
BRENDA BREWER: Good morning, good afternoon, good evening. Welcome to the NCSG policy call on the 16th of February 2021 at 11:30 UTC. This meeting is recorded. Kindly state your name when speaking and have your phones and microphones on mute when not speaking. Attendance will be taken from the Zoom. Tomslin, I'll turn the call over to you now. Thank you.

TOMSLIN SAMME-NLAR: Thank you, Brenda. Welcome, everyone, to our February call. We'll prepare for a council meeting that'll be on Thursday this week, 18th of February. The agenda is currently on the screen. I'll take this opportunity to ask if anyone would like to add something to the agenda.

Seeing no hands. Bruna, I see you mentioned you want to include the talking point with the CEO. I'll take note of that. With no other, I'll get on to it.

The second agenda item is updates from the council Action Decision Radar which is usually called ADR. I feel like this time, most of the interesting issues are already on the council agenda itself for this month's meeting, so there's not much to call out, I believe. That will be those. I believe we will cover them in agenda item three, so there's no point repeating those contentious issues here. We'll just discuss them in that agenda item when we discuss the preparation for the council meeting.

The only other thing I think I could mention is for those interested in the internationalized domain names and EPDP, I think will be launched

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soon. The charter is currently being drafted. The EPDP will be to develop policy to define and manage the IDN variant TLDs. So, anyone interested in that area might start preparing for that.

I will move to agenda item three, unless anyone had a comment or question regarding agenda item two. All right. Seeing no hands, I'll hand it over to you, Tatiana.

TATIANA TROPINA:

Hello. I see a question from Stephanie on the chat. And while somebody can reply, I'm going to start sharing my screen with the GNSO council agenda.

TOMSLIN SAMME-NLAR:

[inaudible] Do we have anyone on charter drafting team? Yes, we do, Stephanie. I am in there.

TATIANA TROPINA:

All right. I guess, Tomslin, I will take over for now because the question is on the GNSO agenda in any case. So I hope you all can see my screen with the final proposed GNSO council agenda.

So hello, everyone. As you know, my name is Tatiana Tropina and I'm the GNSO councilor from NCSG, and I'm also a vice chair of the council itself. So please do not blame me if you see something strange on the agenda, because it's a collective work.

So the council meeting on the 8th of February yet again has quite a packed agenda, and I will say that it is quite a contentious agenda, so perhaps something for us to discuss. The first agenda item is the usual one, the roll call and updates to statements of interest and review and amend agenda, and then we're going to go through a project and action list. This is something that Tomslin is normally doing at the beginning of our preparation call as well.

And then the first item for the council to vote on is going to be a consent agenda, and there are several items we have there. The first one is confirmation of the GNSO chair, Philippe Fouquart, who is going to serve at the GNSO council liaison to the EPDP 2A work, which is probably quite a thankless task which previously was held by Rafik, but he's not on the council anymore. So Philippe is going to take over as a liaison, because there were no more volunteers from the council to take this job. Any questions about this? I guess it's hard to dispute this consent agenda item.

The second agenda item is the nonobjection from the council for EPDP team to appoint a non-EPDP team member as a vice chair. So a bit of explanation here. The EPDP team 2A, which is currently working on continuation of the EPDP work, and we have Stephanie there, I think she's on the call right now, as far as I understand, there was nobody volunteering in the group to take this vice chair responsibility. Before, it was Rafik who was the GNSO liaison. The reason as far as I understand why nobody from the group has taken this work, because it effectively removes one member from the stakeholder group, from the representation, because the vice chair has to act in a neutral manner.

So right now, I don't know if this is a perfect solution, but Brian Beckham from WIPO agreed to serve as a vice chair. So this is on the consent agenda, and I wanted to ask if anybody has any questions or comments. Rafik, I see your hand up.

RAFIK DAMMAK:

Thanks, Tatiana. I don't think we can be picky here, so someone volunteered since nobody from the working group wanted, that's I think easy to understand. But maybe this is more for GNSO council to think for the next time, since with PDP 3.0, we'd have more opportunity to select different, alternative than a working group. So we can end up with something like EPDP team which means membership-based, and in the charter, I don't think we envisioned how to deal with the role of vice chair, which has kept some standard language about the role. And I know that there were some people [like kind of] sensitive that for example, the liaisons [who'll be the] vice chair and the relation to who'll be the escalation point.

So I think next time or in future, PDP, if we end up with something like EPDP team for like this format, is to think if we also need to appoint a vice chair in addition to chair. I'm not sure if it's really the solution, because we don't have also many candidates for chair position. So v c can be complicated. And probably, need to think carefully because there's also the risk that like in other working groups, SO, AC, they want to have kind of vice chair from each SO or AC. So I don't have an answer, but just something maybe to take note for future so that we don't end up in similar situation. Sorry for the long comment.

TATIANA TROPINA:

No, it's fine, and this is exactly what we were discussing in the GNSO leadership while looking at this agenda and drafting it, that the charters do not—at least charter of the EPDP does not envisage the point where we do not have the vice chair and there is nobody volunteering in the group.

So the role of the GNSO council here is minimal, because we are not voting for it, we are just not objecting to it. So this is the construction here, because it is up to the group to select or appoint the vice chair. The charter says that it is—sort of hints that this vice chair has to come from the group. So a bit of a strange situation indeed. This is a note for the GNSO council to take when they launch the new courses to put more options into the charter, so this process will be much less problematic.

I don't know, Rafik, if this should be the GNSO council remit to appoint the vice chair together with the chair. Perhaps this is the way to go instead of the group doing it. But for now, the way we have chosen to go with is the group is appointing it and we are not objecting. Stephanie, your hand is up.

STEPHANIE PERRIN:

Thank you. And I just thought it was worth mentioning to those not familiar with the EPDP that the current chair is Keith Drazek, our former council chair who is with Verisign, and there was an allegation—like outright allegation—of bias, to put it in one word, indicating that the

intellectual property people, business people were not particularly comfortable with a registrar chairing.

So now we have balance with this appointment of a vice chair from WIPO, because clearly, WIPO folks are primarily focused on the concerns of the intellectual property folks. And that's one of the reasons, among the many that everybody else has described, that we wouldn't consider objecting. We have stasis now.

But it's worth noting that the EPDP, in case anybody thought it wasn't going to be, shall we say, political in the next phase, they're wrong. It's getting quite political. And for those interested in the abuse topic, the APWG and the M3AAWG are releasing a poll to their members as to what the changes that the EPDP has brought to the WHOIS, what impact those have had on their members. So that will be a data collection that indicates that the sky is falling, like the one they did in 2018. I'm sure I'll be surprised if it's otherwise. So just a note on that. Thank you.

TATIANA TROPINA:

Thank you, Stephanie. Rafik, your hand is up.

RAFIK DAMMAK:

Thanks, Tatiana. Yes, it's a strange situation, but the thing is it's also started by GNSO council when we selected that setup for the working group. It's not open working group, and so we added this appointment of the chair, and it's also kind of a representative model. So it's hard to have vice chair from one of the group. And to respond to Stephanie, I think it's really kind of concerning that the idea is we need to create a

balance. There was actually experience in the RPM, having three co-chairs, and that was an open working group, and people thought that we need some representation from different groups, but I don't believe that worked well. So the idea is really for [inaudible] to have a neutral chair, and we need to encourage more people to volunteer. But for vice chair, I think we need more discussion. I don't think it can come from the group if we go to a representative model, because this idea of balance which is quite [inaudible] because the vice chair or chair are there to manage the working group and to ensure they're following the timeline, etc. So it's not about this idea of creating balance at the level of leadership.

TATIANA TROPINA:

Thank you, Rafik. Well, finally, I must admit that the accusation of non-neutrality by just belonging to a particular stakeholder group or having a particular background absolutely insulting my intelligence, I must admit, just for the reason that if you want a chair or vice chair or whomever come in who is familiar with ICANN to some extent, this vice chair or chair would always be vulnerable to be accused about bias just by its very existence within a particular context, be it registry, registrar, intellectual property. Just some people are trying to abuse the process, I think. But I will stop here because I probably have to be a bit more neutral, as the vice chair of the council.

Stephanie, your hand is up. Is that an old hand or a new hand?

STEPHANIE PERRIN:

Old hand. I just wrote in the chat that we really had to have a representative structure after the mess we had at the previous group.

TATIANA TROPINA:

Oh, yeah. Absolutely. I agree with you. I'm just wondering how much council will continue with a representative structure, where necessary and where not. But this is for us to see. So let me wrap up this agenda item. Of course, it could be expected that EPDP will have a flurry of comments, but I think that we have spent enough time on the consent agenda item of the vice chair, which is supposed to be only nonobjection.

So the third item on consent agenda, to confirm if the recommendation report to the ICANN Board about the adoption of all recommendations to the phase one of final report of the RPMs. And I guess it is on the consent agenda because it is a part of the process. We approve this report in January and now we are sending the confirmation to the ICANN Board regarding adoption of all recommendations. Any questions or comments here?

All right, seeing none, I'm going to move to the last consent agenda item, to approve the IFRT recommendation that will require an amendment to the IANA naming function contract. And this is based on the letter from the IANA naming function review team, and perhaps Tomslin can speak more about this. As far as I understood, there was a provision in the contract that was sort of inherited from the contract between US government, NTIA and ICANN, and it was no longer feasible and operationally, it wasn't practical anymore.

So the IANA naming function review team found no value in maintaining this provision anymore, and perhaps even a burden, so they asked to

remove it. And Tomslin, correct me if I was wrong in any of my explanations, because you are one of the authors of the letter.

TOMSLIN SAMME-NLAR: Yes, your summary is perfect, Tatiana. Even better than I think any of the chairs would have done. So yes, that's what that recommendation is about. The current wording demands that a policy is quoted every time, say, a name in a manager, in a delegation is made, for example, and there is no particular policy to be quoted other than some very high-level documents.

So it's not be used and it's not practical at all, because there isn't any [inaudible] for that purpose. That's what that is being recommended, that it be removed.

TATIANA TROPINA: Thank you very much, Tomslin. So I don't know if there are any questions or comments about this. And if not, I'm moving to agenda item four. I don't know how many of you have seen this particular final report on the policy development process to review the transfer policy. I know that we have transfer policy on discussion fore this call later. So the agenda item number four is going to be the council vote on [approval] to initiate a two-phase policy development process on the transfer policy, which is going to be based on both initial scoping paper and final issue report, and the final issue report included a recommendation that the council proceed with two phases in this policy development, and they are going to cover particular topics in sequence. So there would be phase A, which would cover form of authorization,

the phase 1B which is going to cover the change of registrant, and phase two which will cover transfer emergency action contract and reversing inter-registrar transfers.

And frankly, I must admit that while I'm trying to follow this, this is not particularly my area of expertise. So I would want anyone who actually have any questions, comments or concerns to speak up. Rafik, please go ahead.

RAFIK DAMMAK:

Sorry, it's going to be more a question than comment, but I think just about this topic, transfer policy is kind of important and something the registrar care a lot because operational impact, they want to fix it for a while. That's why they are pushing for it. But I just wanted to ask more about here in terms of process or procedure, because from what I recall from the motion, it's initiate the process but you are not going to vote for a charter or really starting any working group yet.

Do you have any idea about the reason, like to try to hurry up, like with this motion, saying that we will have two-phase PDP but no charter or working group to be initiated?

TATIANA TROPINA:

I think, Rafik, that this is the item six on the council discussion. Maybe you have this on the screen. So at the same time, during the same council meeting, there is a charter for transfer policy PDP [inaudible].

RAFIK DAMMAK: [It would be question as well] that in terms of—there was some requirement that you need to [start to do something.] I think maybe in terms of background [of this meeting,] I get that there will be discussion about the charter, but it's a little bit odd. But it's okay, it's just I was wondering.

TATIANA TROPINA: It's a little bit odd to me as well. I didn't ask this question actually during the preparation time, frankly, because as far as I understand, they just want to do everything quickly because it's a very important issue and not to wait for the charter first and then for the start of the process. So the need is to sort of act on this as quick as possible. And I think that this is the only driver here. But of course, we can ask one of the councilors to actually ask this question, why we're doing it in such an odd manner. But I guess the idea was that if you were to first work on the charter, then start the process, it might cause some delay in considering some important issues. Tomslin, you're the next.

TOMSLIN SAMME-NLAR: Yes. And I'm not answering the question Rafik asked, because I don't have the answer, but I had a question to Stephanie, and I see her hand up. I just wanted to know if there are some things in this that are [related or cross] with the transfer policy amendments that she was bringing to our attention on the list. Thanks.

TATIANA TROPINA: Stephanie, I see your hand is up, so perhaps you can tell us something about it.

STEPHANIE PERRIN: Well, and I must say I haven't reviewed that scoping paper to have a look at this, but there's kind of a weird case going on in India. If there's anybody from India who's aware of the details who could enlighten us, that would be helpful, but there's a bankruptcy there, and the bankruptcy court has seized, for lack of a better word, the customer list, I gather. So the transfer is being held up in that way by a bankruptcy court. And I think that's a bit of an issue, because obviously, if you have a business and your domain name is not operating, which I presume it wouldn't be if the company is out of business, so I propose to inquire about this if we have time, because there's some question as to whether the transfer policy is working properly.

Now, bear in mind, ICANN can't do anything about local law, and bankruptcy courts are usually very powerful. But I'm just raising the issue. If anybody knows the details, let us know. And so somebody's got to take emergency action in this case. I don't know how you'd do it.

There's also a privacy issue about how all the data is being transferred without the consent of the individuals in question, and I believe that that has had some debate—not where I live and argue, but I gather that it's an issue that will come up as we do this review. Thank you.

TATIANA TROPINA:

Thank you, Stephanie. I was vaguely aware of this case, and I think that the problem of that, they for some strange reason consider the registration, the domain names as property. And one of the reasons the court is stopping any transfers and holding it is because they might consider it as property.

And unfortunately, yes, this is the issue of the national law, and I wonder how the transfer policy might envisage these things if they can go sometimes in conflict with applicable bankruptcy law for example. So I'm not sure. I don't want to give any false information here because I'm not sure if my idea of what was going on there in India is right. But that was my take on this.

Any further questions or comments? Right. Yeah, Stephanie, I see your comment in the chat, and exactly, I really don't know how to deal with this, whether we can envisage in contract everything that would override the bankruptcy procedures in the particular country and whether ICANN or whoever can take, other registrars can take any or registries can take unilateral actions in this regard if there is some court action in the country. So it's very unfortunate what is going on, of course. Any further questions or comments?

Right. if there are none, I'm going to the most fun item here on the council agenda, and this is the vote on the final report and output from the new gTLD subsequent procedures PDP. And while I see that there is only 20 minutes agenda item allocated for this [vote,] first of all, I'm not sure that it will take 20 minutes and not longer, and secondly, personally I'm not sure whether the vote is actually going to happen, because currently, the motion has been submitted by Flip Petillion and

initially, the group insisted that this report has to be voted for as one package and that the GNSO has to confirm all the recommendations. Apparently, after some discussions in the GNSO, the recommendations which did not enjoy consensus or full consensus and were designated as strong support but significant opposition, like 35.2 and 35.4—they're related to private auctions.

So the first point that there was a discussion at the GNSO council that first of all, we probably cannot approve them. We can send them to the Board only for information, so the Board will take the decision, however, there is still discussion on the council list what to do with this. Do we take any position on this? Do we actually direct the Board to do anything?

And the motion has been changed, not really constantly but it already changed. So the voting probably will take part in two rounds, the first round, [the voting] will go for the recommendations that enjoyed consensus and full consensus, and the second round would be for those recommendations which didn't. and of course, we will probably send them to the Board, although there is still probably a possibility that somebody would demand to reject them officially.

And the question is of course of uncertainty, what is going on if we reject this recommendation, because initially, it seemed that the group agreement was that if recommendations are rejected, everything goes back to status quo. And it is still not clear whether this is still an intention. And apparently, it probably still is.

So I will stop here, because honestly, I don't know where it is going to go. We're still trying to figure out with all the council list discussion where we stand with regards to this motion and whether the voting can actually take place. And it's only two days before the council meeting. Tomslin, your hand is up.

TOMSLIN SAMME-NLAR: Thanks, Tatiana. I'm just wanting to ask, like your last comment suggested, if we have, as a group, any way we lean towards that discussion.

TATIANA TROPINA: Well, I personally lean toward this discussion that we approve the council recommendations which enjoyed consensus and full consensus, and for the recommendation that didn't, we either reject them if it is proposed, or we will forward them to the Board so the Board can decide how it considers them. But I would be very much against approval of them, like confirming them. But this is not even on the table, I believe. So rejection or just sending them to the Board for information would be my preferred way to go, but I'm talking of procedural issues here.

So let me go to the motion right now. So the resolved clause number two, the GNSO council requests that the ICANN Board take note of recommendation 35.2 and 35.4, the two outputs that have obtained strong support but significant opposition, including the rationale and the minority statements associated with those outputs.

And I think it's fair to say that we would vote for the recommendations that obtained consensus and full consensus designation, and then we will just send the two other recommendations to the Board so the Board can decide what to do with this.

So I wouldn't mind this approach. If somebody does, please let us know. In the same way, honestly, I would have voted for rejection of these recommendations, but I think that the Board anyway has to take a note of them, so they would have—in fact, sending them to the Board without approval in full means some sort of rejection in any case, I believe. And if I'm wrong, please, somebody correct me.

Tomslin, your hand is up.

TOMSLIN SAMME-NLAR: Yes. Sorry.

TATIANA TROPINA: Please go ahead.

TOMSLIN SAMME-NLAR: I had a thought, then it left. But I just wanted to say I think the idea of giving some sort of guidance to the Board in terms of what to do with those without any consensus I thought was a good idea, because it seems to me that the Board will simply come back and ask for more clarity again from the GNSO council. That's what I was thinking. But yes, I think I like the approach of calling out those items to the Board. [If it

was] even better to suggest if there is some sort of suggestions to the Board on what to do with them. But yeah, that's just my personal view.

TATIANA TROPINA:

Tomslin, I would actually agree with you. The problem here is that I think that the sort of rush to approve this report in this way comes from the idea that we have an ICANN meeting in March, so having the recommendations which enjoy consensus and full consensus approved would give this report a status in a way that the Board can already consider it as adopted.

And then of course, if there is a lack of clarity, they will be able to get back to us. I still hope that there is some clarity as to what to do with them, because apparently, there should be return to—or status quo should remain.

However, trying to figure out what to do with them further will delay the report, and I think this is one of the reasons why there is sort of not really a rush but some sort of sense of maybe not urgency but let's approve it, let's give it a status so the Board can deal at least with the recommendations that are approved. And I might be wrong here, but I think that this is one of the reasons.

I also think that it doesn't mean that the report actually will be approved, honestly. With all the discussions going on on the list, I'm not certain about it. There are certainly a lot of reservations, especially from the Contracted Party House, and there are certainly reservations about the process of how consensus was designated. So I don't know if these would be raised or not. Stephanie, your hand is up.

STEPHANIE PERRIN: Thanks very much. I do find this a bit odd, and it feels like we are punting the decision on those two recommendations to the Board, which I'm not really comfortable about. Either we go yes or no, and we explain why we're going no. But it does rather read—and maybe this is just the kind of weasel word way that it was worded—like we're saying, "Here, Board, we can't make up our minds on these two." The motion is more clear than the description on the agenda.

But yeah, this is kind of messy. And just because [inaudible] this has gone on for how many years now? I don't see the rush. Thanks.

TATIANA TROPINA: Stephanie, I fully agree with you. I was really arguing with the leadership about this. I do not see any need to rush. I absolutely do not. and where I stand here, I would like this to be discussed at February meeting and perhaps at March meeting. But there is only as much as I can do. When the group request this, when the Contracted Party House leans towards at least trying to vote on this, when the council liaison ... So there is only as much as I can do, of course. Stephanie, if you want a deferral, I think if you ask for it, it would be granted. So we can see how it goes.

I do not see—

STEPHANIE PERRIN: I'm happy to ask for it if you want me to take on—

TATIANA TROPINA:

Personally, I will not ask for this, because I don't know how disruptive it can be. But I think that at the same point, if we feel that this shouldn't be voted for and discussed like this, perhaps it would be best to ask for it. I'm also not entirely happy with how it goes to the Board. So Rafik, your hand is up.

RAFIK DAMMAK:

Thanks, Tatiana. I am assuming that the co-chairs were pushing for the vote as soon as possible for the final report because they want to initiate the implementation also as soon as possible. But regardless, how the council would vote, if you send the report to the board, you approve most of the recommendations or not, the Board will have anyway to review before consideration initiate a public comment and also can for—if—when they will approve, they might not approve everything and send back to the council, and that will initiate dialog. So there is no way to kind of really speed up. We tried to do that for EPDP for a specific reason, because we had kind of time constraint, and still, things are still going on.

So I see there is push, but just to gain a few weeks, [it doesn't seem that civil] here, unless there is really good reason, that should be explained why. Yeah, the working group took more than four years, but also, the co-chair had chosen several occasions to have several public comments, so it was a deliberate choice to go into public comment, etc., and it has to some extent also an impact on the participation in the long run. So it's not clear—I know there's some advocacy from at least let's say one of the co-chair in terms of to rush and to have implementation as soon

as possible, but it's not that good reason to push for decision if there is some concerns.

But in the end, we are talking here maybe just about two not even recommendations but they call them outputs. So still, the council can decide. Even if it's strong support, you can approve it. At the end, what matters is the level of vote, the vote threshold from the council, and that will impact the Board decision if for example they want to recheck, they have also a vote threshold, like supermajority or a simple majority, but other than that, you can approve regardless of the level of consensus if you think that should be the case.

TATIANA TROPINA:

Thank you, Rafik. I'm trying to address some of your points here. First, yeah, I agree there were actually some procedural steps which will follow. For me, it also means that there are enough safeguards to stop something bad from happening and there are enough mechanisms to get back to the council and ask for clarification.

I would say that, yes, it's not only one co-chair who is trying to push for this report. It is the GNSO liaison, it's at least two co-chairs of the group, I think, and it seems to get traction and support on both sides of the houses in some way to give this report some status before the ICANN meeting in March and for our conversation with the Board.

Again, I'm not a big fan of this, but also, I cannot prevent Flip from submitting the motion. So the motion is on the table. So if the motion is there, it will become an agenda item, and you know this, Rafik. So this is it. We're going to deal with this. But also, I do think that the Contracted

Party House have enough questions for this motion for it to be deferred if these questions are not answered, and I believe that this might well happen that they will ask for this deferral. Again, I don't have a crystal ball in front of me. My stance here, where I stood up when I was against voting on it, was that it is 400-page report, several outputs as they call it did not enjoy consensus. It is not clear what kind of guidance we're giving to the Board. Are we just dumping it on them and say, "Okay, go figure?"

But also, I thought that it would be good if council has robust discussion, not driven by the fact that the motion is on the table and not driven by the sense of urgency which I find a false sense of urgency, but really robust discussion, what is in there? What is status quo? What does it mean to go back to status quo? And so on and so forth.

So this is my take on this. I have no idea where this council vote is going to go and whether it is going to happen. But then again, I think that for example, Stephanie, you had valid questions to raise during this discussion, or even on the mailing list, because they did ask for questions. So perhaps this is the time to write to them and ask them as Contracted Party House is doing right now on the list about the motion.

So I will stop here and see if there are any other comments. Yeah, Rafik, I agree that the Board can always come and ask for clarification, and moreover, if I could met some money that they will do—well, I know that there is a Board member listening to the call, so perhaps I should make a tiny bet and see how it goes and whether the Board is going to get back to the GNSO for clarification. I'll stop here, and if anybody has anything to add ...

I would say that I'm not entirely, utterly happy with the process, but it is what it is. It is what we have to deal with, and let's just take this discussion. Avri, please go ahead. Welcome.

AVRI DORIA:

This is Avri speaking and certainly not speaking with a Board position on this, because obviously, we don't—the one question that I have is that if we get a motion that excludes those two, that has been approved, then there's the whole process it goes to of review, community comment and then we go into this whole looking at the ODP process that we're looking at. And it excludes those two. Will we then eventually get a second recommendation from the GNSO that is either full consensus vote of the council—that means we have the supermajority requirement or the other, but just how we'll deal with two different recommendations. Will that be two different comment periods? And how that'll all work is, to me, an interesting question. I just wanted to point that out, that there may be also process confusions that come out of sort of dividing it into separate votes. So it'd be interesting to see.

TATIANA TROPINA:

Thank you, Avri. Yeah, indeed. So the division into separate vote is because we are approving those which enjoyed consensus and full consensus, and we are not really approving the two which didn't. So we're just sending them to the Board for the note. That's it.

AVRI DORIA: In other words, those wouldn't be recommendations, they would just be advice?

TATIANA TROPINA: They would just be the outputs to take into account perhaps.

AVRI DORIA: Interesting.

TATIANA TROPINA: I expect that this wording might go through further tweaks, so I don't know how it's going to go. But the other options were to reject them directly, which sort of didn't get much traction, and also, the problem is that rejection might also lead to throwing them back to the group, which apparently will not be able to reach consensus on this, ever. They're stuck.

And another point was to launch two additional Work Tracks on this, which also didn't seem like an option for us. So we're just taking note, we're not approving them. As far as I understand, Rafik, with these two, there is no dependency like we have with the EPDP, at least nothing was flagged like this.

So, any other questions or comments? Right. So I must admit I'm very happy to be done with this topic right now. So agenda item six, and this is what Rafik asked before. It is a discussion on the charter for the transfer policy PDP. There was a webinar on this, and there would be introduction to the topic and there would be discussion whether there

are substantive changes needed to draft charter and determine next step as appropriate. So I guess this is just a discussion agenda item, and we can see how it goes. Any questions or comments here? I believe that perhaps the question to ask would be, indeed, why are we drafting charter at the same time approve policy and rushing this? But yeah.

Any questions here, any comments? Right, so I'm going to the item seven, which is the council update from the IDNs EPDP charter drafting team, and I must admit I don't follow this one. If somebody follows, please let us know and raise your hand, but this is just merely an update of what is going on. Yes, Tomslin.

TOMSLIN SAMME-NLAR:

Yes. I'd like to say, it's an update. The charter drafting has been going well, which there really hasn't been any specific contentious issues, except for things like where there were no agreement between what is in the SubPro report and in the staff paper that was provided on the IDNs. And that's where there have been some arguments in terms of what should be included in the charter, because the SubPro guys insisted that we shouldn't put any wording that seemed to question the policy decisions made in the SubPro report. So we should be careful how we word them or frame them.

But there's not much contentious issues other than those things like framing and wording. So that's really where it is. That's the update that we'll be providing.

TATIANA TROPINA:

Thank you very much, Tomslin, for providing this update. And yeah, I'm looking forward to this agenda item because it'll also mean that we are somehow done with SubPro one way or another. Any further comments, questions? Now, I'm wrapping up this presentation of the council agenda with the agenda item eight, which is Any Other Business and under Any Other Business, the council is going to discuss EPDP phase 2A project and workplan commitment.

The update from GNSO council liaison to GAC, including his discussion with the GAC point of contact to the GNSO, Jorge Cancio. So we now have a GAC point of contact to the GNSO in addition to having GAC liaison on the council. So there would be some update about this. And we're going to discuss ICANN 70 GNSO session and agenda topics for bilateral sessions like with GAC, ICANN Board and also ccNSO. Any questions or comments about this?

Right. So, if you don't mind, I will then stop sharing my screen, and I want to apologize, I have a meeting at work in three minutes, so I really have to run there. I'm very glad that you allowed me to cover this agenda in time. So I might stay for another few minutes, but yeah, apologies for leaving earlier. I warned Tomslin and Bruna that I will not be attending the last half hour of the call. But hopefully, this is the last time when it conflicts so much with what I'm doing at work. Thank you.

TOMSLIN SAMME-NLAR:

Thank you, Tatiana. Thanks for staying. Brenda, if you could please bring up the agenda again. Thanks, Brenda. So we'll move to agenda item four, I think 4A, which is the concerns you brought forward on the policy

list, Stephanie. And like I mentioned, I wasn't able to have access to the document, so it wasn't too clear or very clear for me. So I'll pass it on to you to introduce this.

STEPHANIE PERRIN:

Okay. Sorry. I haven't been able to act on that and get those documents open, but we have a call this morning at 9:00, so I will raise the issue. As you know, I've been complaining about the stupid Google documents, and the fact that they're not open to people who are not on the committee doesn't seem correct to me. They should be freely available. So I will bring up that issue and maybe defer—we are slowing down on the legal subcommittee, so maybe defer this discussion to the list.

TOMSLIN SAMME-NLAR:

Okay. Thanks, Stephanie. We'll move then to 4.4B, which is just an update on the current open public comments. There are four that are recently open. I've currently only sent the request for volunteers for one of them, and that's the call for—that's the SSAD one, what's it called? The EPDP phase two policy recommendations for Board consideration. I'll be sending three other—spamming, I'd say, your inboxes with three other calls for volunteers. So if anyone is able to, please volunteer.

The other three public comments are the second security, stability and resiliency, that's the SSR2 review team final report. The third one is a very technical one, the additional reference label generation rulesets for second-level. And the fourth one is, we've touched on it today earlier in the consent agenda, that's the recommendations for an IANA naming function contract amendment. We did, as a group, submit a

comment during the initial review public comment period, and this public comment is very specific to—and it's named or titled to only that specific recommendation because the charter, the bylaws deemed to mandate that a second public comment for the report be issued. But it does require that a public comment is done for any change to the IANA naming function contract. So that's why this is named accordingly, not named as the final report comment period.

That's just some background on that one. So I'll be sending three more e-mails asking for volunteers, requesting for volunteers for those comments.

That's it for that agenda item. I'll pause for if anyone has any comment or something to say. Seeing no hands, I'll move on. I think there is one other item which Bruna brought up to be added to the agenda, and that's talking points with the CEO. So I'll pass it on to you, Bruna, if you don't mind.

BRUNA SANTOS:

Yes. Thank you very much, Tomslin. This is very quick. So I'm going to have my one-on-one meeting with Göran next week, and I shared with the list yesterday my suggestions for questions/talking points with him. I decided to follow the communication we sent to the Board a few weeks ago, and then my first talking point is about SSAD and content moderation. So I'm typing in the chat my questions.

And also, the second half of this conversation—and I'm proposing that it's around DNS abuse since NCSG is forming its own taskforce on that. So I put it on the chat, both my questions about both topics. And on the

SSAD and content moderation part, my idea was to insist in some of the questions we had sent in our communication to the Board and CEO. So I ask how the SSAD falls within the realm of instruments for preventing dissemination of illegal content, and also, how the data obtained within that can be related to investigations as well.

And on the DNS abuse, just a direct question if he believes ICANN is working towards security and stability and fighting DNS abuse as much as its mission allows, and if there are grounds for improvement, and then I mentioned our taskforce.

And then my second question would be about the DNS security facilitation initiative Technical Study Group, and also, where this Technical Study Group falls within the org's strategy for dealing with DNS abuse.

These are my proposed talking points, and I guess I just wanted to hear back from you guys whether or not I should insist on them or I should add anything else. I just drafted this from suggestions from both Farzaneh and Stephanie on the mailing list. So I guess I'm open for comments on that.

TOMSLIN SAMME-NLAR: Thank you, Bruna. I'll give a couple of minutes to see if anyone has a comment to make. I see Farzaneh's hand up. Please go ahead.

FARZANEH BADI: Hi. Thank you, Bruna. I just wanted to—if you could maybe modify the comment NCSG has recently formed its own taskforce, because in the

comments that you have on NCSG taskforce, you say that we have framed it like taskforce studying and defining its own understanding of DNS abuse. And I know that we are saying defining the understanding, but the moment you say “definition,” and then the other parties think that we want to open definition topic, which they love because then they can put a lot of things in that definition of DNS abuse. So I suggest that we modify it, and we modify it and say, like just get rid of defining—I can work with you offline to say something to kind of reformat it. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Farzaneh. So, thanks for that. Any other person who’d like to make a comment or contribute to the discussion? I see no other hands. Thanks. We’ll move on to item five then, Any Other Business and administrative matters. If there are any, Bruna, please let us know, and if anyone else has Any Other Business they’d like to bring up, please, this is the time.

BRUNA SANTOS: Tomslin, I guess I have. Just one feedback on the plenary sessions approved for the next ICANN meeting. If you guys remember, we suggested one plenary session topic about, I think, Internet governance, and Internet governance, something that would discuss this definition that the ICANN CEO is adopting and whether or not there would be space for this differentiation. But that one was not approved. The two plenary topics that were approved for the next ICANN meeting are the ones on the legislation, so the regulation going on around the European

Commission. And this is a session that we'll have most likely input from the European Commission themselves.

I'm not too keen on this framing of the session with government officials coming up to ICANN and discussing that, and I have offered NCSG's help if there is space for anyone else to be on this session. So that is one. And the second session that was approved was about—I'm just trying to find out the second name, the name of the second session, but it was about PICs, so public interest—oh, no, registry voluntary commitments, [getting it right,] so these are the two ones that were approved.

Farzaneh, it's not an all-governmental panel, but it's most likely going to be ICANN Org executives and governmental representatives. This is something that I—I mean, I've sent my e-mail to the leadership list and offering the help, but I'm also going to reinforce that position again, because I don't think there is much position in us bringing the discussion about draft regulations to ICANN if it's not to receive broad input from the community. So that would sound a little partial. So just this update on this topic for everybody. Thank you very much, Tomslin.

TOMSLIN SAMME-NLAR: Thanks, Bruna. And I see Farzaneh's hand is up now.

FARZANEH BADI: Yes. Thank you, Tomslin. Thank you, Bruna. May I ask, what is the rationale behind holding this panel? Because before, when GDPR suddenly out of the blue went into effect—which was not the case, but they at ICANN were delayed in compliance with it, it was too late, and

suddenly, the ICANN executives went into this panic mode that we need to monitor all the laws that are being enacted around the world and react, or even when those laws would not even affect ICANN and its mission.

So I wonder if—so, are they arguing that these laws are going to affect ICANN, or what is the rationale exactly?

BRUNA SANTOS:

So Farzaneh, I'm just looking again at the session submission, and one of the rationales are that the community would be better equipped for taking policy forward in a correctly focused manner by understanding the goals and outcomes of these legislations. They also believe that these legislations that they mentioned, when enacted, will fundamentally change the current landscape as it relates to the collection and maintenance and access to domain name registration data.

So the connection here is directly WHOIS, and they want us to better prepare. And this session is broken up into like 15 minutes for a US governmental presentation and then 30 minutes for European Commission governmental representatives, and then a 45-minute discussion/Q&A for the community. So yeah. That's about it. I couldn't properly identify what would be the relation for the US here since it's not to my knowledge that they're discussing any thing related to this in terms of legislative innovations, and that's all I know.

TOMSLIN SAMME-NLAR: Thanks, Bruna. Stephanie, please.

STEPHANIE PERRIN: Hi there. I really don't want to make your life miserable, Bruna, and I know how hard it is to argue for panels in those groups, but I really think we have to have a representative of civil society on that panel. All we're seeing here is the same argument that got us WHOIS in the first place 20 years ago. It's the US government repeating its demands that it put into the articles of commitments. It is rejecting the GDPR and everything we've done based on a flimsy regulation that hasn't cleared parliament yet. And even if it does clear parliament, I am not convinced—and Volker has been making this argument in the EPDP repeatedly—that it doesn't mean anything more than what we've already got, because it doesn't say "do not comply with the GDPR," it says, "In compliance with the GDPR," which is what we've been working at.

So it is about as useful as those cries coming from the cybersecurity guys in the RDS working group where they said, "Well, Congress will stop that law. Where do we go to stop that law?" This was the objection to us trying to comply with the GDPR. Anyway, I just think we have to have somebody there, otherwise it's a stitch-up between these two agreeing governments that their efforts in the law enforcement area are being thwarted. Thanks.

TOMSLIN SAMME-NLAR: Thank you, Stephanie. And I see Bruna is just saying she'll follow up for someone from civil society [being there.] So I see no more hands on this topic. Is there Any Other Business that anyone would like to bring up?

I'll pause and wait. No hands come up. That brings us to the end, then, of our meeting today. Thank you all for joining, and if you can, please listen in to the council meeting. Observers are allowed. So yes, please do. And look out for my call for volunteers, please. Thank you.

[END OF TRANSCRIPT]