
ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the NCSG Policy Committee meeting being held on Monday, the 13th of May 2024, at 11:30 UTC.

I would like to remind all participants to please state your name before speaking for transcription 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 multistakeholder process are to comply with the Expected Standards of Behavior. And with this, I will turn it over to Manju. You may begin.

MANJU CHEN: Thank you, Andrea. Hi, everybody. Sorry, I'm not turning on my camera. I don't look good on camera today. There's nothing much I can say. Tomlin is not doing well. That's why I'm stepping in. Welcome, everybody. I hope you are enjoying May. There's the rest of the May for you to enjoy.

I guess we will go straight to item number two on the agenda, which is the discussion for PPSAI which stands for Privacy and Proxy Service Accreditation Issues. And now we're having an Implementation Review Team. This item is going to be taken by Stephanie, who is NCSG's representative on the IRT. We all know that this is an issue that Stephanie has been involved since the very beginning for ICANN years and she knows better than any of us about this issue. So I'll just give the floor to Stephanie and let her share whatever we should know as NCSG. Stephanie, please.

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STEPHANIE PERRIN:

Hi there, everybody. I have sounded off on this several times. It's my view and it always has been my view that we did that PPSAI. We started in 2014, it took about a year, it was difficult. Things like the Intellectual Property folks and the Business Committee were demanding that if the contracted parties were going to allow and provide privacy/proxy services, then they would have to serve the papers for the folks who were trying to do illegal action on them. That costs money, like real money. I thought that was very nervy. I was relatively new at ICANN. I guess I'd been there for a couple of years and I thought, "This can't be real."

Anyway, we charged ahead as if there were no privacy law. And of course, things have changed. Two key things that I think haven't been brought up, although Sebastien mentioned it at the last meeting because he said that the numbers were way up on privacy/proxy services. I asked why and he said, "Well, everybody's offering them for free," and having paid 15 bucks a month. Sebastien Ducos, former Council chair, and I believe he works for GoDaddy. Anyway, he said they couldn't charge anymore, because the opinion that they had, the contracting parties, had with data protection law, protecting this stuff anyway, you can hardly charge for a proxy service. Now, frankly, I think there's still merit to having a proxy service, and the decision on charging, I'm sure they asked their lawyers because that's real money. Anyway, that's one key thing. So now we have a whole lot of these new free services.

Secondly—what was the other thing? Oh, yes. We never differentiated between a privacy service and a proxy service, and that’s a fundamental distinction. In a privacy service, they protect your data and don’t disclose it, something that is now required by law and our policy. In a proxy service, they’re actually getting the domain for you or one of their resellers is and it quibbles with proxy services, namely, I’m not sure and I talked to people who don’t know anything about domain names, not that I know a lot, but I know more than most people who I talk to, they’re not even sure who has the domain. They think maybe their service provider, their website developer, might have the domain. So we recognize that it’s not ownership but that’s a pretty key fact. Who’s got the right to it? You or your service providers?

So I think it’s time to sort of take the existing stuff and decide that we need a new PDP, because quite frankly, anything related to a change in policy as big as having a privacy policy—let me remind you, we didn’t have one in 2014—is big enough to warrant a new PDP. It doesn’t mean everybody’s moaning and groaning as if it’ll be another two years. No, because we got most of it settled. At least we have done that work. But to throw it to an IRT, as it is, staff came up with these residual questions, and it’s not clear that we’ve got them all. So I think that’s enough out of me. Any questions?

MANJU CHEN:

Thank you, Stephanie. I see Kathy’s hand.

KATHY KLEIMAN:

Can you hear me, Manju?

MANJU CHEN: Yes, loud and clear.

KATHY KLEIMAN: Fantastic. Good. Sometimes my microphone likes me and sometimes it doesn't. Stephanie and I went through the long and horrible PPSAI process. So just taking you back to the world as it existed in 2013, when the charter was drafted for this group, there was no privacy. When you put something into the WHOIS, it was public. So your name, your address, your phone number, everything was public in a 24/7 database. So GoDaddy was the first one to come up with a proxy/privacy service, because Bob Parsons, who founded GoDaddy, was asked by a young woman, "Why do I have to put my home address in the WHOIS?" and he said, "You shouldn't have to." I actually think GoDaddy still charges for renewals on this.

So why do we need it now? Probably because a lot of it is people have been using it and they still have proxy/privacy services out there. So even with the redacted data, there's another layer of privacy. Do we still need it? Well, no one trusts the RDDS right now. So we still need proxy/privacy, people will still continue to opt for it. The question is that no one in the process feels they can stop it. Just so you know, ICANN Org understands that the world has completely changed on privacy laws and data protection laws since 2013, 2014, 2015 when we did the work, but they don't know how to stop it because they fear that ICANN Org and the Board will be told that they don't follow community

consultation. The only group that can stop the PDP is you guys as our Council members.

There are two things that can be done. As Stephanie point out, there could be a new PDP. Right now I'm thinking maybe we could throw the like the Final Report to the ICANN Legal and ask them to go to outside counsel, preferably European counsel, and have them review it and look at the legal issues we should be looking at and thinking about in light of the fact that the entire world has changed on the privacy issues. So I would like to recommend that we ask if ICANN Org can send this just like they've sent all sorts of other things lately to ICANN Legal. We send the Final Report to ICANN legal. Because the people who reviewed this and sent questions back to the Council, I don't think were lawyers. But I could be wrong and Stephanie might know more. Thanks.

MANJU CHEN:

Thank you, Kathy. I have a clarifying question, actually, to Stephanie. If I remember correctly from our discussion in San Juan, we were debating whether to have this IRT, because, as several of us are insisting, which is the PPSAI, the Final Report, back then it's not valid anymore because it was so long ago. But the whole purpose of IRT then we were discussing why and how we are going to conduct this IRT, because we shouldn't be implementing policy per se because the policy is just not valid regarding current changes. I feel like the agreement we reached the end was like IRT will be reviewing the recommendation and see which is still valid. Is that what you're doing now? Or is there something else that you're doing?

STEPHANIE PERRIN:

In theory, those questions that staff cooked up are supposed to draw out what's changed and we are supposed to respond. And to be honest, I can't remember when the comment period closes on that. I haven't gone over them in detail nor have I made comments. Apologies. But I'm just kind of extraordinarily busy at the moment.

Yes. Kathy has put in chat that the IRT has no ability to evaluate legality. Pardon me. I've had this cold for six weeks now and it is really interfering with my productivity. I don't think they have the ability to even request legal opinions. Those are policy questions. Who's going to frame those questions? Well, it should be the Policy team, not the IRT. Just so members don't get confused, the IRT has been chugging along for years. I've been listed on it. I had to quit going because we had so many other things on, but every now and then I bomb in and see what's happening. The contracted parties, obviously, are the ones that have to implement these decisions and pay for things and all the rest of it. So there's a keen group there. Sarah, who had that talk with you guys, I think it was in San Juan or prior to San Juan, is on that team.

This is kind of why I'm skeptical about asking for a legal opinion. I do think we've got to reinstate some kind of a PDP to direct all us. Otherwise, you're leaving staff doing stuff they're not supposed to do, which we always complain when staff overstep their role. Let's not ask them to do stuff they're not supposed to. Dennis Chang has been managing that gang for the last—I don't know how long. Thanks.

MANJU CHEN:

Thank you, Stephanie. I guess this is a time to call for more volunteers. So if you're interested in this issue, I'm sure either Stephanie or Kathy or whoever who knows a lot about this can definitely guide you through whatever you need to know in this IRT because it will be better if we have at least more, at least two people, I guess, on this IRT to follow what's going on. Because we all know we're all volunteers and we all have our personal life and work and have to earn our own money. Kathy, is that a new hand?

KATHY KLEIMAN:

It is a new hand because I'd like to see a stop the IRT. Let me ask Manju, you and our other councilors. What Stephanie is saying is that it should go to a PDP, it should go back to a new PDP, to evaluate what the policy should be, that the policy is probably moot from five or six years ago more. What I'm saying is I think maybe it should go to ICANN Legal because Dennis Chang is an engineer. He's a marvelous policy person. But he's an engineer. That it should go to ICANN Legal with the request to go to outside counsels who are experts on European law. The last thing that should do is go to an IRT. The reason why is implementation doesn't look at policy. And by the way, even when we look at policy, this is still a bunch, a group of people that interpret law to serve their clients. That's what intellectual property lawyers do. So if this goes to IRT, the American Intellectual Property group will just argue to implement whatever they've written. They don't care about European data protection laws, it doesn't impact their clients according to their interpretation of jurisdiction, and it's just going to be a mess. Implementation was not created to review policy. It was not created to review the legality. And you really don't want a group of people who are

striving for their own interests to try to tell you what the law is. What we need now is an independent assessment of how law impacts what we were thinking about, unless you just want to throw the whole thing into a new PDP, which sounds like what Stephanie's doing. But somehow, we have to stop this and not send it to IRT. I'm telling you, I'm not going into it because it's going to waste thousands of hours arguing over what the law is when someone could tell us and be quite neutral about it. Thanks.

MANJU CHEN:

Thank you, Kathy. Actually, I'm not sure how we can stop an ongoing IRT when it's already started. I guess we will definitely have to discuss how to proceed in terms of what apparently people in NCSG are thinking is not the best way to deal with this issue. Councilors, what can we do in Council to change or at least try to push this direction towards where we think this issue should land? I see Stephanie's hand again. Please.

STEPHANIE PERRIN:

Thanks very much. Probably I should have mentioned is that this is becoming an issue in the RDRS, the new delivery system that they're testing out. Because, of course, with this high volume of privacy/proxy, a lot of the queries are coming up, it's a privacy/proxy, and that just throws it over to the privacy/proxy services accreditation issues. I would point out that an awful lot of the stuff in the Final Report has to do with the logistics. How long do you have to respond with the real data when you get a valid legal request? Those kinds of issues have been sorted. Surely we don't have to refight all those issues. We should be able to

winnow down to what the key things are. But certainly the core definition and the differentiation between the two types is, in my view, one of the things we should care about as representing the end user. Because it matters a lot to an end user, whether they bought a privacy or a proxy service for reasons that I explained, and we didn't even differentiate. I think that is fundamentally wrong.

I've always complained that when we manage all these matters having to do with the WHOIS, we don't pay enough attention to reseller action. And a lot of these big companies that we're dealing with operate through many resellers. Some do, some don't. And they're supposed to pass on the requirements. But I think if we did an audit of resellers on how clear they were about their ICANN obligations, we might find some shocking truths. Now that could slow down a PDP, I agree. But on this one, I think we could keep it narrow. Like I say, I don't think we can go to staff and ask for a legal opinion and pretend that it's going to be unbiased because it was legal that refuse to recognize privacy law for those many years, as Kathy knows better than I. That's my view anyway.

Anyway, I think that this is ripe for a very thorough discussion at the Council. I don't suppose the service providers want to open this up in case they wind up with new obligations, look at the hassles we're having with the trial system. But I think it's just too important to kick it down the road. And we shouldn't be asking staff to be stuck with this, how do we stop this moving train problem even if it's slow moving? Thanks.

MANJU CHEN:

Thank you, Stephanie. Kathy, I see you raised your hand.

KATHY KLEIMAN:

Manju, let me ask you this question. If there's a fundamental problem, if parts of a policy implementation have become moot, so much so that the Implementation Review Team stops meeting for years, does the GNSO have the power to stop the process? Yes, it's been handed off to staff. I'm responding to the chat here. But staff can't stop it. The Board feels they can't stop it. This is fundamentally harmful to our own members to non-commercial organizations. Privacy is extremely important to our groups.

The only place I can see it—I agree with Stephanie that we really need a robust conversation. We need the Registries and Registrars to think about the implementation issues as well and whether we need an EPDP to kind of go back and solve certain types of high-level policy issues before we implement something that may be fundamentally misguided. But just because it's been passed off to the IRT, I don't think the GNSO abdicate. There's no one else to take it back, it sounds like. No one else in the ICANN system. This is a case of first impression. As we'd say in the law, this hasn't happened before where laws, massive laws... We're talking about more than half the countries in the world now view privacy as a comprehensive right following the GDPR in Europe. So this is huge. Let me ask the councilors. GNSO is the only place I know that can take control of this. And so having a really robust conversation and thinking about an expedited PDP to solve some of the questions would be really, really timely, I think, but I wanted to know what you thought. Thanks.

MANJU CHEN:

Thank you, Kathy. I guess, first of all, I think Rafik's comment is what we should do definitely. We should check what the CPIF is saying, which is Consensus Policy Implementation Framework, right, and see if there's any point that we can get involved in. Probably try to voice our opinions. Like I said in the beginning when I asked a clarifying question, during our discussion in San Juan, I have this feeling that this IRT is not like what the usual IRT was. Its main job is to triage the policy recommendations of the PPSAI Final Report and see if those recommendations are still valid. We all agreed. I felt like we all agreed in San Juan that the IRT can definitely come back to the Council and be like, "Oh well, we reviewed the recommendations. None of them are still implementable. So we think, Council, you should decide what to do next." This is my impression of the discussion. And that's why, I guess, we didn't strongly oppose the idea of an IRT. Personally, from the discussion, I feel like this is just a way to kind of wrap this issue up, and then we can decide what's the next step.

Like my memory serves me, sorry, but I remember from the discussion too that it was hard to kind of just go any other ways because of the procedure issues. That's why we had to do an IRT, but we agreed that we can do this IRT in a more innovative way, just so it directs us to a direction that we were all envisioning. That's my impression of this whole issue. I could be wrong. If anybody feels like correcting me, I am happy to stand corrected. But that's why I guess in San Juan that we didn't strongly oppose the IRT and I still believe that IRT can come back to us with the idea of, "Well, nothing is implementable so let's do a new PDP about this," or something like that. That's my impression. Any others have any ideas? We should definitely keep this discussion going.

But I guess we will also have to move on to the next agenda item, if I'm not seeing any new hands.

Next will be review of the May meeting agenda. Peter will be doing the review. And the floor to Peter. Peter, please.

TAIWO PETER AKINREMI:

Thank you, Manju. I will start from the item number three since that's where things start from. So the item number three, it's actually about confirmations of leadership for the Standing Selection Committee as well as the GNSO Nominated ICANN Fellowship Program. Before I actually move, Kathy actually raised that we need to discuss each of this item, one after the other. So I'll be asking thoughts that have quite extensive knowledge of them being involved in each of this work to jump in and just use the mic.

Okay. So on item number four, we will be touching that when Stephanie discussing under PPSAI. This is related to Registration Data Accuracy and Council will be revisiting the decisions as well. We're deferring these efforts of the Accuracy Scoping work for additional assessment. If there are any procedures by significant events, such as the NIS Directive as well as the completion of the Data Processing Agreement. A bit of background on this is that the Scoping Team actually suggested for moving forward on events that does not actually request data access to data. However, those ones that are requiring access to data as—

MANJU CHEN:

Hi, Peter. Sorry to interrupt. Which item are you on?

TAIWO PETER AKINREMI: Item number four, the Registration Data Accuracy.

MANJU CHEN: No, item number four is Expiration Policies.

TAIWO PETER AKINREMI: Oh, okay. Sorry. I'm actually looking at something. My apologies for that. I guess we're looking at different things. I'm actually looking at my B computer because this is—apologies for that. Okay. So let me then jump that. Thanks. Thanks, Andrea, for that. Okay. Let me open that from here so I can see it very well. My apologies. Just give me a second. Sorry, I missed that. Okay. Okay, great. I have the right one.

Okay. So the item number three on the agenda talks about confirming GNSO Liaison to the Government Advisory Committee, as well as look at the response to the Board letter on CCWG Auction Proceeds Recommendation 7. So Council will be consenting to this and be looking at what were proposed.

So on item number four talks about Deferral of Policy Status Request Expiration. So the Council actually will reconsider the PSR on the Expiration Policy. Because last meeting, we asked for this to be reduced to two years, and we've raised that proposition. Thanks to Kathy and other folks that jumped in and have resolved that. They were able to raise that and that was accepted. The Council also will vote on that for the expiration of this policy in two years, so we'll be discussing on that.

So folks that know more about this, I don't know if there are any further discussions on this item. Just looking at hand. Kathy, just go ahead.

KATHY KLEIMAN:

Thank you for taking what we talked about at the last meeting, bringing it up to Council and reducing the delay on this. What we found out from reports of Jamie Hedlund and others and ICANN staff is that people really are kind of suffering from lack of knowledge about these policies. End users are confused and are losing their domain names unintentionally. So the initial delay I think had been five years or something, three to five years, and you've reduced it to one to two years. So thank you for that. I appreciate it. That will help a lot of people.

TAIWO PETER AKINREMI:

Okay. Thank you. Just looking at hands if there is further and want to jump in. Stephanie? Benjamin? Okay, I see no hands.

Item number five talks about Request for Preliminary Issue Report for Diacritic in Latin Script. Here, we vote to request ICANN not deliver a preliminary Issue Report. So it's a debate about diacritic in Latin script and how to proceed, whether there are any policy issues. Currently, we're trying to understand what are the issues and whether there will be a PDP with regards to diacritic. So, at this stage, folks are actually trying to understand what will be the impact? Will there be any policy? And do we really understand this issue? After this issue, so we're trying to still understand that. So the Council, we vote to request ICANN Org to deliver an Issue Report on this for us to know whether there's need for

the policy initiative or PDP activity where they get diacritics. So, fellow councilors or other folks that want to jump in and discuss about the issue of diacritics? Yeah, Kathy?

KATHY KLEIMAN: Sorry to be talking so much at this meeting.

TAIWO PETER AKINREMI: No, no. It's all right.

KATHY KLEIMAN: I've been asked recently to share some of NCSG's history on issues. So I wanted to talk about this one just very briefly. And just talk about that once you put in diacritics, once you put in accent marks and other types of marks, you may have very, very different words. So, trademark owners traditionally are always trying to protect their string of letters as broadly as possible. They want everything that looks like their string of letters protected. But their string of letters is often a basic dictionary word or a common name like a last name, McDonald. Millions and millions of people have the last name McDonald and are allowed to use it in many ways, both for non-commercial and commercial speech, provided they're not selling hamburgers. Another one is fox. Fox Media told us in 2012 that they own the letters F-O-X, which is kind of odd because it's an animal. And it's also the last name of many people I know. So, traditionally, NCSG has argued that trademark owners do not own their trademarks. Because even with a given trademark, you have lots and lots of different trademark owners in the United States where

delta is both an airplane and a major faucet manufacturer, and it's the name of a valley, lots of valleys, Delta valleys. So we've always argued for a very, very narrow interpretation. So just because you have a word does not mean you own it in all domains. Trademark owners have to show that there's some kind of infringement, and that's why we created the UDRP or URS. They have to show some kind of confusion in the use of that word. So I don't know how that applies to this. Lots of people speak lots of languages here, but I just wanted to share that traditionally NCSG pushes for narrow interpretation so that non-commercial users can coexist with commercial users in a world that only has so many dictionary words. It's a limited number. Thanks.

TAIWO PETER AKINREMI: Thank you, Kathy. If I may follow up with that, Kathy. Are there documents that talk about the position of NCSG that we can probably share with our members for them to get up to speed with the way you talked about?

KATHY KLEIMAN: Yeah, I think Emmanuel may be working on that. And I think he's on the call.

TAIWO PETER AKINREMI: Emmanuel, do you want to jump in? Sorry for putting you on the spot.

EMMANUEL VITUS: Sorry. Good morning. I was a bit distracted. Can you ask me the question again? I was in between two meetings.

TAIWO PETER AKINREMI: Okay. We're just looking at the manual that you're currently working on with regards to what Kathy talked about?

EMMANUEL VITUS: You mean the public comments?

TAIWO PETER AKINREMI: Yeah. We just want to know how far you've gone.

EMMANUEL VITUS: As we discussed during our last policy call, I have shared a draft in the mailing list addressing the issues that I think require our attention. So I invite colleagues for comments. Currently, the EPDP team is requesting for feedback for 20 recommendations. But I think when we actually looked at the whole document, it's only one that actually have our attention. The preliminary Recommendation 14 regarding the Implementation Guideline 15 I think, it said kind of a minimum requirement for registry or registrar, they might choose to enhance their functionality, their services like [LDDS], other alternatives to provide additional information or enable methods such as [inaudible] service, etc. So the problem here is that we as non-commercials, they couldn't believe that it is crucial that that framework explicitly integrate privacy and security considerations. Because as it stands right now, it is

quite difficult because anyone can choose to provide information—I mean, it’s important for him, and we think that that may lead to data misuse. So the rationale, we are thinking of right now is that what we provide as a comment should be either a rewording or a comment to explain that additional data access, so ensuring that we have some safeguards regarding privacy and data expectation.

So I actually had a session with Kathy and Pedro to look at it. So we had a working session last week to review that concern. We still think that it is important to clarify the issue and possibly propose a rewording for the EPDP comment. So I have a few clarification questions for the staff regarding the current status which will guide how we formulate our comment regarding that. So we have a few days to go for closing of the comments. So once I have clarification from staff, I will have another session with team again, I mean, Kathy, Pedro, and all the other people who will be willing to reformulate that and send it as a comment. I think that was the major concern.

The other concern was basically the complexity of the document in terms of readability. There’s still term jargon, but we still believe that for most of our comment is important to raise that question. Because yes, though ICANN does not have a very simplified language, but it’s still important for us as the Non-Commercial Stakeholder Group to raise that so that in the future is you should manage to make it accessible for our audience. So that’s it.

TAIWO PETER AKINREMI: Okay. Thanks so much, Emmanuel, for the update. Okay, Manju, please.

MANJU CHEN: Thank you, Emmanuel, for the update. But I just wanted to point out that diacritics are not variants, and the whole IDN EPDP are dealing with IDNs and variants. And that's why we have to take the issue of diacritics separately than what is currently going on, which is IDN EPDP. Because the Latin Panel, which, traditionally, when ICANN community have to deal with IDNs, they will create a Label Generation Panel or a language panel to examine the language and decides for this language what characters and/or what words are considered variants and whatnot. If they're considered variants, some of them will be allowed, some of them will not. This is the work that the IDN EPDP Working Group is doing. But when they're not considered variant, they're not allowed. Full stop. They're just not allowed. And that's a problem with diacritics. That's why Montreal is trying to get diacritics as strings for their strings. And that's why we have to request for preliminary Issue Report for this issue because it's neither IDN nor—well, now we don't know yet. But nowadays, we're not considering it as string similarity either. And that's why we will be requesting this Issue Report. I just want people who are new to this issue not to confuse between the two. Thank you.

EMMANUEL VITUS: Thank you, Manju. Thank you for pointing on that.

KATHY KLEIMAN: It's all related. Thank you for distinguishing, Manju. But let me ask you a question. There's something here that talks about confusingly similar. It's the second paragraph. The base ASCII string and the Latin diacritic

string may be determined to be confusingly similar. Let's not include the parentheses. Confusingly similar is a legal term. It is something that belongs in the UDRP or URS, not an upfront evaluation. Confusingly similar—I promise you, if it's construed by us, the vast number of lawyers in this group is IPC. They will consider it very, very broadly, it's a legal issue. We've always tried not to do this. In ICANN, we've tried to take it after the fact so that someone else has to evaluate it and see. Confusingly similar cannot be determined. It can only be determined with use and context, how the domain name is used, what the website looks like. I'm really concerned about this term in this material going to... But let me ask you about that. We're talking about almost an automatic, an algorithm to determine confusingly similar, it looks like. Something upfront before it's something's even registered. Is that right? Is that what this Issues Report is going out to do? Can we raise concerns about that in that term? Because we don't want ICANN interpreting confusingly similar.

MANJU CHEN:

Thank you, Kathy. We can definitely raise that issue during our discussion in the Council meeting this week. And that's a good point that we should definitely raise. But the point is, what I want to say is, this hasn't started yet. So this is the best time we can raise this issue. And thank you very much to remind us to raise this issue. So we make sure that when the staff writes the Issue Report, this term you talked about, which is confusingly similar, will be addressed in a very nuanced way or not be used because it's not suitable in this situation. This we can definitely raise in the Council meeting, but the Issue Report hasn't even been drafted yet. We are only going to vote to start drafting this

Issue Report and definitely we will have to raise that during our meeting. Thank you.

KATHY KLEIMAN: Thank you.

TAIWO PETER AKINREMI: Thank you so much, Manju, for clarifying that. And Thanks, Kathy and Emmanuel. Okay. It will be good for us to know the position of NCSG as to Council, raise some issues in the call. Okay. I will move to the next agenda.

I'm sure that Manju we still need to jump in back on here. So just let me quickly touch on this. The CCOICI administered a survey recently with regard to GNSO, to evaluate SG and C to evaluate the Council and GNSO community to reevaluate the framework on implementing continuous improvement of the GNSO and SG. So, here the Council will be discussing or reviewing the results of this survey and discuss the next step for the CCOICI in the long term. Manju, you're one of the stakeholders on this group, so if you can provide an update, that'll be good.

MANJU CHEN: Thank you, Peter. I'm the chair of the CCOICI, as you guys all know, although I am the NCSG representative on this committee, since I'm chair, I have to be neutral to issues. But the survey result is not controversial so it's okay. Basically, people think CCOICI did quite okay work and they think it should continue. But the CCOICI will be

suggesting some modifications of its charter and its decision-making methodologies before we start taking new assignments, and that's what we're going to tell Council during the meeting. And that's basically the gist of my presentation. Thank you.

TAIWO PETER AKINREMI:

Thank you so much, Manju, for your wonderful work on the group and for continuing to serve. Okay. I don't know if there any questions regarding this or any comment. Again, we're going to move to the next agenda.

The next agenda is based on Intellectual Property Constituency Request for Reconsideration. Here, the Council, we have an update on the Request for Reconsideration and discuss potential next step for this request. So we'll be hearing from Damon Ashcraft on the Request for Reconsideration on the ICANN Board resolution regarding the action and inaction that led to ICANN public comment of 6 December 2018 on the Initial Report of the Cross-Community Working Group and the New gTLD Auction Proceeds. The Council will hear an update from them. So I don't know if any folks know more about this. You can jump on and just discuss something about it. Basically, just for us to hear from the IPC their Request for Reconsideration and to see whether there will be a next step for the Council. Seeing no hands, then we can move to the next agenda.

Okay. The next agenda is talking about Review of the Action Decision Radar. This is a tool for the councilor. The GNSO Council has actually been on this to see how this tool will be effective for the councilor or

the council work, so to say, on how to have them to make decisions in their role and how to better address policy issues and concerns. So that councilor can make appropriate decision. So, here the Council will review the content of the ADR and discuss next step on what needs to be done and how to improve that. We're just looking at the effectiveness of this tool for councilor decision-making. I don't know if there's any concern on this. Okay. So seeing no hands, we can move to the next.

Okay. Here on the Strategic Plan, the GNSO Council discussed, as item number nine, the desire to have what are the common understanding of the multistakeholder model be voted on the Council level. Here the Council will discuss most of the iterations of the aspiration statement, which seek to incorporate the previous feedback from councilors and discuss the next level. So not really familiar more about this, but I'm sure that the councilors that have been on the Council for years should be able to pick up this and give us more information about this. I don't know if Manju or Bruna would wish to step in and want to jump in. Basically, this is SPS. Okay. Kathy, please.

KATHY KLEIMAN:

It seems like in light of some of our earlier conversations, this may be a little—first, I don't know why you guys have to do this. But second, Council to develop an aspirational non-binding statement to reflect that councilors should not seek to undo bottom-up consensus driven outcomes of GNSO working groups. Can we say unless they are rendered completely moot by existing or newly adopted laws around the world? Because this is in a way saying we can't review the PPSAI,

exactly what we were talking about earlier today, the proxy/privacy, and we should. Sometimes what we're doing... We don't create law. The world creates law. And sometimes we have to respect it. So I'd be careful on this one. I think there should be some qualifying language on 4.1. Thanks.

TAIWO PETER AKINREMI: Okay, Kathy. Manju, your hand is up.

MANJU CHEN: Thank you, Peter. Thank you, Kathy, for your thoughts. You actually remind me why we had to kind of go to IRT for the PPSAI. Like the procedural problem I was talking about, the procedural problem was the Final Report was not only adopted by the Council but it was adopted by the Board. So Council is in no position to revoke this whole process. That's why we had to find other ways in maneuver and then try to revoke or walk back from whatever through an IRT. That's why we had to do an IRT. Thank you for your comment. Remind me of why, the rationale of the decision we made of that, but also just to get more context of this aspirational statement.

So it was a discussion, a result of the SPS the councilors had last year. Peter was there too. Actually, I think this discussion was inspired less about PDPs but more about—if you guys remember the CCOICI recommendations on SOI, which kind of was vetoed in a way by the contracted parties, and we were discussing whether it is okay for Council as a PDP manager to vote down recommendations like PDP recommendations based on their preference of the recommendations

or as the PDP manager, Council should only check if the PDP has follow through and currently follow through all the procedure of the PDP. And if that's the case, Council as the PDP manager should not vote down a policy recommendation based on their preference of the content of the policy recommendation. That's what the discussion was about. But we also, of course, it says how councilors—most of the other councilors within Council, the other stakeholder groups, they are voted as directed by their stakeholder group. They're not like NCSG. They cannot vote on their own personal freewill. They are directed. They are not supposed to vote against whatever their directions are given. That's why there's this aspirational statement.

But as we see now, actually, I guess people were not happy with whatever language is in the statement. It has been modified several times, and so everybody was kind of grunted about it. So I guess it could possibly end up as no statement at all because as much as it's aspirational, people still are not happy with it. So this probably won't be the discussion we'll have this week during the Council meeting. And that's more context to decide on. Thank you.

TAIWO PETER AKINREMI: Thank you, Manju. Rafik, your hand is up.

RAFIK DAMMAK: It's interesting to see or to hear that not everyone is happy with this statement and it was reworded many times. I mean, at the end, this inspirational statement, a pledge or something, but it's kind of commitment. But I don't see how it can be enforced and so on. So I

cannot see why people are worried. But it says a lot. Just maybe to complement what Manju was trying to explain, this topic is not new. It was discussed several times, I believe, since the conception of the SPS. I really want that we need to be careful because we got burned before on some PDPs that were—let's say, they were rediscussed and some groups wanted to redo the work and use it like the vote in the council for that purpose. We need, as a group, to be careful. We need to be consistent in our approach in what we're trying to achieve.

I can understand that maybe, I think that for some topics, we can try to push somehow in one way or another to bring the topic and try to redo the work or to open that topic again, but for myself and I hope others, we need to be consistent. We should not fall for what looks like kind of tactical gain for some issues because we might be beaten later by the same approach. Personally, I'm always concerned when seeing how other groups in the GNSO Council operate and also at the PDP level. So I don't think we should entertain that. I believe such a statement, even if it cannot be enforced, at least it can send a strong message that the GNSO Council should stay as that entity to manage EPDPs and not trying to redo the work for one reason or another.

TAIWO PETER AKINREMI:

Thank you so much, Rafik, for that intervention and to Manju for clarifying why this was actually brought up. Just to add that there's a lot of folks who are not happy actually about this, especially NCSG. Because the dive is views that will bring to the table and we're sort of like a ton on the flesh when we're talking about all these things and we're not trying to look at how PDP should be reworked. But it's allowed people

to give their comment on different activities and how PDP needs to really be accountable and transparent and seek the works of the community members rather than redoing the whole thing. Thanks, Manju, for clarifying that.

We move to the next agenda which is Any Other Business. The Council will be reviewing the ICANN80 planning and the GNSO draft, and also talking about ccNSO and GAC liaison update, which will be done every three months. Looking at SPS action item updates as well. As we've discussed, the PPSAI, there will be a call for volunteer on the team. That's all on the GNSO Council agenda on our plate. So I will return the mic back to Manju.

MANJU CHEN:

Thank you, Peter. It was a good review. We had a lot of discussions. Kathy, just to answer your question, I know it's a direct message, but SPS is the GNSO Council's Strategic Planning Session. We do that every year at the end of the year to plan for GNSO's activity plans and all the other project planning for the next year. That was SPS. Sorry for using the acronyms.

For the AOB, first we have NomCom update. We will invite our representative on the NomCom which is Pascal. Is Pascal here? Am I seeing his name?

ANDREA GLANDON:

He's here.

MANJU CHEN: Please provide your update. Thank you.

PASCAL BEKONO: Thank you, Manju. Thank you, everybody. I'm Pascal Bekono from Cameroon. As an update, I will start by saying that—can I share the timeline of our work for this year with you? Or can I send it to—

ANDREA GLANDON: There you go, Pascal. I made you the co-host so you can share it if you have it up there. Do you see the Share button at the bottom?

PASCAL BEKONO: Okay. Let me see. Once again, I will send it. My connection is a bit slow.

ANDREA GLANDON: Sure. No problem. You can send it to me and I'll share.

PASCAL BEKONO: Thank you. I think it's a bit better. Maybe we can start by saying that the NomCom this year has received a lot of application. We start by saying that this year, the NomCom was seeking to fill seven open leadership positions. We had three members of the ICANN board of directors, two regional representatives of ALAC, one from Europe and from North America. And one member from the ccNSO Council, one member from the GNSO Council. Everything started well. Yes, that's it. Thank you. Okay. At the moment, we received around 78 applicants that have applied for the position. We had 26% from Africa, 24% from Europe,

22% from Africa, from Asia, Australia, and Pacific Island, 8% from Latin America, and 20% from North America. Amongst them, 29% were female applicants and 71% were male. That's it.

Actually, we did last month intersessional meeting where we had time to review all applications. As we can see in the timeline that we are respecting, we are actually in Phase 3, you can say that. The soft dive candidate and the deep dive candidate, we are in this step now. Activities are going well, because actually, in the NomCom, we have divided groups. We have made groups to interview some candidates. That is online. After this step, we will have another meeting starting this week and next week, where we will discuss or review the candidate and all interviews that we did among all the members of the NomCom.

After this phase, we will come up with a short list. The short list, we will invite candidates who have successfully been selected for the next round to attend an ICANN meeting in Kigali. In that meeting then we will have face-to-face meeting. I think the face-to-face meeting will concern Board meeting people. But concerning the other members like ALAC, GNSO, and ccNSO, interview will be made through maybe online. Interview will be online with the whole delegate of the NomCom.

After the Kigali meeting, as I said, the short list from NomCom, they will be invited to Kigali. It's the only group of people who will be invited. After that, another review again of candidates will be done. After that period, selected candidates will be announced. Everything is going well. You have too many good candidates. It's very hard for the delegates to decide. But we are moving the team. We have a good team of delegates and also the ICANN staff is doing a very good job. We have too much

work and with different time zone, we have meeting very late, very early with the other person. So that's the update that I can send. If somebody want more information, I am really able to share also. Thank you very much.

MANJU CHEN:

Thank you, Pascal. Anyone has any questions? To Pascal, I think we definitely will appreciate a written update on the mailing list since it's not everybody in the NCSG will attend policy call. I think we are all very interested and want to know more about what the NomCom has been doing and what are you seeing and what do you plan to do in the future. Definitely, I will strongly suggest you write an update to the mailing list. I see a hand from Judith.

JUDITH HELLERSTEIN:

I posted in the chat the recent NomCom blog which was from about a week ago. It gives some more information on the process along the timeline. So maybe you want to send that out to the members because I think that is helpful. Thanks.

MANJU CHEN:

Thank you, Judith. That will definitely be helpful. But that's a general update. We will definitely want some update from our NCSG perspective. I know you cannot reveal much, but as much as you can is good.

We will move on to the next item of AOB, which is update of NCPH meeting on our decision on Recommendation 7 of Auction Proceeds.

Sorry for all the acronyms. NCPH stands for Non-Contracted Party House, which is our part of the House with the ICP, BC, and ISPCP. RFR is Recommendation Form Request. I'll let Julf who knows better than me to update on this item. You have the floor, Julf.

JULF HELSINGIUS:

Thank you, Manju. Hello, everybody. This has been a pretty long ongoing—I'm being interrupted by somebody else speaking, it seems. This has been going on for a while and it's been a complicated legal process in that it started out as a complaint about certain formalities which then actually where we are now. It led to an IPC filing Request for Reconsideration, which was denied. And the interesting thing is it was basically denied based on the fact that the IPC did not have standing because they were not materially harmed, and that didn't go down very well.

So, now as you can see, it's on the agenda for the Council to discuss what the next steps would be. But we also had a meeting with our counterparts to discuss whether we should as a house do something. Right now, there's no decision on that. We made waiting for a full legal write-up of the situation and especially the discussion in the Council about it. But it is a possibility that we might want to join in on that operation. Not that it's a really big priority for us, but it's definitely something we are looking at. That's pretty much it. Thank you.

MANJU CHEN:

Thank you, Julf. The last item is the current Public Comment Proceedings. This is the Phase 2 Initial Report of EPDP on

Internationalized Domain Names. Emmanuel actually already updated us on all aspects of this public comment that they are drafting. He also said that they are planning to have another call next week. And then they will present the final draft for NCSG to review, and hopefully, we will send our comments in time. Thank you, Emmanuel, Pedro, and Kathy for your hard work. I think we're all good about this item. If anyone has any other questions, I'll open the floor for you to raise your hand or raise your comment in the chat. If not, we will be looking forward to the update from Emmanuel on the mailing list. I think I'll open the floor again for any other AOB now. Kathy, you had an AOB, right?

KATHY KLEIMAN:

I do. Thank you. It's a quick one. One more issue we should put on this great list, this wonderful agenda, this wonderful meeting, is Registry Voluntary Commitments are coming back. I assume they will be an issue of great discussion in Kigali. I wanted to know if anyone wanted to work on the current round of this. And you can let me know privately if you'd like to work on Registry Voluntary Commitments.

Stepping up, we propose guardrails and guidelines for how ICANN should review Registry Voluntary Commitments so that they do not bypass that stop ICANN, that protect ICANN, from engaging in content, that require ICANN to protect competition, and that require ICANN to follow the multistakeholder model. We don't want voluntary commitments that bypass these things. Anybody wants to work on that, just let me know offline. Thank you, Manju.

MANJU CHEN: Thank you, Kathy. I will definitely recommend whoever is interested in policy to put your hand up in this. I think this is one of the most interesting issues in ICANN. You will be definitely learning a lot working with Kathy. I see, Ben, you have your hand up too.

BENJAMIN AKINMOYEJE: Manju, thank you. You're doing a great job. I just want to bring to the notice of the members again the work of the Continuous Improvement Program Community Coordination Group. I know the last time I had a conversation about this, it was in the NCUC membership meeting. The whole core of the work is, is there any improvement we needed to do to our Bylaws or operational procedures as a group? The last time, Kathy had mentioned something about balance. And when I went to the next meeting, they were asking what do we really mean by balance? I just told them that I was going to share with the community to hear if we have any particular interpretation of balance. Coincidentally, Kathy is here as well. So if you can answer that for me, I would be very happy. That's what I wanted to just share with the community that they should be looking out for. Caleb has sent an e-mail across our mailing list and we should really participate and ensure that we bring improvement to our procedures. Thank you.

MANJU CHEN: Thank you. I see, Caleb, you have your hand up too. If you're speaking, you're still on mute. Caleb, are you speaking?

CALEB OGUNDELE CHILUFYA: Can you hear me now?

MANJU CHEN: Yes. We can hear you now.

CALEB OGUNDELE CHILUFYA: Okay, great. One of the things that I wanted to emphasize again based on the context balance, which is also something we need feedback from, is the fact that I think there's also a proposal that they should be a balance of NomCom representation also. In one of the suggestions that we did push forward, I think you were there, Manju, at the earlier stages, was that NCUC has a NomCom representation and that we're also looking for a balance across both to have a Bylaw change to NomCom representation, both for NPOC, and if possibly, for NCSG. Those were proposals.

Now, those e-mails that were sent out are a request for feedback. Now, after sending that e-mail out, we've been waiting for a lot of feedback, no feedback. We do feel that time is of essence. The work of this working group is just for a year and I think we've almost gone past half of that timeline. It will be very important if people take time to please look at that e-mail, provide feedback, so that we can capture everything that the community wants and we are not leaving anything out when it's probably too late for us to give feedback for anything that the working group needs to incorporate into what is being done. Please look

at that e-mail, provide feedback. This is community-driven. If you're leaving anything out, please reach out. Thank you.

MANJU CHEN:

Thank you, Caleb. Just a little bit of background on what Ben and Caleb was talking about, the whole CIP Continuous Improvement—what process? Continuous Improvement Program is a new thing that ICANN and the community is doing. It's different from the CCOICI, which we have on the Council. This is actually from the recommendation of ATRT3, which is Accountability and Transparency Review Team. The recommendation from the ATRT3 was that. Before this in the past, ICANN used to conduct not annually, but currently organizational review of each structure within ICANN, for example, NCSG, GNSO. I don't think NCSG. Probably only GNSO, ASO, ccNSO, the big structures. These organizational reviews were conducted by third party independent reviewer. They hire vendors to do the review. And the ATRT3 recommendation actually recommended that we forego those kinds of reviews and do a Continuous Improvement Program ourselves as a community, because us as a community knows better how to improve ourselves and how to continuously improve ourselves. This is actually, in a sense, implementation work of those recommendations.

I would suggest actually—Ben and Caleb, you were saying no feedback so far. Probably it would be better—if it's possible, probably you can do a webinar. Because I remember the staff actually provides a set of very useful slide deck that you can explain clearly of how and why and what CIPCCG is doing. Probably from that, people will have more background knowledge and more confidence to provide advice or feedback that

could probably be the solution. Or we can do that in our next membership meeting in Rwanda. I know it will be a bit late, but I quite believe that everybody will be a bit late on this. So I think if we do that in Rwanda, it's not going to be too late. That will be my suggestion, that we add this as an agenda item to the NCSG, NPOC, and NCUC Membership meeting during ICANN80.

That will be it, I guess. Does anyone else has anything else to say? Andrea has kindly reminded us that the election has started. If you want to nominate anyone you think is perfect fit for any of the roles that's vacant, please do so on the mailing list. Please remember to reply to the e-mail where it says you are able to vote so that you will be able to vote during the voting process. If no any other hands or comments, I will happily give you back your seven minutes of your life. I see no hands, no comments. I will see you hopefully during our Council meeting this week. If not, probably in Rwanda or anywhere else. Thank you very much. Bye-bye.

ANDREA GLANDON:

Thank you. This concludes today's conference. Have a wonderful rest of your day.

YAO SOSSOU:

Thank you. Bye-bye.

[END OF TRANSCRIPTION]