approved policy. That is what we have to do and sometimes we can interpret it in a certain way and do something slightly different, but it still has to be aligned with what the recommendation says. So here I think what we are contemplating is a scenario where we are operating this program based on however many recommendations, over 130. What if we have to do something that is in contradiction to the recommendation? Even if everybody agrees, that's what we need to do, right? It's not a controversial thing. Council agrees, Board agrees, Org agrees, community agrees. We have to do something else, this recommendation doesn't work anymore. Do we need to do a PDP, an EPDP to change the policy to do that? Do that in other circumstances, right? So the Board will do something else.

JEFF NEUMAN:

The interesting thing about this whole PDP, when I say this whole, the SubPro, it actually didn't need to be a PDP in the sense of PDPs are only required when you want a capital C, capital P Consensus Policy. And those are really just the policies that need to be implemented in the Registry and Registrar Agreements, right? So technically, because they're future looking, a lot of the changes, it would still have to go through policy discussion but not necessarily a PDP because it doesn't have to result in a Consensus Policy. So there are other mechanisms.

I don't know if Marika is on, but we certainly have lots of discussions about this when we were doing PDP 2.0, that there's other ways to work on policy issues that do not have to be a PDP. Now, sometimes we choose a PDP, like in this case, because it's so high profile and the PDP is seen as more robust even if there's other procedures that can be just as robust. So this SubPro one was done as a PDP for that reason, but there are no capital C capital P Consensus Policies that have come out of this PDP. I know that it's a hard concept to grasp for a lot of people. Sorry, a long way of saying the short answer is no, you do not need a PDP to revise these but you do need some sort of process that involves the GNSO and presumably the community in any such changes.

LARS HOFFMANN:

Thanks, Jeff. I'm going to comment. Justine and I also note Anne's comment in the chat. I'll read that out after Justine. Justine, please.

JUSTINE CHEW:

Thanks, Lars. I think I hear what you're saying. And in fact, I actually scribbled some on my notes on a snapshot of this chart and send it

through to the mailing list. I'm not sure whether you actually saw my e-mail or not. This is obviously up for comment by the GNSO liaisons. I think this chart is workable because potentially if you're talking about maybe needing a short-term solution that becomes like an exception to the existing round, exception to the policy, because you find somehow the policy doesn't work or there's a problem with the policy per se. So the policy either needs to be suspended, in which case, we could develop a solution in variants or an exception as you have in the top box. Or for a longer term, which then Council uses whatever mechanism it decides to use to amend the policy for the subsequent round.

So I'm quite happy to see what you have at the moment. But in terms of the top box where it says, "In collaboration with SPIRT or develops a solution in variants of or exception to the policy for the existing round," and then it goes to another process where the SPIRT and Org agree on the solution. So where you have the SPIRT participating in the creation of a solution, then you have community input because the SPIRT is open to the community for participation. I would, in answer to your question in the yellow box, I would agree with Anne—and I actually had this in my notes, by the way—that the above, the second box where it says SPIRT and Org to agree in a solution, the SPIRT will have to confer with GNSO Council. So if assuming that the GNSO Council agrees on what is being proposed as a solution through SPIRT, then you have your endorsement in terms of an exception to the policy for the existing round, and that still goes to the Board for adoption.

My other suggestion was that in the event we have to rely on a second, the second box, the bottom box where GNSO Council finds a way to change the policy for the next round, can we move that box lower

because it is really a standalone? And because you have it where this right now, it seems to sort of meld into the flow towards the right-hand side which actually it doesn't? So that's the extent of my comment. Thank you.

LARS HOFFMANN:

It's my first call so apologies for the unmuting. Justine, thank you for that. First of all, the easy one. Great, great point down the positioning of that box. Absolutely taken on board.

I'm going to go through the substance in just a moment, Jeff as well, just on the chat. For those who haven't seen it, some of you I think on the phone, Anne said that she thinks that I can confer with the SPIRT and the SPIRT confers with the Council and must do so quickly and actually agrees with them. There has to go through a policy process of some form if we find an element of SubPro has to be amended. Annebeth also agrees with Anne. And if other parties of the constituencies are affected, they should be consulted in some way. Anne agrees with that in return.

Jeff said that this is not Consensus Policy with capital C, capital P, the picket fence doesn't affect the contract between the parties and ICANN, and so far, it has slightly different status. That is actually certainly something that we did. And I agree, Jeff, that's a difficult concept. But that arose internally and discussions as well. But I think the point here is that while that is so, the GNSO used the PDP process, followed the PDP process, adopted the recommendations, the Board adopted the recommendations. So I think for us or for the Board even to direct

ICANN Org to do anything that is in contradiction or separate or different from what the recommendation has instructed us to do brings with it some challenges. And so I think just to say, well, it's not really Consensus Policy, capital C, capital P, is helpful to hear that, and you are right, but there are procedural concerns.

Susan also said she wants to look at this a bit more. SPIRT needs to go to the Council on that very quickly. Justine brought that up. Pointing on the screen, obviously that's super unhelpful to you guys. But that box that says, "The SPIRT and Org to agree on a solution" almost in the middle of the screen above that, boldly printed, small print, exactly. For us, agreed we should make this clearer. The SPIRT needs to confer with the Council as they see fit. So that's not for us and maybe for this framework to detail too much. But absolutely, I think if we come to this situation and talk with the SPIRT around this from an Org perspective, certainly we would expect or hope, I should say, that SPIRT is aligned with the Council, has received instructions or in other way speaks for the Council in such circumstances. That goes without saying.

But I think what I'm hearing, Justine, before I go to you and then maybe you can confirm that, what I'm hearing essentially is this, that we can all imagine a scenario, hypothetical as it may be, that the program has to do something at some point that is not aligned with the recommendations that were approved. For any of those, there may be scenarios where we have to stop the program, obviously. But hopefully, that will not occur. And so the goal should always be not to stop the program, so if that would require a change where everybody agrees that that change is reasonable and needs to happen and Council is supportive of that. However, this process is documented in detail, the

principle however. If Council is supportive and the Board is supportive and SPIRT, obviously, by implication because of the Council, then we need to find a way to make that change. I think if there's general agreement around that principle, I think that would already be very, very helpful input from this group to us. It's also something I think we would want to document then at some point that this discussion was had, and I'm not trying to nail anyone down here. Nothing is finalized until everything is finalized. But I think that's really the question around the fact that to do something that is not aligned with the recommendation, there should be a way to do that without having to go through a PDP or EPDP process. And what is documented here seems to more or less capture that at least as a principle. Justine and then Jeff. Thank you.

JUSTINE CHEW:

Thanks. Lars, personally, I'm agreeing with you. You mentioned that it's not for this chart to—and correct me if I'm wrong. I heard you say that it's not for this chart to document processes that involve GNSO Council in terms of conference between SPIRT and Council, but I just like to point out if you move to the left of the screen before the two yellow diamonds, you see the SPIRT confers with GNSO Council as a process. So I'm merely asking for this process box to be—what I'm proposing that this process box be replicated above, if you go back to the right, right after that blue polygon policy change above, the next one where it says “in collaboration with SPIRT,” and then the next one, “SPIRT and Org to agree,” above that particular box, just replicate what you had earlier in, which is “The SPIRT confers with the GNSO Council.” Thank you.

LARS HOFFMANN: Very good. Thank you for clarification, Justine. Absolutely. There's no concern now. Absolutely. And confer I think is exactly what we say, how they do it and what the decision-making process is, etc. I think that was my concern. What you say, yes, absolutely right. And we should absolutely have that on them. Very good. Thank you. I think there's agreement around that in the chat as well. Jeff, please.

JEFF NEUMAN: Thanks. I'm not 100% sure I want to see that in the document. I mean, that really should be in the charter. And I'm not sure about the previous one now that Justine mentioned it, because at the end of the day, we don't want, let's say, ICANN Org to say, "Well, have you conferred with the GNSO before they act on it?" And what if ICANN says "We don't think you really did"? It's not really a matter for ICANN Org to sort of enforce. That's what worries me about adding it is that this really is purely a matter that should be in the charter. I'm not saying it shouldn't happen. Obviously, it should. But it's not really the role of ICANN or an applicant to enforce that, right? Because anything we have here that's in the guidebook, in theory, applicants will want to enforce that. So I think you should give a little bit more thought as to what we put in here, even if we think it should happen, and it should, but that's for the charter.

I was trying to think of a real-life example that could happen. And maybe this will help put some things into perspective. So let's say for whatever reason, ICANN Org is not able this time to get a license to

conduct a lottery, for lack of better term, in California. So the policy or the procedures are that it should be done, the cuing, it could be determined via random selection, pursuant to a couple other formulas in there. But in general, it's random. So let's say as we go along, the guidebook is published, and applications are in, and all of a sudden, California says, "You know what, no, we're not going to grant ICANN the ability to do this. In fact, we think it's illegal lottery." And so now ICANN has to change it.

The last time that happened, digital archery to the lottery, there was no process around it. And I think that was the issue, right? ICANN just sort of said, "We're not going to do digital archery, we're going to just do this new thing." And it went out to the public for comment, and it didn't have a process. Now we have a process, it still doesn't need to be a PDP that revises that mechanism, so I agree with you there. But it still should be through the SPIRT and through the Council and however they deem it, what process to go by. That's an example where I think we can kind of get our head around maybe.

LARS HOFFMANN:

Thanks, Jeff. I agree with that 2.1. Not overly serious, but I think we should have a digital archery drinking game at some point, whenever that is mentioned. I wasn't around when that happened but the legacy lives on for sure. I think the difference to that is though from the last time, Jeff ... The decision to do digital archery, as terrible as it was, was not in contradiction to any policy. So should that happen again? No. Do we need to consult the community if we do something like that beforehand? Yes. Is the framework here to help us do that? Also yes.

But this is on top of that. The problem was about not contacting the community last time, not working with them, which this will do as a non-minor issue in my view because there was no policy around that. So I think that is the different procedurally here. In any case, I appreciate the input.

Absolutely, Jeff. So this time, yes. This time, if we had to do something else, absolutely. Then it will be a PDP, quite right. Or not a PDP, but then the process, it would be a policy change this time around, absolutely.

Very good. Sorry, I didn't think we were going to spend this much time on this. But I think this was really very helpful to have this discussion. What I will say is this. And I'm going to come to the back in a moment. We're going to schedule, we have calls on a weekly basis, I think maybe scheduled beyond 78, but certainly until 78. We're going to probably add a few calls as of the middle of September, and the three to four weeks until ICANN78, possibly on the Thursday. I'll get to that in a moment. And I suggest maybe at that time, we return to this topic, which will then maybe give time for people to review the flowchart, do some more thinking, and then we can find some time and run up to 78 to look at that, if that makes sense. It gives us some time to work on some of the language as well, consistency in the chart, and other things.

Justine, there was some pushback from Jeff on that box that you suggested. Since we have a box that says, "SPIRT confirms to the Council" already in here, as you pointed out, Jeff, I suggest for now we update this chart with maybe just a dotted or maybe with that sticker thing that we have on the topic with a question as well to kind of put that in this place, hold on, we can discuss them, but that needs to be

included in the final document. But I suggest we don't bring this topic back for a couple of weeks or maybe more, but bring it back in the middle of September during one of the Thursday meetings that we'll hopefully be able to schedule. "Sounds good" from Jeff.

Let's now hear any concerns. That's what we'll do. Leon, if you could move to the next slide, please. I'm going to go very quickly over the freedom of expression. Do we have that up somewhere as well? The language, do you have that ready, Leon? Yeah. I really would like to talk about—you just saw the slide there a second ago about the topics. I want to talk about that very quickly with the group as well, and I probably need five minutes for that.

So this is the language that we proposed around freedom of expressions. We share them with the group—still not last week—during the last meeting. So we have not received any general okay-ness—it may be the technical term—around this on the call. We wanted to just show the text again. We're going to also put this aside as well. We haven't received anything on list on this as well. So for the time being, we're going to leave that as is. If there are any concerns or questions around this or feedback, provide on list. Otherwise, this we will not bring back until and before we eventually go for public comment and then we will go through everything that will go out for public comment. So again, this is not the last bite, but just to say predictability will come back. This will not unless we have something else. It will not for now.

Good. If I can see, Leon, please, the slide that you just had up minimized in the background. So we had a meeting, as I said, last week. Some of us, we kept the group as small as possible. These are the topics we

discussed. We made some very good progress around language and talking through some of the complications around these. So we think we are in a position. We don't think ... no, we think. We're in a position to bring these topics in the coming weeks to you to discuss. So this is essentially our substantive list of topics from here until ICANN78. The predictability discussion has kind of shown that wrapping a topic up, especially complex topics, freedom of expression was obviously different, in a week or two, this may be overly ambitious. So I've spoken to the team today, in fact, to suggest to you guys that we have a Board workshop, where the team that works on this has also do some work around the pending recommendations. So there's a lot of work to be done on that in parallel as well. That happens in the beginning of September. And so as of the week after that, the week starting the 11th of September, we will suggest to have the second meeting on the Thursdays using the same three time slots that we have for the Tuesday meetings already in rotation, obviously. Also never have the same two time slots in the same week. Those Thursday meetings are, I think, used in the kind of if need be, but at least we have them on the calendar. I hope there's no concerns around that.

Jeff talked about the string similarity singular/plural. Absolutely not. So we've avoided singular and plurals when we discuss this, not presuming any Board decisions, but simply that we know that there's discussions going on, but there's other aspects to it that are unrelated to the singular and plural discussion. So we are aware that that will have to be included in the future. But I think the way that we've dealt with that will very easily allow us to either plug that in, in whatever way the Board and the Council eventually find a learning space there.

Tracy, no, there's no recording. By workshop, I mean it was an internal group of people. This is just ICANN Org, it's an internal meeting where we discuss this language. The outcome of that will essentially be shared as part of this. This is the language we're going to share with you guys. But it takes more than just one person to write something up and then present it to you. We want to make sure that it will make sense, and that usually takes more than one person. So I'm afraid that's not something that will be recorded.

Yeah. So the order is not necessarily the order we would bring it to you. It depends a little bit of time zone, some of the SMEs for this all over the world. But conflict of interest is what we have planned for next week. We get the language to you as soon as feasible. And next week we'll hopefully have the order of the other topics outlined until ICANN78.

So there's that. Then, I don't know, at least at the next slide we have that, I briefly want to talk about it—I'm just looking at the time, what we have left—about ICANN78. Susan, I think the time slot ... Susan has more the time closer. I believe we have 13:00 UTC, 17:00 UTC, and 20:00 UTC, I think are the three time slots. Elisa, can you confirm? But we'll see that on the next slide as well. There are different times but I think that's right. There's no 17:00? I think we had a meeting at 17:00. Okay, it's only 13:00 and 20:00. I retract. There's only two time slots. I apologize. That's absolutely on me. I'm just being incompetent. Okay, Elisa, saving these. But 13:00 and 20:00. On this anyway, right, Jeff?

Face-to-face meeting with this group in Hamburg. So we've been working with our GNSO colleagues who will help us schedule this call, because although it's not a GNSO group, it's kind of GNSO adjacent,

maybe is the way to put this. So they help us with the scheduling. And there's a lot of celebratory sessions happening and meetings happening so there's a greater number of meetings than usually during ICANN meetings, and always difficult to find a slot. So as terrible as this looks, but the only non-celebratory overlap that we found was Saturday at 10:30, which, in fact, from our end doesn't work particularly well either from Org and because the Board workshop will go on at that time and probably people who support this group will have to potentially do support some Board workshop work, if there's still work left on the next round of the SubPro. Then there are potential internal ALAC meetings. The agenda is not finalized. We contacted our colleagues from the ALAC Support as well. There is an IDN EPDP at that slot as well and the Transfer Policy Review as well.

So it's really not a great slot. It looks on paper but it's the only one we came up with. I wanted to share this with you. My guess is that the message from this group is find a different slot. Anne and Susan, I don't know if I can call on you to maybe also reach out to your Council colleagues and see what can be done. I'm not super happy with these kinds of conflicts, the IDN EPDP especially, as I think a merge that's not great. We can be available anytime from an Org perspective. We're just trying to find the best slot for the community. So I'm going to leave it at that. I don't know about the travel, Anne. I don't know how that is fixed. Yeah, it's the first day, it's a longer meeting.

So we have that feedback. And any communication that you have with your SO and ACs on the timing will be welcome. We'll bring this back, I think, during our next meeting which will be a week from today. And with that, I ran slightly over, I apologize for that. I see there's no hands. I

will ask Leon to end the recording. I thank everybody for the call and we'll talk next week. Thank you so much.

[END OF TRANSCRIPTION]