ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the NCSG Policy Committee call being held on Monday, the 21st of August, 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 ICANN multi-stakeholder 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: Thank you. Welcome everyone and glad to see you today join to our monthly NCSG Policy call that we have the week of the Council meeting. The Council meeting this month promises to be a very, very packed and busy one. Lots of SubPro items to discuss. Various aspects of it, actually. From board adopted or board non-adopted items to other items where policy work is taking place, and with the Council's hope that it might or might not affect the next round. So it's quite packed with all of that. But we'll go through it in our second item on our agenda today and you get to see a couple of those.

Then we'll have a couple of those updates. I think some of these will already be on the Council agenda anyway. The facilitated dialogue, for example, is actually on the Council agenda as well. But we'll still have a quick update on where that is. A couple of them I haven't put on here

because they're on the agenda and I thought, well, when we get to those items, we'll just have a conversation about them. And so without much ado, let's move on to agenda item number two.

In terms of the consent agenda, we have the Customer Standing Committee slate that is coming into force or being approved by both ccNSO and GNSO. So I think there's nothing contentious about this one. Milton was the non-registry appointee to that team. So I think he's still going for another term. Nothing contentious about that one.

There is a vote on the SubPro small team clarifying statements. On this one, most of this work was done in Washington, DC during the day zero session we had. So there is very little new about this one. I think the most contentious one to us, specifically of importance to NCSG was what the council had initially wanted to clarify regarding the PICs and RVCs where the board was suggesting that we go with a change of bylaws. But on the day zero in Washington, we did get an update from the board that they'll be happy if we just clarify that those should be enforceable between the applicants and ICANN. So there isn't much of items that are contentious in this one. I think where we would have some much more contentious items is on the work that is still remaining on the SubPro small team. But I do have some people who have been following this item on this call. So if anyone would like to add anything or make any comments, please jump in. All right. I see no hands going up. So we will move on then.

On item number five, the council will discuss the final report of the recommendations report on the review of statement of interest. And Manju had mentioned to me that she would like to give a quick update

on this. And I didn't put it on our agenda because I knew it was on the council agenda. So Manju, if you would not mind giving us that update now.

MANJU CHEN: Thank you, Tomslin. This is Manju. Hi, everyone. So basically, I think we all remember the NCSG support the updated exemption language. But then because within the CCOICI, we couldn't really reach consensus on the exemption language. Well, just briefly, it's the exemption language where, for example, if you are not able to reveal who is paying you to participate, you give the legal reasons why you're not able to reveal and then you generally describe who you are representing without saying the real name of whoever you're representing. That was the updated exemption language. But I didn't get support from the whole CCOICI, especially the contracted parties. They were against any kind of exemption.

But the reality is, even if they don't agree, it's not that we can just jump to there's no exemption anymore, everybody should reveal. Because it's like SubPro. We fall back to the status quo, which is the current exemption language, which is you just put private and you say nothing.

Other than this exemption language recommendation, all other recommendations of updating the SOI were supported by everyone. So the report is like all kinds of recommendations of how to improve the SOI. We split it to general one and activity-specific ones. But then with the exemption language, because there were no consensus, we have to fall back to the status quo. And this is a report we delivered to the

council and we expect discussions within the council regarding this report.

And so one thing I wanted to mention is, so the registry, they have kind of told us in a sense that, well, they know this is not going to result in council because there were no consensus and they're planning to go elsewhere to kind of bring up this issue. I don't know where they're going to probably try to get on the board and they will push for their position, which is no exemption at all. And that is what they're planning to do. And I know we were kind of aligned with them on this issue. And I was trying to kind of talk us, well, convince the NCSG into supporting the updated one. But now that it's gone, it's like, well, it's not going to get consensus anyways. I would suggest us to kind of consider again, if we want to join the contracted parties to push for no exemption at all, or I don't know, like now that I'm not—well, I'm still the chair, but it's never going to reach consensus anymore. I don't feel kind of obliged to stick to the updated exemption language. I personally think it's still good, but I would like to bring this up for us to consider if we want to kind of fall back to no exemption at all and join contracted parties wherever they're going to voice their position to. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Manju. That's interesting development. I see Rafik's hand up.

RAFIK DAMMAK: Thanks, Manju, for the presentation. I just want some clarification about maybe here, in terms of process or procedure. So, for now, this is just a proposal from the committee. So you are asking for input from the

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GNSO Council, if I got that correctly. But so, Manju, can you clarify how the committee operates? You need full consensus, I mean, anonymity, or there is a way that if there is no consensus, that's enough to go further. So just to see if there is a blocking effect in the committee, that's why you are asking the council for some input.

MANJU CHEN: Hey, Rafik, if I can just jump in to answer your questions. This is Manju for the record. The problem is, I think when council established CCOICI, they really didn't have kind of written down all the rules, operating procedures of whatever CCOICI, how they should operate. So there were no kind of any charter, whatever we can refer to, to kind of know, if there are no consensus, what should we do? And I think that's definitely a problem we should ... So as of, I guess, a future task for CCOICI to establish the operating procedure, if this committee will continue in the future.

So that's why we didn't really know, if there's no consensus, what we should do. And of course, since this committee was kind of established by the council, this is what we go back to. We have to bring back the report to the council. So that's why we keep this no consensus result and bring it back to the Council. I hope that answers your question. Thank you.

TOMSLIN SAMME-NLAR: Thanks Manju. It does. I hope it does. Kathy's hand is up.

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KATHY KLEIMAN: Great, thanks. Manju, incredible work. This has been a hard process, I know. And what I'd encourage you to do, and you're probably doing it already, is to really document what's happened in your team. Because I think the work that you've done is not wasted at all. It's been a really, really important discussion. I'm also not crazy about the rule, and I don't think it's a rule. And when we get to closed generics, you'll find out it's a rule we only observe—we don't observe when we choose not to observe it. But this idea that if there's not consensus, we stay with the status quo was adopted as an informal way of working with our review of the new gTLDs. I'm not sure it applies at all to council rules for itself and for disclosures and for the whole community on other issues. But please document, if you would. And let me ask, are you documenting your whole discussion? Because I think we're going to be referring back to what you've done again and again. It's just the beginning of a longer discussion. I agree with where I think you're going, that we support, I support, I think NCSG should support a much broader disclosure. We know that there are a number of people working together for the same clients, but they don't disclose that. It would be fair and good and consistent with practices and other areas of policymaking to disclose. So if you document where you've been, people can come back and refer to what's happened here and not have to recreate the wheel each time. I think what you've done can be really, really, really helpful. Thanks.

MANJU CHEN: Hi, thank you, Kathy. If I can just jump in again. This is Manju. Yes, Kathy, the discussions were, I think, honestly documented in the report that was in the annex. It was a full record of whatever we've discussed, all the senses, all the positions, and why in the end we couldn't reach

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compromise. So that's definitely documented. And Rafik, to your question, yes, I think there is a charter, but the charter doesn't cover decision-making part. That's exactly what it is. And I mean, the charter wasn't even that clear. So that's why we didn't even know.

I mean, the [inaudible] of voting, then, I mean, for now, because it's going to be the contracted parties, they're all voting no. Even if we bring it to the voting, to council, it's going to be half against half. I guess it's going to be a tie. So even within CCOICI, it's going to be the same because it's a council-appointed, councilors-only committee. So that's why we didn't even do a vote, because it's going to be a tie anyways. And so I guess that's why also we didn't even—well, we will probably have to have a vote, which we don't know what the result will be, because now it's the original exemption language, and I don't know how people are going to vote for it. But that's also why we're having a discussion this week to see how generally people feel about it. Rafik, I see your hand.

RAFIK DAMMAK: Yeah, let me try to understand, because I'm not sure how it's tied in this case. So I thought the contracted party are supporting the position against the exemption, no? And this is the kind of NCSG position, right?

MANJU CHEN: Well, NCSG, we were supporting actually the updated exemption language, not like... And also even—yeah, so that's why we fall back to the original private exemption language. And that's why I urge us, well, I advise us to consider if we want to kind of revert back to what we were

supporting, which is no exemption at all. Because of course, I think I was trying to convince us to support the updated exemption language, because I thought it's a good improvement. And I thought baby steps better than no steps. But then now we're back to no improvement at all. I would definitely suggest NCSG to think carefully what our next steps are, if we want to join with contracted party again, or if we will be supporting the updated exemption language, which is probably not going to ever realize because the contracted parties are so against it.

RAFIK DAMMAK: Sorry, just about the vote. Can you check what is the threshold you need for this case? Maybe it's probably simple, simple majority, I guess. So that means NCSG and of course, then NomCom appointee and also within the other house should be enough. But anyway, it's too early to think about, but if you can check from, I mean, at least from the staff what their interpretation about the threshold needed for this. So this is not PDP and so on I assume by default will be simple majority, but maybe it can be even less if needed.

MANJU CHEN: Yes, I know the voting's [are over this,] if we're voting for this report, it's going to be simple majority. But the thing is now the report, the recommendation doesn't have the exemption language and it doesn't recommend to—no exemptions at all. It is what it is now, which is you just put private and you don't have to reveal anything. And that is because within CCOICI, we couldn't reach consensus. So we agree to just keep whatever it was as it is and still deliver the report to the

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Council, because other the recommendations did receive full consensus from the CCOICI. I probably have to practice more so I can be clear in the future, in this week's council meeting so people are not confused. It's my bad. Sorry. Stephanie, I saw your hand.

STEPHANIE PERRIN: Thanks very much. I think it's really important to make a stand here. This is ridiculous, at this stage of ICANN's maturity, that we don't have some kind of way to compel people to disclose who the hell they're representing. It's just beyond me. So if people don't want to compromise, then fine. Go back to the no exemption situation. And if they don't want to vote for it—like they can't just glide this through. Even if all we get out of this is exposure of the commercial parties' refusal to admit their clients, that'll be better than nothing. So I think we should take a strong stand. Thank you.

MANJU CHEN: Sorry, Stephanie. I think you're probably—it's me not being clear. So the original state is not no exemption. The original state is people just put private and they can freely not disclose anything. That's why I wanted to convince us to support a more detailed exemption language where we at least force them to generally describe whatever they're representing. And because this didn't get support from the contracted parties, we are actually falling back to people don't have to reveal whatever and they just put private. And that is because contracted parties were pushing for full disclosure, which was not possible because there are strong objections from the BC and ISP. Well, BC and IPC. And because there

were no consensus on this, we had to fall back to what it was, which is no exemption needed. And people just put private.

STEPHANIE PERRIN: If I may, I understand that, but we can in the report detail what the positions are, that we are lengths apart. The contracted parties won't accept the compromise position that you were pushing because they probably understand what kind of weasel words we're going to get in that compromise position. You know, e.g. I represent registries. You know, one of the big problems is Amazon and all the various parties that are part of the Amazon world chain. You know, you've got lawyers everywhere, including on the registry backends and all the rest of it. And for those of us who aren't intimately involved in these business deals, we don't know that. And the average person who watches ICANN from a distance doesn't know who's who's operating for the big giants. It's the same with all the big giants.

I think if we document all of that, at least it will keep the issue alive. I mean, we can't get the compromise language. So that's what I understand from your discussion. You were clear. It's just that the whole thing is so circular, if you know what I mean. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Steph. And I think Rafik's point in chat is also valid, that we're probably not sure what the contracted parties' strategy is, but at least we know that they don't want any exemptions to that, which was our previous sort of—we were aligned previously. Manju, is that all from you on this one?

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MANJU CHEN: Yes, yes, it is. And I just wanted to remind everyone again, we can decide whatever we're going to do next now that we're not having anything now.

TOMSLIN SAMME-NLAR: So that's what you're putting forward to the council on Thursday. So whether should do something and not extend the work you're doing.

MANJU CHEN: Well, I guess. Actually, yeah, I think Rafik is right. We don't know what contract parties want to do. They hinted that they're going to bring it to the board. But I mean, I guess [inaudible] to carry this, I don't know. So I just wanted NCSG to think whether we want to support the report. I mean, the report itself, with or without exemption language, it does provide recommendations that's going to improve SOIs in a sense. So I don't think it's going to be like a huge failure or whatever it is to support this report. But if we vote yes to this report, we can still join the contracted parties when they're pushing for no exemption. I think that's what most people in NCSG want. I wouldn't say we vote no or abstain. I would say we can still vote yes and join whatever is next when they're pushing for no exemption. But I don't know what they're going to vote, because they were actually the ones, the contract parties are actually the ones that says we don't like—or we are saying no to the exemption, but we think the report itself still has to be delivered to the council. And I think they support rest of the recommendations. I hope that's clear. Thank you.

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TOMSLIN SAMME-NLAR: Thanks. It is clear. We still don't know how we'll be voting anyway. All right, we'll move on then. Hopefully we'll get better clarity as we go. And after the conversation or discussion, it's not a vote this week. So it's a discussion, which is good.

Now, SPIRT, and I promise not to use very many acronyms, but this one is one of those that sound really nice as an acronym. The Standing Predictability Implementation Review Team. I'll ask SubPro experts in this call to help me on this one. So basically the SubPro final report had recommended, in fact, had provided an implementation guidance in the report that this standing review team be stood up, I think, with a primary purpose of using the predictability framework to determine how issues that come out of the SubPro program are addressed. If I understand correctly, it doesn't itself provide a solution, but just to—I don't know whether using the word a triage sort of group oversimplifies it, but thankfully we have Kathy here who was a member of this team, of the SubPro team, so she can help. Kathy, I will let you go, then I'll probably speak to what the council will be doing.

KATHY KLEIMAN: Okay, great. So SPIRT is a new idea. It's actually S-P-I-R-T. So we kind of put the other I in to make it sound happy and fuzzy, SPIRT. It is a new concept and we debated it in the subsequent procedures, new gTLD working group, which even if you know what the acronym means, it doesn't mean anything. It just means the review of most of the rules for new gTLDs.

And so Tomslin, one of the questions I'll have is, why are we setting this up so early? Because what the SPIRT is, is kind of an implementation plus team. So as you guys know, when on the working groups, the policy development process working groups, we just create broad policy rules, but somebody has to really come up with the nuts and bolts of how to implement them. And that's called an implementation review team, an IRT.

So an IRT is designed to do that implementation. It's run by ICANN staff and overseen by whoever in the community wants to kind of work out the details. But what happened is, and what happens normally after IRTs is, so the working group disbands, the policy group disbands, the IRT comes in, creates the nuts and bolts, disbands. And then there's a whole bunch of questions later on, particularly with applications, new gTLD applications. There was a whole bunch of questions.

And last time, some of them were decided terribly. And when we get to closed generics, we're going to see one of those that was just decided on the fly terribly. PICs and RVCs were decided terribly too.

So in order not to do that, there's a new step, the SPIRT group. And after lots of negotiation in the SubPro working group, the SPIRT team is supposed to come back to council every time it has something that approaches a policy issue. If it's "policy," it should not be decided by the SPIRT group. It should come back to council and council can also request regular updates and summon issues back.

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But I don't know why we're setting up SPIRT yet. It seems way too early. And I'll send that one question back to Tomlin. Thanks. Hope that was helpful.

TOMSLIN SAMME-NLAR: Thank you. It was helpful, Kathy. That context does help. But to the question, why now? I suppose this is coming from the IRT. And I must say, I haven't received the rationale yet as to why now, other than that the IRT is asking that—one of the implementation guidances in the report is to set this up.

So they're probably coming to the council, I suspect, to get an understanding of how the council would like to see this set up. Because remember that the report did say that the council has oversight of this team and can actually, I think it said the council can review every decision that that team makes. So I think they're coming to understand how the council might envisage this being set up.

But having said that, we have someone here who is in, I think, Juan, you're in the IRT, aren't you? Please go ahead.

JUAN MANUEL ROJAS: Yeah, thank you. This is coming from the, of course, the SubPro IRT. And the discussion starts with predictability framework that I know that come from, it's part for the final report of the new gTLD program. And as we know, we have some categories of policy, right? We have minor operational issues. We have a new operational process and new proposals.

So in this case, this team, this SPIRT, as you say, is calling that, it's talking about this predictability to make it apparently more transparent, right? More efficient. And this is why the SPIRT is trying to discuss about these operational issues, about this framework for predictability and what are the policy issues that are regarding or concern the community. It's the thing that I understand that it's working on, on predictability framework. I think that could help maybe.

TOMSLIN SAMME-NLAR: Thanks Juan. That helps. The question we were wondering is, from the IRT's perspective, why do they have to set it up now? Kathy was wondering why this early?

JUAN MANUEL ROJAS: According to the schedule that the IRT had, it has one of the topics that is predictability inside one of the schedule, the whole schedule. I think that now because the discussion from predictability, it was a very active and very non-consensus, I think. We have a very information from different part of the community. And I think that, okay, it's better to take this only topic about predictability as part of another subgroup inside the review team implementation. I think that's the currently thing that is happening. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Juan. Kathy, I see your hand.

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KATHY KLEIMAN: Yeah. Juan, let me see if I understand correctly. Actually, let me ask you a question. The SPIRT group, is the IRT, is the implementation review team, the SubPro implementation review team, thinking about the IRT conceptually or are you trying to stand it up right now in terms of staffing it, I mean, putting people on it? I think it's too early. It was promised to us in the SubPro working group that SPIRT would not exist until after the IRT. In many ways, they're duplicates. I don't think it solved your predictability problem, maybe in the long run. So are you trying to define it and understand it and work with council to create the framework, or are you trying to staff it right now? If it's the latter, I think you're way too early, but it might be the former. Thanks. Question.

TOMSLIN SAMME-NLAR: Juan, do you have an answer to that?

JUAN MANUEL ROJAS: No, I think not. I am just reviewing what the SubPro is discussing about predictability and to try to build an answer. I don't have maybe all of things. It's about the framework predictability, but I don't believe I have the answer of that question. Sorry.

TOMSLIN SAMME-NLAR: But the team has discussed it, haven't they?

JUAN MANUEL ROJAS: Yeah. It's discussing about ICANN's role in relation with the recommendation of SPIRT. Okay. I have something that maybe could

help. It says, the council assessed an issue that SPIRT—would like to bring to SPIRT's attention. The council determined whether the changes required for the program rises to the level of a policy change. The council launched a process to develop. It's not too much about this. No. The program should be included in the framework. And that's it.

TOMSLIN SAMME-NLAR: All right. Thanks. I suppose, Kathy, some of your questions, then we might have answers to them after the council meeting, once the council liaisons present this to us. And maybe they'll give us their rationale for bringing this this early. Because they proposed this discussion in light of chartering of the SPIRT. But we don't know whether it's to actually charter it now or to develop that concept like you mentioned. I see your hand again, Kathy.

KATHY KLEIMAN: Right. Just briefly, Tomslin, these are great questions to ask on Thursday. Because they may just be trying to define some of the concepts. And of course, SPIRT should never be creating—no implementation group should ever be creating policy. So, yes, some things are going to have to come back to council. Maybe they're just trying to create a framework here, which would be good. Thanks. But my understanding in SubPro was SPIRT should never exist while IRT exists. They're mutually exclusive. And if that's not the case, feel free to come back to me and I will give you the language on that.

TOMSLIN SAMME-NLAR: Thanks. That is helpful for the discussion on Thursday. All right. We will proceed then to item number seven, another SubPro item. Like I mentioned earlier, this meeting is full of this.

So with this one, we will be looking at those recommendations which we are expecting non-adoption for. If you remember, again, the board has adopted some recommendations and they've made any movement on some others.

Based on conversations the council is having with the board, we know that some will not be adopted. So we're trying to, given that all the attention of the community is now on this, the council is trying to be proactive here to sort of do some pre-work in prep for the event that these recommendations are not adopted by the board. And so the council small team on SubPro has been putting a meeting to discuss which committee—Kathy, sorry. Kathy has asked a question in chat. Is that allowed by the committee's rules? I'm not sure which committee you're referring to.

KATHY KLEIMAN: Juan tried to give me a link and I don't have access to it. Whatever your group is. Sorry. I was still on the last issue. I apologize.

TOMSLIN SAMME-NLAR: No worries. So with the pre-work that the small team has done, one of those which is of interest to our community is the applicant support program of course. And like I said, the small team, the current charter of that small team didn't allow it to go into the substance of these things

but to sort of do preliminary work as to which direction it might go. But that preliminary work is now complete and it's effectively time for the small team or for the council to move into trying to develop solutions for these non-adoption items in anticipation of the non-adoption happening from the Board, because some board members are also participating in that small team. That's how we know that some of these items are certainly not going to be adopted.

So yeah, on this item, this is what will be happening. The small team chair who is Paul McGrady will be presenting, asking the council some questions actually. One of those will be for the council to give the small team instructions on how to proceed to that solution building stage. Because like I mentioned earlier, the current charter doesn't really give the small team those instructions.

The second question that he will be asking the council on this item as well is whether or not it is time to invite GAC to participate in the conversations about some of these non-adoption items, because GAC had requested that they would like to participate in this solution building stage. So those are the two questions that will be asked to council under this item on Thursday. So I would like to hear what you all think about this and try to build the response for Thursday. I'll open the floor now for any comments or questions. There don't appear to be any hands up. I take it that there are no additional comments and questions on this. So we'll move on then to the next agenda item. I suppose questions and comments will come later on that because that will be quite an interesting discussion, especially regarding GAC participation as well in that small team.

On closed generics, I think it will be fair to have Kathy give us an update since she's a member, our member. I shouldn't say our member because you're meant to participate in your own capacity. You're just from our community, but you are participating in your own capacity. So please do give us an update.

KATHY KLEIMAN: Great. Thanks. And so guys, for everybody who's listening, who's new to this, this is what happens when you join a working group for four years, like the subsequent procedures working group. There were not a lot of other members from here. So I happen to know the details of a lot of these different issues, but I'm hoping all of you will join policy development process working groups. Hopefully the next ones will not last for four years. It's supposed to last for about a year, a year and a half, and then you'll be the experts as the next issues go through. So sorry for talking so much on this. It's for doing way too much work in the past.

Okay. So closed generics for anybody who doesn't know is a new gTLD—it can be an existing TLD, but we have no closed generics. I'm not trying to discourage anybody, Stephanie. I'm really hoping we get lots of experts from the wonderful people who are listening.

So the closed generic gTLDs were stopped in the first round. We'll talk about that. But what it is, is Amazon wanting to register .book and wanting to own all the second level domains. Google tried to register .search and own not just the top level domain, but the second level domain. This was blocked actually due to an outcry from the world. And

the last round was 2012 and the board adopted a resolution in early 2015 that said the closed generic gTLDs will not proceed. You can either amend your application to be an open gTLD where everyone can register in it, or you can just withdraw. And groups did both. Dozens of names stopped.

But we've had this facilitated dialogue with ALAC, GAC and the GNSO trying to come up with a draft framework. We came up with a draft framework and the draft framework was, I don't want to say rejected because it really wasn't, but it showed that there's a lot, lot, lot more work to be done in this area. And closed generics involves some of the most important competition issues. Monopolizing a basic word of your business or industry is not allowed under trademark law. And it has huge competition issues. It's really not allowed under competition law in many, many countries.

So we created a framework for if you want to apply for them, like if you're a trade association and you represent a whole group of wireless associations, that should be fairly easy. But if you're only one competitor in the whole field, should you be applying for it? And we created a process, but it was fairly complicated.

A lot of questions were raised about this. And now we have a letter, we call it the three chairs letter, the chair of the ALAC, the chair of the GAC and the chair of the GNSO in their own capacities wrote, thanked us for our work in this facilitated, the small group facilitated dialogue and said, look, we don't think there's much of a need for these. We think it's going to take way too long to solve it. Why don't we let the next round go through? I'll read it to you.

"We believe that it is not necessary to resolve the question of closed generic gTLDs as a dependency for the next round of new gTLDs." And they think that until there is a communitywide policy process, which there is not, these applications for generic strings in the next round should not proceed.

And frankly, personally, I understand what they're saying. I support it. And I don't think our work was a failure. I think our framework will be the basis of future policy work, but that policy work would take a long time. And my group has been told, my small team has been told to stop work and just write a report, put everything together, and we're in the process of doing that right now.

I don't know if that makes sense. So right now there is no draft framework agreed upon. There is no agreed upon draft framework for closed generics. There is no basis for policy on this area. And the recommendation of the three chairs will be no closed generics in the next round. Thanks. And I'll take questions.

TOMSLIN SAMME-NLAR: Thanks, Kathy. Great. Thanks a lot. And I know we've had a bit of an exchange on email. And the thing you've mentioned at the end of your update there, that the chairs proposed that there should be no closed generics in the next round. And I know you also mentioned that in the absence of policy, then the status quo should remain in this case, right?

And what I wrote in email was regarding an aspect in the SubPro report now that said the SubPro working group could not identify what the status quo is.

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KATHY KLEIMAN: The SubPro working group could not agree on what the status quo is. But the status quo is pretty clear. No closed generics went through in the last round, and dozens of them were applied for. So the SubPro working group, as far as I'm concerned, was in denial. But it doesn't mean there's not a real status quo. They just didn't want to apply the rule.

TOMSLIN SAMME-NLAR: All right. I'll open up for comments then from the rest of the community, if you do have any. None, really? Steph, and then Manju.

STEPHANIE PERRIN: Yeah, thank you, Stephanie Perrin for the record. Honestly, I don't see this getting killed off. Kathy, I respect your opinion. If you think this is going to get killed off, fine. But instead, I think I see these guys strategizing even further.

I don't understand the monetary side of it. I mean, it's going to cost a lot of money to control all of those closed generics by the time you bag them all, apply for them all. And I can't see them ever being used, because none of us actually type in URLs anymore. But I guess there's still value in it. I mean, the actual economics of this next round, it doesn't make sense to me. And we probably don't have time today for a lengthy discussion about the economics of domain names. But just a suggestion, the next time they're looking for ideas to discuss in a plenary at a meeting, I think it's high time we talked about the

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economics of all these different domain names. Is anybody making any money? And how much does it cost to protect your brand these days? I imagine the IPC would support such a move. It would be outreach to our host partners.

Anyway, so I just wonder if Kathy would care to comment on this. And if she doesn't think it's going to end, what is their next move, other than refusing to admit that they're acting for places like Amazon and Google? Thanks.

KATHY KLEIMAN: Yeah, may I respond, Tomslin? Stephanie, the larger question of making money in new gTLDs is one thing. And that's a good question. But I don't think that's our question here. I think empirically, it's been shown that the biggest companies in the world want to control the generic words of their business or industry. So that's not their brand. Let's separate that out. If it's their brand, we've created special rules to allow them to protect their brands. Brands are coined in fanciful terms. I'm happy to talk with people about trademark law on this.

But Stephanie, as you know, a brand is a name, it's a source identifier. You cannot get a trademark in the generic word of your business or industry. If I am Kleiman Trucks, and I'm a trucking company, I cannot get a trademark on trucks because all my competitors need to legitimately use the word truck too. And that's what was applied for in the first round. And that's why some of us went, "Oh, my gosh, you can't do that."

I cannot say what our friends on council are going to do or the people who have supported closed generics, you have a much better idea of that than I do. But it seems to me that the three chairs are saying, let's invoke the old rule, there's no consensus for moving forward. Let's do what we did in the first round, which stopped these applications. And frankly, personally, I agree. I hope that's useful. Thanks.

TOMSLIN SAMME-NLAR: I agree too, actually, Kathy, it's just the wording that I didn't agree with. But I actually agree with leaving it as it was. Manju.

MANJU CHEN: Thank you, Tomslin. Thank you, Kathy. I just want to say thank you very much for representing yourself in the dialogue, because you're not representing us. But you did hard work on the dialogue. And I think definitely, like you said, it was good work. Sadly, you didn't get support, but it's definitely a way for us to explore in the future. So thank you very much.

And also, I agree with your support for the three chairs' letter. At first, I actually thought it's a recommendation from the dialogue group. And then I realized it's actually from the three chairs.

But like Tomslin, I have concerns about how they kind of write the letter. So I kind of feel like they are kind of making a policy recommendations in a sense that that's deviating from the SubPro final report. So that would be a concern.

But I think in the council mailing list, actually, I think what Anne suggested, and you know which Anne I'm talking about, what Anne suggested was a good way to move forward, which is we kind of, I don't know, probably not to—I guess, we can raise concerns about how it's written, like a policy recommendation, and then we can support. Sorry, I guess I was unclear in my head. I wouldn't mind the board take the decision if they—I feel like they will be inclined to accept the three chairs' letter anyway. I just don't want the council to send a counter message to the three chairs' letter. But how we do that, I think we will have to discuss during the council meeting. And I think we would have to avoid any kind of support for any other group that makes policy recommendations, instead of a PDP. I hope that's clear. Thank you.

KATHY KLEIMAN: If I might, Manju, Anne Aikman-Scalese is very, very skilled in this area, but I disagree with her on where this is. I think you don't have to get too far into the details on what SubPro meant. Just know SubPro had no agreement on this. There was no consensus. That's the whole problem. SubPro could not decide after four years and a lot of it spent on this issue. We could not decide on what the agreement even was.

So if you apply the status quo rule, which SubPro did not want to do, some people in SubPro did not want to do, then you still wind up with no closed generics in the next round. No closed generics until we get new policy.

I would not be too caught up in the three chairs' letter. Remember, these aren't our policy people, right? This is the chairman of the GAC.

This is the chairman of ALAC. Those are advisory committee people. They wrote the letter quickly and they wrote the letter not with the deep knowledge that the GNSO council has on this. Sebastien was there too, but ... I would look for the spirit of the letter. And then if you want to give them better wording, go ahead and do that. I would not worry that they are contradicting SubPro because SubPro gave you nothing on this. So we've got our history. And if everyone says that my small team did the best they could and gave us a basis for going forward, I think you'll find that our draft framework will be the basis of future policy work. So I don't think the time was wasted and I don't think all of your good energy—and Tomslin and Stephanie and everybody on council, you created a process to try to go forward. It's just shown that this is much more complicated than even we thought. That's okay. It's a complicated issue. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Kathy. And I think we will certainly use—like you mentioned, section 10 of that draft framework does really show that—it's helped us understand the issue well, better, and where we could actually have a limited way forward on closed generics. So certainly thanks for that work. If there are no other comments, we'll move on to the next item.

All right. In AOB, I think 9.1 is about communications to the NIS2 outreach team or rather, from the NIS2 outreach team about acknowledgement of NIS2 on the work that GNSO is doing.

Then ICANN 78 planning. I think there is a discussion paper on .Quebec. Stephanie, I'm sure you'll be keen on telling us what this is all about. I

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have read the discussion paper, but—I'm sure Andrea can help you with that, Steph. Yeah, there it is. I read it, and I think being a fan of IDNs, I had to read this. I think it does address—well, it attempts to address a concern. I think it's more than a concern, but an issue with having variant strings being applied for.

And that concern is I think the current root zone label generation rules, trying not to use the acronym there, doesn't allow any ASCII string that uses, what do they call it? They call them ascents or diacritics. I think I've forgotten the language term they use for that.

As you can see on the screen there, .Quebec, the French variant of that domain with the current root zone label generation rules, it will not be allowed because it will fail the string similarity test. And apparently it is just because of tradition that when it comes to the ASCII text, they believe that letters that have those diacritics can be used alternatively with ones that do not. So, the rules fail strings that are similar in that manner.

.Quebec is questioning, they do need this for Quebec as we know that Quebec is a French speaking state in Canada and they believe it will be important for their Francophone users to use this. But the GNSO rules currently for IDNs do not support that.

The ccNSO do have a similar challenge and they have been able to address it from—theirs is different because it's regional or country, but they were able to address it with an exception in the policy.

So, this paper staff has written kind of suggests that we could pick a leaf from the ccNSO in terms of addressing this on one hand. And on

another hand, the question is, which vehicle should we use to address it?

Now, the IDN EPDP is a group that could be used to discuss this, even though their current charter, the scope of their charter doesn't cover this specifically, but it could be expanded to cover this. And in fact, .Quebec did send, has written to them asking them to address this specifically. So it's been discussed now in council because council has to decide as the managers of the policy development, whether we need a different vehicle altogether to address this, which means standing up a new PDP for this, or we expand the scope of the IDNs EPDP to address this.

But mind you, the problem is that that EPDP is already stretched significantly. They're really struggling to meet their timelines so that they could not be showstoppers for the next round of the subsequent procedures.

So that's another question that council needs to think about, whether it might impact the timelines, delivery timelines of that PDP group and if it does, should they stand up a new one for that? So that's what will be discussed on this.

Being in AOB, I don't think there'll be enough time to discuss it in detail, but I guess staff will present the paper to us. I would recommend to councilors that if you intend to follow this, when staff is presenting this, you read that paper just to come up to speed so that it'll be easier when it's been presented.

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But yeah, that is my understanding of it. I don't know if Stephanie has anything to add, being the Canadian in the house.

STEPHANIE PERRIN: Hi, Tomslin. I just typed how I feel about this. I mean, I get it. They want the francophone version of Quebec to be the one. I just think, I don't understand the paper because I don't understand all these nuances about variants and conflicts and everything. And I sure don't want to have to learn them all in order to help sort out this thing. It just seems like not a priority. Not for me anyway. So I'm going to leave it there. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Steph. Good to know that it's not a priority, so we can just tell them to wait. Yeah, if there are no other comments, we will, I think, move back to our agenda. Ten minutes time check. Thanks, Andrea.

I think we've discussed all the policy issues we wanted to discuss. The only one, I think the GGP public comment proceeding is going well. There are volunteers working on that. So I'll quickly, I'll check with them again later this week to see where they are at.

In terms of Board seat 14, Julf, did you want to quickly give an update there?

JULF HELSINGIUS: Very quick update. We are right now in a situation where both sides have come up with two new candidates, and we will now go through a

round of reviews and interviews, and hopefully very quickly sort out if we can actually find a common candidate there or not. I don't think it's good use of our time to spend again going through the whole story about why we are in this situation. You can look back on the email list and see what I posted there. Thanks.

TOMSLIN SAMME-NLAR: Thanks Julf. I'm going to give Daniel the floor to just give us a quick heads up about the upcoming second offering of the Policy Transition Program. The first one, I think we got a couple of our members participating in that. Daniel, and then I'll quickly ask a question to members here in the last three minutes about Hamburg. Daniel.

DANIEL GLUCK: Thanks, Tomslin. I'll be quick. Dan here. Just posted a link in chat. Should give you some more information about the upcoming Policy Transition Program, which will actually have a new name once it starts. But it's going to be starting in early September and should continue for a few months.

The last PTP was about the GGP, and it was about different parts of applicant support. [inaudible] I know we just had our public comment opening on that. So far, two comments have been submitted, and they've both been past participants of the program. So I guess one of the goals is to keep people up to speed and get people up to speed on different policy issues and the upcoming policy issues on WHOIS registration data, as it says there. Always a hot topic issue and things that are always evolving.

We're writing the first module right now as we speak, and it's going to go out for review and approval soon. So we're really excited about that. And yeah, we're seeing a good amount of people looking to volunteer for that. And would always love more to participate. I think if it keeps up with the amount of people volunteering right now, we might run multiple sessions, multiple time zones, that type of deal. But I think it's looking really good, and we'd love to have as many of the non-commercial participants as we can.

TOMSLIN SAMME-NLAR: Thank you, Daniel. And even with the GGP comment from NCSG, we do have past participants of the program also volunteering. So it was very, very useful to our community. So hopefully we'll get more people participating in the who is registration data as well.

KATHY KLEIMAN: Can I ask Daniel a quick question?

TOMSLIN SAMME-NLAR: Oh, please do.

KATHY KLEIMAN: Okay. Daniel, I'm so sorry. Can you go back a second? And I'm sorry if you said it and I missed it, but what the heck is this about? We've been talking about WHOIS data since the beginning of time. In just some substantive detail, what is the second offering of the policy transition program on WHOIS registration data? What exactly is this group

supposed to be doing? What are they looking at in the huge world that is WHOIS and registration data?

DANIEL GLUCK: Wonderful question. Something I should have covered before. This is not new information. This is not a policy working group. This is not something that's going to -- this is just an educational program. This is something to get people up to speed with what is currently on the plate, what's been in the past.

And right now we're looking at -- in our first module, we're starting back with the original RFCs and we're making our way through to the early 2000s when this was being debated in U.S. Congress. This is just to get people up to the level playing field with those that are more experienced in the area. This is an internal program that the ICANN policy team is offering. I think we had some good results based on our outgoing surveys from the first module -- the first offering of the PTP which was on applicant support. We hope to get similar results with registration data.

KATHY KLEIMAN: Oh, oh, oh. This is helping people learn the policy process through an example.

DANIEL GLUCK: Correct.

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KATHY KLEIMAN: Thank you. Appreciate it. The first one was very successful.

TOMSLIN SAMME-NLAR: Yes. Thanks. Thanks, Daniel. So I just wanted to check. I think I got a request to know who is coming to ICANN 78 in Hamburg. And if people could just do like a green tick to know who is coming so that we could plan some sessions there, more policy sessions. There we go. We have got green ticks. I can't find my green tick, but I'm coming. All right. Thank you.

And I think that's all we had for today. And thanks, everyone, for coming and participating in this interesting conversation we've had today around what we'll be discussing in council. It usually really helps councilors really to understand where the community stands on these things going into those discussions. Otherwise we'll keep saying we'll go back to our community to hear what they say. It's important that we have this conversation before the meeting. So thank you. And see you. See you later in the week. Bye.

ANDREA GLANDON: Thank you, everyone. This call has now ended. You may disconnect your line.

[END OF TRANSCRIPTION]