
YESIM SAGLAM:

Good morning, good afternoon and good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group call taking place on Wednesday, 11th of October 2023 at 13:00 UTC. We will not be doing a roll call due to the increased number of attendees as well as for the sake of time. However, all attendees both on the Zoom room and on the phone bridge will be recorded after the call. And just to cover our apologies, we have received apologies from Satish Babu, Sandra Rodriguez, Gordon Chilcott, Alan Greenberg, Gopal Tadepali and from Alberto Soto. Because of the ICANN 78 prep week, we do not have interpretation provided for today's call. However, as usual, we do have the real-time service provided. Let me share the link here with you so you can check the service through the link. And before we get started, just a kind reminder, please state your names for the transcription purposes. And with this, I would like to leave the floor back over to you, Olivier.

OLIVIERT CREPIN-LEBLOND:

Thank you very much. Welcome everybody to this week's Consolidated Policy Working Group call. We've got less people than usual this week as this week sees many members of our At-Large structures in Kyoto for the global Internet Governance Forum. The time is a little difficult sometimes when you have to spend the whole day in meeting rooms and then time zones, etc. It does prevent people from being there on the call. But of course, this call is recorded and so we'll have, I'm sure, many people that will listen to the recording later on.

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.

So today we've got a full agenda. And it will start with the work group and small team updates as it usually does. We'll just have a couple of updates, one on the expedited PDP on IDNs and one on the new gTLD next round, otherwise known as subsequent procedures. After this, we'll go with Claudia Ruiz and Hadia Elminiawi through our policy statement updates, the usual policy commenting pipeline. And in there, actually, there's one statement that is not specifically a Consolidated Policy Working Group statement, but it's important enough for us to also look at it on this call. After that, we will be reviewing the At-Large sessions at ICANN 78. So I'm not sure if Jonathan Zuck has made it to the call or not. I know he is in Kyoto and it might be the middle of the night over there. But in any case, we'll go through the sessions of the forthcoming Hamburg ICANN meeting. And then after that, Justine Chew will take us to a discussion of the registry voluntary commitment, the RVC. We did discuss those a few times on recent calls, but on this occasion, Justine is really going to take us through full details of how it works and so we can have an informed discussion. And then we'll have any other business. So that's today's agenda. And now is the time if you wish to move things around or add some items or even delete some items if you have nothing to present in the section that has been allocated to you. Now's the time to say it. And it seems that I've got silence on the line and no hands up. So it means the agenda is adopted as it was just described.

That takes us to our action item. And of course, the great majority of them all are done. One of them is yet to be completed and that's for Heidi and Claudia to start a standing item on the HR terms of reference on the CPWG as long as the public comment is open. What would that

be? Can we try and not use acronyms, please? Because if I have difficulty when I see HR, I think human resources. And of course, we know it's heuristic review terms of reference. But please, let's not use— apart from CPWG that we probably know now. And then we've got other action items from the previous call. And those ones have actually been dealt with.

SÉBASTIEN BACHOLLET: Holistic review, Olivier.

OLIVIERT CREPIN-LEBLOND: Yeah. Did I not say holistic review? Holistic review. Or did I say heuristic review? I might have said heuristic. It's holistic. Anyway, we are here where we are. No other, well, the other unchecked boxes probably will have to be checked up because we're dealing with them in one of the sections on the call today. So that's all what we have. I'm not seeing any hands up or comments.

So let's go into our agenda and plow forward now with the big piece of work of the work group and small team updates. Now the first group is the transfer policy review policy development process. And Steinar usually have an update for us. But when there are no major updates, then he writes a comment at the bottom of the agenda. If you scroll down, you'll find minutes of the last meeting. And it mentions, it's got a whole set of details regarding full portfolio transfers and partial portfolio transfers. So these are, I gather, partial bulk transfers. It's not like when you just have one domain that you want to transfer from one registrar to another. This one is for larger amounts. And you can see the

rules as they are proposed in the text. I would suggest that you take your time to read through this because it probably needs a bit of reading and understanding. And we can discuss this in a future call for this. Unless Steinar has anything else to add. And I'll give him a couple of seconds to put his hand up or not. And he does want to say something. Okay. I didn't think he was, but there you go.

STEINAR GROTTEROD:

I just want to mention that at the ICANN 78 meeting on Saturday, there will be one and a half session with the transfer policy review team. And those who are interested and those who want to have some more details about the bulk transfer, this is to be discussed at that meeting. So look at the ICANN 78 schedule and either attend remotely or in person. So welcome everybody. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you very much. And very helpful to know that. So now you can read this and then go to the meeting in a week's time. Excellent. So that's the first of the groups. Now the next group after that is the expedited policy development process on IDN, internationalized domain names. And for this, we have an update from Hadia Elminiawi. I completely made a mistake here. From Hadia Elminiawi, who's going to take us through the slides. Over to you, Hadia.

HADIA ELMINIAWI:

Thank you so much, Olivier. This is Hadia for the record. So this is a quick update. So this is basically a status update and it's not a

deliberations update because we as a group have actually not discussed this. So it's basically a status update. So it's a quick one. So if we can, we will talk about the, where we are now. The reason we are providing this update, because we are going to start working on phase two of the IDN expedited policy development process for gTLDs. We haven't talked about phase two for a very long time. So in this recap, I will briefly note the completed initial deliberations, the remaining deliberations, the unresolved issues, and the timeline for delivering a phase two initial report. If I can have the next slide, please.

So completed initial deliberations. And please remember, we are talking about phase two, which is concerned with the second level domains. So in phase two, we are not talking about IDN top level domains for gTLDs. We are talking about the second level domains for gTLDs, IDNs. So should the same entity requirement be extended to existing variant domains? We have agreed also on same entity. In that case, it would be the registrant, in case of the second level domains. Should the same registrant requirement be extended to existing variant domains? Should the current rules for activating the variant domains be updated? Should IDN tables under a gTLD be mutually coherent for an existing gTLD or a future gTLD? And let me quickly explain what mutually coherent TLDs refer to. So the term mutually coherent TLDs typically refers to a set of top level domains within the DNS that are logically related or connected in a way that ensures consistency and coordination among them. So these TLDs are managed and operated in a consistent and coordinated manner. Mutually coherent TLDs have standardized policies and rules that govern their registration, management, usage. C4a, should variant domains under a single gTLD behave the same? Those are all charter

questions. How to harmonize IDN tables to ensure the ones under a gTLD are mutually coherent? And let me also define the term harmonization of IDN tables. So this refers to the process of aligning and standardizing internationalized domain name tables. So it's basically a set of rules and character mappings that define how non-ASCII or non-Latin characters can be used in domain names. So those tables are generated by the registry. If we can have the next slide, please.

Also completed, should IDN tables use the label generation rule format as specified in RFC7940 for both existing gTLDs and future gTLDs? Should the variant domains from a variant label set have the same behavior throughout the domain name lifecycle? Whether and how should the transfer policy be updated for variant domains? Whether and how should suspension-related procedures be updated for variant domains? If you can have the next slide, please.

So remaining deliberations, should ROID be used to identify the same registrant for both existing and future variant domains? So let me like say what this ROID is. So it's basically a unique identifier that is generated by the repository. A registry can have multiple TLDs in a repository. So it is guaranteed to refer to the same contract. So basically, at the second level, ROID could be used at the second level and below, ensuring the same second level label and its variant labels under all gTLD variants are allocated to the same entity. This could be achieved by having the same registrant and same contact. If not, what other mechanisms, if any, exist to identify the same registrant? I must point out that ROID is already used for ESCROW, Trademark Database, RDDS output. So ROID is already being used in other applications. Should additional requirements be developed if ROID is determined as

the mechanism to identify the same registrant? Should each variant domain transaction incur fees paid to ICANN by its registry and registrar? Should the variant domains from a variant label set be transferred to the same entity as a remedy of UDRP? Should all of the variant domains from a variant label set be suspended as a remedy of uniform rapid suspension? Those are remaining deliberations. If we can have the next slide, please.

Should data with regard to variant domains be available in IANA WHOIS and Registry WHOIS? Should variant labels of a registered mark also be recorded in the trademark clearinghouse? Are variant labels of a registered mark eligible to receive Sunrise and Trademark Claims Services? Rights protection mechanisms. What is the proper mechanism for updating the IDN implementation guidelines? Should a separate legal mechanism other than the IDN implementation guidelines be created to enforce IDN-related contractual obligations for registries and registrars? So all of this is still remaining. If we can have the next slide, please.

Unresolved issue, definition of source domain. And let me explain what a source domain is. The source domain is the domain based on which the calculation of the variants happen. Definition of variant domain set. Can the source domain be changed or deleted? So what if you know you calculate the variants based on a certain source domain and then you decide to delete the source domain, what happens to the existing variants? Or could you actually change the source domain, like put one of the variants as the source domain and like get rid of the source domain or maybe move it to a variant? So all of this, those are still unresolved issues with regard, of course, to the second level domains.

At the top level domain, of course, you cannot actually get rid of the top level domain based on which the variants are calculated because if you do so, the disposition of the variants might change. Could we go to the next slide, please?

So timeline. So the phase two initial report is supposed to be published on April 2024. And the deliver, and the final report should be delivered on October 2024. So this is the timeline. So initially, we should be done by the end of 2024. Again, this is only a status report and a recap, a refresh. It's not by any means intended to be explaining the deliberations or even [inaudible] input on them. Steinar is saying, how can a source domain be changed? Yes, you can decide to have one of the variants as your source domain. Then in this case, at the top level domain, that's not possible. But at the second level domain, it might be possible because it doesn't have the same consequences as it does at the top-level domain. So I stop here. And if you have any questions, again, this is just a recap. Justine, if you want to chime in, please feel free to do so. Thank you.

OLIVIERT CREPIN-LEBLOND: I am not seeing anyone putting their hand up and neither is Justine saying anything. So thank you very much for this, Hadia. Very helpful. Very interesting. That's the first of our updates. We can now go to our next. Yeah, thank you for the reminder. Well, that's good in advance of us meeting at the Hamburg meeting. It's always good to have a good update of where we are. Now, the next update is going to be, and this time around, it will be from, I believe from Justine Chew. And that's on

the new gTLD next round, otherwise known as Subsequent Procedures, SubPro. Over to you, Justine.

JUSTINE CHEW:

Thanks, Olivier. This is Justine for the record. Under this particular topic, we try to, and when I say we, I'm talking about myself and Cheryl as the rep and the alternate. We tried to cover a number of parts to what is now included in the new gTLD next round, which is anything that's still pending in terms of policy recommendations that's being worked on by GNSO. Also implementation of all the approved recommendations, the SubPro recommendations that have been approved by the board, which is handled through the SubPro Implementation Review Team, the SubPro IRT. And yeah, so those are the kind of issues that we try to cover under this particular tab here.

So the only thing that I want to provide an update on is following from the progressive updates that I've been giving to CPWG in terms of the 38 pending recommendations out of the hundreds of SubPro recommendations. So I've spoken about a first council clarifying statement that the board has now acted on. And basically the board has accepted all the clarifying statements that the GNSO council has made to certain recommendations. I'm not going to go specifically into that because I've reported on that before. What I want to touch on today is there is a second clarifying statement and the contents of this statement was supposed to have been covered under the first clarifying statement, but the board had some issues with the group of recommendations that this particular second statement covered. So we needed a little bit more time to refine the language. So now the second

clarifying statement, which is about to be voted on by GNSO council this week, this particular one has got to do with PICs and RVCs, the public interest commitments and the registry voluntary commitments. And it's got, I believe it's 10 recommendations touching on basically the enforceability of PICs and RVCs, more RVCs than PICs really. So this language here is finally settled between the SubPro caucus of the board, two members of them anyway, well three now, Avri, Becky and Alan Barrett. And there was a little bit of ding dong between the three board members and the GNSO council small team members in terms of how would we refine the language from a bunch of recommendations. And it was basically to provide clarity. And the key phrase here that you need to look at is that GNSO council confirms that any new PICs or RVCs, public interest commitments or registry voluntary commitments must be enforceable under the ICANN bylaws and as a practicable matter. I will go into what we mean by practicable when we discuss the board question of what is our view on the enforceability of RVCs. So I just wanted to point out that there is this second clarifying statement that covers about as I said, 10 recommendations you see on the screen there. And it's talking about RVCs and PICs having to be enforceable if they're going to go into the registry agreement and that they need to be done in a practicable manner. I will stop there for now. Thanks Olivier.

OLIVIER CREPIN-LEBLOND: Thank you very much for this update and let's open the floor for questions or comments. I guess everyone is eager for your presentation a bit later on. Oh no, I see Steinar has put his hand up. Steinar, go ahead.

STEINAR GROTTNEROD: Yeah, hi. Steinar for the record. I just want to get a better understanding of what is practicable matter. Do you have some sort of examples that can make it clearer? Thank you.

JUSTINE CHEW: I would ask for your indulgence to wait until agenda item six.

OLIVIER CREPIN-LEBLOND: Thank you. Everyone's waiting for this agenda item, aren't they? Excellent. Okay. Thank you Steinar. Thank you very much Justine. That pretty much closes off our round of updates for this week when it comes down to our small team updates, which means that we've got nothing on RDA scoping team, RDRS, the closed generics and the applicant support, GNSO guidance process. But we will have a full update on our next meeting so that we'll have a snapshot of where we are on each one of these. Now the next agenda item is the policy statement updates with Hadia Elminiawi and Claudia Ure. Hadia Elminiawi.

HADIA ELMINIAWI: Thank you so much Olivier. This is Hadia again for the record. So currently we have open for public comment the proposed updates to existing rights protection mechanism documentation. And this group agreed on not having a statement in relation to this public comment. Open also for public comment is the pilot holistic review revised draft terms of reference. And this is being discussed and handled during the

OFB working group calls. And a statement is currently being drafted by Cheryl Langdon-Orr, Vanda, Daniel and Sébastien. And maybe if we have, I don't know if we have Sébastien, Vanda or any of the members of the drafting team. If we do have, I think we do have Sébastien. Yes, we do. So I will give the floor to Sébastien to walk us through the statement. Thank you. Sébastien, the floor is yours.

SÉBASTIEN BACHOLLET:

Thank you. Sébastien Bechler-Left from Kyoto. I was not at the OFB working group last week as it was really middle of the night. But I guess there is a small group form to start to write as it was just opened. But if you have any, there is a page to open by staff. I guess I can give you the link where you can add your comments if you have any. And please join one of the next OFB working group to discuss that issue. I hope that we will be able to discuss that during the Hamburg meeting. But at the beginning of the work, I don't have much more to tell you on that. But I am ready to answer any questions, try to answer any questions you have. Thank you very much.

HADIA ELMINIAWI:

Thank you so much, Sébastien. And please stay with us because when we discuss the ICANN 78 talking points, I will be asking you about At-Large talking points and end users' interests with regard to the holistic review. Thank you again. I don't see any hands up. So upcoming public comment procedures, we have the NCAP Study 2 draft report, the technical check review, and the Internet Service Providers and Connectivity Providers Constituency Charter Amendments. With that,

we finish this agenda item. I don't see any hands up. So I hand it back to you, Olivier. Thank you.

OLIVIERT CREPIN-LEBLOND: Thank you very much for this, Hadia. And we can therefore – just reminding everyone about this pilot holistic review is important. So do have a read. I know that it's long, but there's a lot in there, and the At-Large community has really been pushing for this to happen. We will no doubt discuss it more further in future calls. Now, the At-Large session that ICANN 78 is the next thing that we're going to be speaking about! don't think Jonathan Zuck has joined us. No, I'm not seeing him on the line. So I'm going to hand the floor over to— Go ahead, Sébastien.

SÉBASTIEN BACHOLLET: Thank you, Olivier. Sorry. Just to add to your point about the holistic review, yes, please read it. And please read it with the objective to have your own point of view. The different people who participate to this writing of this new draft term of reference, at the end of the day, we had to publish something. And therefore, it's what you have. But don't consider that it's an end product. At least it's my point of view. But really, if you consider that it's a good product, please say so. If you consider that it needs to be evolved, please say so also. But – and I don't know what's happened at the OFV working group once again. I was in my plane to come to Japan at that moment. Sorry for that. But thank you, Olivier, to push everybody to have a read and ready to have any discussion during Hamburg and before or after. Thank you very much.

HEIDI ULLRICH: I can go ahead and walk through the –I'm going to focus on the policy-related sessions. Olivier? If you're speaking, you're on mute. But I'll go ahead and continue. I'm going to start on Saturday. And again, I'm going to focus on the sessions that include policy issues. So the first one will be on Saturday. It's the joint session with the ALAC and the GNSO Council. And Justine, I'm not sure if you would like to walk through that.

JUSTINE CHEW: Go ahead, Heidi.

HEIDI ULLRICH: Okay. Thank you. So you'll see that there are several items being discussed. The first one is the GNSO Council guidance statement on .Quebec. The second will be on the gTLD program next round. And then there will also be an item on the registration data request service. And we have a number of speakers from both the GNSO Council side as well as At-Large. Again, that is Saturday afternoon.

Then we go ahead and transition to Sunday. And again, we have – that's a very full day for everyone. To begin with, we have the OFB, very first thing in the morning. And you'll see that there is that holistic review terms of reference item at the end of that. Then we transition immediately into the At-Large Consolidated Policy Working Group overview. And again, what this is going to be is primarily updates from all of our regular small groups and PDPs. And I've sent a note to all of the speakers just as a reminder. And then we're also going to have Justine and Jonathan lead an item on what to expect in the year ahead. Both those meetings, OFB and the CPWG, have a similar outline. Then

we follow in the afternoon, we follow the ALAC and SSAC. And again, we start with ALAC topics including the DNS capacity building. That's related to the At-Large loop and campaign playbook. Then we follow up on .ZIP that we discussed at ICANN 77. Then moving into the SSAC topics, the DNS automation and discussion of the board topic, they're achieving fit for purpose outcomes in a multi-stakeholder model environment. And talk about the SSAC transition at the end. So that brings us -- and then we follow -- I think we go ahead with the RALO coordination and we end with the outreach and engagement.

Then we go to Monday. We have the session with the board. That is really the only session that we have on Monday. And we'll talk about the questions in just a moment. Then we have three board questions and we have one ALAC question to the board on the DAAR.

We can go to Tuesday. We then have our meeting with the ALAC and the GAC. There it is at the very bottom. First we start with the 2017 joint advice to the board on enabling inclusive, informed, and meaningful participation. That will just be a short item. Then we go into the more substantive ones. The first is a possible joint ALAC/GAC statement on closed generics being led by Jonathan or Greg from the At-Large side. And then we go into the ALAC/GAC statement on contention resolution being led by Jonathan. And I believe that those are the policy-related discussions at ICANN 78. Olivier, back over to you.

OLIVIERT CREPIN-LEBLOND: Thank you very much, Heidi. And as I put in the chat, it looks more like a marathon than a meeting, especially the Sunday with so many topics

that will have to be addressed. So it does help if any people are not totally aware of some of those topics. It does help to listen to these in advance from previous calls, et cetera, including what you mentioned in the chat regarding the OFB overview meeting being on Sunday and the reviews team having provided a full update on the public comment on last week's OFB working group. In fact, if you could put a link to that last week's OFB working group call, that would be super helpful. I see Sébastien Bachollet has a new hand up. So over to you, Sébastien.

SÉBASTIEN BACHOLLET: Thank you, Olivier. Just to ask, I know it may be discussed at the OFB, but if you can add me as a speaker for the holistic review, I am preparing a PowerPoint to have a discussion about the milestone, the consequences of where we are regarding the timing of all the reviews. Thank you.

HEIDI ULLRICH: Sorry, Sébastien. This is Heidi. Did you mean for the OFB meeting? Because that one was decided. That one, please work with Cheryl on that. That's been decided and she's already -- I will.

SÉBASTIEN BACHOLLET: I asked to be one of the speakers. Thank you.

HEIDI ULLRICH: Thank you. I will inform her.

OLIVIERT CREPIN-LEBLOND: Okay. Thank you. Any other hands? Anybody else have any comments on these? I'm not seeing any other hands up. So thank you very much for taking us through this, Heidi. It looks like it's going to be a very interesting meeting indeed. And I did mention, yeah, if you have a link to that, is there a public link to that OFB working group recording? It would be helpful. Because it is very involved. And as you can see, the agenda on the ICANN meetings are so tight and there's so many things. I don't think there will be very much time for introductions and oh, by the way, for those people that don't know the topic, let me give you a brief background or et cetera. No, it's going to be plowing straight into the work, which is a bit of a concern. You do have people in the room that are not really aware of the topic. But hopefully they'll find the topic interesting enough to read more about it.

All right. Well, that's it, I guess, for the At-Large session at ICANN 78. And so that takes us over to the discussion on the registry. It is that, isn't it? Or have you finished everything on ICANN 78? Because I also noticed that after that, there is ALAC responses to the board and draft talking points. Are you finished, Heidi, with the ICANN 78 set? Because there's also a summary of status of board questions to the ALAC. There's a discussion on the At-Large 78 talking points that we have to address.

HEIDI ULLRICH: Oh, yes, Olivier, I'm sorry. I just went through the sessions. I think Justine can go over some of the board questions. And we could pull up

the GAC ones, but they're already on the agenda on the GAC meeting. They've been incorporated into the agenda.

OLIVIERT CREPIN-LEBLOND: Okay, thank you. So, Justine, do you want to quickly take us through your part, please?

JUSTINE CHEW: Well, in terms of the question one, that's agenda number six. And question two and three is part of the OFB working group, so I can't speak to that. Perhaps Marita can, because I think she's on the call. Or Ricardo, if he's on the call.

OLIVIERT CREPIN-LEBLOND: Go ahead, Marita. You have the floor. Apologies for calling on you just like this.

MARITA MOLL: Yes, we did talk about these briefly at the OFB meeting. And the second question is, what is your view in assessing human rights respect when selecting meeting venues? People were pretty concerned about just—this was just too broad. And how to measure things and which rights were concerned and is there kind of a scale of things that need to be discussed here? So this morning I just put together a quick potential point about it saying that the optics of holding a meeting at any venue and the possible benefits the event could bring to the community, it all has to be weighed and balanced in looking at the human rights involved.

And that in any case, there would have to be some clearly established redlines with respect to human rights practices and safety and security. So really, I personally would want to know how are they doing this now? They must be doing this now somehow. And what needs to be adjusted? So that's kind of where I landed with what I put in here this morning. And I'm going to go back to the slides. Anybody want to make a comment on that?

ALFREDO CALDERON:

I was wondering, Marita, if part of that should include something that has to deal with inclusion and diversity issues. Because I remember that in the OFB call, I mentioned that in the chat as well. So, it's really up to you if you want to make the question a little bit more broader or include in your statement something regarding inclusion and diversity to it. Thank you.

MARITA MOLL:

Thanks, Alfredo. I'll certainly do that. I'll run that through as well. It's not really my statement. No one was putting anything in. Well, Ricardo put some in. So, I mean, that's just another way that can be nuanced. So, I'll definitely throw that in. Thank you for that suggestion. And I guess we'll probably put this out to the list as well to see if there are any other possible things that we could improve that. Just a quick thought from this morning. So, any other points anybody wants to bring up at this point on that one? No hands.

So, number three, which measures would you propose in order to make ICANN a more sustainable and eco-friendly organization? Well, the first

thing people said about this was, are those exactly the same things? Well, they're not if we read them the way they're written. But I think what the board means here is eco-sustainable and eco-friendly. And one response that was put in, I think it's probably Ricardo, that a proposed start would be to make sure that ICANN was becoming an ISO 1400 certified organization. I don't know for sure whether they're on that track or not. So, that sounds like a reasonable suggestion. Because that's a way of getting certified in making sure that the things you do are there's some kind of eco audit. My comment on that was that it should be not just single pop shots at things. That should be an enterprise wide solution if we're going to talk about eco sustainability and that specific measures would have to be set up within an established goal to respect eco sustainability and that there had to be a routine audits. And I think those things are definitely inside that ISO 1400 certification. But one thing that everybody really wanted to point out was that the needs of a fully functional multi-stakeholder model in which stakeholders have opportunities to meet face to face should remain a priority within such audits. So, it's easy to cut funding for travel. And that's just a really easy move to make and we want to make sure that that's not how this kind of an idea is addressed. Any other comments on that one? Yays, nays? Alfredo? Yes, go ahead.

ALFREDO CALDERON:

Thank you, Marita. This is Alfredo again for the record. This third question in a way ties into the second question. So, probably the board should be asked what are they doing or have done so far to make it sustainable and eco friendly besides asking them what are their next

steps and if they're taking that into account when they decide on what are the venues for the meetings. Thank you.

MARITA MOLL: Okay, thank you Alfredo. That would be a good kind of cast back to the board. I guess that's the end of that discussion. Olivier, sending it back over to you.

OLIVIER CREPIN-LEBLOND: Thank you very much for this, Marita. So, now we've got the next questions further down. Now, who deals with that? Justine? Because this one doesn't have any name next to it.

JUSTINE CHEW: I'll take a stab at it. It's something that kind of I mentioned and I think Jonathan is actually the lead for this, but the essence of it is what's on screen. You know, we wanted to seek clarification on the usefulness of DAAR, what is the usability of the domain abuse activity reporting, given that there are new tools that are being developed to try and get more granularity about domain name system abuse reporting. I think it's kind of self-explanatory, so I'm not sure if we need to elaborate a bit more on it. Thanks, Olivier.

OLIVIER CREPIN-LEBLOND: Thanks very much. Any comments or questions from anyone? What's on the screen doesn't actually show the full questions, by the way. Yeah, Steinar.

STEINAR GROTTROD: Hi, this is Steinar again. I really like to propose that we remove in the text, a reference to DNS Abuse Institute because they are not the only one that may have developed new tools in this area, and I don't think we should limit it to discussion about DNS Abuse Institute. Thank you.

JUSTINE CHEW: So thanks for the comments, Steinar. Heidi, if you could make a note of that and just alert Jonathan. Please. Thank you.

OLIVIERT CREPIN-LEBLOND: I'm not seeing any other hands up. So thank you very much for taking us through these. Then we have the At-Large ICANN 78 talking points with Hadia Elminiawi.

HADIA ELMINIAWI: Hello again, this is Hadia Elminiawi for the record, and I will walk you through the slides. So if we can have the next slide, please. So basically the idea is to have the leads of each working group to put the talking points, what they think should be At-Large talking points, and then in the end, we will make like one or two slides summarizing At-Large talking points and also topics of interest. So if we can have the next slide, please.

So we start with the transfer policy review policy development process, and Steinar actually walked us through this on the last call. Steinar, would you like to take the floor? I would just note here that I don't think

in the bullet points that you put, there is a direct user interest where we as At-Large could say this is our talking point in relation to the transfer policy review policy development process. As in this is the user's interest that we are advocating for. I give you the floor. Thank you.

STEINAR GROTTROD:

Hi, this is Steinar again. Well, we discussed this at the last CPWG meeting. My point was, as I think I said, that was kind of describing what we have done since the last, since ICANN 77. And these bullet points are not directly end user in my view, but there is some elements of the transfer policy that is important for the working group to decide upon. The most important thing is the way it is for us to advocate that a registrant can initiate a transfer dispute. And this is something that was widely discussed at ICANN 77. We made a statement in this group and we have promised to put it onto the public comment when the paper, when that faces is for comment. Thank you.

HADIA ELMINIAWI:

Thank you, Steinar. So if we could go to the At-Large ICANN 78 talking points, like skip and go to slide number 13, and I will actually show you what I have put as a talking point. And we could actually insert in there the initiating a transfer dispute. The next slide. So I have put simple, safe and secure into registrant transfers and change of registrant updates. I have put this as related to users' interests. And we could actually insert also the registrants also initiating a transfer dispute. So how would you like, what do you think of this bullet point and how

would you like change it? You can take your time. I just wanted to show you this like one bullet point.

STEINAR GROTTROD: Yeah. Hi, this is Steinar again. I think this is excellent, Hadia. And this was something that I had in mind that should be in more or less capital letters in my slide. I think it's perfect. I will add some more, maybe another bullet point on this one. But it's excellent. I put it out onto my private action list. Thank you very much.

HADIA ELMINIAMI: Thank you, Steinar. And any thoughts, ideas? I don't see any hands up. So if we could go back again to the second slide. So internationalized domain names. So actually, Justine put those bullet points. I put only one of them. So the talking points. Justine, would you like to talk about the talking points?

JUSTINE CHEW: Not really. Most of them have been transferred from previous ICANN meeting talking points. So I don't think anything has really changed that much. And it's quite self-explanatory.

HADIA ELMINIAMI: So basically, I think the main takeaways with regard to IDNs would be that IDNs and universal acceptance are both important for Internet users' equity, diversity and inclusion. The question marks would be around how do we bring new local languages and user communities

online? Answers could be through the IDN EPDP, could be through the new gTLD program. Also, one important theme or point could be also minimizing user confusability and maximizing end user online safety. So those would be what we as At-Large would advocate for. And again, I invite you all to go through the slides and put in your thoughts, whether it's under the topic page or under the At-Large ICANN 78 talking points, which is slide number 13. If we can have the next slide, please.

So I haven't had any inputs yet from Michael and Alan, but I'm just waiting for them to put their input. And so I will be actually contacting them. If we can have the next slide, please. Also, the registration data request service. Next slide, please. Closed generics. Again, no inputs there, but I know they are busy with the IGF. But what we generally had before on closed generics was open markets and public good come first. No to monopolization of the information space. I don't know if we want to advertise or advocate for no closed generics in the next round if we don't have a policy in place. But again, this would be to Greg and Alan to say. And also, if you have any thoughts, ideas, please share them either on the document or with us now. So I don't see any hands up, so maybe we can go to the next slide. And it's about the applicant support GNSO guidance process. And again, both Satish and Maureen are at the IGF in Kyoto. But generally speaking, I would say about the applicant support. Again, it's up to Maureen and Satish, but from what we had before, ensuring worldwide accessibility to the new gTLD program. How can we get more successful applications from underserved communities? How do we advertise and promote for the applicant support program? I think those are all points that are directly related to end users and At-Large. Again, I stop here and ask you to share also your thoughts. The new

gTLD next round and those points, I don't know, were put by both Justine and Cheryl. Justine, would you like to talk about those two points?

JUSTINE CHEW:

Thanks, Hadia. This is Justine. So again, I think what you see on screen is quite self-explanatory, so I don't necessarily need to explain a little bit more. But I do want to just highlight that I received, Cheryl and I received a message from the leader of the IRT from ICANN Org just a couple of hours ago to say that the discussion with the implementation review team that they're going through the applicant support recommendations, how to implement those, that discussion has been moved from the Wednesday session to the Thursday session. So you see that it was it was originally on the Wednesday, 25th of October. So that's now moved to Thursday, 26th of October at 9:00 AM Central Eastern Time, obviously. So you see that that's the last bullet point. And also that I mentioned before that NCUC, NCSG was doing a session as well to include a discussion on the applicant support program recommendation 17.2 of SubPro. And that has been confirmed for also Wednesday, which is the third bullet point that you see on the sessions. It's under the NCUC issue forum. That's what they're calling the session. And applicant support is the second half of that 90 minute session. So anyone who's interested in applicant support should be attending the sessions on Wednesday, the NCUC issue forum. Unfortunately, I think it's clashing with the At-Large session as well. So people will have to make a choice as to which one they want to attend. And certainly the session on Thursday, the IRT session that you see on the screen, the last bullet point. Thank you.

HADIA ELMINIAWI:

Thank you so much, Justine, for the update. And either you can go ahead and update the slides or I can do it after the call. Thank you so much. If we can have the next slide, please. And I guess also what we had as a talking point previously for SubPro, generally speaking, was about diversity and inclusion and end users education. But I think it was mainly about inclusion and diversity. But also, we could be speaking also about public interest commitments and registry voluntary commitments this time. ICANN governance and operations. So we don't have anything yet here. If we can have the next slide, please. Those are not like the end slides that will be presented. So this is just for the group to put their thoughts in there.

ICANN governance and operations. And this is about the pilot holistic review. And Sébastien, if you would like to take the floor here.

SÉBASTIEN BACHOLLET:

You know, I discovered this page at the same time as the other. I have nothing specific to add. I think it's important to read it. It's a date for the comments when it starts, when it ends up. And we have this time to discuss. And yes, there is no formal session plan on ICANN 78 on that topic. But it will be a topic of the OFB session and it will be a topic also for the cross RALO coordination meeting. I would say the talking point isn't changed too much, but maybe we can add that we would like that the other constituency consider this new draft and say participate to the comments to decide where we go with this review.

HADIA ELMINIAWI:

Thank you so much, Sébastien. So I will actually copy and paste the first bullet, which is about the public comment proceeding, which closes on the 27th of November. So actually, if we advocate for it during ICANN 78, people could go ahead and contribute to the public comment. Another point we actually had previously was saying the first post and a transition ICANN wide review for end users is important. Could you actually highlight why is it important to end users?

SÉBASTIEN BACHOLLET:

Yeah, I think it's important for end users because from my point of view, it's the first complete review of ICANN since 2002. More than 20 years. It's important because we have to be sure as end users that ICANN will evolve in the right direction. Secondly, I have two ideas. It's one to decrease the complexity of the organization and the second is to be sure that it's not becoming an organization of contracted party who has the last say on everything. And it's quite important that maybe there are new voices that we need to engage with in ICANN. Maybe there are some voices we don't need anymore. I don't think so much about that. But how we involve new voices and maybe need to reorganize the consistency, the way the people are interacting and so on and so forth. But when I say all that, I know that we are going to have a discussion about pilot holistic review. That's not the same thing as an holistic review. When you read the document, the term of reference, in summarizing, it will be to set up how the holistic review will be done in the future. I hope that this team will be able to deliver some elements of evolution of the organization of ICANN, but I am not sure at all that we will end up with that. What we are sure we will end up, if we accept this term of reference, is a charter, a document where everything is

clearly understood what needs to be done in the next pilot holistic review. Thank you.

HADIA ELMINIAWI:

Thank you so much, Sébastien, and I invite you actually to look at slide number 14 and please try to add some of the thoughts that you actually shared now on the slide. If we can have the next slide, please. Topics of interest for At-Large. I put DNS abuse, applicant support, public interest commitments and registry voluntary commitments, and internationalized domain names. I could actually add more, or you could go ahead and also put your other topics of interest that you think At-Large should be currently concerned with. I don't see any hands up. And then those are bullet points that I put. I also put the holistic review. I would start putting bullet points under each. For domain name system abuse, I would put two points, end user education and awareness for prevention and reporting of DNS abuse. And I would also put compliance tools. Sébastien, please go ahead.

SÉBASTIEN BACHOLLET:

Yeah, regarding governance, I think that I would suggest to add two bullet points. One is a long run and always discussion about the budget of ICANN. And the second or the third one will be about the strategic planning of ICANN because ICANN is starting and we are starting to discuss about the next five years of strategic planning. And therefore, I think it's an important point to be taken into account and to start to discuss that with our peers during the ICANN 78. Thank you.

HADIA ELMINIAMI: Thank you so much. So I've added them both, and you're absolutely right. So the planning for the new strategic plan and also the budget. OKAY, I'm almost done because Justine needs to go ahead with her presentation. If we could have the next slide, please. We have discussed everything. So basically go to slides 13 and 14, and those will be like a subset from the points that are put in the previous slides. If you can have the next slide, please. And those are the resources. So I stop here. I invite you all to look at the slides and put in your thoughts. And Sébastien, I don't know if this is an old hand or is it a new one? So I give you the floor if it's the new hand and I give Justine the floor. If it's an old hand, you put your hand down. Thank you so much. So back to you, Olivier.

OLIVIER CREPIN-LEBLOND: Thank you very much, Hadia. And now we've got Justine's discussion on the registry voluntary commitments. The RVCs. Over to you, Justine Chew. And I do realize we have 15 minutes until the end of this call, but we will try and see if we can get an extension to give you your full time. Justine.

JUSTINE CHEW: Thank you. This is Justine. That would be much appreciated because I guess the conclusion of this discussion will have to feed into the answers to the board question. So I really like input and enough time to discuss some things. So basically the board is asking us about what is our view on registry voluntary commitments and their enforceability in line with ICANN's mission. So I'm going to try and explain to you what

we mean exactly by registry voluntary commitments and how they differ from the public interest commitments, PICs, in the next round. And then we're going to I'm going to try and break down the board's question into four sub questions for discussion and answer. Okay, next slide, please.

So registry voluntary commitments in terms of the SubPro recommendations that have been approved by the board in relation to PICs and RVCs or more RVCs and PICs here, right, is that as you see, basically anything that was a voluntary commitment offered by a registry operator is what we call RVCs. Well, RVCs is a new term. It used to be just public interest commitments and whether it's mandatory or voluntary. So that was a bit confusing for people. So SubPro decided to rename the voluntary ones to call them voluntary registry voluntary commitments rather than PICs per se. So now we're for the next round, we're talking about mandatory PICs and voluntary registry commitments or registry voluntary commitments. The voluntary word in RVCs is not that it's voluntarily enforced. It is more that it's voluntarily being offered by the registry operator or the applicant in that sense. Right. And why would we need RVCs as opposed to just having them as mandatory PICs? Right. The idea is that mandatory PICs are born out of existing consensus policies or they could be the touching on the category one safeguards from the last round that GAC came up with. So anything outside of that, that the registry decides or the applicant decides to offer as a voluntary commitment. It could be that they want to do something and they want to make sure that they want to include it in the contract or more likely that they would offer some solution to address any issues raised through the public comments or the

application comments, objections, GAC early warning or GAC advice. So things that are not necessarily already covered in the contracts in terms of consensus policies and mandatory PICs.

So what are we talking about? I tried to find some examples and I will come to that in a little bit later. So in essence, the voluntary PICs are going to be included in the applicant registry agreement. That's one recommendation that has been approved by the board. SubPro recommendation 9.11. Anything that is voluntarily offered by the registry and goes into the contract will also be subject to public interest dispute resolution process. And if they are limited in time, duration and scope and they have to be stated up front and also if there's any reasons for and purposes for them, then they need to state them in what they offering in terms of a commitment. Because, as I said generally speaking, these kind of commitments is in response to public comments, objections, GAC advice or GAC early warning. So there's always some concern that triggers it. So whatever offer has to try and be explicit enough to address the concern. But the bottom line is that RVCs are different to mandatory PICs. And also why they took out the phrase public interest is because the RVC can touch on things that are not public interest related. And as I mentioned before, the word voluntary refers to it being volunteered by the RO or the applicant, not that it is voluntarily enforced by ICANN. Next slide.

Okay, so just to distinguish between RVCs and PICs. So I mentioned this before, when we talk about PICs, it's mandatory. And there are two categories of PICs moving into the next round. The first one is the public interest commitments that are already in the base registry agreement. Okay, and you see those in the slide here, one and three mainly. And

also the second type is the GAC category one safeguard commitments. So that's B.

The ones that are what we call now as RVCs are the ones that are, as you see highlighted in yellow, the second bit. So it actually appears currently in the registry agreement under spec 11 clause two. Right. And there would only be entries to registry agreements spec 11 clause two if the RO has offered a commitment voluntarily. And they go into this, the spec 11 of the RA under clause two. Okay, let's move on to the next slide.

Okay, so moving on to the breakdown of the question that the board has posed to us now, the board has basically just posed that first bullet point. You see, that's the question, right. I'm trying to put in some nuance as to what they are actually asking. Right. And we'll go through each of this and hopefully there's some discussion with it. So next slide, please.

So the first question that I came up with is, should all RVCs be enforceable? And I think this is a no brainer. Obviously, the logical answer is yes, because if it's not enforceable, then why would we put it into the registry agreement? The second bullet point is important to note that it must be enforceable. Whether ICANN chooses to enforce it or waive enforcement, that is a different question. But they must still be enforceable, because as we said, if it's not enforceable, then why do we want to put it into the registry agreement? Because it's of no value. So I don't think there's going to be any disagreement with the answer to this question. So moving on. Next slide, please.

So the next few questions has got to touch—there is a link to the mission of the ICANN. So in the ICANN bylaws, we have to take a look at the ICANN bylaws, the relevant sections to the ICANN bylaws. I'm not going to go through all this. If you look at just Article 1, Section 1.1a, that has the mission stated in the bylaws. And it is basically to ensure the stable and secure operation of the Internet's unique identifier system. And then there are explicit examples of what that means in this slide. So I'm not going to go through them. You can read them in your own time. Next slide, please, which is the more interesting one.

So under Article 1, Section 1.1b to D, this is where it gets interesting. So B says that ICANN shall not act outside of its mission. And then C says that ICANN shall not regulate services that use the unique identifiers or the content that such services carry or provide. So this is where we come back to the argument of ICANN doesn't regulate content. It doesn't regulate the services that the content runs on. It also doesn't regulate content.

But the interesting thing about this is under Section D. There has explicit statement that says for the avoidance of doubt and notwithstanding the foregoing, then it goes blah, blah, blah, blah. ICANN's performance of its obligations or duties there under may not be challenged on the basis that such terms and conditions conflict with or in violation of ICANN's mission or otherwise exceed the scope of ICANN's authority or powers. And what do we mean by this? It's basically anything that's in the registry agreement, whether it's in the earlier version of the agreement or the later version of the agreement. Those things are in the contract. So you can't challenge them as being a violation of ICANN's mission. So that is interesting. And part four, you see the bottom. ICANN shall have

the ability to negotiate, enter into and enforce agreements, including public interest commitments with any party in service of its mission. So in that context, then, the question is, if an RVC is touching upon content, does it mean that it is not enforceable? So the next slide, please.

So there are two schools of thought, really. Okay, so one school of thought is saying that because 1.1C says that ICANN cannot regulate content, and I'm just leaving aside the first element of services because it's easier to talk about content. So if you look at section 1.1C, ICANN cannot regulate content. So there's an argument that says that if any RVC touches upon regulation of content, and even if it's included in the RA, it can be challenged as being in violation of ICANN's mission and therefore not valid. The second school of thought is that, well 1.1D and Roman 2 and Roman 4 basically say that as long as the RO has agreed to include the RVC in the RA, then it ought to be accepted and will be enforceable. So there's still this dichotomy as to which school of thought you subscribe to, and I personally subscribe to school of thought number two. And that brings up this question about if RVC is touching upon something that's supposed to be outside of ICANN's mandate, then number one, is it enforceable? And then if it's not enforceable, then why do we want to include it? Is it something that ICANN should accept as an obligation from the registry? So hold that thought. And then next slide, please.

Okay, so I have to apologize because I was supposed to try and get through this deck last week, but I just couldn't manage it because I had to do some research looking at registry agreements and there are thousands of them. close to 1,400 registry agreements. So I was trying

to look for examples of what is a voluntary PIC. And I couldn't find a lot of them, number one. Well, I didn't have the time to look through 1,000 over RA, so I just picked a few that might potentially have them. And the one that I picked was on .kids. Okay, because again, I was looking for basically the RA spec 11 clause two, if there's anything that's entered under clause two, then that is considered as a voluntary commitment or RVC. So in the case of .kids, they had this voluntary PIC under spec 11 clause two C, although it's meant to be a clause two. They had more than one of this, but I just wanted to highlight the example where it says RO makes a commitment to promote kid-friendly content on the internet, blah, blah, blah, blah, blah. In accordance to registration policies and guidelines. So there is an element of content here. But it's not the best example because kids is a community based TLD, so they have certain community registration policies in place. As you see on screen now. So arguably because they're trying to make sure that the content is not harmful to children, so that's why they propose to have some regulation on content. So bear that in mind again, as put that consider that as well. So moving on to the next slide, I'm trying to rush through this.

Okay, so what I had tried to do was find an example that we could talk about that potentially may have been violated or not adhered to. And to be honest, I couldn't find the information really, because it's under contractual compliance. They have reports, but they don't go into the granularity of which is the registry operator that allegedly violated something. They just report more on statistics or numbers, so they don't identify who it is that allegedly violated something. So I had to come up with basically imaginary examples. And I don't think these are spot on

examples. But to be fair, I couldn't think of one that had had a good ... Yeah, I couldn't think of real examples per se. So these are just you have to use your imagination when I when I talk through these.

So I have two strings that I want to talk and discuss with you guys about. First one is NFT as an example. So NFT, we know I'm telling you that it means non fungible tokens. And the context of it is that NFT may not be recognized in some countries. We need to assume that it's not caught under the GAC category one safeguards. So in that context, they're not a sponsored TLD, they're open TLD. NFT is not a generic word. So it won't get caught under the other mandatory PIC on generic terms. And it's also not considered as a community TLD. So there are no registration restrictions in terms of who can apply for a second level domain under NFT. And I'm suggesting that this NFT, the purpose of this NFT is to promote adoption and trading of NFTs globally. So and this is all imaginary. So the profit registry voluntary commitments would be that they plan to screen the use by the second level domain registrants to limit content related to NFT purposes only with full discretion to take down websites for noncompliance. And the second one is that they commit to ensuring that registrants comply with applicable laws of countries where the registrant or the sponsoring registrant resides. So the question then is there is a limit to content because they are proposing to regulate websites, the content on the websites of their registrants and second level domain registrants. So, is something like this against ICANN mission?

And the second one touches upon Steinar's question earlier about practicable. The definition of practicable is that it can be easily and successfully implemented. So the question then is if ICANN were to

accept these RVCs, how would you actually enforce it? So the first one, the first RVC, does it touch on regulation of content? Is that acceptable? The second RVC touches upon practicable. Is it feasible for ICANN to actually enforce this commitment that the registrants have to comply with applicable laws of the country that they're in? And I see two hands up now, so I'm going to pause and get to the hands. Hadia.

HADIA ELMINIAWI:

Thank you so much, Justine, for this very informative presentation. But let me ask you, this is Hadi for the record, I always thought that like generally speaking, a general rule outlined in a mission statement can be overridden by contract exceptions or specific agreements, provided, of course, that those agreements are legally valid and are enforceable. So the mission statement typically represents the overarching values, goals, principles that an organization has. However, it does not have the same legally binding status as a contract. So generally speaking, contracts anywhere, not only at ICANN, can cover various aspects of an organization's operation, including specific actions and commitments and exceptions if they are actually within the remit of the overall operation of that organization. So without looking at examples, I don't know actually why this big argument is actually happening. Thank you.

JUSTINE CHEW:

Okay, so in answer to that question is really whether you subscribe to the school of thought number one or school of thought number two. And I told you earlier, I told everyone earlier that I'm in the camp of school of thought number two, which is what you're saying as well. But

the question is not necessarily asked by me, but it's being asked by the board. So when they pose the question to us, they want to know what our opinion is. So I'm now asking the group here whether you subscribe to school of thought number one or school of thought number two. And I hope you can still remember what school of thought number one is and school of thought number two is. But in the meantime, let me go to Olivier.

OLIVIERT CREPIN-LEBLOND: Thank you very much, Justine. I wish you had spoken maybe to some of the old timers in this. I count myself as one of the old timers, but people that were there when these things were put together and these RVCs came in play. Again, this was one of these cases in the run up to the last round of gTLD where there was a consensus that had to be found. There was extreme time pressures that had to be found. And so the solution that was brought forward satisfied neither side of the of the discussion. The side of the ALAC was that you might have thousands of applications for new strings. And the ALAC and At-Large community wanted more communities to have a chance to apply for a new string. While at the same time, it was also obvious that there might be a huge number of you could call them investors or speculators that might end up purchasing lots of strings and therefore taking on interesting strings or strings that were that were generic strings for generic terms. And this doesn't matter for like dot boring, for example, where nobody really cares about that string. What's important, though, is that the GAC and the ALAC were particularly concerned about strings that were sensitive, particularly sensitive, sensitive like doctor, like health, like these ones. And so I wish you had mentioned you were searching, for example,

because dot health, for example, is an absolute example of the thing where you had several applicants. Some applicants had the commitment, this is being the standard commitments that we're speaking about, the standard PICs that you're speaking about. And others had a commitment to say, well, only health professionals, qualified health professionals will be able to apply for dot health because the harm for a non qualified health professional to apply for dot health domain name would be very high or there could be a high harm caused by this with fake health professionals. Another applicant said, well, actually, we'll only allow applications that are members of the World Health Organization. So these are the RVCs that we saw under dot health. The question is, are these actually enforceable or not? The other question was that many of the PICs that we saw in those contracts, which were then fine with ICANN when the string was delegated, many of these things included a clause at the end which said the registry reserves the right to change those commitments as and when it wants to change them. So there were huge discussions on these. And in fact, an At-Large member, and I'll leave you the if you want to look back at the history of it, one called these not worth a bucket of spit with a warm bucket of spit, something like this. Something like this, because we are in a situation where this whole thing of are these public interest commitments, voluntary ones enforceable or not is the same discussion we had 12 years ago, and we're stuck in the same position. My position on this is that they should be made enforceable because if you're going to voluntarily put something in a contract, which then gets signed with ICANN, you have to stick to every single term of the contract because otherwise you are just lying. I could put a contract with things and this is where somebody

that looks at the different contracts and says, oh, we will favor this company instead of that company because they make more commitments and they look as though they're going to have a better run top level domain. If you allow them to then change it afterwards or the applicant knows that none of this is enforceable, you can have any claims in those voluntary commitments. They're not worth anything. That's it. I've done my rant. Thank you.

JUSTINE CHEW:

Okay, so thanks for that. And that's why I wanted to distinguish earlier between real voluntary PICs and mandatory PICs. So we know that the GAC safety safeguards, category one safeguards, takes care of generic strings like .health. So we're not going to run into problems like that anymore. So anything that—There is going to be a panel next round to determine whether a string is considered a generic string or whether it falls under the GAC category one safeguards. If they do, then the applicant will have to include commitments that are in line with the safeguard mechanism. And there are 10 PICs that are already templated, so to speak, that will have to go into the contract. I'm not talking about those because they're going to be caught by the GAC category one safeguards, which is why in my example, I asked you to assume that NFT isn't going to get caught by the GAC category one safeguards. Okay, so in that context, we're talking about really, really voluntary commitments and not mandatory because the string is a generic term or a string is considered a sensitive string because there are going to be picks that will cover those already. Christopher.

CHRISTOPHER WILKINSON: Thank you, Justine. I raised my hand just to support school number two, but it so happens that I was listening to a broadcast this morning about NFTs, which apparently have been the seat of considerable fraud. And from the little that I know about the NFTs, the only thing I could suggest is that ICANN should not touch it with the barge pole. The bit about spit, I think is a quote from LBJ in his time, but that's a history of slang. But seriously, NFT here is a *reductio ad absurdum*. The very idea that ICANN would accept an NFT wrapped up with any PICs or voluntary commitments strikes me as extremely dangerous to ICANN's credibility. Thank you.

JUSTINE CHEW: Well, Christopher, in the same context, I can tell you that something like .finance, .bank has the same implications and they have been delegated. They are part of the GAC category one safeguards. So I mean, I suspect that something like NFT may be caught under the category one safeguards, in which case there will be mandatory PICs that would apply. The applicant can't run away from those. So that's why I asked you to assume that is not caught under category one safeguards, in which case the commitments that the applicant is offering is truly voluntary. The question then is, number one, if the applicant says that, you know, we're going to limit the content that the registrant can use or can post under the second regular domain name, is that content regulation? And if that is content regulation, then can ICANN do that? Can ICANN enforce such a commitment? And number two is, if they say that they can enforce such a commitment, how will they go about doing it, which is that issue about the practicable, right? Because the example that I've given here is NFT may be not recognized

in some countries as legal and might be recognized in other countries as legal. So does that mean that ICANN is forced to look into every single country to see whether something is legal or something illegal? That is the question about feasibility and practicable.

You can argue that, you know, for example, if we go with school, and this is what I think, okay, and people can tell me if I'm wrong. If we stick to school of thought number two, where it says that, you know, as long as the applicant has offered the commitment, right, and has offered it in such a way that it can be monitored, it can be assessed, right? Because otherwise, how would you know whether you're violating something or not, right? So you have to be able to assess it. If the in the case of applicable laws of different countries, right, if the applicant comes up with a way to report back to ICANN that this is what we're doing to monitor whether the whether the registrants is in compliance, make the responsibility on the registries themselves. Right. So they are reporting back to ICANN in some fashion that they are monitoring and they are enforcing the PIC in their own way. And then I can just have a kind of like a high level super supervisory role. Is that going to work? So that is the question about practicable. We need to make sure that anything that is being offered by the registry has to be accessible and it does not force ICANN to commit to increasing the contractual compliance team to twofold in order to be able to monitor every single commitment that's being volunteered by the registry. So those are the issues that we are grappling with and that's the issue that the board is concerned about. Number one, do we think anything that the registry is offering to do that touches on content is out of scope? Because it arguably can be against ICANN's mission. Number two, if you subscribe to school of

thought number two, which says again, even if it touches on content, right, so long as the registry is the one that offered it, then ICANN should just accept it. Provided that there is an easy and practicable way to monitor and to assess whether it's being violated or not, so that ICANN can enforce it if it's being violated. Steinar.

OLIVIERT CREPIN-LEBLOND: Just jumping in, Steinar is the last person in the queue. We really are over time. So over to Steinar.

STEINAR GROTTROD: Yeah, we're very, very short. My comment is that if we go into the school number one scenario, I think this will force the registry operator to make that sort of commitment into the registration, the term of registration for a domain name. And I have, I have experience and when I was running a registry, there were always clauses in this term of registration that the registry operator has the right to actually delete the domain name if it was not in line with the registration terms. So what I'm thinking is that, does it really help the community, the uses of the internet to hide that kind of good thoughts into the small letters or terms of registration instead of putting it into something in a registry agreement? And I'm in the opinion it should be in the registry agreement, even though it cannot be enforced because it's content related, by ICANN compliance. Thank you very much.

OLIVIERT CREPIN-LEBLOND: Okay. So, Olivier, I guess you want me to stop. If that's the case, then I won't go to the second example that I had.

OLIVIERT CREPIN-LEBLOND: Yes. Thank you very much, Justine. Clearly we need more than 25 minutes on this topic and it's particularly important. We're going to try to find another way to have more discussion on this. No doubt there will be some during the forthcoming ICANN meeting. This is definitely going to take more discussion. But thank you very much for taking us through this and we can follow up on the emails. And I'm really sorry to have to stop this because I'm particularly interested in this topic obviously as you all are. We need to go into any other business. And there being no other business, when will our next call or face-to-face meeting be?

YESIM SAGLAM: So normally our next call is, of course, next week, next Wednesday on the 18th of October at 19:00 UTC. However, the question is, because people will be getting prepared to travel for ICANN 78, do we want to hold this call or do we like to skip cancel it?

OLIVIERT CREPIN-LEBLOND: Yeah, thanks for this, Yesim. So we've already discussed this and bearing in mind, I think some people might already be in transit at that time. And we do have the Consolidated Policy Working Group session at the ICANN meeting one, two, three, four days later. Four days later, it would be probably better to cancel that call next week. And then unless

anybody believes that there is something really important to discuss by then. Sébastien.

SÉBASTIEN BACHOLLET: It was another topic I wanted to ask if we can add, one topic for the future meeting. Therefore, end your conclusion about the next meeting, please.

OLIVIERT CREPIN-LEBLOND: Okay, thank you. So with this, we will have our next meeting as a face-to-face meeting in Hamburg. Of course, for those people who are not traveling to Hamburg, you can also follow that online and you'll be able to take part in exactly the same way as we're doing it on this call. And with apologies to our, because we don't have any today, we don't have any interpreters, but we definitely have a transcriber who has held up all this time. So thank you so much to our transcriber and of course, staff who have stuck around the extra half an hour into all of you who have taken part in today's call. I hope it was helpful. And for those people traveling, safe travels, look forward to see you there. For those that are not traveling, then have a very safe week and let's follow up on the mailing list. Have a very good morning, afternoon, evening or night, wherever you are. Thank you.

[END OF TRANSCRIPTION]