

ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the NCSG Policy Committee meeting being held on Monday, the 15th of April, 2024 at 11:30 UTC. 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: Thanks, Andrea. And thanks, everyone, for coming out today. Glad to see you all. Andrea, I don't know if you could put the agenda up for us. Great, thanks. So I decided to switch things around a little bit for today just so that we could have some discussions before we walk through the council agenda. And I thought it would be important if we at least have a chat before we – just in case the agenda takes a significant amount of our time so that we at least have the conversation first.

So we'll start with a discussion, or rather an item which I sent an email. And I suspect not many people have seen the email because I sent that on Sunday for most people's time. So I thought I'll bring it up on our agenda first thing so that we can at least have a discussion on it. And that is regarding the Latin diacritics issue. And I don't know if many people know about this or have followed this issue, but I thought I'll give a bit of a background and then ask the question to the group that I'd like us to discuss, because this has significant impact on the council meeting

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on Thursday as well. I think councilors will have to vote on some of this. And I thought let's have a conversation before that happens, not only because of the substance but there's also a procedural issue as well to it.

So basically for anyone who followed this, as an introduction, it's related to diacritics. And normally for Latin scripts, if an applicant applies for, I don't want to use the word variant in this case, but it really is a variant of a Latin—of their name. And the case we have, the real case study we have here is .Quebec, which is the example I use on my email as well. And if that name has diacritics, and with the case of Quebec, the E has an accent on it.

Now with the current rules of the root zone label generation rules, an applicant cannot apply and get that variant that has that diacritic on it. So .Quebec currently is running obviously .Quebec and it's a plain Latin script. But in the case of .Quebec, to them that was a workaround to the whole rules to start with because it's a primarily French province and they wanted the one with the accent, but they could not have it. The diacritic one, but they could not have it. And so they had to go with the walk around of having something without the diacritic, but now they want that name with a diacritic, but they are not allowed to have it because the rules don't allow them to. When the assessment is done on the root zone label generation rules, that shows up as a confusingly similar string and therefore it is rejected.

Now this came up in Hamburg and the council had requested staff to was going to request staff to study this issue and come back, but staff went ahead to study the issue before the council could officially request

for that. And now they've come back with, or rather the intent in this meeting to present a solution, a possible solution rather to the council that they could use, or we could use a recommendation. One of the recommendations that were non-adopted by the board on SubPro recommendation 24, and that recommendation specifically relates to singular and plural of string similarity, but they're suggesting that one way to solve this problem is to update that recommendation, since we are going to update the recommendation anyway, and include support or include ability, I think that's a better word, for applicants to be able to apply for both the diacritics and non-diacritics Latin names.

So with that, the challenge I have that I wanted NCSG to think about and advise councilors is if council does support that idea, then it means that most likely place to take that work will be the SubPro small team plus. And I know that there have been concerns in the community about the small team plus doing some of this type of work. So I wanted for the team yet to have that conversation and give their thoughts to councilors what they think about, one, whether councilors should allow the SubPro recommendation 24 to be used as a vehicle to address this diacritics issue, and two, if that occurs, whether the small team plus should be tasked with that additional work. I think that was, I'm seeing Farzaneh is already saying she's going to raise that, but that is the question I'm posing back to you all. We don't have a recommendation text. That's why I call it a procedural issue at this time, because there's no real text that we can look at. So, yep, I'll open it up. Let me check for hands. And I see Farzaneh, you were first. Please go ahead.

FARZANEH BADIEI: Yeah, hi. So my question is, so you must have the recommendations text, Tomslin, and I mean the SubPro's recommendation.

TOMSLIN SAMME-NLAR: That we have. Yeah. That we have. And actually just to add an update to that, I understand that the board is still unhappy with the text for that specific recommendation. But we do have, yeah.

FARZANEH BADIEI: So under no circumstances, because the board is unhappy with a policy solution that the community comes up with, the small team plus or plus one or plus 100 should get involved with policymaking. And this has been a concern that we've raised over and over at NCSG, and I'm sure, and I know that the councilors also share this. So I think that it is a very bad idea to give this. And as Peter mentions, there are technical and policy issues with this recommendation that I don't think that small team plus should open it up. And I think that we need to think about how to resolve the issue in other ways. And in simpler ways.

What are the board's concerns? So is it like there are a host of like technical and policy issues? And how can we fix this recommendation through the community processes? I'm not saying that we should necessarily have a PDP, but I think that the council should think about how to solve this by like either stick with one recommendation that the community has come up with, or fix it in other ways that is through the usual policymaking channels. Because it is policymaking, and we don't want the small team plus to do policy.

TOMSLIN SAMME-NLAR: Thanks, Farzaneh. I think maybe I should just clarify that the draft, the proposed recommendation on recommendation 24 that we have only addresses the issue of singular and plural. It actually doesn't have no relationship to do with diacritics at all. However, staff proposes now that we could add that to it. That's the difference in what I was saying. So we don't have a recommendation that the small team worked on by critics. No, we do not. That's a proposal as a vehicle that council could use that vehicle to address these issues. Still a proposal, which is why I'm bringing it to you, because it's only still a proposal. We don't have any recommendation the small team has worked on. The small team has not even yet been given any assignment to work on by critics. So it's just a proposal still. I saw Kathy's hand. And I think it's still up. So Kathy.

KATHY KLEIMAN: Hi. Good morning, good afternoon, everybody. Good evening. Farzaneh, normally I would agree with you. Not on this one. Let's talk about that community process. We're talking about the subsequent procedures working group. It had one person on from NCSG. It was dominated. Dominated by people who did not disclose where they were from for four years. And I was on it for three of the four. We were working with consultants and attorneys for new gTLD registries. This is the group that gave you registry voluntary commitments. That a registry can do anything it wants. Whenever it wants. That's SubPro. So let's be careful.

And this whole process was created because the board out of the dozens and dozens of recommendations of the subsequent procedures

working group rejected a key handful of them. And for very, very good reasons. Except for applicant support. Which we're now about to push through. So hooray on that.

So yes, I think this has to go to the subsequent procedures working group. Unless the council wants to do the work by itself. And because that's what we've done. We're not going to create a new process. We're at the tail end of the subsequent procedures process. We've got a few nits. And they're really important. But there are a few policy nits left. And one of them is this.

So to our councilors, I would say, give it to the subsequent procedures plus group. But make sure they allow us to appoint special subject matter experts. I'm not a subject matter expert on this. I'm just not. I'm not sure how [Namra and Rima] who have been leading our charge on this. Stephanie from the council. Tomslin from the council. But [Namra and Rima] came in as our subject matter experts on applicant support. We need new subject matter experts. Who listening to this is interested in this issue, is concerned about this issue, speaks multiple languages, understands the ramifications that there could be. Different words. Same letters. Different diacritic marks. Somebody needs to come in that understands that. So yes, unless council wants to do it themselves, and they haven't, I would definitely send this to the small teams plus. And with new subject matter experts or expanded, particularly expanded subject matter experts. And let's look at this. Let's look at this closely because there is not agreement between the council and the board on these issues. Thanks.

TOMSLIN SAMME-NLAR: Thanks. Kathy, I guess I have a question and I see Peter. I just have a question for Farzaneh on when you say a community process, but not a PDP, what do you have in mind there, which will be different from the small team plus?

FARZANEH BADIEI: It's something that, so the council came up with this small team thing first. So do we have a vehicle other than the small team to resolve this issue? Because frankly, we have been raising concerns. We have been writing, if I'm not mistaken, it was led by Kathy a few, like some time ago that the concept of like small team has to be, has to—like the council's small team, it has to be like narrowly defined and all these things. So I think that this issue specifically, it gets involved with policymaking. And I don't think that we want the small team to do that. Even if DNS abuse small team at council was like, you know, they were involved with policymaking, I think like they are closed, they are, you know, we don't have like as much visibility and now they have like also like in order to address these concerns, they have come up with the worst idea, which is the small team plus, which adds the advisory groups. I don't think that this is the right vehicle to use. I think that even if the policy issue is really important one, I don't think we should use that route.

Now, like our councilors can say that, okay, well, we think that this should be resolved somehow, but it shouldn't be through this small team plus, but then think about other vehicles to resolve it. But like, we are going to see this over and over in the future as well. We cannot set a

precedent for these small teams to become quasi PDPs. That is very, very dangerous. Whatever issues it's going to be.

And the other thing that, let's look at the idea in EPDP. That's another. And then Kathy says that, oh, we should appoint, we should make sure that we can appoint our own NCSG expert to the group. And then we have no NCSG expert on this. I don't know if we have, I mean, for the LGRs, we didn't, I was involved, but, you know, I speak some languages, but in the end we had to go to a linguist and ask the linguist to get involved. So basically I think that this sets a bad precedent and I don't think that our councilors should support going to the small team plus. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Farzaneh. Peter.

PETER AIKNREMI TAIWO: Thank you, Tomslin. This is a good conversation that we're having. Just wanted to like, had my thought, if we can get this back to the SubPro committee, or if there can be a small group that will be formed at that level. So it should go back to the SubPro committee like Kathy actually mentioned. The reason is that the small plus team at the council level, is it true for the councilor, right? Except we just want to evaluate what is happening and we don't want to go the route of resolving and establishing maybe like a policy route, because as of current, small team plus is still getting reaction from the community. So we need to be careful how we want to proceed with this.

However, I just wanted to have that this shouldn't be an issue that we're going back and forth. ICANN Org should get the technical committee together to assess what are the issues with diacritic, right, as well as what kind of policy that we can address from this issue, because I've never, I've not even seen the kind of technical issues that can happen, the policy issue that can happen. We're just talking around it and around it.

And just to add to what Tomslin said, during the GNSO council meeting, ICANN should be giving us the research they've done on this for us to understand what are the issue of diacritics. So my concern is, if we allowed .Quebec, what happens to one, we have to happen to others who will see different application. Application is going to shoot up and we need to be ready for this. So these are my submission.

TOMSLIN SAMME-NLAR: Thanks, Peter. Stephanie.

STEPHANIE PERRIN: Yes, hi. In principle, I agree with what Farzaneh is saying. I think the problem is ICANN is facing a real backlog of work and very slow results. We're just not looking good when you look at how long the PDPs take to do things. We all know why they take so long. And there've been a couple of really difficult ones, SubPro being one, the RDRS being another.

I don't like it either, but I would caution everybody that saying we can't do these things with small teams, several of which I've been sitting on

lately, and we're about to see another one happening in that the IRT on the PPSAI, the Privacy Proxy Services Accreditation, that is a PDP that started in 2014, refused to listen to us saying that there was a regulation coming on privacy through the European Union that would change things because it was of course being drafted at the time and didn't come into force till 2018. At any rate, we have said all along it would have to be revised. Now they're talking about revising it in the IRT. There's a small team looking at it. I'm on that.

This is even more problematic in my view. I don't like having small pieces siphoned off and being thrown to a small team any more than Farzaneh does, but if we let them get away with doing major policy changes, because the definitions of privacy and proxy need to be changed, as Thomas has pointed out, and of course I've been saying it for years, that's such a profound policy change to the results of that committee. When the two things you're talking about have to be revised and defined, if we let that go through as an IRT and let the recommendations stand, this is really, really worrisome because of course IRTs are not accountable back to the GNSO. They're managed by staff. I've got nothing against staff. They do fabulous work for us, but we're no longer in control of the policy process at all. I agree with Farzaneh that we're not closely in control of these expanded small teams and it's a worry. I think we should make it a rule that we try and hold them to representational membership on small teams.

However, we don't frankly have enough volunteers out there on all these committees to be taken seriously. It's not us running these small teams. It's not us sending the experts. And generally speaking, I apologize to anybody who's on a small team who feels they're an expert

and I'm not accrediting them with expertise. But really we're not in a strong position to say we can't do this. Because the alternative is going back to PDPs for minor fix-ups and we just don't have the bandwidth. Nobody does. And ICANN has to worry about whether it's looking like it's doing its job these days, not that the ITU is any faster. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Stephanie. Manju.

MANJU CHEN: Thanks, Tomslin. So I feel like I hear everybody's points and I think everybody has good points. But I think the first question we really have to ask is whether council is dealing with this as a technical issue or as a policy issue. Because if it's technical, then yes, we have to get technical experts. But then seeing from the current situation and how people are trying to deal with this, because diacritics are already determined by the Latin label generation panel that they're not variants, right?

So now if we're dealing with it as a policy, it's really it's just a confusing similarity issue. It's not a technical issue. So there's no use of any technical experts. So that's why I think the first question we really have to ask in council is, are we going to deal with this as a technical issue or a policy issue? If it's a technical issue, we of course cannot rely on the small team plus because I don't see many technical person there. We have to involve more technical experts. But if we are dealing with policy as a policy issue, then I'm really in between. I agree with Farzaneh, but then I agree with others on that. There's no bandwidth and there's

really just not, you know, we don't have people anyways, whether it's a small team plus or it's a PDP working group.

So I think first of all, and I think it's weird that they're suggesting this. I mean, and then they don't provide us any document beforehand so we can fully understand what the issue is before the council meeting. So it's really like there's so many unknown pieces about this issue that we can, like it really forbid us to talk about this in depth and knowing it like clearly what issue are we dealing with.

And so for the supplemental recommendations, I'm pretty sure we're going to just take out the 24 or so string similarity recommendations and, you know, pass through the others. So that's a non-issue. But yeah, we definitely have to figure out first, then we can discuss next steps. Thank you.

TOMSLIN SAMME-NLAR:

Thanks, Manju. I really like that, your suggestion that we first answer the question of whether it's a technical or policy issue before we proceed. Then we can discuss which vehicle we are using to address it. I like it. So I guess, I don't know, I don't see any other hands up, but I think that is a good way forward to address the issue during the meeting. Unless someone thinks or has some other better way we could approach it during the meeting. All right. Seeing no other hands, then I'll say we have a way, oh, I see Kathy's hand.

KATHY KLEIMAN: Yeah, I just wanted to ask, could somebody from Council, Tomslin, you or Manju, somebody send us a note about what happens, send it to NCSG on this particular issue after the council meeting so we know where it's going.

TOMSLIN SAMME-NLAR: We will certainly do that. Thanks for the discussion, everyone. I think we have a better idea as councilors there how to approach the issue. We'll move on to the next item on our agenda, which is an update on RDRS planning committee and law enforcement request and I would like Farzaneh to lead us on that one.

FARZANEH BADIEI: Yeah, thank you, Tomslin. Hi, everyone. And yes, thank you for the discussion. I think we managed to find a way forward that makes everybody least unhappy. So for the RDRS standing committee, I noticed that, so I was interested in the reports. I don't know if all of you know what RDRS is. RDRS is the centralized system that they came up with in order to triage, and this is very important, to triage the request to access domain name registrants' personal private information such as email addresses and mailing address to the requester.

So what the RDRS does is to get that request and then it will impart it, it will disclose the request, remember this, not the information, but discloses the request to the registrar. The system has been in place since October, like last week of October, November 2023, there are RDRS reports, I think on a monthly basis now, and as I was going through, and then they have also convened a standing committee in

order to look at what the problems are, what the challenges are, how they should do the reporting better, stuff like that.

And I was reading the reports and the reports are really interesting, but one thing that I noticed was that law enforcement requests, usually like when we have transparency reports, at the minimum, for law enforcement requests, you get the country the requests coming from. Yes, Kathy, Stephanie is on it. And that's another, so I just want to know if I can like help Stephanie as well so we can discuss this.

I raised this issue on the mailing list that, so we keep talking about law enforcement agencies' transparency, and I think that one place to start this request is to look at the RDRS standing committee and see if it is possible in the reports that the RDRS standing committee, that the RDRS issues, if we can have the location of the law enforcement agencies. And so, and that would be, and also NCSG, as you know, and as you know, we've been advocating for transparency with regards to many things and including law enforcement.

It's a very, very simple request. And it is not, and I don't think that the law enforcement agencies are, like, will oppose that, like to have the country where the request is coming from. Because what they are saying is that they're asking for confidentiality in investigations, for confidentiality so that it doesn't disrupt the investigation. But when you look at other industry transparency reports, you see that they usually report on the country that the law enforcement request comes from. And it seems like it's like standard practice.

And we had a really great conversation, Emmanuel, Pedro, Caleb, and a few others also joined in to talk about how can we request the law enforcement agencies' countries be reported on in these monthly reports. And now that we are having conversations, we should also talk to the Public Safety Working Group. But we should, as a group, I'm going to get back to you on the mailing list, as a group, we should come up with a one-pager or a two-pager on industry standards of transparency reporting that hits that sweet spot of not disrupting investigations, but also bringing minimal transparency. Yes, yes, like something like that, like Canada, US [inaudible]. Or even if we don't, even if they have a problem with giving like a number, you know, we can talk about that as well.

So that was at least what I wanted to talk to you. So we discussed this at the last meeting. I was a guest there. And it seems like technically it is possible. But we have to talk to other stakeholders and kind of get their consensus to have the country disclosed.

And then there are other issues as well. And I wanted to also like there's another like composition of members, like representatives on this group is, you know, ISPCP, like CSG, as usual, has three representatives. And we only have Stephanie. And you know, that's a lot of workload. So I am suggesting to the policy committee to consider appointing me in addition to Stephanie, so that we can bring these issues forward.

But let me tell you that this is not the only way that we are going to see what sort of transparency we can get for law enforcement. Sorry about that. Go ahead, Stephanie. And yeah, that was ...

STEPHANIE PERRIN:

Yeah, I think this is potentially a good idea. I'm not as up on the recent amendments to the cybercrime treaty as some others probably are. I don't know, Farzaneh, how closely you're following. But there are certainly countries like France, where it's an offense to say anything about a law enforcement investigation. So even in the so called Western democracies that are ruled, governed by charters like the European Charter of Fundamental Rights, there are some holes in what we can achieve, which would make the data somewhat skewed. In other words, if Canada and the US, the US actually has better reporting on law enforcement stuff than many other agencies. Although one must remember that when we're talking about law enforcement, we're probably talking about criminal law enforcement for most of these. The national security agencies usually don't have to report. So the results are going to be skewed, which is why I haven't thought this would be particularly useful to fight over. But if we could get a country total and at least know that there was activity, it would be of interest, I think.

And in terms of the industry standards, I don't know what you had in mind. But certainly, you will recall that when we invited the data commissioners to come and speak to us in Denmark, prior to the putting into force of the GDPR, we did invite the Interpol and the Eurojust data protection offices. I wouldn't say they're exemplary, but they make an effort, you know. So there are standards out there that we could allude to in terms of transparency. We could give it a try. I would welcome Farzaneh on the committee to attempt to do this, because I'm running out of juice. I'm kind of saving it for the PPSAI, which I think is quite important. Anyway, great. Thank you.

TOMSLIN SAMME-NLAR: Thank you, Stephanie. With your knowledge of the group, you think it's okay for us to appoint a second rep?

STEPHANIE PERRIN: I don't see why not. If there are three IPC people, and I'm sure there are probably even more than that. I don't see why we couldn't have an alternate. And we must remember that I'll be off council in October. So you know, will I still be on this? Who knows? I don't know. I guess so. Unless someone else comes along.

TOMSLIN SAMME-NLAR: All right. Thank you. Peter.

PETER AKINREMI TAIWO: Thank you. And Farzaneh, you're doing a great job. And you have a lot to contend with. Just wanted to like, because, well, let me say a question. The issues that you've seen, that is around transparency, governance, or technical issue. Because sometimes it falls that we're arguing, we don't even understand how these things work. We might need to actually put it in a plain language to them, and try to point out where things are going wrong and how they need to address it. Because sometimes, I'm sure that our system is going to attract a lot of requests in the near future, as people, you know, think that they can request a lot of information, law enforcement, and they can come in. Anyhow. We just need to know what are the things that these people need to put in place. We need to be plain. Sometimes when I have some discussion

with some folks about their systems, and what I get from them is, oh, we've seen a lot of folks talking about these systems, but sometimes you just get confused on what they want. And we can't really bring that to the table. So I just wanted to hear from you, do we really have a point that we're putting forward, aside just we're just saying, oh, we need transparency, we need to be clear, at what point in the process do we need that process to be improved? Just wanted to hear from you.

TOMSLIN SAMME-NLAR: Thanks, Peter. If I understand, that's a question to -- is that a question, first of all?

PETER AKINREMI TAIWO: Yeah, not a question as well. Submission. Okay.

TOMSLIN SAMME-NLAR: I'm going to pass that for Farzaneh to answer.

FARZANEH BADIEI: Oh, I'm so sorry. I was only -- what was the question?

PETER AKINREMI TAIWO: Just let me add again, like, at what point is the issue that we're advocating for? I know there are a couple of issues that we're addressing from the technical to governance, you know, transparent processing. So at what point do we need these people to address something? We need to be able to come to the table rather than saying,

oh, this system needs to be transparent. So what needs to be done in that process for it to be transparent?

FARZANEH BADIEI:

Yeah, so that's a really good question. So basically, as Ken also mentioned in chat, we need to make sure that the data is gathered in the first place. So when the law enforcement agencies submit their request, they should be able to indicate which country they are based. And then so we should monitor these processes that do the data collection and submit our requests really early on, as we are doing now, in order to be able to later on ask for more transparency.

For the timeline for that, like one and a half page of what the industry does, like what do tech companies do in their transparency report about law enforcement agencies, that has to be done very soon. Because we can potentially bring it up again in three weeks' time at the [RDR SSC.] And we can say that, okay, so here is the -- here is what is usually practiced in transparency reports at tech companies. And be very clear what we are asking. We are not talking about breaching any confidentiality during investigation or anything like that. What we are asking is very simple. It's the country, the location of where the request is coming from.

And then later on, like other issues come up, which we should discuss these things with the -- we should have a meeting with the Public Safety Working Group. And we should have an understanding of what do they actually mean by confidentiality when they keep asking for confidentiality. Sometimes one of the things that they are talking about

is confidentiality is not to tell the person under investigation that they are being investigated. So there are ways to -- there are solutions, especially in democratic countries. You have due process in place. You can keep it confidential. And then after a while, you can unseal it. So we can look into these things. So another step is to -- after we talk about these things at the RDRSSC, we should also talk with the public safety working group about the other issues that they are concerned about and see if we can solve those issues or have it in the reports of the RDRSSC in a way that is mutually agreeable or we should go and find other ways to bring more transparency to these requests. So I hope that I gave you a rough timeline, but I'm going to put it in chat.

TOMSLIN SAMME-NLAR: Thanks so much, Farzaneh. Kathy, you're next.

KATHY KLEIMAN: Yeah, thanks. No one can match the expertise of Farzaneh and Stephanie on this. But to Peter's excellent question and to some of the other issues, let me try a few things. One, the time for us to be involved is right now. We are structuring a brand-new system. If you don't get involved in a new system, this is both a policy system and a technical system. If you don't get involved in a new system right at the start, you'll never be able to get involved because you'll be asking for features that weren't designed into the system. We've got to do it right now.

Second, we have a unique view. NCSG has a unique view. We are scared, scared, scared for the registrants. This is who's going to be pursued. Now let's admit that there are legitimate law enforcement

criminal requests and there are illegitimate law enforcement criminal requests and that's what we're concerned about. The Public Safety Working Group, let's give them the credit. They're all good guys and they're trying to do the right things. But out there, there are countries that aren't. And we know that because Interpol is now reporting that their criminal red flags where you put out an international alert for someone are being misused by China and Russia to find political prisoners. Lots and lots of reporting going on this. So most countries use the Interpol red flag system correctly. Some of them don't. We've got to know who's abusing it. So the transparency that we're asking for should be now and should be soon.

Thanks to Wisdom and Ken, we know that when there is a confidentiality request from law enforcement—this came out when we were discussing it in the two sessions that were held. We know that when law enforcement checks the box on confidentiality, all the information is collected and passed on to the registrars. The registrars have said that they cannot answer a request without the real information. So the information is collected. That's really important to know.

So Farzaneh's requests that we know in real time what countries are requesting the data is completely fair. There's nothing that gives away a criminal investigation to know that such and such a country has put in 50 requests that month. That's important. And then we should set a time for the full transparency of all the data, whether it's two months or three months. At some point, it should all come out because by then the urgency of the criminal investigation is gone and reporting, it should be fine. And that's consistent with the way we do other things. So sorry for

the long interruption and fully, fully support Farzaneh joining Stephanie on the standing committee. Thanks. And great discussion.

TOMSLIN SAMME-NLAR: Thank you, Kathy. So I think we certainly agree on those things about the law enforcement request. And if I understand correctly, there is general agreement for Farzaneh to be added as a rep to the team. So I will check with staff regarding that and let the PC know and Farzaneh as well.

I see no other hands on this conversation. So I think we are good to go to the next item. Now we've got to review the GNSO council agenda and Peter is going to help us with that. You will see some of these conversations that are coming on and we have quite a bit of content to be made in the meeting and also some voting to happen. I'll pass it on to Peter to weigh in on that.

PETER AKINREMI TAIWO: Thank you so much, Tomslin. So let's dive into what the council has on their plate during the meeting that we have on Thursday, this coming Thursday. So I'll start from the item three on the consent agenda, just preliminary administrative matters. Okay. So on the consent agenda, the first on the list is the GAC communique. So the council actually review the GAC communique. And based on that, so they are providing response to the ICANN board. This is to ensure that as I said, ICANN board. Yes, ICANN board. For them to have an understanding of what the GNSO council actually doing and working on with regards to policy activity. So we want to bring them up to speed. So the council will be,

the councilor will be consenting to this. I'm sure that that has been disseminated. If you go to the link, you can see the reviews and the feedback based on the GAC outcome during the ICANN 79.

So also on this small team that we've talked about. So there is a small document to put together to guide the operations and how this small teams work. So that will be reviewed and also get a consent to that. So just to have that small team is the council tools is not meant to replace I can mechanism and how we approach policy development.

And the item three talks about SPIRT team. So the council also will be confirming the leadership of the SPIRT team and from the GNSO, we have a liaison and the person is in. So we'll be a liaisons to the team.

So on the item number four, okay, so that talks in the policy status report. These, so we're looking at the policy that talks about the expired domain name deletion policy as well as the registration recovery policy. So based on the input from the ICANN compliance, the registrar and ICANN org registrant program, the council didn't feel that these policy actually implemented accurately and there are no current policy issue with regard to these. So this will be put to vote during the council meeting to be deferred for the next five years because currently we sense that these are implemented correctly and there are no current policy issue with regards to that.

Item number five talks about the diacritic in Latin script, which we've extensively discussed about. So there will be a presentation from the ICANN based on their research and these will I'm sure that this is going to take long hours, discussion during GNSO meeting. So we'll be looking

at this and it's good that we have the view of the NCSG and that is going to really have the NCSG to have a conversation around it. So the council will be discussing about this, will be listening to the ICANN and the ICANN Org and what they think how to address this issue. So I don't want to spend time on that because we've spent much time on that already. Okay.

So item number six talks about this SubPro supplemental recommendation. So ICANN Board did not approve some recommendations and this recommendation made it back to the council from the small team plus to look at these. So we'll be having discussions and there will be a presentation from the small team plus lead who is Paul McGrady, he's going to walk us through what they've come up with and discussions will be done on that and as well as it is going to be put to vote and see how it goes from there. I'm sure that we have access to that. We encourage members also to go through that and review those supplemental recommendations and the works that the small teams have done on that. So however, these will be put to vote on Thursday during the council meeting.

Okay. So on item number seven, so talks about the CCWG auction proceeds. So there is a recommendation from there that says that the proceeds that come from there should not be used for legal fee or any other administrative fee. However, there is a bone of contention that the bylaw needs to be amended. However, the ICANN board is trying to see how to address that. And there is a phrase they want to remove, which is from the independent project application evaluation partner to prevent going to the bylaw or to amend the bylaw. So the board is seeking the feedback to get the support in removing that phrase. So this

will be put to discussion during the council meeting to see how, whether there is an agreement or whether there is not an agreement, just a discussion about that.

Okay, so on item number eight, that talks about the action decision radar. This is one of the council tools that they use to review decisions on what policy activities that needs to talk about and needs to happen. So a lot of conversations have occurred around this and all the council's looking at how to improve this. So during the council meeting and talks, they will be reviewing how these tools are helping the council to come to speed on different kinds of projects on the plate. So decisions have actually been deferred to this for us to review that because we keep talking about it and how council's actually using the action decision radar as the project tools.

Okay, so on the PPSAI, I'm sure that Stephanie [inaudible] if you want to talk more about this. So here, it's been a long overdue conversation around this and the policy that was [inaudible] because of the GDPR activity. So the council actually appointed Stephanie and Paul McGrady to this working group and during the council meeting, they will be giving us an update on where these policy implementation as the PPSAI and what needs to be done to actually proceed on that. I'm sure that Stephanie will be giving us an update. I know that this is not the GNSO meeting, but we would love to hear a view on these as well and what needs to be done so our council can be prepared.

And that's item 10. So any other business, so we'll be looking at the GNSO, the ICANN 80 planning schedule as well. The council will be looking at the replacement of council representative to the continuous

improvement program community coordination group. There's a long name. So, so we'll be looking at that and also be talking on RDRS systems that we talked about that Farzaneh gave us update on that. So based on that. So I yield the mic back to Tomslin. And if there are any questions, I'll be happy to take that. So Tomslin over to you.

TOMSLIN SAMME-NLAR: Thanks, Peter for that rundown. Kathy, please go ahead.

KATHY KLEIMAN: Can we go back to where we were, and go through—I think some of us have some things to say. Can we go back up to I think it's item three, the first item after the consent agenda. So, item four. So, I just wanted to flag this one. We need people on this to take a look at it. And this might be a great place if you're new or newer to NCSG. And Tomslin, other council members, tell me if I'm wrong. I was just reading about it this morning before we came on the call. Deferral of policy status report request on expiration policies. Looks like we're deferring this for five years. But if you follow the links here, could you take us to a number two there's a link to I can compliance right up. Thank you, whoever is doing this. This is great.

Okay, so it turns out that Jamie Hedlund, who's head of the compliance group, has a really good report. You can't see it here because it's linked from his email, about registrant complaints on expired domain name deletion policy. To whoever's holding it, there's a link somewhere, but it's hard to find in here. But how to handle expired domain names. And it turns out that many registrars are handling expired domain names

differently. And it's really confusing registrants, which would include our members, right?

So what appears, at least as I skimmed it, what appears to be happening is some, so let's say the person who registered the domain name leaves the organization, the nonprofit or NGO, leaves the organization, then it's possible no one in the organization gets the notices that the domain name's expiring. And the first time you know that the domain name's expired is when your website goes down. So there's supposed to be a grace period to allow you to re-register that domain name at a higher cost, but have the opportunity to re-register it. And it looks like some registrars aren't following it. I actually thought that was consensus policy. But we should really look at this because the concerns are ours and our members, and no one else is going to speak to them, not the registrars, not the registries.

So it looks like this issue's being deferred for more discussion. So if you want something to get involved in, this might be a great, great policy issue for newcomers because you get to start at the very beginning. A lot of these issues started years ago, like PPSAI, proxy privacy. But this is really starting now. Thanks. I will stop talking.

TOMSLIN SAMME-NLAR:

[inaudible] I have a question for you. If I understand correctly, are you suggesting that we vote not for it to be deferred? The policy status report that is, or request.

KATHY KLEIMAN: I don't quite understand what the deferral is, but maybe shorten, I don't know if we should shorten the deferral. There are problems there. And I think we need, it looks like, based on what ICANN compliance is saying, there are problems and confusion today. And so deferring it for five years is just going to defer the confusion. Can we defer it for two years and start working on it?

TOMSLIN SAMME-NLAR: All right. So just a bit of background with the deferral. The deferral is coming from a place where council is saying they do not have the bandwidth to take on that task now. So I guess deferring for two years, that makes sense if we must defer, if I understand correctly.

KATHY KLEIMAN: I can understand the bandwidth, and I know that the next two years are going to be really, really busy. Is there going to be, let me ask you, in your council meetings, because they've changed so much since I was on council, is there going to be an expert there? And can you ask that expert from ICANN staff, like, is Jamie going to be at your meeting? And can you ask them more questions about the confusion today? And can they really elaborate it and share it with you and with the council? And then if there is as much confusion as we think there is, say, hey, maybe we shouldn't defer this for so long. And if you put out two years, somebody else will put out three years, and at least somehow we'll get there before five years. And also, maybe we could start, there's the possibility to start a group from council to look at this issue, to start looking at it more now, just so we don't completely put everything, I

mean, if we defer it, can we defer it and still do a little bit of work along the way? Does that make sense? And I look forward to hearing what you and Peter and everyone says.

TOMSLIN SAMME-NLAR: It does, and I'll pass it to Peter shortly, but we did indeed have a conversation about these issues that you've mentioned. And I think even Anne also had the concern about those issues as well. And I think there were some proposals made from council, interestingly, but they were pushed to the communication small team because, well, they appeared to be pushed to the communication small team, which I chair, but I had to reject them because this was not a communications issue. But the council somehow thought that this seemed to be, those confusion in the policies to the registrant seemed to be how it's communicated to them. And also the issue with the website, the ICANN's website, how that information is available to registrants to easily find them. So they initially pushed to communications small team and I said, no, that's not a communications problem. I think it needs to be done somewhere else.

But yes, so basically the deferral here is again strictly to the bandwidth issues. So I think if I understand you correctly, one way we could sort of address the bandwidth problem is to reduce on the timeframe of when we can request for this. Maybe NCSG might also want to put on the record that this is an issue of interest to NCSG and we think that when this comes up again, we will not support a deferral, something in those lines. I don't know, but I see your hand up.

KATHY KLEIMAN:

Yeah, this is great background and thank you for sharing it. Okay, how about this? Can we send it back to your communications small team? Rather than just postponing it for five years, knowing that there are complaints. And if I read page 10 of Jamie Hedlund's report, so, or I can send you my highlighted version, either one, Tomslin. But if you're head of the communications small team, part of what they're saying is that there is a real communication problem. So apparently if you have different registrars, you can have different expiration policies for your domain name. That's very confusing. We have to solve that. So I'd love to see that address in three years, two years, three years, but maybe rather than just putting it all on the back burner, could it come back to your group with the specific mandate to work on the communications problem? And that gives you the right to ask ICANN staff, I think, to create a report that tells us how, can they look at how 20 different registrars are handling expiration policies and what their communications are to registrants? Because that way, that is in your jurisdiction and you could ask for that to be improved. And then in five years, we can look at the overall issue of consistency across all registrars. But for right now, if it comes back to you with a narrower mandate, would you be willing to take it?

TOMSLIN SAMME-NLAR:

Well, I guess the communications small team will need to be stood up again to start with, because now it's been stood down since the assignment form ended. And they submitted their final report on communication. I'm not sure how that will, well, I guess the team, we

can certainly make the request for it to be the communications aspect of the concerns that were in that letter there should be sent to some communications team. Whether it's the same or a different one is besides the point, I suppose.

KATHY KLEIMAN:

Or just an argument, may I? I'm sorry to interrupt. As we're seeing with the small team plus, it's easier to send something back to what was already standing than to create a whole new process. So it might be easier just to reopen.

TOMSLIN SAMME-NLAR:

No, I agree. I agree. The concern I have is not whether it can go to the small team, it's whether the small team members will even accept to continue. That's the concern I have, but yes, we could certainly have other members join it if it goes to the small team on communication. So we can make that request for that aspect to be sent to the small team.

KATHY KLEIMAN:

Great, thank you. And thank you for this discussion and thanks for being head of that small team.

TOMSLIN SAMME-NLAR:

No communication small team plus, please. We do not look at policy there. Peter.

PETER AKINREMI TAIWO: Yes, so you've actually spoken my mind. And so just to add to Kathy, that these are the things that we need to bring up during the council meeting. So that NCSG just need to register their voice and we need to start doing something about it. So rather than deferring it for five years. So we know that we have bandwidth issues, okay. But this is a critical concern to registrant and we need to take it forward, right? So during my presentations, just going through the [whole] things, I had the concern, but just don't want to bring the perspective yet because I'm just working people through the council agenda, okay.

TOMSLIN SAMME-NLAR: Thanks Peter. I'll leave it in your good hands to bring it up on Thursday then. Well, I think with no other hand, we'll move on to the last bit of our agenda, which is looking at the current public comment proceeding. There are a few I wanted to call out. We have the review on the draft registry service provider handbook, which [inaudible] is helping us with, with support of other volunteers like Emmanuel and Kathy.

But the next one is the one I have a concern with, the proposed bylaws update to limit access to accountability measures. And we've discussed this on the mailing list. I think significantly, and the council has a comment on this, which Manju shared as well. I just wanted to confirm if I understand correctly, the conclusion of that conversation is that NCSG doesn't need to submit a comment since the council comment is very straight to the point and covers all our concerns. Did I get that correct Manju?

MANJU CHEN: Thank you. I throw that question to the list and from the response, I feel like that's what the NCSG is thinking. So I guess if we all agree that council response is enough, then I mean, if we have to draft up a thing, it's going to be just echoing whatever council is saying, right? So that's what I suggested to the list. I was like, oh, we can either have another, our own response, which is reinforced the message or we do nothing because we think council message is enough. And from the response, I feel like, yeah, like you, I feel like people are saying, well, the council response is pretty much enough. Thanks.

TOMSLIN SAMME-NLAR: Thanks Manju. Okay. That is clear then. I guess the third one is related to the phase two initial report of the EPDP on internationalized domain names and we had no volunteers for this one. And I've just put it up here just to highlight it. I think we still have some time left and we have yourself Manju and I also saw that Emmanuel is also here, who also participates in the IDNs EPDP. Considering that we have no volunteers to write a comment on this, I wanted to ask both of you if there are any concerns whatsoever for NCSG.

EMMANUEL VITUS: Okay, so let me put it this way. Manju, yeah, Manju is also a part of it and Daniel is also here to help. Unfortunately, I mean, the IDN is a very technical subject so I was part of it and I was learning in the process as well, so I was digesting while we are moving. So I mean, I've identified some few issues, I can put them in a Google Doc so that we, I mean, discuss it further because I didn't read some of them during the

discussion in the group conversations because I needed to read more about it, I need a lot of literature about it to understand the technicalities. So I've identified, I mean, a few issues regarding, for example, lifecycle management of the domain names, how do you call it, the registry operator, that discretion in activation variant, those kind of thing, and how they can be, I mean, contentious to the Non-Commercial Stakeholder Group. So I think I can put that either via mail or a Google Doc and share with the list so that maybe, how do you call it? As I said, Daniel and Manju can also help so that we actually work on that together to clarify that. I think that will be all for my end, but what is good is that this phase two report is shorter than the other one because this one is just 20, I mean, preliminary recommendations and implementation guidance. So they are shorter than the other one, which is more than 60. So reading it is shorter and is not that, how do you call it, difficult. I can send a summary about the charter questions and the answers that were provided and probably the issues that I have identified for others in the group to help us put something together.

TOMSLIN SAMME-NLAR:

Thanks Emmanuel, that'll be so helpful. And I think that also makes it easier for, as you said, it's a technical issue. It's quite technical. So it will probably help others who are not very close to the issue to be able to support the comment if you put those initial ideas on paper and share it. Kathy, I see your hand up.

KATHY KLEIMAN: Yeah, Emmanuel, quick question. Are there any, sometimes on technical issues, we have a few positions and I'm so glad you're in the EPDP and I'm so glad you're following this, thank you. And that there are some unique NCSG views. Are there other, and you don't have to answer it now, but another thing we can do in our comments is to amplify registries. If there's a group that's more technical and we're following them and we really like where they're leading, we can also use our comments to amplify and say we support them. And that's a useful thing to do as well. So I just wanted to share that, thanks.

TOMSLIN SAMME-NLAR: Thanks. Adebunmi, I have a question based on your comment. Are you referring to joining the public comment team or joining the EPDP itself? And you can write and chat if you don't have audio. Okay, joining the EPDP. Unfortunately that might not be possible at this time because that is...

All right, I think we have an AOB. I am done with the current public comment proceeding, but I've just noticed with the time we have, the recent AOB that has just come up from Fawzi asking about NomCom update, if Pascal has any. Pascal, you're on the call, would you mind? Pascal, are you there? Doesn't look like close to his mic. So I'll pass it on to Ken, who would like to give one on the transfer policy.

KEN HERMAN: Yeah, thanks, thanks, Tomslin. This is Ken Herman for the record. Just briefly, a couple of weeks ago, I sent around a document with a text of policy changes for change of registrant data that the working group, the

transfer policy review working group is working on. Received a couple of comments. There's been some further discussion in the working group. So sometime this week, and I'll circulate it on the list, I'll update that document that I have on the Google Drive. But if when you see that, if people can really have a read through. I don't see anything that's really outstanding that we need to be concerned about. Although there is a lot of push for reducing the amount of things like confirmations of changes and removal of locks on things when certain things change. So it's good to keep that in mind. So I'm just asking that people be on the lookout for that. And I welcome any comments. And just to reiterate, as I might've pointed out in my message, that this is not final text. There will be other opportunities for updating text, but the working group would like to get an idea of where the various stakeholder groups sit on the text. So thanks so much.

TOMSLIN SAMME-NLAR: Thank you so much, Ken. And that's important. I totally forgot about that, especially because I understand from ICANN staff that NCSG hasn't, well, they said many communities are not participating in terms of giving a lot of input to the transfer policy, that only the registrars and the registries are doing much of the contribution. So I suppose if we can give Ken something or any contribution whatsoever that we flag, then that will probably be helpful as well.

KEN HERMAN: Yeah, just if I may, Tomslin, you are correct that the registrars are the heavy hitters in this. And frankly, it impacts their business processes

much more, but At-Large and the business constituency, as well as the few words I've also contributed, we do have a voice there and those tend to align on one side. And so it's not just the registrars and registries that are making statements, although they do tend to be the loudest voice.

TOMSLIN SAMME-NLAR: Thanks, Ken. Stephanie, I don't know if you're gone. Okay, that's fine. I thought we could get her to speak on PPSAI while she was here, but she's gone. So we'll move on then. I don't know if there's any other AoB, but that is all I had. And I don't see any other AoB on the chat or any other hand up.

Absent that, I'll say thanks for coming and thanks for the conversation and the discussion. That's been very helpful to councilors who are going to be voting on a lot of stuff on Thursday. That was really helpful. Thank you and see you soon. Bye.

ANDREA GLANDON: Thanks everyone. This concludes today's conference. Have a wonderful rest of your day.

[END OF TRANSCRIPTION]