
ANDRE GLANDON: Good morning, good afternoon, and good evening. Welcome to the NCSGPC call being held on Monday the 18th of September 2023 at 11:30 UTC. Attendance will be taken by the Zoom room. I would like to remind all participants to please state your name before speaking for recording purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the expected standards of behavior. And with this, I will turn it over to Tomslin. You may begin.

TOMSLIN SAMME-NLAR: Thanks Andrea, and welcome again everyone to our monthly policy meeting or call. So as usual, we will go through the Council agenda. But I thought from suggestions from other councilors that we should actually start planning for some bilateral meetings we will be having at ICANN78 as well. Julf sent us a message about certain things that we need to be ready with before we meet, we walk into the intersession with CSG, for example. So, I thought we should start early as well. So, those are on our agenda. I think they'll require some discussions because they require positions as well. So, it might take a bit long to get there. So, yeah. We will start with Manju. Do you want to let us know what the AOB is so we can add, or Andrea can add it, so we don't forget?

MANJU CHEN: Sure. It's about the Kyoto IGF ICANN booth.

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TOMSLIN SAMME-NLAR: Okay. IGF ICANN booth. All right. Got it. Okay. So, we'll start with the GNSO Council agenda review. A lot of the items on the agenda for this week's meeting, we have discussed them multiple times, but a couple of them have new updates, some really new updates. Let's take a look. I think in the consent agenda, we have a couple of things. And the first of them, where we are voting is the CCOICI statement of interest requirements.

I remember, Manju, during last month's meeting, we didn't seem to have concluded on what position we're taking on this when we seem to have been on the fence sort of without deciding whether to vote for vote against, I don't know how you felt about it as well. I know you were the chair, so to say, you could advise us how we should approach this one for the word that's coming up?

MANJU CHEN: Hi, Tomslin. To be honest, I am kind of non-channeling about this. So, I wouldn't be super annoyed if anyone though against and that wouldn't be extremely thorough if people are voting for. So, I guess just I would advise people to vote for because despite the thorny issue of the ethical problem of not disclosing whoever you're presenting. I agree with registry that the other parts of the report are valuable to implement.

And like I said, I don't know what they're planning to do for the next step because they have claimed that they will be bringing this issue to other places wherever it's GAC or the Board. But they were actually strongly suggesting that we put this report through. So, one thing the contracted parties will be voting against. So, if we're all voting, yes,

then this report pass, I believe they are still ways to kind of advocate for what we didn't really achieve during this process. So, I wouldn't vote against. I would say we're just vote yes and we see what happens next. If people have time to do this, we'll definitely join force. If people don't, then that is what it is. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Manju. Let me check the queue for hands. I see one, Kathy.

KATHY KLEIMAN: Yeah. Hi, Tomslin. Hi, Manju. Can you hear me, Tomslin?

TOMSLIN SAMME-NLAR: I can. Thanks.

KATHY KLEIMAN: Okay. Great. Manju, quick question. Has anything changed on this? I took a quick look at it. It looks like there's a lot of discussion, explanation and clarification of the old questions for conflict of interest. I just wanted to check if anything had checked, but it looks like there's a real clarification that you're supposed to list everyone you work with, not just one group that you work with because some of these people work with a lot of groups and you are supposed to list who pays you, who you're participating on behalf of. It looks like there's some advantage in the clarification that's taking place here. It's not nearly far enough. But if I remember correctly, everything new has been rejected

and we're back to the old questions, but in a slightly different and expanded way. Is that right?

MANJU CHEN:

Yes, Kathy. So, in this report, to summarize, we have suggested that there should be two SOI. One is general, which is just whatever your interest statement of interest. One is activity specific. This the SOI you have to fill when you are participating ICANN activities. For example, you if you're going to sign up for a PDP working group or a review team, there will be this activity specific SOI that you had to feel that you have to, like you said, you have to list whoever you're working for the specific interest that you represent for these specific activities. But of course, like I explained, so for those who are not willing to reveal, they can just put private because we didn't get the country to parties to agree to the suggested improvement. But other than that, there are other improvements definitely. That's why I think all contracted parties are for the report still to get through as well. Hope that explains. Thank you.

KATHY KLEIMAN:

Great. Thanks so much.

TOMSLIN SAMME-NLAR:

All right. Thanks, Kathy. Thanks, Manju. In the absence of any other comments, we will move forward then. I guess moving with the voting yes for that report then. The next item is a vote on the charter for registration data request service. I think this coming out of the small

team that was put initially by the Council to tackle the SSAC policy recommendations and that later evolved to the WHOIS disclosure system, that WHOIS development began by ICANN staff and the Council had requested to know from the small team how best the Council can continue working with ICANN Org during the implementation of their system.

And so, this charter details how and I think we've discussed this in a couple of Council meetings already. So, we will be voting for this. I don't recall any sort of concerns on this. Our representative to this small or team or group is Stephanie and she's talked to this a couple of times in the last couple of months. So, no concerns have come up, so I'm not sure if there are any reasons why we will not vote for this one, but, Yeah, if anyone has any comments on it, let me know. I see no hands.

So, I'll move on to the next item, which is also a vote. The third one is on... this a good one, actually. A statement on the-- Sorry. The suppose small team now, another small team in the Council, but this one focusing on Sub Pro Board non-adopted recommendations. Well, they were non-adopted. I think the Board recently has formally non-adopted, some of these recommendations and adopted some. So, there are updates on this one.

However, the Council was to send some clarifying statements on PICS and RBCs. The Board Caucus members who have been working with the small Council small team helped draft a statement that might be clearer off to the Board. And the small team has took that back and began working on it to sort of align with what those small team members

believe the statement should look like. As I speak, that discussion or debate is not complete yet. So, technically, that statement is not ready yet for Thursday, but I believe the small team will have the statement ready after today's meeting.

So, we've been working closely with Kathy and Stephanie to also contribute to ensuring that the statement aligns with NCSG's kind of positions as well. So, I don't have a ready statement which I could say we will be voting on, but it is still in draft. So, I think once it's ready probably after today's meeting of the small team, I'll share it with the wider NCSG Group. And, Kathy, I see your hand. Please go ahead.

KATHY KLEIMAN:

Yeah. Tomslin, thanks. First, it seems because the statement is not finished, maybe it's not right for being voted on Thursday, that I don't know. Just procedurally, that doesn't seem to be enough time to review the final language. Although, as you said, people have been working on it, but to circulate it widely for a vote maybe that could be delayed and talk about and that gives us then probably the next media, I guess would be in Hamburg. And so, we could talk about it there.

The big issue for everyone on PICS and RBCs is the concern of NCUC and CSG, hopefully, impacts two of these public interest commitments that really aren't public interest commitments, some private interest commitments and registry voluntary commitments must be within the bounds of ICANN's authority. You can't put anything you want into a contract beyond the scope of the organization. I think there's now finally broad agreement on that. Also, you can't bypass the multi

stakeholder, there's no way broad intellectual property enforcement, for example, even say domain name disputes, UDRP policy should not be negotiated in a private registry contract with ICANN's domain name dispute issues.

That should be done by the multi stakeholder model. So, we want to make sure that our process is not bypass. GAC does have some special and historic rights and privileges in this area with early warnings and the GAC unanimous consensus advice. But that's a broad outline and I provide more details, but Tomslin, I just thought we'd fill everybody in and also just see whether we can bump this to the next meeting because it doesn't seem to follow kind of the spirit or the law of the timing. Thanks.

TOMSLIN SAMME-NLAR:

Sorry about that. I was trying to cut then took my mouse to my mute button. I have just shared the link to the draft statement on chat. I think we've addressed this most of those concerns that Kathy has mentioned already in sort of the chiseling of that statement and yes, we will keep an eye out to make sure that it remains aligned to our positions as well.

Now in terms of timing, Kathy, yes. I'll probably say yes and no. it's the fact that the Sub-Pro small team has been working under that sort of urgency cloud. So, I suppose, that's why they've always had this sort of statements put in the agenda even before the team completes its deliberations. Just in case they're completed, then they'll be able to vote on it. But, yes, absolutely, if we find that something was not right

in the statement that comes out today, we certainly can defer the vote for further discussion at the Council so that there is such a pathway. So, we will keep an eye on it. If no other comments, we will move on to the next agenda item and that is a discussion on the Sub-Pro small team updated assignments.

So similar to our DRS, the SSAT small team charter that was updated after they progressed to the development of the system, the work that the small team for Sub-Pro have been doing was really chartered around responding and clarifying certain things on the recommendations to the Board before a final non-adoption decision was taken in certain items. One of such being applicant support which we are very as a community, is high on our priority or on our list.

However, there's been progress with all of this. The Board has indeed non-adopted some of those recommendations formally already and they've passed a resolution on some that they have adopted. I think if I can find that scorecard, I'll drop it on the chat as well for folks who haven't had access to it to take a look. So, there are some items that have been formally non-adopted. One of those again being recommendation 17.2, which is related to applicant support which again, we've been working with Kathy to try to get the small team to sort of modify the recommendation or clarify using well, we had proposed that this the Council uses section 16 as a vehicle to modify.

Now section 16 for those who do not know, gives Council opportunity to make modifications to recommendations before the Board adopts them. Once the Board officially non-adopts, the Council can also provide supplementary recommendations for reconsideration to the

Board. Now the small team, previously were generally our understanding of that section 16 was that it only applies before a decision is made by the Board, but it was clarified that we can use that vehicle, section 16 that is to modify recommendations any time before the Board adopts a recommendation. So, both parts are still available to the Council either supplementary recommendation or section 16 to modify the recommendations that have been non-adopted officially or formally by the Board. I know, Kathy, you had asked where does that leave us with applicant support? So, I thought I'll just clarify that a little bit.

So, now that we've progressed to a point time where the Board has formally taken decisions on some of these recommendations that small team's work now has to change from simply clarifying statements to proposing to the council, how the Council should approach those recommendations that have been non-adopted or how does the Council address it? And it could be anything from being the Council just letting it be to actually providing a supplementary or modified recommendation back to the Board for the Board to reconsider.

So that is what this updated form, assignment form is about. We did have a bit of conversation in the Council and this small team, rather, because this updated form, we worked on it before the Board actually sat and we sort of advocated for us for that small team to leave room for the possibility of start looking at modifying some of these recommendations even before the Board decides on. And that is on the updated charter now, but I think that train has left now anyway because the Board has already made decisions on this. So, we'll have to move

forward with how to address the small team to decide how to address this. I'll stop there. I see Kathy's hand. Kathy over to you.

KATHY KLEIMAN:

Yeah. Thanks, Tomslin. Let me see, I'll put a video on. I think I've had enough copy for video on everybody. So, Tomslin, if you don't mind, what I'll do is add a little bit of background to all the incredible procedure that you shared with us. And then we actually have a real expert with us on the call. So, what we're talking about here, everybody, and I know it's deep in everyone's concern and focus is applicant support. In round one, applicant support is actually a confusing term.

It means at least two things and probably more traditionally mid between 12 years ago and the first round of new gTLD's applicant support met lower application fees for new gTLD to those applicants who qualify. So, how you qualify is a long application in itself, but think about groups in the global south and the global north that would not be able to afford a \$185,000 in 2012 for a new gTLD application. We're looking at 240,000, and that's the estimate for this round. So just a reduction of application fees to something more reasonable. 30 or 40,000. But applicant support for the subsequent procedure's PDP Working Group meant something more.

And that's what 17.2 is, and that's why we're trying so hard to protect it. Is it meant more support the application fee is just the beginning, preparing an application for a new gTLD process means you have to dive into all sorts of preparation and think through how you're going to run a

registry on the business side, the legal side, the technical side. And then you have to put that in writing for the application and answer questions in the public sections, in the private sections for ICANN. All an incredible process is extremely expensive for those who pay full freight. I mean, we're talking hundreds of thousands of dollars can go into just the application process.

So, 17.2 was the subsequent strategic group wanting to want asking ICANN to help provide additional funds for applicants in need of this type of support for technical business and legal planning and preparation of an application. Basically, what you need in addition to the application fee to get there for groups that we want to see applied. There were only three that applied in the last round and only one got through. We'd like to see much more. So, with that long explanation, sorry about that. We have an expert. Avri Tomslin, would it be okay? Avri is with us, she's on the Board. She's been an expert in applicant support for many years and maybe can tell us what's going on.

TOMSLIN SAMME-NLAR: Yes, please. If she doesn't mind.

KATHY KLEIMAN: I will lower my hand.

AVRI DORIA: Sure, I don't mind. I'm here on most of the meetings and I'm always willing to answer a question as I do sittings in the At-Large's CPWG meetings. Yeah, this one, I mean, so, the Board has accepted most of

what came through in terms of recommendations on applicant support. The Board I'd say almost completely is in fact, probably completely, but I can't speak for others. And, of course, I can't speak for the Board, except slight things in terms of this liaison role I'm carrying to the small team.

So, it basically has accepted all of the recommendations except this one that has to do with the outward dispersion of money. And the outward dispersion of money is actually very difficult in terms of the financial and fiduciary. One, there are worries about it being limited or unlimited. Two, there are concerns about, gee, are we giving money in places where there's a contest so that we're actually using money to improve one set of cases in comparison to another.

They are putting the fingers on the scale. So, are we putting in money in a place where eventually there may be a need to vote against or for and does that prejudice the vote. And so, there are various concerns with the whole notion of distributing money. There's an awareness that there may be ways that this can be done without actually assigning money to individual applicants. But the way the recommendation is written, and remember, the Board, since the transition is very much in a position of One, they can't just take pieces of a recommendation. They got to take the whole thing, the whole numbered item, and two, they can't change them.

So, they can't say, well, this would work really if it's not us giving the money to the individual applicants but us giving it to something that does the distribution. That's not a change the Board can make. So, the only thing the Board can do at this point is to not accept and not accept

as I said, opens up the processes for a change for a revision, whatever. So, there's great willingness on the Board's part to work with the ideas with the small team, there's just not a willingness to distribute money directly to applicants at this point. I hope that explains it. Everything else I think we accepted.

TOMSLIN SAMME-NLAR: Thank you so much, Avri. Yes. That does. Kathy, I hope that also helps explain it where we add to you?

KATHY KLEIMAN: Can I ask a quick follow-up to Avri? How does and maybe do you too, Tomslin? So obviously 17.2 is important. I don't think we're going to see applicants if we don't provide business legal and technical support for them in the next round. Some support. Obviously, the groups have to put up some funding people staffing for themselves. Avri, Tomslin, what's the process for getting something concrete back to you? I don't know. Just what's the process? Thank you.

AVRI DORIA: There is a GNSO process. I know that people like At-Large are already trying to work on their creation. Okay. What might be because there's always been the end, this even in the last one, we encourage outside groups to help with all that. And there was some pro bono work done, but very little, but it also wasn't pushed. There was no real effort. If you remember back, there was the assertion of such pro bono help and

a list made on a web page, but there was no real momentum to building such a thing and what that meant.

I think, for example, CPWG folks, the At-Large, are looking at, well, how could that be done without direct distribution. And I wouldn't dare to talk about what directly the GNSO process is now for responding to the non-acceptance, but I know there's a formal one, and I expect that Tomslin's got that one much better than I do at this point. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Avri. Yes. We do. There is a formal one and basically, where we are now, Kathy, is that's the small team needs to meet on that topic and decide whether to take one of two parts to address it. I think either to use a supplementary recommendation or to use section 16 or even whether to just let it go and do nothing. So those are the three options on the table. The small team must decide or make recommendations to the Council in general as to how we proceed with this. So that is the procedure now from here.

KATHY KLEIMAN: Tomslin, if I may.

TOMSLIN SAMME-NLAR: Yes.

KATHY KLEIMAN:

Great. Thanks to Avri. You know that I'm very worried about non-adoption this. That if, this was one subsequent procedures group spent the time on we couldn't put in the details. We didn't know the details for how to help applicants, we just knew that they needed more help than just reduction of fees. So, I'm concerned about non-adoption. A supplemental recommendation may be the way to go on this. For it sounds like we could use that to keep 17.2, keep the recommendation, and add more details to it. I know that's still hard given the divisions within council, but let's think about that. I will share with Avri. I'll share with everyone. I do not think pro bono is our way out of this. The idea of providing free services, these are very complicated services. There may be ways to do pro bono services through organizations that provide services, but making the services free, but not necessarily making the providers free. People deserve to be paid.

There are a lot of organizations we can all think of that should get this help. And if free services, sometimes you get what you pay for, but which isn't great or may not be comprehensive. But maybe they can be free to the people getting them, but not necessarily free to the people providing them. Thanks so much.

TOMSLIN SAMME-NLAR:

Thanks, Kathy. Kathy, can I trouble you to perhaps explain a little bit more to the rest of NCSG, what our proposal is as a solution to this recommendation to the council? What's a small team, brother?

KATHY KLEIMAN:

But let me ask. I see Avri's hand up. Avri.

TOMSLIN SAMME-NLAR: Oh, yes.

AVRI DORIA: I was just going to say one thing. In terms of coming up with one of these plans. This may even be a wonderful opportunity to work with the folks in At-Large that are trying to come up with one. Because they've been working. They're thinking along the same thread that you just mentioned of indeed, is there an intermediary? And can something be done with the proper kind of intermediary? And can a proper type of intermediary be supported? And all that kind of and so maybe working together with them, it might be an opportunity. I just thought I'd mention that has nothing to do with being on the Board. It just seemed like a good opportunity.

TOMSLIN SAMME-NLAR: Thank you, Avri. Look, Kathy. I think you have a lot to say about that because we probably already in trying to talk to a lot. So over to you.

KATHY KLEIMAN: We are trying to talk to them, but these are busy days. So, we are definitely trying. Tomslin, please feel free to fill in the details, and I don't know how much time we have. Maybe in the next meeting, we can actually lay out what you've submitted, but the idea is an intermediary or multiple intermediary around the world that could provide business legal and technical counseling to applicants in need of these services.

So, in the United States, and I also understand in Canada, we explored this at the North American School of Internet Governance in June here in DC, also in Canada, when there are complicated services that have to be provided to people like tax advice to seniors, or incorporation advice to small businesses that have great ideas, but may not know how to write their incorporation papers and their articles of incorporation and their bylaws and fill out the paperwork for whatever state they're in, in the United States. We tend to form groups that have experts in them. Bankruptcy also in the United States. We tend to form groups of people who are paid to provide these expert services but provide them at low cost or no cost to the recipients. And often we reduce the cost for these services.

By the way, I gave some of these. I was a professor for three years in what's called a legal clinic. And my students provided free intellectual property advice to small businesses and non-commercial organizations around the United States by helping them file trademarks and things like that. So, really this is something you can do, but I was paid. I mean, it wasn't as if it was all you have to have an expert supervised at least what's going on.

There are ways to reduce costs by holding classes. Can you imagine we bring 10, 20, 100 groups together that want to learn about the sections of an application for new gTLDs, and want to learn a little bit about the business of operating a registry? Want to learn, who the registry back-end services are, that there's going to be a whole choice out there, where are they located, maybe have them come and talk. You can imagine reducing fees by holding group classes online and then having individual counseling, which would be much less. I think, Council and

this some of the ideas that were talking about, feel free to go deeper.
Thanks so much for the opportunity.

TOMSLIN SAMME-NLAR: Thanks, Kathy. We probably don't have time to go a bit deeper, but I wanted you to give that overview so that, in CSG has an idea what we are proposing. And, I think, what I'll do is probably share that as well to the group so that, again, these are thing these are proposals that we are still discussing in the small team. There are three other proposals in the small team. So, it's not like what a small team is certainly going to propose to the council. It's still on that discussion in the small team, but like Kathy mentioned, and as the advice Avri gave, we are trying to have a conversation with ALAC to align our work together in developing this proposal because we think that we have similar ideas.

All right. I don't know if there are any comments or questions on this before we move on. All right. I see none. So, we'll move on then to the next agenda item on the Council agenda. Which is basically planning for ICANN78 the council's meetings that will be taking place in Arkansas. So, there's not much debt to talk to you all about. Let's see if there's any AOB, Andrea, at the bottom there. Is there any? All right. I see Farzaneh's hand.

FARZANEH BADII: Yes. Hi, everybody. So, I just wanted to tell you a little bit about the CCWG on accountability work. So, a few days ago, there was a meeting I attended late, but the problem is that, I mean, there there's good news. And good news is that after many years, they have actually taken

some steps, there's the jurisdiction. And I think, there are a few ombudsman recommendations. They have taken a few steps to implement their recommendations. And I'm following the jurisdiction one, and I found this very promising.

So, it's good to acknowledge that and, well, tell them, great. Let's move on and do the rest. And they are working on the rest of their accommodations. The other thing that I wanted to tell you is, so interim governance forum in Kyoto, a workshop that looks like to be an ICANN organized workshop about DNS privacy that talks about WHOIS doesn't have any non-commercial user representative or stakeholder representative on it. I raised this issue with the organizers, but I wanted to know who is going Kyoto so that we can, I mean, to be honest, I'm not going to accept offers to talk from the floor? I think that this has been happening for way too many times.

They know that we care about the issue. They know that we are following the issue. We still don't have a representative. They have representative from GAC. They have representative from technical community and a Board member, but there's nobody from the non-commercial and I talked about, like, non-commercial in general. Doesn't matter if it's not NCSG. But, if somebody, so I was thinking to tell them to have Avri on the panel, he has done a lot of great things. And on this issue on especially DNS abuse and privacy but that's another thing I wanted to flag. I'm still talking to them but let me know if you're going to be in Kyoto and if you can talk to the issue. Thank you.

TOMSLIN SAMME-NLAR: Thank you, Farzaneh. I think there are a couple of people here who will be there. I'll let them put their hand up and speak to it. But before that, I want to go to Bruna, see if it's...

BRUNA MARTINS: Thank you, Tomslin. It's a different topic, but I'm also going to do that, Jeff, so, just put that on the record. No, just to ask whether we did a follow back within NCUC folks in order for them to correct the name of the webinar. They announced a while ago as kind of a NCPH webinar on DNS Abuse. I mean, I'm not yet sure whether this webinar has gone on by already. I think it was planned for the pre-ICANN week, but it will be interesting to have it renamed, since it's not NCSG, neither CPH initiative. So just flagging that up.

TOMSLIN SAMME-NLAR: Thank you, Bruna. I note that Benjamin is on this call. So, I'll come to him. Farzaneh, is that a new hand too? It was just an old one.

FARZANEH BADI: So, I just want to say that I'm going to be in Kyoto as well and frankly, Tomslin, we need to regroup and reenergize in NCSG and in a lot of spaces, our voice is not being heard. And so, maybe we can do a regroup with people who are going to be on sites at IGF and then also, like, bringing people that want to attend remotely. And the reason I didn't put forward my name for this workshop was that I don't want them to go to the usual suspects to talk.

I want them to be a little bit more creative as well. Which might be a little bit too much to ask, but because they are not even thinking of inviting us. But this why I didn't put my name forward. But if we don't find anybody, I'm going to be on the ground, and I'm going to go to that session. But reenergizing NCSG is really important. It's something that we need to think about. Thank you.

TOMSLIN SAMME-NLAR: And Rafik will be home, I think, so he can bring the energy that he needs. Thanks a lot, Farzaneh for bringing that to our attention. I think I agree that we need to regroup and start addressing this, I think a deliberate attempt to keep us out of these conversations. So, we definitely need to address it. Benjamin, did you want to respond to Bruna's question, please?

BENJAMIN AKINMOYEJE: Okay. Thank you Tomslin, for calling me out on this. And, Bruno, also, so first off, I want to say I don't think that workshop is going to happen again, also for the immediate reactions that we got. But I also want to tell NCSG policy a group something that for me it's been a concern. I know that all of our veterans, active audience or volunteers who put pen on paper who are guiding the process are very busy.

But as far as I'm concerned, I would have observed being an administrator at NCUC is that most of us are not available to the general audience. We need to understand some of these matters to be able to engage. Even personal attempts to try to get your voices or attention to participating on things that we can help build capacity because my own

mandate is to help build mandates of our community is almost tragic because nobody is willing to volunteer or take our time to educate the members so that they too can get on Board.

And what we find in most of our conversations are people talking above the general public. So, the initiative was to try and get members to understand. I don't know why they used NCPH because it wasn't supposed to be the heading. I don't know why that came up on the heading, but it was supposed to be membership capacity building session about DNS abuse, it wasn't supposed to be NCPH and it doesn't suppose to have that.

It was just to be a session to educate members so that it can engage in these conversations when it comes up. And this came out of a NCUC issued sessions. That was a conversation that came out of that room down. We could have a session to enlighten members. So as far as I'm concerned at this moment, they are not available to speak. Everybody just disseated from that conversation. And so, I think it is where it's supposed to be graveyard right now. Thank you.

TOMSLIN SAMME-NLAR:

Thank you, Benjamin. And to your concern that you raised regarding availability of PC members, I don't know if any member from the Council or PC would like to respond to that quickly before we jump to the rest of our agenda.

BRUNA MARTINS:

Tomslin, just to if you allow me, can you hear me?

TOMSLIN SAMME-NLAR: Yes.

BRUNA MARTINS: Thank you. It's Bruno for the records. I not entirely in or directly replying to that. I think that's when Farzaneh says, we need to regroup and plan, I do think it would be a good moment, maybe in between the IGF and ICANN to have an internal and send you meeting for us to do a little bit of planning for the upcoming meeting and something that's more focused on how can we help make sure and since she's running its sessions, how can we help make sure that membership is also attending and parking NCUC?

How can we strategize around the meeting and so on? Because what I see is that sometimes, like, obviously, we're all very busy, but sometimes the invitation come in a little bit less minutes and then it hard to plan around that. So, if we can just bend it on the weekends, send a message and say, hi, guys, I need help for the NCUC membership session. So, if we can know those things ahead, then we can plan our agendas around those things and the request of re-participation and so on. And just to put on the record that the reason why I'm inquiring about this webinar, it's because it came off to me as a surprise.

We're in the middle of the court seat negotiations and discussions and all of a sudden comes in an announcement of NCPH DNS abuse webinar, which is something that, we might hold some differences on between the houses of NCPH. So that's why, Ben, I was a little concerned when the announcement came off. And, I mean, it's a mistake. Now we

know, but at the moment, we didn't. So that is why I'm continue to bringing that up and then asking, can we please rename it if it's still to happen, that's all. Like, let's re-plan. Let's regroup and re-plan. Maybe the I just can hold a good opportunity for that. Maybe we can schedule a meeting in two weeks or something like that so we can think ahead of the IGF and ICANN, that's all I wanted to say.

TOMSLIN SAMME-NLAR: Thank you, Bruna. Farzaneh, I noticed that your hand a still up and I'm not sure if it's an old one.

FARZANEH BADI: No. It is an old one. Why does the Zoom just-- Like seriously Zoom is just bad.

TOMSLIN SAMME-NLAR: Thank you. All right. I think we looking at the time, we can get back to our agenda which we are talking about regrouping, I think we have some things here which we need to start discussing before going into the intersession with CSG. And I think, from the draft talking points that we have received from you, there are some outcomes, some objectives that I think are intended to come out of that intersection.

One being to arrive at the predictable procedure for the selection of GNSO Council leadership. Another being arrival at proposal for rebalancing of the NomCom and the third being arriving at a mutually agreed to approach regarding rebalancing of GNSO Council representation. Now I don't think we have. Well, again, going back to

Julf's request is we need to come up with positions on these things off, before we get to Hamburg. So, I thought we will start discussing it. And the floor is open for anyone who would like to... Well, first, I'll give it Julf to sort of talk more into that intersession or before, yeah, we open it for comments and proposals.

JULF HELSINGIUS:

Thanks, Tomlin. Yeah. I mean, the background to this, of course, that we have agreed to yourself bring back some sort of the intercessional, but now we're doing it by doing it zero day on a Friday before the ICANN. So, we have a full day for the non-contracted parties house and there is a draft agenda and there are some issues on that list that you pointed out where we need when we walk into that meeting, need to be clear what our position is going to be because we don't want to be trying to self-determine what our consensus is, when we are in that meeting.

They will have met other side without self-mentioning anything here, who that would be, we'll have a very clear game plan. We should have ours. And the big topics there, I mean, we will of course be looking at general things like what common things do we actually have in a non-contracted party's house that unites us in any way but what common goals can be found. But more importantly, there is this huge specter of this GNSO rebalancing. And the first thing we need to decide about that is how do we feel about it in general?

Are we going to support the idea that the GNSO should be a rebalanced, not just constant necessary, but the whole structure, or are we going to

say, no, we want to keep it as it is, because there are too many dangers starting to rebalance it. That is something we need to decide and have at least rough consensus on. Then when we talk about the procedures for the GNSO leadership selection and of course also the Board seat 14th selection, commercial parties do like to talk about the predictable outcome.

TOMSLIN SAMME-NLAR: I think we lost Julf.

ANDREA GLANDON: Let me ping him and let him know.

TOMSLIN SAMME-NLAR: All right. Hallo, are you still there? Oh, yeah. You're back.

JULF HELSINGIUS: So that's just a background,

ANDREA GLANDON: we lost you for a little bit. So, the last bit, we did not hear them.

JULF HELSINGIUS: Oh, bummer. Yeah. There seems to be some sort of this disturbance on my Internet, probably too many birds on the wire. So, I mean, think I pretty much said the important things. So, these are all things we have

to have some sort of rough consensus on before we go into that meeting.

TOMSLIN SAMME-NLAR: Thanks, Julf. I noticed Kathy has asked a question chat. How do we learn more about rebalancing? I don't know if anyone wants to take that, but I see kill Caleb's hand Caleb.

CALEB OGUNDELE: Hi, everyone. So, I was thinking, probably due to some previous occurrence that, if anyone has a position that they are suggesting that they should maybe forward it personally to Julf and Julf might possibly just compile everything and share with participants specific that would be at the meeting, so that would we have a good defense of the positions we are taking and surprises are not strong on us when we don't expect them. So, it's just a suggestion based on Julf's proposal for the NCPH at the zero meeting.

TOMSLIN SAMME-NLAR: Thank you, Caleb. Bruna?

BRUNA MARTINS: Just to maybe insist on the same thing, I just said, can we please have a meeting about intercessional a dedicated one to discussing our positions and so on. Julf, if you need help, like, doing a straw man document or maybe a one pager on what has been our position so far

and some of these issues I can maybe help. But I don't think that's of us sharing separately our positions on different topics.

It's something that contributed to any of us because I just imagine getting this document a few weeks prior to the meeting and post, it, Julf, and once everybody is exhausted from this year and then figuring out that maybe we're not as rough consensus on some things as we wish for. So, my suggestion would be for us to have a proper meeting because something such as the holistic review and things like that, are really relevant and something that are extremely important to us, but I'm also afraid that it's been used some sort of, I don't want to say revenge, but, like, some sort of a reparation to a very extensive and exhausting Board negotiation process. So, I really wanted us to maybe have a chat about how do we all feel about each of these topics? That's all.

TOMSLIN SAMME-NLAR: Thanks, Bruna. I think yes, suggestions are looking good. Julf, did you want to respond to Caleb?

JULF HELSINGIUS: Well, Caleb and Bruno, and so, yes, Bruno, if you can help, that would be great. But so, one thing which I've been struggling with is do we do a separate meeting? Do we do discussion the mailing list? And then we have the transparency problem that we want to be very transparent and want our members to see the discussion, but do we want everybody in the world to see the discussion? It is a hard issue.

TOMSLIN SAMME-NLAR: Thanks, Julf. I don't have an opinion that yet. So, I'll pass it on to Kathy to comment before.

KATHY KLEIMAN: Yeah. So just broad questions for everyone who's working closely on this, because as usual and I can't, there are so many issues that we're all looking in different places and this where we come. Tom's, and thank you for bringing us together. This is where we come to compare notes and see what we're not seeing. So, for example, I understand looking at what's going on the intersectional. I understand the idea of 3a, ii, arrive at a proposal for rebalancing of the noncom, nominating committee of noncom.

That's something, NPAC has been working on for a long time with NCSG and NCUC's support but I don't know what the proposals are for rebalancing GNSO Council representation. Is that our proposal? Is that someone else's proposal? Does that lead to a general rebalancing of the GNSO? All of these things raised questions to me. It took a long time to get the GNSO of Council as balanced as it is for us to have equal votes with the commercial stakeholder group took forever. So, if anyone knows what the proposals are on the table, please circulate so that we can respond and do appear robust, which is our suggestion. But first, we need to know what's out there on the table. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Kathy. Just to quickly answer, yes, all of those you mentioned are possibilities of the rebalancing. And I'm not aware of any particular proposal on the GNSO Council rebalancing at this time. I think that's why I thought I'll put it here in this meeting so that we start having that conversation leading up to ICANN78. So, I suppose those will be coming through now, if we agree on at least a process on how to have that conversation, if that is all we get out of here, I think that's still a win, but I'll pass it on to Stephanie.

STEPHANIE PERRIN: Yes. Stephanie Perrin for the record. Thank you. And me apologize for being late earlier. I'm preoccupied at the moment. I'm not at home. First thing I want to point out, Farzaneh had typed in the chat that it's dangerous going to the meeting without doing your homework. I totally agree. We do need a position. I would strongly caution against having a broad far-reaching discussion the list about this. Frankly, I don't care if we discuss the NomCom rebalancing.

Everybody knows what our view is or even the Board seat approval process. These are not the main item as far as I'm concerned. There's a whole list review going on. It's, another name for yet another GNSO review. There have been several GNSO reviews in the past. If you haven't read the reports and indeed some of the discussions going on prior to them, you should because really, this all about us losing our seat balance at the GNSO.

And unfortunately, we've had so many years of declining participation on the various groups whilst simultaneously making enemies by

succeeding at things like the whole privacy issue. There are people who want us to lose our Council members and that's really what this about in my view. And so, I really think we need people to do their homework. Look at just how dirty and how grisly some of these discussions have been reaching back 20 years about the companies that were brought in to do the review and their instructions. I mean, just the fact that the last company that did it was completely panned by ALAC when they did the review of them and yet I can't hire them yet again to do the GNSO review. And they were instructed by one of the ICANN staff at the time to review former staff of hers, not us.

They didn't review a single member of the contracted parties in that GNSO review. How the hell does that work? Anyway, needless to say that's what I'm worried about. I'm worried about this, and I'm also worried that we can send spend inordinate amounts of time flickering about Board seat process. Please. We just gone through that. It took all of our members all of their time for weeks arguing about that. And there's a great risk that we will go through this meeting without even touching the core issue which is that seat balance and previous GNSO reviews and something will slide along in the background, and we will appear to have been consulted and appear to have been spoken to.

And instead, we spent the entire meeting arguing about the seat approval which in my view, far more useful, it would be to assess the actual contributions of Board members in terms of, are they actually doing anything to ensure civil society participation? And global participation? And that is a conundrum because I don't think we have good data. And we're about to lose Avri who is the one Board member that's come to our meetings and listened and intervened and in my

view, being an absolutely fabulous Board member very active. I would also say that Becky has been good too even though she's probably not as pro privacy as one might hope. But, anyway, that's enough out of me. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Stephanie. I like that this meeting is being recorded so we can get back to it because I thought there were good points there, but I couldn't keep them all in my head. So, Julf.

JULF HELSINGIUS: Yes. Thanks, Tomslin. Yeah, I wanted to clarify what I already wrote off in the chat that's off. There is no plan for rebalancing at this point. It's just something that a lot of people expect to be the outcome of the holistic review they might be sort of be overly hopeful they might have an agenda but so I think we need to sort of have a clear understanding of whether we think it's a good idea or not, and I think we lean on the not a very good idea side on that.

TOMSLIN SAMME-NLAR: Thanks, Julf. I think we're already getting what we lean towards. And I think that was one of the things you were looking for head into that meeting. So, I'll pass on to Rafik.

RAFIK DAMMAK: Hi, Tomslin. So, the list of topics is not really surprising. Some of them are kind of recurring topics from CSG, like, we should not call it a

rebalance GNSO. So, it's just, how to imbalance the GNS. So, tell us that again. But, anyway, so it's not surprising. That's what they want to discuss. I think in term of position, we can be clear that we are okay with the current structure. We have no issue. But, in terms of preparation and really to not worry about the intersection. They just want us to get to agree with them at some points. We don't need to do that. I mean, we can't listen but there is no obligation for us to agree with them on any topic. So, it just can be exchange of ideas if we can call that.

But to be more practical and since we are talking a lot about holistically review, there was a webinar, I think a few weeks ago, unfortunately, and known in a friendly time, as usual, but I think we should at least if I'm not sure if some listened to that. And if we may be possible to listen the record and understand about what this term of referrals so we can have better idea what this holistic review, I think, we start as a pilot project, which means, and that's how really, we need to prepare.

We can suspect and maybe we are worried that holistically fuel means a lot of change not just for GNSO, but everywhere. And the ICANN based on what the ATRT for reason, God only knows they recommended, but we need to be practical here to understand what's prepared in term of process and procedure and to be ready to give the support to happen intersession meeting with the CIC.

TOMSLIN SAMME-NLAR: Thank you, Rafik. Bruna, you're next.

BRUNA MARTINS:

On the same line as Rafiki, but also, like, maybe, what we could also do, as we get closer to the meeting and so on, is to see whether Mason, has some sort of position to share from their side of the house and we can work on similar things as well, just to know more or less what you expect. We kind of know already but, maybe to put things in writing, helps a little bit on understanding where are they heading or how strong about these ideas they are, because there has been a lot of debates on rebalancing either the GNSO or the NomCom part. Like we know that the NomCom side they might not be a 100% on Board with regards to our own. Agenda was for rebalancing the seats and so on, but then it would be interesting to have something like that because it's what Avri wrote in the chat.

If we don't pay attention to this meeting enough, they are going to lead us into discussing NX7 and that's my main concern at the moment. Like, we just went out as everybody knows like a very exhausting poor negotiation and so on. So, if we don't pay attention, we might see ourselves without NX7 or and without a good compromise position that ensures our participation. So, just maybe put this on the record just so everybody asks.

And maybe Julf, a question, is there any chance we can move things around in this agenda or take something out or maybe kind of, like, focus on PDPs instead of the whole holistic review and so on. Because I assume they were the ones suggesting it and were yet to agree. So just asking whether we have agreed with it already or if we have some space for training things. Thanks, Tomslin.

TOMSLIN SAMME-NLAR: Thank you.

JULF HELSINGIUS: Yeah. Tomslin, if I can just answer that.

TOMSLIN SAMME-NLAR: Yes.

JULF HELSINGIUS: We can still change the agenda. So, Sophie, if we have proposals for what to change no problem getting it changed, it is a draft and it will be a draft until the actual day zero. But, of course, the closer we get, the harder it will be to change, but we can definitely change it in, and it's something that's of it's partly based on self-hold all the staff, then staff doing stuff. And then, basically it's of me massaging by Paul. So, it will be a discussion between me and Mason still about exactly what makes through.

TOMSLIN SAMME-NLAR: Thanks, Julf. So, we'll close that one for now. I think we will discuss later. Julf, you'll let us know if we need as a separate meeting for this like Bruno had proposed or how will proceed with this. We also have the doc PSWG meeting that Andrea had shared with us on the list. I haven't seen what the agenda or what talking points will be on that one yet, but I thought I'll add it here so that anyone who has any more information about the one could comment or let us on what we should expect on that one. Julf, do you know any more?

JULF HELSINGIUS: Not really. I mean, it's basically, it's now at the point where we need to give a feedback on the agenda and sort of points. I will have another talk with Mason on this, but yeah, I see Andrea has her hand up.

TOMSLIN SAMME-NLAR: Andrea?

ANDREA GLANDON: Thank you. Hi, Tomslin. The PSWG meeting is what you were talking about. Right?

TOMSLIN SAMME-NLAR: Yes.

ANDREA GLANDON: Okay. Great.

TOMSLIN SAMME-NLAR: That's right.

ANDREA GLANDON: Okay. I do not have, an agenda yet, and I also do not have a confirmed date and time, although I have asked them and told them that Sunday, 22nd, before the NCSG meeting which I believe is at 3 o'clock is what

would work best. So, I'm trying to reach out to get some more information that.

TOMSLIN SAMME-NLAR: Thank you, Andrea. Bruna, I see your hand up.

BRUNA MARTINS: Yeah. Just on the topic of meetings, I posted on the chat and you've already replied, but maybe it would be good to invite Chris to intersession. I know he might not be available. And if not, it would be nice to have to go back to having the informal breakfast with Board members once more. And then just ask, like, make sure we have either the ingoing and the outgoing Board members sitting with us and have a chat, an informal one during the Hamburg, just so we have this level of exchange.

And on the Chris notes still, I've posted on our Skype chat these days, but would be nice to have a formal meeting with him as the incoming Board member for Board seats for teams. So, I don't know when we're going to schedule that, but I can help scheduling that, but it will be nice to have him present it to the community and as an outcome of this whole process. That's all.

TOMSLIN SAMME-NLAR: Thank you, Bruna. I see Farzaneh saying it would be nice for us to have a meeting with the greater duck as well. I don't know how all members think about that, but, if there are no other comments on the PSWG, we

will move on to AOB since Manju, I was going to move on to you, but I see your hand up already.

MANJU CHEN:

Oh, thank you so much. I was going to ask, it's not about AOB. Sorry. I was going to ask I thought we were preparing for a meeting with the government parties too, but did it just disappear. Sorry if anyone knows because I remember we were kind of preparing a night. Remember seeing emails about meeting with the it turned like, it ended up only with the country party councilors, but I thought, still we're having that meeting, but I'm not sure if we're still having that meeting. Probably an informal one because, I guess there's not enough time slot, but just wanted to ask if anybody remembers this.

TOMSLIN SAMME-NLAR:

I don't think we followed through with that one if I recall correctly.

MANJU CHEN:

But then probably [CROSSTALK]. Sorry, sorry.

TOMSLIN SAMME-NLAR:

No, you go ahead. I was going to respond to Rafik's comment on chat, but you go ahead.

MANJU CHEN:

I was just going to quickly, mention about the AOB. So, I was talking to ICANN staff and they're going to have, ICANN booths on the ground for

Kyoto IGF and I heard that Adam Pete has suggested to invite community members to be at the booths to promote your groups and probably get more people to join. And so, I'm just going to refer this message to anyone who's going to be on the ground. If you're interested, reach out to Adam and say you want to be at the booth too. We're talking about reforming, getting new people. That would be a best chance. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Manju. I see your hand, Farzaneh.

FARZANEH BADII: Yeah, I just wanted to say, sorry. This not related to my understanding. It's related to your meeting with PSWG. I have raised this on the mailing list and CSG mailing list a few months ago. Nobody reacted. And it's a very important issue. When we discussed the disclosure of the sensitive data of the registrants to law enforcement a few years ago with PSWG. We told them that there are some of these law enforcement or human rights violators. How are you going to deal with that? Are we not going to provide the service to them?

They mentioned that so they mentioned that's, no, well, we will provide the service we cannot discriminate. Yeah. In this instance, they cannot discriminate. But there will be a transparent reporting of the logs of law enforcement and which law enforcement has asked for, how many data pieces and stuff like that. And a few months ago, they backed off and they asked ICANN for confidentiality. For confidentiality, and we have discussed this with them.

They can't have it both ways. So, fortunately, because of the sanctions and the unique time that I think that sanctions are good. I mean, generally sanctions are good for getting people, getting human right violators not violate. But this time, because of sanctions, some countries that are human rights violators, they cannot access the system. But we have other countries that are not sanctioned.

And then I think this is an issue that for NCSU. You have to put this on the top of your agenda with the public safety working group. And you have to discuss this with and I hope I was a clear. If I wasn't clear, I raised the issue four months ago on the mailing list. You can go and have a look at it. But we need them to have some kind of transparency. If they are doing some investigative, serious crime issue that they cannot tell us, how many pieces that they are accessing now, they can tell us maybe six months, maybe a year, maybe in three years, what we cannot have blanket confidential access to people's sensitive data. Thanks.

TOMSLIN SAMME-NLAR: Thank you, Farzaneh. I think we will certainly go through that what you sent again and an email going into this meeting. Stephanie?

STEPHANIE PERRIN: Thanks. Stephanie Perrin for the record. For disclosure. In case anybody doesn't know, I'm a former government person, a lot of my career arguing with law enforcement about transparency and disclosure and I worked in the department of communications. So, let's talk birds on the wire here.

So, I have a great deal of sympathy for what as Farzaneh is talking about, but by the same token, I do understand the so called mosaic effect and how it is quite difficult for serious organized crime, for those who were trying to protect individuals, informants, people who've been given new identities, it's really hard for them to be transparent about the kind of surveillance that they're doing to make sure that the people don't get killed. I do understand that corrupt governments are using these excuses. I think this really is hard and yelling and I have a long career of yelling at law enforcement but having another meeting with the PSWG and yelling at them, telling them they can't, we can't be, that we insist on full transparency isn't going to work.

We're losing the battle against serious organized crime. It's getting terrible and we're not going to get the support of contracted parties who are actually dealing with people trafficking to commit cybercrime. Talk to Tayo. He's still in shock about the Cambodian cybercrime factories where they're abducting people from China to go work in them. This something we should have a separate meeting to come up with a consolidated position because I certainly have some sympathy for law enforcement and yet I think we have to push them back. So, we need a more nuanced approach. Thank you.

TOMSLIN SAMME-NLAR:

Thank you, Stephanie. We certainly need us a separate session for this one. However, we are only two minutes left on the clock for this. So, unless someone has another quick AOB, I think we will call it a day here today. Really thanks, everyone, thank everyone who came through and

for the contributions. See you on Thursday or in online in Kyoto. Have a good day everyone.

ANDREA GLANDON:

Thank you. This concludes today's conference. Please disconnect all lines and have a wonderful rest of your day.

[END OF TRANSCRIPTION]