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MARYAM BAKOSHI:	Hi, everyone. Welcome to the NCSG policy call on Wednesday, the 21st of August, 2019.
UNIDENTIFIED MALE:	Can't hear you.
MARYAM BAKOSHI:	Hi, everyone. Welcome to the call. This is the NCSG policy call on Wednesday, the 21st of August, 2019, at 12:00 UTC.
	On the call today we have Abakar Oumar Massar, Caleb Ogundele, Elsa Saade, Julf Helsingius, Gunela, Mauricia Abdol, Rafik Dammak, Remy Nweke, Tatiana Tropina, Tomslin Samme-Nlar, Vabhav Aggarwal, and Vrikson Acosta.
	From staff, we have myself, Maryam Bakoshi.
	I would like to remind all participants to please state your name before speaking for transcription purposes.
	Joining us also is Nertil Berdufi.
	Thank you very much, and over to you, Rafik.
RAFIK DAMMAK:	Thanks, Maryam, and thanks to everyone for attending today's call. Tis is the monthly NCSG policy call. We scheduled it just prior to the GNSO Council meeting for two purposes: first to prepare for that meeting and

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to have the opportunity to discuss – we have our representative or councilor – and go through the GNSO Council agenda. That way, we get more updates on what's going on there. And also to discuss about [whole] relevant policy topics in general or anything that is deemed relevant. So it's a good opportunity in getting updates and asking questions as well. I will be really happy to answer questions if I can. I expect everyone to engage in discussion today. That'll be beneficial to everyone.

Our agenda is quite standard here. We will start with the GNSO Council call preparation. In the second half, we'll go into policy updates, like from the PDP Working Group, review teams, and so on. At the end, we have Any Other Business, when we can talk about any topic that are seen as relevant and that we should follow up on.

Let's start first with the GNSO Council agenda. For those who are not familiar with the GNSO Council, we usually have a monthly call of two hours. The agenda is quite formalized here, starting with some administrative matters. We are not going to discuss that, but for those interested you can check the minutes of the previous call that give a fair briefing of what was discussed or any action items agreed on by the Council. Also, in the opening remarks, you can find the project list and action items. Those give a fair snapshot of [each] [inaudible] managed or done by the GNSO Council. So I really advise everyone to check those things and to take time to go through them, in particular the project list because that gives you a short update or snapshot of the different working groups or any structure or any activity initiated by the Council or that the Council is participating on. So that's the easiest way to check what's going on and to find all the different things.

So that was more of the formal part of the agenda. The next is the consent agenda. We don't have any topic in that one, but usually, as its name said, any item that it was decided that we don't need to discuss on because it's straightforward, there can be a motion or confirmation for some decision. So that's usually how we use the consent agenda. But in terms of procedure, it's possible that some councilors think that we need to have proper discussion, so the topic is moved from the consent agenda to the usual agenda. So this is the explanation.

Saying that, if you have any question or comment you want to understand about how the Council operates or manages its activities, please feel free to do so. If you want to ask more questions about the agenda, ask that, too.

Okay. Let's move to the first substantive agenda item. Just as a reminder, we don't have for this Council meeting any motion to vote. All the topics are mostly updates and discussion, but they are still important because some of them are ongoing dialogue or discussion, and we need as a group to weigh in to express our position and to influence the last outcome of that discussion.

The first one is about the GNSO Council letter on the status of consultation relation to non-adopted EPDP Phase 1 parts of the recommendation. This is basically the GNSO Council working on a letter to respond to the Board resolution on two recommendations from EPDP Phase 1.

In terms of background, we have a draft that was presented on the last call. There was some discussion because there is some disagreement

about the position, in particular for one of the recommendations, and the rationale that we are sending to the Board. So the purpose here is to try and find a common ground between the different parties in the way the Council responds to the Board.

However, just to be clear, this is just one step because we still have as a council to make a final decision at the end in terms of the process to respond to the Board vote. So this is more like an explanation from the Council to the Board about the two recommendations and what the rationale put by the Council here is.

Just as a reminder, it's important to understand that the Council is a manager of the process. One thing we are trying to do is to avoid the Council getting into he substance because the policy discussion is delegated to the working groups or, in this case, the EPDP team. So it's important that we give the discussion and the substance at that level and we avoid [– the group represented in the Council – trying] to redo the work or [wish] the Council to push some position that didn't get consensus at the EPDP level.

So here the letter basically is trying to explain the rationale: why – for example, for Recommendation #12 (I think this is the most contentious) – the EPDP wished the consensus position on that matter. It was what [made] the rationale. So based [on input, there was] discussion. Please, if you're not speaking, mute your mic because that creates some echo for everyone.

There was a previous engagement or discussion between the Board and the Council in the Marrakech meeting, so this is the follow-up: to have this written rationale shared with the Board.

This is the general context or background about this one. We need to really weigh in during the Council meeting about the content of the letter and to avoid substantive changes from the initial draft.

Let's see if there is anyone in the queue.

I don't see anyone in the queue, but I see some comments in the chat. Here we need the NCSG to be clear about our position and to be sure to reflect that in the letter. As a member of the Council leadership team, I participated in drafting and reviewing the initial version. Also as the liaison from the Council to the EPDP team, I tried to explain from that position, but I think there is more expectation that other NCSG representatives will weigh in here. So I need to avoid being in a conflicted position here.

Anyone in the queue? I'm not sure. Farzaneh, you are?

Okay. Please go ahead.

FARZANEH BADII: Hi, Raffik and everyone. I think that, with regards to Board resolution on our rejection of the two recommendations by the EPDP team, the Council letter in response to the Board needs to be much stronger and raise the issue of the process by which the Board rejected the recommendations.

As I said on the mailing list as well, especially for the purpose that they rejected the recommendation about the deletion of the organization field, this is not a substantive issue. What they should have done was to provide a strong rationale, an elaborate rationale, about why they are rejecting the recommendation. I think it applies to both of the recommendations that they rejected.

I have looked at the annex and I have looked at the letter that was sent to the Council by the Board, and I don't think that their rationale was elaborate or even, in a way, convincing at all. Now, I don't think the Council should go into substance, but we need to raise, at least maybe as NCSG, the problem with their decision and how they came up with this decision, especially in the rejection of deletion of the organization field in the EPDP recommendation. They say that the recommendation would lead lack of identification of the registrant or something like that. I don't have the exact wording in front of me, but we all know that the registration directory is not for identification of their registrants. This rationale just does not make sense to me at all. It's not even a rationale. It's just like one sentence that is not really convincing.

I think that the Council, in its letter, needs to come out stronger in expressing its concern about lack of following the process for providing a reason for rejection.

Now, the other wording thing in the letter is they actually mention the term "global public interest" or "public interest" and that these recommendations are not in the global public interest or something like that. Then they recommend that the EPDP should decide whether their recommendation is in public interest or not.

So it seems like it is conflicting. First they reject the recommendation because of the global public interest, and then, in the annex, I saw the suggestion – I'm sorry, I don't have the list here in front of me, so, if I'm wrong, please correct me – that the EPDP should decide whether it is in the global public interest. I think, in both of their rejections, this problem applies.

As I shared on the mailing list, there is a very, very interesting letter by a Board member, a dissenting letter, on one of the decisions. I think the Council should take that letter more seriously and should look at the process and raise the issue of how the Board did not follow a full process and provide the rationale that was necessary to reject the recommendation.

I don't know if this is possible at this stage. I have seen that, on the Council mailing list, you're at the finalizing stages of the response of the Council, but at least the problem with the process and what the Board has done should at least go on the record by our NCSG councilors on the Council.

The other point that I wanted to make was about the letter that [was] the response to the Board. What we said about some of the Council members [is that they] have expressed their concern or have objected or did not agree with the rest of the Council. I don't have – I'm sorry again for the 100th time – the letter in front of me. However, I think it is very important to mention in that letter not that some of the council members objected. But specifically, I think, the IPC and BC should be mentioned. The Intellectual Property Constituency and Business Constituency and Business Constituency objected. I did not see on that

list any other objection. I think, in order not to give the impression that there was half of the Council or a good super minority of the Council that objected, it needs to be specified. Thank you.

RAFIK DAMMAK: Thank you, Farzaneh. Any other comments or questions?

Yes, Tatiana?

TATIANA TROPINA: I'm sorry. I'm speaking from a hotel lobby in Hamburg, so it might be a bit loud here. Thank you, Farzaneh, for such a liberated comment.

Because we probably have to coordinate and make it much more procedure-oriented than substance-oriented, I was also wondering how much a chance (because I actually do like the latest suggestion of mentioning which particular councilors from the BC and IPC expressed concerns), Rafik, there is to adopt something like this by consensus. Or they will be very much against mentioning themselves? I'm sorry. It's not really a real comment or any suggestions but just a start of a discussion: how we can make it actually work without being accused that we are also changing substance as the IPC and the BC are trying to do. Thanks.

RAFIK DAMMAK: Thank, Tatiana. In terms of the discussion, the draft letter was shared over one month ago. The BC and IPC expressed their opinion a few weeks ago. So there were changes in responses to that, trying to find

some common ground. It's always possible to suggest some amendments. We go onto the path of wordsmithing, but I guess trying to stress that the BC and IPC are objecting – it may be accepted and might not. To be honest, I'm not sure how it will be received. So I think the question can be first about the timing. If you want to leave that really to bring that during the call, it can … I don't know how people will react. So to be honest, I'm not sure about what we are expecting to do. So I get the point that the letter should be clear about who is objecting to avoid any confusion, but at the end – we can do it – there is no guarantee about the outcome.

In terms of [inaudible], I think we are trying to avoid discussion about the substance and to stick to the procedure or process here. That's what I think we are trying to follow [to] the end from our side.

About the rationale from the Board, I'm not sure how much appetite the Council will have on that matter because those questions were asked already in the Marrakech meeting during the first meeting between the Board and the Council. The question was asked by several councilors, and I think some Board members elaborated about their understanding.

I guess discussing again if the rationale was enough or not might not to be easy to bring again. But at the end, if we can be specific and explain – more important is to come up with suggested wording and language – it may happen. I think we need jus to be clear that we are not trying to delay. We have no interest in delaying this. We need to get this letter sent soon because, at the end, it's the not the final letter. It's a small explanation to the Board before sending a more official response of the

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supplemental report. That's probably another thing to prepare for it. Probably we will use this letter mostly, but this is in terms of process.

Elsa, please go ahead.

ELSA SAADE: Thanks, Rafik. I tried my best not to work on the EPDP because I know that we have several councilors who are in the EPDP team anyway and know much better than I do when it comes to that. But I wanted to suggest and even volunteer to try to actually make edits to the letter as an NCSG members. But I would be happy if someone from the EPDP team and on the GNSO Council or incoming, like Farzaneh or Tanya or Ayden or whatever, is willing to suggest edits to the letter with me so that maybe we can submit it before the meeting or have substantial edits to suggest during the meeting tomorrow because, every single time when we get up and speak on the call, it's very easy to ignore what we say. But once we have something written and sent on the mailing list, for some reason it makes a tiny difference. So I just want to see if anyone on the call, like Farzi, Tanya, Ayden, Rafik or anyone, would be willing to help me edit the letter, like we need to. Thanks.

RAFIK DAMMAK: I don't see anybody in the queue. There is no further intervention. I understand the suggestions to follow-up on the policy list. I guess we can do that. It makes sense in terms of preparation for the call. We will keep the NCSG list up to date about that matter.

Any further questions on the matter?

Let's move to the next item. Maryam, can you please move the – I'm not sure if I can move the scroll for the agenda. Scroll down. Okay. Please stop here. The next agenda item is still related to the EPDP but another topic. This is Council discussion regarding a response to a letter coming from the CEO regarding clarification and data accuracy for Phase 2 of the EPDP.

The GNSO Council received the letter from Goran during the Marrakech, asking how or if the EPDP team is planning to deal with the data accuracy. As a reminder, the data accuracy requirement is not part of consensus policy. This is important to highlight. So it's not coming as an outcome of policy discussion. The question here is, the Council had a discussion on the last call. It was not that deep, but I think the point that was made [was I tried to advocate for, again, that WHOIS accuracy is not part of consensus policy. It's important that we avoid trying to load the EPDP team with several WHOIS-related issues or topics. There is no way that we will fix all the WHOIS matters of EPDP Phase 2.

We need to think probably about initiating one or several PDPs to deal with these matters, in particular those that were left from the terminated RDS working group, and also have in mind that there was Recommendation #27, which is to review all the policy that would be impacted.

So I think the suggestion/advice here is really that the topics should not be dealt with at the EPDP level, and if needed, it can be discussed later on in a separate effort. So we will have the discussion at the Council meeting to see what kind of response we should prepare. We don't

have a draft, as far as I know. We only drafted an acknowledgement to say that we received it.

Any questions or comments?

Yes, Farzaneh. Please go ahead.

FARZANEH BADII: Thank you, Rafik. I also thought that I cannot attend this meeting, so I started a section already about this on the mailing list and also the other points that I raised, if members are interested to look at it and respond.

I totally agree with you that we cannot overburden EPDP with all the WHOIS-related tasks, and I totally support it for very selfish reasons because I'm a part of it. I don't want to do my work. However, it is true. We need to also consider the mandate and the charter of the EPDP phase and what it should be doing in Phase 2.

Now, I'm not sure that the accuracy has been mentioned in the charter. Now, one of the problems with that is [inaudible] the [ccNSO's] letter that is apparent is that they treat accuracy as a service because they treat it as a service and the CEO is very clear that this was not a consensus policy and how the accuracy came about.

Now, the problem that I see here is that ICANN stopped doing accuracy [checks] on its own and, I think, based on its own decision, [decided] that it could not have access to registration data because of GDPR and that we need to have a policy for [inaudible] access or that somehow the Council should solve this problem, or the EPDP. So the CEO is asking, who should solve the problem?

To be absolutely honest – can we mute [Tahto]? I can hear him. I think it's [Tahto]. Or whoever is talking. So, basically, the biggest problem with this letter is that ICANN treats itself as a third party here and wants to know how it can have data disclosed so that it can carry out its service to the community. Now, this is my impression. As we know, ICANN is not a third party when it comes to WHOIS policy and WHOIS service. ICANN might be a joint controller. It might be able to have a data processing agreement with the registries and registrars to have access to this data. The EPDP team, Phase 2, if I'm not mistaken, is about third-party access to WHOIS personal information. I don't know why and how ICANN org decided to stop this service, but is clear, for me at least. I believe that ICANN is not the third party at EPDP Phase 2. We are talking about third-party disclosure to the third party. We can't do anything for them.

The other thing is that I have seen your letter and I know that it's only acknowledging the receipt, but it says that, following the introduction of the topic, the Council agreed to further discuss the issue and has committed to providing ICANN org with the requested guidance on the next step shortly.

So this goes beyond acknowledgement of the [receipt]. I think this committing yourself, if I'm not mistaking – I'm looking at the right letter response – the Council to provide their requested guidance. I don't think the Council should commit itself to that. I think the Council should just say, "We will look at this matter, and we will respond to your query," not commit to provide any kind of guidance because Council might not be able to do that because it might not be the Council's job to do that.

I think that we can also discuss this on the mailing list, but again, if it's too late, the NCSG councilors can go on the record and, if they agree, recommend that we don't commit ourselves to actually provide guidance. Thank you.

RAFIK DAMMAK: Thanks for the [inaudible]. Amr, go ahead.

AMR ELSADR: Thanks, Rafik, and thanks, Farzaneh. Apologies for being late. I'm glad I managed to join while this Council discussion item is being discussed here. I missed basically everything Farzaneh just said, so I wanted to offer a few thoughts as well. I hope she hadn't already covered this so it's not redundant. I wanted to point out that, from a process perspective, the EPDP team should not be dealing with accuracy issues at all.

The main difference between an expedited policy development process and a traditional development process is that there is no issue-scoping phase in an EPDP (expedited policy development process). The thinking was, when this process was designed, that it would handle the very narrowly-scoped issues that have a clear mandate. The scope of the EPDP was determined by the GNSO Council. Nowhere in the charter for this EPDP is accuracy mentioned at all.

On top of that, the ARS (Accuracy Reporting System) is not a consensus policy. This was something that became an ICANN thing as a result of advice by the GAC and the SSAC (Security and Stability Advisory

Committee). If ARS is going to be dealt with in the GNSO, it needs to go through a traditional PDP, where an issue-scoping phase is provided. That is to say that ICANN staff need to develop an issues report and a draft charter for registration directory services issues, many of which are not being dealt with in the EPDP.

The community, including the Non-Commercial Stakeholder Group, needs the opportunity to comment on the accuracy reporting system on whatever topics are going to be discussed in a policy development context in order to make sure that the issues that we believe are important – for example, in regards to privacy and data protection – are addressed and included so that, when we're developing policy recommendations in [inaudible] scope, we need to deal with something that is within the mandate of the group, or the EPDP team, for example, dealing with it. This opportunity was not provided on ARS.

Like I said, there are many issues regarding registration directory services that are not being addressed here. The Council was made very aware and confirmed the awareness of this when the EPDP was being chartered. This goes back to the previous Council leadership as well, when Heather was chairing the Council as opposed to Keith. From a purely process perspective, it's very wrong for the ARS to be included in the EPDP. It should not be allowed at all according to the GNSO's operating procedures and PDP manual. This is something that should be scoped out. Comments should be submitted by the community. Then it should be added to whatever succeeds the RDS PDP, which was terminated last year.

So, again, I hope I'm not repeating what Farzaneh just said, but I just thought I'd flag this. As the discussion is still ongoing on Council, I think that our representatives to the GNSO Council still have an opportunity to weigh in on this.

Rafik managed to put in a couple of good comments during the last GNSO Council meeting. I think he was supported by Keith Drazek from the Registry Stakeholder Group, who is the Chair of the Council in the GNSO. But I do hope that the rest of our team of reps on the GNSO Council will also pick this up. Thank you.

RAFIK DAMMAK: Thanks, Amr. Else, please go ahead.

ELSA SAADE: I'm actually very thankful that Amr just mentioned this because I was going to refer back to the last GNSO Council meeting and say that Rafik actually warned – it's on the quick notes, but he was actually more detailed – against adding more tasks to the EPDP Phase 2 team and even raised the point that not all WHOIS-related matters, especially those not in the scope of consensus policy, would be dealt with in Phase 2 but might warrant a new effort. That's correct. Keith Drazek actually agreed with him.

But, again, just to raise the point that I raised before, it's very easy for us to jump in on the call and say something that is extremely valid. But once there's nothing that's written and that's sent to the mailing list

that they could actually redline – and I quote that – then most of the times our talking doesn't really weigh in.

So, if anyone would be able to, maybe on the PC list we could just jot some ideas down and talk about both letters: the EPDP Phase 1 one for the Board and EPDP Phase 2 on accuracy. Just having something written down I think would make a big difference.

We even suggested that we create a new PDP in the last call, but I don't think it's noted down in any way. Thanks, Rafik, thanks, Amr, and thanks, Farzi.

RAFIK DAMMAK: Any further comments or questions?

So I understand the action item here, it's that the councilors should prepare – I'm not going to say talking points – clear points to raise during the call. Just, if you wonder, we don't have any draft yet, so the matter is to make these points but to be sure how this letter will be drafted to include them.

If there is nothing else to add, I guess we can move to the next agenda item. This agenda item is on a different topic now. It's about – [inaudible]. Okay, thanks. So this is about referrals from the ICANN Board regarding the consumer and competition review team recommendation. It means that it asked the GNSO Council here for action and also the GNSO PDP Working Group. The Council decided to have a small team of volunteers – that was decided in the Marrakech meeting – to go through those referrals and to suggest a response from

the Council. Though we have that draft that was prepared by the small team , it will be presented during the call to get input from the whole Council and to see if we can get consensus around that. So this is more like a discussion about the draft and to see if we are, here speaking from an NCSG standpoint, okay with it. If I recall, it's five recommendations and really different topics, asking the Council to follow up and make sure that those topics to be dealt with.

There also was referrals. I think they're actually to the PDP Working Group. The points, I think, to be made by the Council is that it should [inaudible] as the GNSO Council, [the policy manager] [inaudible] we go through it and to dispatch that to the relevant working group. It's basically for most of them. I think the SubPro … I think for one it's related to [inaudible].

So this is more discussion for now. I advise everyone to get familiar with the Board's scorecard and also the draft response from the Council. It's quite short. I think that that's it for now. I'm looking forward to hear if anyone had the chance to go through it and if there is any comments or opinions about that.

Okay. Any questions or comments on this one?

Yes, Farzaneh?

FARZANEH BADII: Thank you, Rafik. I just am wondering. It seems like the Board has – not that it's rejected because the Board doesn't reject – not accepted some of the CCT-RT recommendations. I haven't really looked at the Board's

letter of the explanation of this non-acceptance, but I was wondering if, not as a part of the Council work, NCSG could look at these recommendations and see why the Board has [not] referred back to the Council and if they're in any way concerning to us. So I'm asking someone to volunteer. Or if you know the answer, it would be great, too.

RAFIK DAMMAK: Thanks, Farzaneh. There was no volunteer that [inaudible] from NCSG. In fact, it was a really small team – if I recall, exactly, just three volunteers – and the Council leadership was [in the loop]. I reviewed previously the draft, but I was more like an observer, so I didn't weigh in on the content or the substance. So for now, it's not anymore about volunteering. It's really, I think, that the councilors should review the draft. Now it's up for discussion. They can weigh in terms of wording and arise any concerns.

So I think this is homework for everyone: to go through the draft. We are not expecting to make any actions for tomorrow's call, but we're really kicking off the discussion at the Council level, even if the draft was shared quite a few days ago. But it was updated by [Pam], I think, in the last two days. So I'm jut asking everyone to do the review and do the homework for now. After that, guys, it's possibly to agree on if there is any concerns, such as some wording or a different response from some recommendation.

Any comments or questions here?

I don't see any, so I guess we have these actions items. I'm asking all councilors to at least [review] that draft and [raise] if there is any concern. We can follow up also on the policy list.

Also, al NCSG members are welcome to review the [inaudible]. There you can find the link of the letter, the response. You can find the link in the agenda, too.

Let's move to the next agenda item. The next agenda item is that ICANN org is [inaudible] final round a new gTLD. This is a more a presentation from GDD regarding the assumption for the implementation of new gTLD recommendations. So [inaudible], and my understanding is that GDD is starting to prepare for that and trying to help [inaudible] and so on. So it's more an opportunity with GDD. In fact, GDD sent the letter to all SOs, AC, SGs, and Cs (Constituencies) [inaudible] if they want any meeting or explanation about that and to have that engagement. I raised this at the policy committee, if we want at the NCSG level to do that. Maybe it's a little bit late, but I think it's possible, if needed, that we organize a call to have that, I think, to understand. Even if it's more about implementation, it's important to understand what's going on and to see if we have to weigh in.

Also, for the letter sent to all the groups, there was, I think, the document explaining the assumptions. So probably you can find the link to review it. Probably for us, at least for those who didn't pay attention, we'll have the opportunity to understand more about this assumption from GDD and see if we need to take any action. At least from the NCSG level, we might decide to have an ad hoc call with GDD if possible, like, next week.

On the other hand, when this topic was discussed at the Council level in the Marrakech meeting, it was decided that the Council is not really expected to make any decision or act in terms of responding to that assumption but to leave it really to the stakeholder group and constituency to see if they think it's needed.

That's it about the background and the topics. Any questions or comments here?

I don't see any. Again, to everyone, if you have any questions or comments, please feel free to ask for explanations. I know sometimes it can be overwhelming in terms of information shared, but one way is really just to read the background explanation for all the agenda items because they are quite [different] in terms of the timeline when we start a topic and also give all links to the relevant materials. So take time, even 20-30 minutes, to go through it. You will get a good understanding about the topic and why it's relevant and why the Council is discussing it and also what are the possible actions, for example, when we are having a letter or a draft response. So this is [inaudible] advice. I reiterate for everyone to do so. It gives you the opportunity to understand what's going on [inaudible]. Feel free to ask me or us or also the councilors any time if you want more explanation. I'm happy to follow-up.

If there are not questions or comments, I guess we can move to the next agenda item. Maryam, can you please scroll down? Okay. So the next agenda is item is the proposed amendment to the consensus policy implementation framework. I think this is [inaudible] framework that's quite overlooked, but we should pay attention because, even if we

spend a lot of time discussing the PDP, this work goes beyond the PDP because it talks about how the implementation will be set. Also, afterwards, when we review the policy for effectiveness against what was decided as policy goals during the PDP discussion … There is this regular process to tweak or to make improvements to this framework. We will have a presentation, I think from GDD. I think it's Brian. I forgot his funny name. There was, before, I think, last year, the same process. [We] now have this one.

It's really important for us to review it carefully because it's not just about setting the process but also about the role and the responsibilities. This is always the tricky part because it's important to understand the role of the GNSO in general, including the Council, and also the community in general and the [staff] during the policy discussion and in particular the implementation. I think we don't overlook implementation and we are not participating enough. Many things have been there. There is the risk or redoing the policy recommendation and so on. So pay attention to this in particular to see the amendments suggested here and give input.

I think the deadline is to give a response in mid-September. I already want to stress that we should, through the Council, share our comments. I know this topic is dear to Amr, and he followed it closely. So maybe he wants to weigh in here and share some of his thoughts. Yes, Amr, please go ahead.

AMR ELSADR: Thanks, Rafik. I wouldn't say it's close or dear or anything but, yeah, it is something I pay attention to. The GNSO Council gets these updates from GDD staff every year, I think, where the consensus policy implementation framework is reviewed and improvements are proposed by GDD [inaudible] last couple of years.

It might not be a bad idea for especially folks who are engaged in policy developments or in implementation review teams to take a look at this. I can't say that any of the proposed amendments or additions are unreasonable. They make sense, but the one warning I would provide particularly those who are engaged with the policy process is that these amendments will basically give us more work to do. So this specifically is referring to the post-implementation consensus policy review process, which you see on the bottom of the screen there with the Section 6 part of this CPIF (Consensus Policy Implementation Framework).

Basically, what this section is that GDD is going to kickstart a review of established consensus policies periodically, just to make sure that the policies themselves, after they've been implemented, are pretty much doing what they are meant to be doing and there aren't any problems. This makes sense. Technically, the GNSO itself should recommend that these reviews take place. I think in some cases they do sometimes three years post-implementation, sometimes five years. Then it's part of the PDP manual (Policy Development Process manual) for the GNSO. But it hasn't been done consistently with everything. You know a clear example is the UDRP, which is being reviewed for the first time now or will be reviewed after, what is it, 20 years of being developed and implemented.

So it's not a [bad] proposal. It makes sense from an operational perspective. The ICANN community and ICANN itself has some interest in making sure that the consensus policies that were developed are performing according to what their intent was, but this just gives the community more work in terms of reviewing whatever GDD comes up with during their review process and providing inputs. This might mean digging up work that's already been done. The folks who were active on different PDPs that have concluded years in the past might not be available to provide insight. So we could find it problematic ourselves internally, but I can't argue that this doesn't make sense. It really does. But that's something to consider, I guess, to keep in mind. Thank you.

RAFIK DAMMAK: Thanks, Amr. I think in general, regardless of this framework itself, we as a group need to think how we can populate, example, the IRT and ensure that we follow-up or follow closely the IRT and the implementation discussion. I think we have some problems there. It's a [inaudible] issue regarding getting volunteers.

Also, maybe to reiterate, it's not just about reviewing here, but going through this document or framework is a good way to understand the process from the beginning and to get an understanding about the parties involved there because maybe we tend to think about what's going on in the Council in terms of managing the process or the whole discussion at the PDP level. But it's a whole process, even from the beginning: how PDPs [inaudible] is implemented and reviewed later on.

For the reviewers and even for the Council, we are discovering this for the first time because we have our first [PDP] review with the IRTP. We are trying to see what's the process and how we should deal with that because we [inaudible] the status report. So it's all a learning experience.

Are there any further questions?

Amr, is it a new or old hand?

AMR ELSADR: It's a new hand, Rafik. If I may just add one more quick comment, which might be important and relevant.

RAFIK DAMMAK: Yeah. Please go ahead.

AMR ELSADR: I think the one things we need to make sure [inaudible] policy review process does not provide opportunity for groups to relitigate policies that they just simply don't like. When these policy review processes kickstart, they should take into consideration new issues or new factors that have emerged that haven't been previously considered or even a new context that has developed due to the policy being implemented and acted on. But it should not be an opportunity for groups that don't like old policies to reopen discussions and relitigate them without anything new to add.

So I think this is an important safeguard that the Council should probably communicate to GDD and make sure that this is something that is taken into account. Thank you.

RAFIK DAMMAK: Thanks, Amr. Any further questions or comments here?

Okay. Let's move to the next agenda item. Maryam, please scroll down. Okay. Maryam, can you please scroll down to the next agenda item. Okay. The next agenda item is an update from the PDP 3 [inaudible] small team that was tasked to work on the implementation, the recommendation coming from the PDP 3.0 discussion.

This is the first time that the team is sending a deliverable to the Council for review and discussion. We sent a package. It was decided, in order to be effective and also to make it easier and convenient for the Council to review, to send a package of recommendations that are linked somehow or there is some dependency and to get their input. The team spent some time working on some of them, going though several versions. Also, for some improvement, we tried to get input from working group leadership to see if what we are suggesting is useful for them or not.

This is the first opportunity to have the discussion about the implementation at the Council level. We'll see what kind of comment or input we'll get. The challenge for the team is to how to deal with that because we said that our quite ambitious target is to finish all improvements to implementation by the AGM. This is just two months away. So this was the first package we sent to the Council, but we still

are working on other items. Basically, still we have to send the [two-thirds] of the implementation in the coming weeks for Council review and hopefully approval.

As you can see in the Zoom, that's what we have for improvement. They're more related to, I'll say, working groups, like the terms of participation for working group members, thinking about other alternates to the open working group model, and also some documents to give guidance or expectation to working group leaders.

Let's see if there is anyone in the queue.

Elsa, please go ahead.

ELSA SAADE: Hi, all. Thanks, Rafik. I just want to take the chance to say that we've been very vocal as NCSG in this group [as] Rafik has been chairing the team, and it's been great. But I also want to jot down a couple thoughts about this that I recently had in a couple of the meetings, and it's that there's a huge expectation from the community that PDP 3.0 is going to be the savior that's going to be the salvation of GNSO policy development work. But in fact it's less implementation issues. It's more expectations and certain improvements that are being done. So I just wanted to note that down.

The second thing I wanted to note down is that it would be very important for us as NCSG to actually read whatever the team is going to have as a result because, as much as we're vocal in this team, eventually there are several … It's kind of a multi-stakeholder group as well, so it

would be good for us as NCSG to keep ourselves posted as to how things are going to change eventually.

If you have any comments regarding any of the improvements that you would like to highlight to me or Rafik, please go ahead and do it could be fed into the discussions that are happening at the same group. The meetings are every week, so you have a chance to put in comments to us on a weekly basis, unless the improvement already is finalized and done with. But there are many more improvements to come, so please keep an eye out.

Definitely don't put too many high hopes on PDP 3.0 in terms of changing the word, but it's definitely improving a couple of issues that really need to be improved. Thanks, Rafik, for the time.

RAFIK DAMMAK: Thanks, Elsa. Any further comments/questions on this one?

Okay. Maybe just as a reminder here that the small team is only composed of councilors. Now we all have all the representation [inaudible] participants from [Elsa and me]. I'm just leading this effort, so I'm quite sometimes limited on how to weigh in in some topics or comments.

If there is no further questions or comments, we can move to the next agenda item. I think it will be Any Other Business, if I'm not mistaken. We have here several items. Frist we have the [inaudible] for ICANN 66. It's the block schedule for the whole ICANN meeting. I think now it's not anymore called a cross-community session or high-interest topic but a

plenary. If I recall, there are three topics that there was agreement on. My understanding is they start the preparation for them.

Also, I think probably we share the block schedule for the GNSO, taking into account that the PDP slot for the V.P. is always challenging to satisfy the recourse from the PDPs working group leadership and also for the stakeholder groups and constituencies. So it is more like to review the schedule and to see if we want any change here. It's kind of following the same skeleton every time.

Any questions here?

Okay. Next is the GNSO strategy planning session. This is more about [inaudible]. There was an e-mail sent to all incoming councilors – who will be in the council after the Montreal meeting – saying that we will have a strategical planning session for the GNSO Council in January next year. It's usually a good opportunity to integrate new councilors to discuss about the planning ahead and also to get a better understanding about the role and responsibilities of the GNSO Council. In fact, it will be the third edition, if I'm not mistaken. In fact, the previous edition was the kind of opportunity where we started or initiated the discussion about PDP 3.0 and trying to improve the [PDP's] effective. That's how it was organized and designed: to allow more [frank] discussion. The councilors shared their thoughts on different matters. So this is more like a [inaudible] and reminder for everyone to start travel arrangements. Then probably the Council leadership will have to start preparing the agenda for that strategic meeting.

Just to be sure, I see that Daniel is in the queue. Yes, Daniel?

DANIEL NANGHAKA: Sorry for the background disruption. I'd like to mention that the ATRT3 team [inaudible] released its survey. Some of you could be aware about the survey and so forth, probably the members that helped [inaudible] information regarding the survey, especially if you can be able to give input. The substantial timelines [inaudible] by that team, I think [inaudible]. Thank you, Rafik.

RAFIK DAMMAK: Thanks, Daniel, for the reminder. The information about the surveys for ATRT3 were shared yesterday, the two links – the ones for the groups and the other [the] videos. For NCSG, we will start working on [inaudible] group response. I think the challenge here is that the deadline is quite – we have a short time to do so. So, indeed, for the individual survey, everyone is encouraged to take that opportunity and fill it. Thanks again, Daniel, for the reminder.

The next item is about confirmation of volunteers for the Council of GNSO. Usually at AGMs, since some councilors and some members leave the Council after they reach their term, and we have a new councilor joining, we use that opportunity to go through all PDPs [in] IRT, either to appoint or confirm the Council liaison.

But there was a suggestion in the Marrakech to start to this process earlier, not necessarily to appoint but at least to give interest of those who want to be a liaison and has enough time for the handover and transition. So the call was shared on the Council list and we can get already some new councilor, for example, expressing interest to be our

liaison. So we will hear confirming the volunteers but really the kind of formal confirmation will happen in the AGM. But we are starting early the process to give that handover time between outgoing and incoming council liaison.

It's important to understand that the Council liaison has a critical role, as he is representing the Council and the PDP on IRT. It plays in important role in terms of procedure and process and [reports] to the Council. In the last years, there was a lot of discussion, even at the Council level, regarding the expectation we have toward the liaison and [inaudible] I think more [work] and more responsibility [d]eferred to here.

Any questions or comments on this one?

Okay. The last agenda item is the EPDP Phase 2 workplan package. This is project management product or material sent [inaudible] PDP, in fact, prepared by staff and EPDP leadership because – I think it was in Kobe; I think it was in Kobe but I'm not sure if it was the Kobe meeting or before – when we approved the EPDP Phase 1 and to initiate Phase 2, the EPDP was tasked to prepare a workplan to be reviewed by the Council. Also that workplan is a requirement by the Board to give any additional resource for the EPDP for Phase 2. So [we heard] that it's quite a detailed workplan. In fact, there is a workplan, project plan, and also another document and report there to explain how we will monitor the activities and progress at EPDP Phase 2 in terms of resource consumption, deliverables, milestones, and so on.

So I advise anyone to go through it to see the level of details and the planning we have to put for the EPDP and weigh how we can help to manage it in a more professional way and manage the expectation and the timeline. Now, we are expecting the Council to review this work product and share any concerns or [inaudible] if needed.

Any comments or questions?

I don't see any. With that, we are done with the GNSO Council meeting. We still have, I think, 35 minutes left on the call, so we will move to the other [inaudible] agenda, as usual, which is about policy updates. We start first with going through the open public comments.

I don't think we have any public comment open now. There were several in the last weeks [inaudible], quite numerous public comments, but we don't have any. So I want to take the opportunity for us to thank the volunteers who worked to make a draft for NCSG so that we could review the policy committee and the NCSG members could approve them. So to have that opportunity to weigh in on those different processes. Sometimes public comment is the only opportunity for us to participate.

For example, for the PDP Working Group, it's much better and effective to participate in the deliberation why it's important to submit comments. But, for other processes, like organization and a review or a review in general, that's probably the few opportunities we have to share our input. So thanks again for those who volunteered.

So we don't have a comment, so we can maybe move to the next item, which is getting updates from the different [PDP] working groups and review teams.

But before doing so, I want to ask if there is any comments or questions here.

Okay. Let's go to the [EPDP] update. We have a few working groups going on. We heard a lot about the EPDP because of the letters. We can maybe hear if there is any relevant updates from the EPDP team. We have official representatives there. I think we have Amr, Farzaneh, and Julf. I'm not sure if I'm missing another one. I think Tatiana also but as an alternate.

Anyone want to share updates from the EPDP and what happened in the last weeks and what's coming? Anyone want to volunteer?

Yes, Amr, please go ahead.

AMR ELSADR: Thanks, Rafik. Well, I can give an update on what we're doing as a plenary, but there is this other track which we're calling Priority 2 Work Stream Issues. I haven't been following that very closely. Eventually, with the issues being discussed there, as well as, on a legal committee, which is drafting questions to send to legal counsel as to what's going on with the EPDP, they're supposed to report back to the plenary. At that point, that's when someone like me would pick it up.

But in terms of what the EPDP team has been doing as a whole since Marrakech, there are different groups that have submitted use cases,

basically scenarios where third parties may have legitimate interests in seeking disclosure of gTLD registration data. Let's not forget, of course, that this is post-GDPR registration data, which means that it's not publicly published anymore.

A bunch of groups have come up with these different uses cases. Some of them pertain to law enforcement. Some of them pertain to security researchers or private security investigators are not authorities. There's one on basically people who do online commerce and want to somehow verify the authenticity of whoever is selling them stuff online. Of course, there are the folks from the trademark interests.

The whole point of these use cases is try to identify trends in which third parties may have a legitimate interest disclosure of gTLD registration data, as well as what the legal bases for these may be and what some of the safeguards would be as well in terms of both the parties seeking disclosure and the processors/controllers of the data, as well as the data subjects themselves, which are the registrants.

It's been going slow. The EPDP team is dealing with a far larger number of use cases than when he had previously agreed on. So I'm not sure how that's going to affect our timeline and the project management tool that Rafik was just discussing on the previous agenda item. I suspect that we're not going to meet the exact deadlines that we were hoping to.

I also don't know to what extent these are actually going to be useful. It looks like these use cases are being debated in a way that some parties are hoping to actually use them to develop policy recommendations.

But that's not the original objective we were trying to get at when we started working on them.

I think what the EPDP team probably needs to do is work out the details of a process in which a third party will seek disclosure of gTLD registration data. Then maybe a lot of what we picked up from these use cases will feed into that process. I think that will give the EPDP team something far more concrete to work with when developing policy recommendations, which eventually we are assuming will need to be implemented.

Apart from that, there have been a few [inaudible] [offices] working on seeking clarity or solutions to their own interests, I guess. I think this is spearheaded by a couple members of the ICANN Board. We have Avri here. She actually can correct me if I'm wrong on this, but we do have a couple of liaisons from the Board to the EPDP team, and they were present when a team that they're calling the Strawberry Team was presenting to the EPDP team in Marrakech. I assume there's meant to be a little more engagement, but basically my understanding is that this team is engaging with data protection authorities in the European Union and trying to figure out solutions to access to data that we haven't considered yet. So there's meant to be some level of coordination between ICANN org and the EPDP team on this sort of things.

There's a face-to-face coming out in Los Angeles next month. My understanding is that the ICANN public meeting meant to be held in Montreal in November will have a pretty loaded schedule for the EPDP team. I think there are going to be meetings every day. So the EPDP

team is also working to prepare for the L.A. face-to-face. I'm sure, once that's done, it's going to pick up on Montreal as well.

Currently the plan is, I think, for staff and the leadership to provide what they're calling a zero report very soon, with the objective of completing a very early draft of a preliminary final report by the end of the face-to-face meeting. This will depend on a number of other factors, including how quickly we can agree on questions that we need to send to legal counsel, just to make sure that everyone we're doing is on par with what is required and use general data protection regulation and then how we bake those into what we're currently working on, which is also still not crystal clear.

I'm sorry if this was a little too detailed, but that's pretty much how I've organized most of these things in my head so far. I'd be happy to answer any questions if there are any. Thank you.

RAFIK DAMMAK: Thanks, Amr, for the update or [inaudible]. I think it's good for everyone to have an idea of what's going on and [inaudible] with different deliberation and activities with EPDP team.

Any comments or questions to Amr or also to other NCSG representatives?

I don't see any questions. Of the other two working groups, we have the RPM, but I'm not sure if any representative, any participant, from the NCSG there is attending the call. So probably we want to have any update.

The next is the SubPro Working Group. Anyone active there who can give an update about the SubPro? My understanding is that the SubPro is working toward the final report, so it's quite a critical time for it, since they are aiming at least by the end of this year. So it's quite a busy time for the SubPro. Anyone participating there who can give a short update?

I don't see anyone. So that's for the PDP update. There are also the review teams. As you could hear about the ATRT3 from Daniel, there is a survey now that's going. There is the one for individuals that you can fill and give input and answer the questions from the ATRT.

Of the other review teams, there is also the RDS, who is [inaudible]. They are almost done. They are going to publish soon their final report with their final recommendation. There is also the Security and Stability Review Team. It had its own issues. Also they are working on their own recommendations.

So that's mostly it about the review teams. But I'm looking forward to, if there is anyone familiar with and involved with those review teams, if he or she can give us some updates or share any relevant information.

No comments here or questions. So that's it for policy updates unless someone wants to add anything. We can move to the next and the last agenda item [:Any Other Business]. So we can add here any relevant topics or if you want to discuss or you think that we should take the opportunity that we are on this call and have time to do so.

So I'm asking here if there is any suggestion for Any Other Business.

EN

Okay. [inaudible], if you want to say something. Otherwise, if there is no topic, we can finish the call early.

Seeing nobody in the queue, I want to thank you again for attending the call and listening at least and participating in the discussion. For the policy committee, I think we got some action items to follow up on, to prepare for the Council meeting, in particular for the two letters related to the EPDP and also the expectation from councilors in particular to review the CCT Review Team [response] from the Council for the Board [inaudible] and also to review CPIF devices very soon.

Anything else? I see there's some comments from Amr explaining some work on RPM. Just maybe giving an update here regarding, I think there was some – I'm not sure what the details are; I need to check – letter from, I think – I need to check – or communication at least probably from the leadership to the RPM chairs about one of the recommendations from the EPDP Phase 1 and the expectation to work on [it]. I will follow up. I find the details because I don't recall it. But, yes, if there is some work, the RPM should probably work on that.

Thank you again. Please feel free to ask any questions on the list. There is no stupid questions. We are here to respond and to clarify and to explain what's going on in the Council because that's really where a lot of things happening. But there's also the PDP where we should participate actively.

That's it. Thank you again, and see you soon. Bye.

[END OF TRANSCRIPTION]