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BRENDA BREWER: Good day, everyone. Welcome to the NCSG policy call on the 22nd of September 2020 at 13:00 UTC. This meeting is recorded. Kindly state your name when speaking for the transcript and keep your phones and microphones on mute when not speaking. Attendance will be recorded via Zoom. I'm happy to turn the meeting over to Rafik, policy committee chair. Thank you.

RAFIK DAMMAK: Thanks, Brenda, and thanks to everyone for attending today's call, the NCSG policy call. It's our monthly call that we usually schedule in the week when we have the GNSO council meeting. As you can see, our agenda is the usual one. We'll try to go through the GNSO council agenda as much as possible to discuss the topic for discussion and motion that are put forward in a way to have that opportunity for the councilor to interact with our members and get feedback, but also share updates about what's going on and explain about GNSO council activities.

Then, if time permits, we will try to hear about other policy updates and then if there is Any Other Business, any topic that we think is good to discuss today. So that's just a quick overview about the agenda and how we're planning our call for today.

KATHY KLEIMAN: Rafik, I have my hand up to ask an agenda question.

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RAFIK DAMMAK: Yes, Kathy. I was just finishing. Please go ahead..

KATHY KLEIMAN: Perfect. hi everybody. Good morning, good afternoon, good evening. I'm only going to be able to be with you for the first half our of the call because I chair at 9:00 the rights protection mechanism PDP working group, which has changed its meetings from Wednesday to Tuesday and Thursday to try to get through its agenda. Rafik, before I leave, I'd like to actually suggest we invert the agenda because we've got some really important things happening in the working group [inaudible]. So if we can do that while I'm on the call, I think that'd be great. I actually have three things that are kind of timely and important and I need to raise for this group. And if we do the traditional agenda, by the time we get to it, I will be off on the other call. It has to do with the SubPro working group and then with the rights protection mechanism working group, and some of it overlaps with things on the agenda. So I was wondering if we could be a little loose about the schedule today.

RAFIK DAMMAK: Okay. We still have a quite important agenda item which is EPDP phase two final report vote, because we need to make our mind to how to vote for that one. Checking the time, I think if we will have to do some swapping, it means that we have to be mindful about the time if we're going to talk about the project change request for RPM.

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KATHY KLEIMAN: And you need me if you're going to talk about the project change request for RPMs since I'm one of the authors.

RAFIK DAMMAK: Yes, Kathy, but at the end of the day, in terms of the agenda, for GNSO council, it will be just discussion. We're not going to make any decision yet on that PCR.

KATHY KLEIMAN: You're not voting on that on Thursday?

RAFIK DAMMAK: No, we're not voting.

KATHY KLEIMAN: In that case, the big thing—and I'm happy to answer questions about that and why we need a small extension to finish up an RPM—right now is the subsequent procedures working group comments that are due on the 30th. And I'm not even sure we have a committee. That's the big thing pending, Rafik, and I would love to be on the discussion of that because it's important and it's coming up. So if we could move that to the first issue, that would be great, and then I will leave you to the other very important issues that are on the agenda. Thanks. That's my motion.

RAFIK DAMMAK: Okay. First, Brenda, can you please share the GNSO council agenda? Okay, so quick going through the agenda, as usual, for those maybe who

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are not familiar, let's follow the usual template. The first item, that's administrative matter, that's not something we should worry about. Second item is the project liaison action items, but here is no plan to cover that in the next GNSO council meeting. All councilors are requested to review beforehand and raise any question if they have on the mailing list. And for the interest of everyone, I advise and encourage all to check on a regular basis the project list that went through several iterations, because you can find all information about ongoing working groups and other GNSO activity, and the same also for the action items which show more like what was agreed and the follow-up from previous GNSO council meeting.

The next agenda item is the consent agenda, for that one, I think the most important is the action decision radar. Since we have one action to be approved, which is regarding the IGO INGO to deal with recommendation 5, and that's to initiate as one of the first actions the expressions of interest process for the Work Track chair and also to have a call for members and observer to join this IGO Work Track. And why I'm raising this is that this is something we'll have to deal with at the NCSG level, is that we need to appoint representative to the IGO Work Track. Doesn't mean it will start right away, but just going with those kind of preliminary or preparatory action that can be taken, and leave enough time for all groups to organize themselves in terms of appointment and also to encourage candidates for the chair.

The second one is just approval for the customer standing committee, just to approve the membership, so there is nothing really to discuss there. With that, and going quickly through the consent agenda,

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checking if there is any question, let's go to the change request, which I think is agenda item number five.

So here, this is a discussion item for the council since we received a project change request from the RPM working group leadership asking for an extension to their timeline to finish the work for the finalization of the final report, and in that project change request, we should follow a template that was created by the PDP 3.0 implementation team. The explanation or the rationale about that extension and also the mitigation or measure to be taken by the working group and the working group leadership.

So if you check that project change request—and you can find the link in the agenda, you will find the explanation from the working group leadership regarding that change. And in terms of how the GNSO council will deal with that, we'll have an update from the GNSO council liaison to the RPM, but also the working group leadership are invited to discuss with the council. So we'll consider and determine how we should proceed with this change request. So it means that there might be changes or asking for other, next steps and so on. So it will be a topic for discussion. We didn't hear yet anything on the mailing list from the councilors, so we'll know more about the reaction on Thursday.

With that, let me check the queue. Yes, Kathy.

KATHY KLEIMAN:

Again, I just want to see if any councilors or anyone on the call had any questions about this. John McElwaine will be the liaison. He's the liaison to the rights protection mechanism working group. You will have the

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other two co-chairs there, Brian Beckham and Phil Corwin. I will not be able to attend because it's part of my three-hour teaching block when this issue is due to come up before the GNSO council.

So I just wanted to see our councilors, do you have any questions? I know there's going to be a lot of jokes about deadlines and things, but this is the end of a four-year process. If anything, it's a very end. We extended our comments during COVID by about a week because they were due at the heart of COVID and we were asked to do it, including by NCSG.

So that's part of the slight delay that's here. We also got a lot of comments, I think over 50, and that took a long time to review. And they were just like what the SubPro working group has now where you have comments and you comment to many questions individually, or you respond individually. That's what we had, so we had dozens and dozens of questions, which we called recommendations, and then we had responses from up to 50 groups. So there was a lot to sort through. But for us, we're at the very end of phase one and this is the closing and we just want to do it right before the end of the year. So I do want to see if anyone had any questions. And I hope people don't give Brian and Phil a hard time. They worked very hard. We've all worked very hard and we're very tired. It's been a long road. Our members have worked very hard in the working group. So, thanks to anyone who's participated there.

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RAFIK DAMMAK:

Thanks, Kathy. I don't have a question, but I will have a comment. I think it's quite important. Unfortunately, I expect Briand and Philip will get a hard time, because one of the issues here—you might understand the reason with regards to the public comment review, it's taking more time, is that this is a second extension and as you know, there was before the discussion between the council leadership team and working group leadership team about the timeline and other issues. So I think they need to be ready for hard time and a lot of question. It's not that simple. So I'm just here kind of trying to be candid about what can happen at the GNSO council meeting. To be honest, it's not about jokes, it's about the timeline, it's just, here, how can we avoid a situation that working group kind of keep extending their timeline many times. So we need to know how we can fix this issue and identify them from the beginning. So I think everyone is responsible at the end, and we own it if there is any issue.

So yeah, but at the end, we will see how things will go. Now people are assigned to the mailing list, so I'm not sure about different group position and who will raise some comments during the GNSO council meeting. So I just want to add some context here.

KATHY KLEIMAN:

Can I just respond briefly, Rafik?

RAFIK DAMMAK:

Sure.

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KATHY KLEIMAN:

First, the note that we're not holding anybody up. The rights protection mechanism working group work feeds into the rest of the new gTLD applicant guidebook, and the SubPro is now out for its second comment. So we're not holding anything up. Asking for an extra 40 days doesn't hold anything up.

Also, I hope the council will remember these are volunteers, these are huge working groups. We are now meeting two days a week, 90 minutes. I think that's insane. I actually think that's utterly unfair to our members, our volunteers, but we're doing it. So when you think about this, please think about COVID, please think about the fact that many of us, especially women, are dealing with considerable extra burdens and so we can't kill our volunteers and we need to take into account the world that we're in. And I hope everyone will. At the end of the day, we're still volunteers. Thanks, Rafik. Back to you.

RAFIK DAMMAK:

Thanks, Kathy, for the response. Anyway, just trying to give context here and guessing what can be the reactions. Yeah, I understand that we all are volunteers and we have different situation and issues we are dealing outside ICANN, and unfortunately, we have our lives outside ICANN. But I think there are also other issues that might arise that have nothing with those factors. So there are a lot of questions. But at the end of the day, what we are looking for, this PDP should finish, the same also for the SubPro. We expect both of them to finish before the end of the year so we can talk about the next steps and what we have in the pipeline for GNSO in terms of PDP. So that's why also there are several activities that are being put on hold or kind of we are trying to not to start kind of



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the main work and other PDP because of that. So that's why there will be a lot of question and comments. So it's important to have that in mind and to have the full picture.

Anyway, again, it just will be a discussion. I'm not sure what can be proposed maybe in addition to what the PCR is suggesting as actions. I think what is important is to have that commitment from the working group leadership team. And so I think in terms of commitment to work together, about the decision making, etc. So I think that will be helpful if we can get the final report and that's what matters at the end. Okay. Any question, comment on this?

Okay, and at the end of the day, I think all PDP requested project change requests, so I think all they are guilty of that. This is just trying to make some humor about that, but yeah, that's the current situation.

Okay, so let's go back to the previous agenda item if there is no further question or comment about the PCR, project change request for RPM. So I think this will be the main topic for the GNSO council meeting, and I think quite important in terms of possible outcome, and this is the vote with regards to the EPDP phase two final report.

In the previous meeting in August, we discussed more about the process, how we'll vote, and also about like what we can suggest in terms of voting, to split the recommendation in two categories or buckets, those related to the standardized system for access and disclosure, and the other for priority 2 items.

So I think for NCSG, we'll try to have more briefing and discussion about the final report itself, so we had two webinars, so went through most of

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the recommendations for the final report. And thanks again to Amr to volunteer to present the substance of those recommendations. and then we had a webinar when we tried more to focus about the possible scenario and how things can go in terms of voting and the next steps after the council approval and when moving to the board. So it's more to explain the different situations we can have in terms of approval for the EPDP phase two final report.

So this will be the first opportunity to vote, and I say this because there is always that procedural possibility for someone in the council to ask for deferral, and the deferral is at the discretion of the GNSO chair, so if we find there is a good reason for deferral, he can grant it and so it means that the vote will be done in October. Otherwise, there is no deferral and we'll just have to vote on the motion on that day.

So just maybe to explain a little bit and quickly about the motion since we already discussed about it in the previous webinar, but just to have everyone on the same page, is basically saying—and this is the [resolved] number one, I think the most important here in terms of decision is that we will vote separately on 1A and 1B. We have resolved one and two, and resolved one has A and B. So the GNSO council in resolved 1 will adopt recommendation from 1 to 18, and that's for the SSAD. And what we are adding there as caveat is that since there are some questions surrounding the sustainability of SSAD, and some of the concern that you can read and different minority statement from the groups involved in EPDP. The proposal is that GNSO request a consultation with the ICANN board as a part of the delivery of the GNSO council recommendation report to discuss this issue, including whether further cost-benefit analysis should be conducted before the ICANN

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board consider all the SSAD-related recommendation for adoption. And in the resolved number two, it's for GNSO council to adopt a recommendation to the ICANN board, the adoption of recommendation 19 to 22, and those are regarding the priority 2 topics. So it's one motion but there will be two votes, one for the SSAD and the other priority 2, and we want to kind of separate them because the interdependency is only in the SSAD.

So I think after all the presentation and the webinar going through them and highlighting the particular issue of the financial sustainability, what we have in the motion, in particular regarding this engaging discussion between the council and the board, and also having that cost-benefit analysis, is something I believe acceptable for us and something that can help at the end in terms of getting the recommendation approved by the council to be also approved by the board..

So I think in today's call, it's time just to reach the conclusion on this EPDP phase two final report in terms of voting and having everyone to understand about the next steps. So I hope that my brief explanation is clear, but I'm happy to answer any question or provide further details with respect to this agenda item.

Any question, comment? Okay, I see nobody in the queue or any question. Let me know if you have any question, comment. I know that we [inaudible] to discuss previously this, but this is kind of the time to wrap and reach closure on this topic since we will have to make a decision on Thursday. So it's important that everyone has a good understanding about the possible outcome and the impact of voting to approve the EPDP phase two final report. Juan, please go ahead. If your

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speaking, we cannot hear you. Brenda, Maryam, can you check the issue, please?

BRENDA BREWER

I also note that his line was unmuted.

RAFIK DAMMAK:

Maybe we can try later. I'm not sure what's the issue.

BRENDA BREWER

Juan, I'm happy to dial out to you if you want to provide a phone number in a private message to me.

RAFIK DAMMAK:

Yeah. Thanks, Brenda, but seems also [inaudible] maybe write his comment or question in the chat. Whatever is the quickest to get his comment will be fine. Okay, let me see if there is anyone else in the queue.

Okay, thanks, Juan. Yeah, I think it's for all councilor here to share their thoughts. I think after the different call and how things are progressing, an also with the latest information that we know now that Contracted Party House will vote in favor of the recommendations, and I think with the current text and the motion and that idea of engaging with the board, which it will be helpful in terms of clarifying about several recommendations to the board and also providing any implementation guidance that as we did for phase one. I forgot the recommendation

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number, what that was for the organizational [inaudible]. So we know that the board, they will take all input in terms of reviewing or considering the recommendation, like the feasibility, the cost, but also what they see as public interest, and so having discussion with them will be helpful, but also, [inaudible] it's possible for them to maybe not have full consensus or consensus, so with what we are proposing, we can prevent a situation that the kind of recommendation we think important for us to not be approved by the board.

So my personal position will be to vote yes for this recommendation. At the end of the day, the GNSO council is the manager of the process. NCSG, we participated fully in the process since we had representation there, and we made our points clear and also, there was the minority statement about the recommendation we had issue with. So I think in terms of process, there is no specific concern. And it's not the place for the council to rewrite their recommendation.

So I think we might not be happy with everything, but I don't see what could be done more or what can we do better, and I'd say in the environment where we are operating. So personally, I will encourage to vote yes. But at the end of the day, it's also for every NCSG councilor based on the input reading the final report, minority statement, also attending the webinars we had, discussion and opinion we shared, and also the presentation made at the GNSO webinar, so to make their opinion. I will stop here. So I hope that answers your question.

Any further question, comment? Stephanie, please go ahead.

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STEPHANIE PERRIN:

Thanks very much, Rafik. I think it's important to stress here that we have put an immense amount of work into this. We had a big team. It's taken a very long time. Yes, as Rafik has said, we're not happy with everything. You win, you lose. But the kind of shenanigans that have been going on at the last minute, just don't hang well on people, if you know what I mean by that expression.

We are abiding by the process. We accept that the whole business of coming to a consensus position is that you win some and you lose some. We've won quite a few. We're not happy with a few things. But I think it shows very bad grace to vote against something just because you didn't get your way every single time.

Now, it's different in other processes where nobody even listened to us. You'll certainly see me voting against things where we were totally ignored. But I would strongly encourage councilors to vote for this motion and get it through, and we'll deal with any fallout that happens in the next phase, namely on the IRT. That's all I have to say. Thanks.

RAFIK DAMMAK:

Okay. Thanks, Stephanie, for the comment. And just maybe to add [inaudible] IRT. I didn't kind of [inaudible] about the whole recommendation, and resolved number three, so with regards to the IRT, we are suggesting, because the IRT is not initiated by the GNSO council, but we are suggesting that existing EPDP phase one IRT also to take on this task for the phase two. So the same IRT will continue the work with regards to implementation of phase two final report if it's approved by the board. So just clarification here, which means a lot of

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work too because the IRT still working on phase one and they missed the previous deadline.

Okay, so let me check if there is any question or comment. So this is just important, in particular like for the next GNSO councilor, because even if we are discussing now about the approval of this, it doesn't mean that things will end there when we approve the final report. As I explained, there will be more the engagement between GNSO council and the board, and then we will have to wait for the board decision and many things can happen then, and after [inaudible] implementation. So it's not just this time but it's a long process and there are several milestones. So I just wanted to emphasize for our incoming councilor to pay attention and follow this closely. And feel free to ask any question or guidance in particular to get better understanding about some of the recommendation, the context, the rationale, why we ended up with this recommendation and this wording, etc. If you read the report, there are more information [inaudible] from those who participated in the EPDP process.

So again, the PDP is just a part, and then the approval, but it's a whole process and the implementation is something we always need to pay more attention because we will see later on in fact a case or example how things can go wrong regarding the implementation, and it'll be about recommendation number seven from phase one and how there can be impasse on just how to interpret recommendation. So we'll see an example why implementation matters a lot.

Okay, if there is no question or comment, I guess we can move to the next item. If anyone wants to jump in, feel free to do so at any time. So

we already discussed about agenda item five, so we can move to the next one, agenda item six. This is still about EPDP phase two but it's about some of the items in priority 2 that were not covered since we had first a strict deadline of 31st of July after we get the last extension with the last PCR for the EPDP.

So those priority 2 items were not considered as in critical path for the SSAD since they are also depending of study from the ICANN Org, so they were deferred and put for the GNSO council to consider about the next steps. There is also another item, but that was even by guidance from the GNSO council to be removed from the scope of the EPDP and to be considered separately.

So in terms here of the full context, [inaudible] talked about those three priority 2 items that could not be considered or end up with a policy recommendation from the EPDP. So the GNSO council had to come up with the next steps. So in June, I worked with the staff to propose a framework for the next steps. After discussion, it was decided that we needed a small team to work further on those next steps and proposal, and so I led that team and from NCSG we also had Tatiana there.

The proposal from the small team was submitted for GNSO council consideration. In general, there was support for what is proposed, but the main point of contention, and that was also the same in the small team, was about the timing. It's when we need to start the next steps.

So what is just kind of high-level [inaudible] for two items that are in the scope and the charter of the EPDP that could not be covered is to reconvene the EPDP team in future for a short time, strict timeframe, to

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work on those items, and it was made clear that we are expecting the groups who expressed [inaudible] so we're not going to have to rehash the same deliberations, it's to focus more to come up with a solution.

The other track—so the proposal was to have two tracks, one track for the two items and another for accuracy. And for accuracy, having a scoping team to do better scoping of the issue of accuracy, to understand what we mean by accuracy, what we are trying to achieve, and that it can lead to initiate a proper PDP.

So the concern was about the timing because you have a group, they want to start right now, even when we are still discussing about EPDP phase two final report, they wanted to start right now to kind of reconvene the EPDP to work on track one and to have the scoping team to start the work. On the other hand, you have another group that thinks we have to wait. First we need to see the outcome of the final report consideration and we can start later on without putting burden on the volunteers.

But since we have more or less support of the approach suggested regarding the two tracks, we tried to kind of move away from this timing issue and to focus on more concrete action, so GNSO council leadership took the proposal and tried with the staff to focus more on what can be done as next concrete steps before we kind of initiate properly the two tracks. So just to give quick overview of immediate action, it's like first to communicate to the group that have members to EPDP just to confirm the availability of their members, and for those who expressed interest in the topic to develop proposal. And the GNSO council need to consider about the leadership for the EPDP, so who will

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be the next chair for that short timeframe of three months and if we need to appoint a new chair, etc.

So it was kind of preliminary action to decide or to make before even starting. After that, when we confirm, we hear from all the groups about the availability and council make decision or reach conclusion on the leadership question, then we can give the go ahead for the EPDP to reconvene and give the EPDP team three months after reconvening to come back to the GNSO council with a report on the status of the deliberations. And from there, GNSO council will decide on the next steps. So maybe just for reference, you can find those details here.

The same also for the other track. We have other next ... How to say, immediate action, is to communicate with GNSO SG and C, as well as ICANN advisory committee that expressed interest in the topic of accuracy as to start thinking about members, having the relevant knowledge and expertise to join the effort when the scoping team start, and also to compile relevant information and suggestion that will help the scoping team, also to request ICANN Org to develop briefing documents that outline existing accuracy requirement and programs and the impact that GDPR has had on implementing for enforcing this requirement.

And yeah, GNSO council to consider in the context of the council action decision radar the appropriate starting time of this effort. So the proposal are not that different from the previous one, but it's more focused here on some immediate action that can be taken without being specific about the start time for the two track. Okay, I will stop here, but I just want to emphasize that I think for NCSG, we don't have

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particular issue with those proposals. We need to act quickly about the representation in the EPDP. I think we might need to do some changes and we need to confirm with the availability of representatives. Even if we say three months, it's still substantial or substantive time for any volunteer. So it's something for us as group to prepare for.

Okay, I will stop here and see if there is any comment. Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks, Rafik. I just wanted to point out with respect to the first phase one final report and the second, it's not every day that PDPs address legal compliance, so this may be a particular anomaly to the privacy issue, because we're trying to comply with a law this time, and of course, other PDPs and working groups who've been on such as the conflicts with law, we were trying to not comply.

Anyway, what happens in this attempt to reach consensus is that we have at some times come up with muddled language that made some people feel happy because it placated their desires, but muddy language isn't at all useful when you're talking about compliance with law. So I'm afraid that the IRT—well, it's already hit a couple of log jams, and I expect it will hit more. Certainly, this issue about whether someone's a legal person or an individual has been thought out at some length when we did the privacy proxy working group, and still, people aren't happy. So we're going to have another go at it.

It's very frustrating, and I think it's something we might want to comment on in terms of the success of a PDP. Watering down language

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so that every side is happy may help to get something shoved along and the process ended, but it doesn't help at the next phase of implementation. Thanks. Just wanted to say that. I don't know how we would do that. Write a commentary, I guess, but just something for councilors to think about.

RAFIK DAMMAK:

Thanks, Stephanie. So maybe just to respond to your comment about the three months, that was quite discussed at length on the small team, and it was made clear that we don't want things to go for a long time. We know how the deliberation went in phase one, in phase two, and so to avoid that, there is the time frame of three months, and after, the EPDP team, through the working group leadership, will come back to the council to report on the progress and expected likelihood of consensus recommendations. So if we think that we are not going to end up with a policy recommendation or any proposal, we are not going to keep that for too long. So the thing is to avoid deliberation going forever and people trying just to keep that for too long. So if there is no progress or it's likely that we'll end up with something having consensus, we just stop there.

And also, the kind of burden here was put on those groups who expressed their interest in the topic and made that clear in their minority statement. They have to come up with a new proposal, something to move forward. So rehashing the same argument, etc., is not going to be really helpful and we are putting that burden on them to come up with something to move forward. If not, we will end up there, we are not going to have it for longer time.

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But at the end, then it's really for the next GNSO council to pay attention for that and to be clear about the expectation, but in terms of the next steps that we are suggesting right now—and also, the whole thing is to communicate with those groups, because they kind of reiterate their concerns about the SSAD recommendation, but also about the priority 2 items and they are being vocal, so we are making clear here that the GNSO council is listening and acting. But also, we are mindful about not making things lasting for too long if we are not going to end up with a result.

Okay, let me see if there is any question or comment. And I'm not sure which link you are talking about, Kristi, but I will look to find it later on. Okay, in the document. Yeah, all advice from Bird & Bird are in the Confluence page of the EPDP page, and I can share it in the mailing list. Oh, I see. Okay. All of the documents are in the working space for the EPDP team.

Anyway, any question, comment? Okay, so again, just to stress or emphasize here, I hope that we will reach conclusion for this one in the GNSO council meeting, but [inaudible] we will be close to do that, and maybe it will kind of have some approval by October. But again, it will be for the next GNSO council, really, to follow up and track this more closely. So it's important to be mindful when to kick off those different activities. And also, we'll hear a lot about the momentum and we need to do it quickly, but those are really a weak reason to start. If we want those activity to succeed, we need to put the condition for success and trying to start them as soon as possible is not one of them. So just this for our next GNSO councilor to be careful and conscious about this.

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Okay. Any comment, question? Okay, so let's move to the next agenda item. Sorry, it's still about the EPDP, but this one is about discussion regarding EPDP phase one recommendation number seven, and its relation to the Thick WHOIS. This is not the first time we discuss this topic at the GNSO council level. In fact, it started by a letter we received from the board asking GNSO council position about recommendation 7 and also about the IRT discussion, and since then, we are following this topic and we asked the GNSO council liaison, Sebastien Ducos, to follow up and try to understand the issue and resolve it at the IRT level.

So Pam Little, who is a GNSO council vice president for the Contracted Party House and myself took the lead for GNSO council to follow up on this issue since Keith Drazek, the GNSO chair has to recuse himself since his employer, Verisign, is directly impacted by the Thick WHOIS transition policy.

So we had several calls with Sebastien to try to understand about the current status of discussion or deliberation at the IRT, what are the different positions, what he's trying to do to resolve that. And after several [weeks or months,] now we will have a proper updates from him, because in previous call, we didn't have enough time to do so, but for this time we will have it in the agenda, and he also sent a full report that you can find here. It should be here, but for some reason, it's not listed. I will try to find the document or the report he sent, trying to summarize the different positions in the IRT.

Just to explain about recommendation 7, it's basically about the transfer of registration data from registrar to registry, and it goes about what is must or may be transferred, and to be transferred, they need a legal

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basis for that. So this recommendation is kind of in contradiction with what we have for the Thick WHOIS and so we have kind of different interpretation in the IRT by the two different sides, and that replicates what we have in the EPDP team. So you have in other side the IPC, the business constituency, and the other, the contracted parties and the NCSG. So for the contracted parties and NCSG representative, they are arguing that the implementation of this recommendation should be about the intent of the recommendation and not trying to rewrite the policy or to use [inaudible] thick WHOIS policy can be a legal basis, which should not be the case.

So again, the issue here is we got the policy recommendation but to implement it, we are discussing about the implementation and how even after all the deliberation at the policy level, we still have a group that is trying [through the opportunity of the] implementation to change the intent of the policy recommendation or to rewrite it and so on. And other actor here is also the ICANN Org, since they are leading in fact the IRT, and so their position is to follow what they are hearing from the board. And this is kind also a strange situation since the board liaison here, Becky Burr who is a board member expressed her opinion and her [inaudible] number seven.

So yeah, it's kind of an impasse, and it's coming here to the GNSO council. We need to give guidance to the IRT and how to deal with this impasse and to move on. I will stop here, but maybe I can add that we also had an opportunity yesterday for council or IRT to discuss with contracted party house councilor and IRT members about this topic to have common understanding about the issues and to be aligned at the GNSO council level.

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So I'll stop here for any question or comment, and also note that Stephanie, who is a member of the EPDP and also member of the IRT, so she is probably more aware than me about the issues with recommendation 7 and the thick WHOIS policy. Any question, comment? Yes, Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks very much, Rafik. I've been kind of frustrated by the discussion with respect to this thick WHOIS, and as folks may know if they've read the legal opinions, Bird & Bird gave a positive legal opinion on whether or not that policy could proceed, and I'm not sure that they were particularly well briefed.

The policy in my view—and I stand to be corrected by those who sat on that committee, but originally, when the sale of domains was opened up, Verisign was forced to remain a thin registry. In those days—we're talking '98 here—there was a lot of fighting about who got access to customer data. And I regard this particular decision as one where they were attempting to get rid of the Verisign monopoly and not favor Verisign in immediately gobbling up all of the new open market.

So they were forced to be thin, and the decision to make all registries thick, while there's plenty of other policy excuses, the fact is Verisign is still the 900-pound gorilla in the room because of the prevalence of .com and .net and all the other early domains that they are the registry for.

So the anti-competition, or at least the competition regulation reasons for keeping Verisign as a thin registry remain. And yet, you haven't



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heard a squeak about that. Or maybe I haven't gone through all of the discussions on the thick-thin PDP, but I think it was a bad shift to begin with. And of course, it has the effect of moving all of the data into the United States because Verisign is headquartered in Virginia.

So in the post-Schrems II environment where the transit of data to the United States is once again being examined, it doesn't make sense to permit this. Now, to be fair to Bird & Bird, their decision came prior to Schrems II and it was based entirely on the questions that they were asked. Now that they have Schrems II, I think we have to reexamine this.

So that's my view on the matter. When I heard about the thick-thin PDP, it was while I was working on the experts working group, and as far as I'm concerned, even prior to the GDPR, that was a processing activity that could not be justified and struck me as something entirely rather fishy.

So that's my two cents on this, so we'll see what happens, but in the view of many, the thick transfer is dead and we should abandon it. The argument that the Bird opinion rests itself on is redundancy in the event of a problem with a registrar. Well, we've got an escrow policy that is supposed to manage redundancy and ICANN is the party to that contract and has access to all the data. So I don't think redundancy is a useful argument. Anyway, I could go on for hours about this. I suspect this will last for a while. Thank you.

RAFIK DAMMAK:

Thanks, Stephanie, for explaining about the Thick WHOIS and why we are in this situation here. If we go back to recommendation 7 and what is

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possible to do from GNSO council perspective is to give guidance for us to the IRT so they can move forward, because they kind of, I think, spent some substantial time to discuss this issue and it seems kind of [blocking,] but I think also for GNSO council, and this is also related to the phase one recommendation 27 which is about like the impact of the recommendation and existing policy and procedure is probably, and the more logical next step is to initiate a new PDP to revisit the thick WHOIS policy and to comply with GDPR. So something that probably GNSO council need to decide in future, and so having to initiate PDP, there are some steps to go through, but I think that's the most logical one to take, in addition also to go through other existing policy and to review them

There is still a lot of work to do with regards to phase one recommendation, and as you can see, even we talked about approving the final report for phase two, there's still a lot to do with regards to phase one. Okay, let me see if there is any question or comment.

Please let me know if you have any question. I know that we are mentioning a lot of a lot of acronyms, we talk about particular recommendation and like procedure, but it's really good opportunity to [inaudible] what really the GNSO council is about and what it's dealing with, all details and all those building blocks related to policy. So please let me know if you want any clarification or if you're having anything you want to ask about. There is no stupid question.

Okay. I guess with that, I can move to the next agenda item. So we are moving from policy discussion about the substance, and we'll have this council discussion with Q&A, with the GNSO chair candidate. So this is quite unusual in fact, because for the Q&A or the interaction with the

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candidate for the GNSO chair position, it happens usually at ICANN meeting on the Sunday during ICANN meeting when the GNSO has its working session, so it's more like in the face-to-face setting, and also, I think if I'm not mistaken, the GNSO council public meeting during the ICANN meeting on Wednesday. But since we are in this different setup with the virtual meeting and we don't have that working session, we moved to our September meeting to have this first Q&A session with GNSO chair candidate. So we have only one who was nominated by the Noncontracted Party House, that's Philippe Fouquart, and we had, if I'm not mistaken, two calls with him to ask him several questions before nominating him for this position.

The Contracted Party House chose to not nominate any candidate. So he will run unopposed. Saying that, it doesn't mean that we just should vote for him. I think it's important, and this is for the incoming councilor, because it will be the first action by the newly sat GNSO council to elect the GNSO chair, so it's important for them to read his statement of interest that was sent yesterday. It's four or five pages, he explained about what he sees about his role or priorities, etc.

So I think it's important to read and to review the statement of interest of any candidate because after that, you have to keep them honest and to see what they committed to do and what they didn't. So also a good opportunity to understand what the GNSO chair thinks or how he sees his role. So even if you just have one candidate, it still is good to ask the question and to make it clear what you are expecting from him.

And I want to kind of really stress about that because I'm talking from experience being for three years GNSO council leadership. Even if you

have a team with a vice chair and chair, the chair has an important role. He is the person that he is interacting directly with the board, with the CEO, with the SO and AC chairs or leaders, he is being the point of contact for the staff. He also usually appointed with empowered community as a representative, and also, there is this trend or change in ICANN that there is regular SOAC leadership call, so he will be there, he is supposed to speak on behalf of the GNSO council and come back when he need input.

So he will be, to some extent, the face of the GNSO council in different interactions. So it's important to understand that and also to keep him honest, ensure that he's speaking on what was agreed by the GNSO council, etc. And again, he's the chair of the GNSO, he's not just the chair of the GNSO council. That's something that's quite important to have in mind.

So we will have that Q&A slot. It won't be too long, but again, just asking everybody to pay attention to this, to read his statement of interest and to be ready for the election next month. So I will stop here to see if there is any comment or question.

Okay. I want also to bring here another important topic in relation to the GNSO chair, is that after the election, we'll need to appoint a vice chair from NCSG since Philippe is from CSG, and also, usually the vice chair should be from the other part of the house. So I think it's something we need to discuss who wants to volunteer from NCSG and to commit to be vice chair. I can speak about the workload and the expectation, but it's something we need to kind of think and decide soon, because after the ... I mean, we should not just really wait for the

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election to be done, because even if we have a candidate, we need to discuss with the CSG to confirm if they are fine with the candidate for the vice chair from NCSG. So just to highlight this and to put it on our radar to be decided soon.

Okay, any question, comment? Okay. So in Any Other Business, first, there is preparation for ICANN 69 bilateral meetings with ICANN board, ccNSO and GAC, and the SSAC too because they asked to meet with us and they have some topics for discussion. One of them, you can guess, it's about EPDP, but also about things that they kind of pay attention about private use of TLDs, etc. And if I'm not mistaken, they just published a new advice on that topic.

So we'll have this engagement with the ccNSO, the GAC and the board, I mean GNSO council. The board is, in their suggestion for topic about the multi-stakeholder model, they're asking if the council has any topic that we want to discuss with them. Maybe one is about the EPDP itself, to have that opportunity to engage with the board, hopefully just after approving the report. For the GAC, I think still, we have to decide about the topics, but we can expect one of them will be also about the EPDP, because they're strong interest and particular about the priority 2 items, next steps, because they wanted to know how we'll deal with that.

So [inaudible] discuss [inaudible] preparation, I don't think we'll have enough time to go into details, but this is information for the GNSO council. We have a placeholder in October. Instead of having the usual GNSO policy pre-ICANN meeting webinar, we'll have that slot to be used for the preparation and also going through other agenda items, so we'll

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have that meeting in October and you should have received the invitation a while ago.

Since we are talking about bilaterals with the ICANN board, I think—and if I'm not mistaken, Stephanie already sent a question to NCSG list asking for comment and input, if you want to have specific topics to discuss, so maybe we can cover that later on. So we need to prepare for that meeting. I don't recall exactly the date and time, but probably Maryam knows better. So maybe we can discuss that later on, about that NCSG and ICANN board meeting. Let me stop here and see if there's any question or comment.

Okay, seeing no comment, I can move to the last one. So strategic planning session—

MARYAM BAKOSHI: Sorry. I can run through the dates and times really quickly if you want me to.

RAFIK DAMMAK: Yeah, sure.

MARYAM BAKOSHI: Okay. So the NCSG meetings for ICANN 69, we have the CPH and NCSG meeting on Tuesday, 13th of October, 10:30 to 11:13 CET local time. And then we also have the ALAC and NCSG meeting on Tuesday, 13th of October as well from 2:00 PM to 3:30 local time. And then we have the

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joint ICANN board and NCSG meeting on Thursday the 15th of October. This is for 90 minutes from 12:00 to 13:30.

A google link was circulated a few days ago by Bruna to collect topics or questions for the board. So please have a look at that and complete it as soon as possible. The deadline for that is the 1st of October. And then the NCSG policy committee meeting will be on Thursday, 15th of October as well from 2:00 to 3:30.

The week afterwards, which is the plenary week, week two, we have the NCSG open meeting on Monday 19th October from 12:30 to 14:00 CET. Please note that all times will be in CET. Thank you very much, and back to you, Rafik.

RAFIK DAMMAK:

Thanks, Maryam, and I think CET is UTC+2, just to make it easy for everyone because there is also the daylight savings which can be messy. Okay, so I think we can discuss maybe later about the topics for the meeting with the board, so maybe brainstorming here, but we already also have one topic proposed by the board itself, and the idea of proposing [inaudible].

So the last item under Any Other Business for GNSO council meeting is about strategic plan session. So the SPS is something that GNSO council had, I think, now for this year the third edition, and we used to meet in LA in January, the beginning of the year as the opportunity for new council to meet, to do a better planning to discuss about the issues, but also for new councilor to understand more about the GNSO council role, expectation, etc. So it was quite, I think, intense and useful three days.

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But the challenge for next year and for the new council is that there won't be face-to-face, so it will be online meeting, and so I think the discussion here is about getting input from the councilors about how to kind of structure this SPS and what maybe they want to discuss about and so on.

So I think it's quite important for the new councilor to get informed on this and to share their thoughts how they want the strategic planning session to be organized. And Personally, I attended the previous SPS, I think it was quite important to set the tone and also for the council to focus on term of planning to be more strategic. A lot of what you see implemented now is the outcome of the SPS, like the PDP 3.0 and so on. So I think quite important now to the council. So just be ready for that, speaking to our incoming councilors.

With that, if there is no comment, I think we can move back to our main agenda. I think we already spent like 90 minutes on this, so we'll try to go quickly through the rest. So in terms of policy update, I think we can maybe start with the public comments. Currently, there are only two public comments, but I think one really of interest for us is the one about the draft final report for the SubPro, and I think that's one that Kathy wanted to talk about.

So SubPro, the working group, this one, I think quite important PDP, and they are now working on their final report and going through public comment, which means that things can still change, and that's important to have in mind. So this is the last opportunity to give any input on the work for that working group and to give our feedback on the draft recommendations.



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So for those who are interested about the substantial part of the recommendation, they can listen to the recording of the webinar on SubPro that was held a few days ago, [is my understanding,] highlights about the recommendations or the main issues that are still being deliberated or discussed in the SubPro.

So the deadline, the 30th of September, so it's pretty soon, and the working group leadership, they said—and I think on several occasions—that they are not going to grant any extension. I heard that here was already some request for extension, but I think it will be safe to not count on that. So we have a few volunteers, so that's a lot of expectation for them to work on NCSG draft as soon as possible, and the person leading that is Bruna, so if I can ask Bruna maybe to speak quickly about the draft and then the progress for the NCSG comment. Bruna.

BRUNA SANTOS:

Hello. Hi everyone. So about progress, there is very [few ] still. I'm still going through the questions in the final document to find out some of the things we should bring up in our comment. I was also going through the previous CC1 and CC2 comments as well to see what have we approached before and what should we do on this one.

What I would do shortly after this call is write an e-mail/consultation to the list to see if other folks want to weigh in in any of the discussion on this or if there's any suggestions or approaches we should take on this comment, but so far, the development of it is still at the very beginning. So I would definitely need some help on this, but I think we have some

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folks volunteering for it, and I hope we can have something by the end of the week. That's it, Rafik.

RAFIK DAMMAK:

Thank you, Bruna. I will be happy to help as much as possible. I think we will have to be strategic anyway and focus on a few areas or recommendations that we think are of concern. So let's try to do our best. If there is any draft already we can share and ask everyone to give their input as soon as possible. Thanks again, Bruna, for leading this, and also just to mention, we have Juan and Ramyond on the team, and I think also Rafael joined them.

So, any question, comment about this SubPro public comment? Bruna.

BRUNA SANTOS:

Just to say that I agree with being kind of—not a shorter but a more precise and smaller comment, because having done the two others before we noted the amount of topics that is discussed by this working group specifically, it's ginormous and that's the reason why I also plan to send an e-mail to the list and see if there is further guidance on the areas we should focus on. But thanks, Rafik.

RAFIK DAMMAK:

Thanks, Bruna. The other public comment which is related to label generation ruleset, it's not something really we're following closely. I think that's it in terms of public comment. I think in terms of working groups, we already heard about RPM, so RPM, they want the extension because they are still reviewing the public comments, and so after that,

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they will have to work on their final report. So for them, now they have to finish their review and start working soon on the final recommendation, and the project change request will be considered by the GNSO council and we will see about the kind of follow-up of that. So for SubPro, they have the public comment for the draft final report. There is no other PDP going on since the EPDP already delivered its final report, but we can expect in coming months to have a new track, like IGO INGO that was mentioned in the beginning in consent agenda.

So that's, I think, in terms of policy for review teams. I think the only one still ongoing is the SSR, security, stability review team, but I'm not sure about their status. And the other one—and I hope that you saw the e-mail from Tomslin, it's about IANA function review team. They are [inaudible]. They will have their webinar soon to engage with the community about their initial report so that good opportunity to see the work done by the IANA naming function review team and to see the progress and have idea about the recommendation they are coming up.

Okay, so other than that, I don't think there is any other review team like the ATRT now with the board to make decision since they had previously [a] public comment, and also, the same I think for RDS review team. So this is the kind of current situation.

For IRT, most of IRT related to WHOIS are paused, on hold until the IRT on EPDP phase one finish, and also for GNSO and also ICANN Org to decide about recommendation 27 next steps. So that's kind of high-level of what's going on in terms of policy and review team. So please let me know if you have any comments.

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Okay. I guess we can move to the last agenda item, and that's Any Other Business. Maybe we can use the few minutes there to discuss about the ICANN 69, [inaudible] quickly the different sessions scheduled for NCSG there. I think NCSG will also have their own session scheduled. But also, we have a meeting between NCSG and the board, and we need input about the topics. So we can maybe use this time, if possible, for that. Just putting that as a suggestion unless someone has another topic or idea to propose for Any Other Business. Bruna, please go ahead.

BRUNA SANTOS:

I was in the queue to speak about ICANN 69, but I guess you were proposing something else before, right?

RAFIK DAMMAK:

No, I was talking about ICANN 69 and just wanted to kind of highlight what we mentioned before about we need to come up with topics for the meeting between the NCSG and the board. So it's all about ICANN 69 at the end.

BRUNA SANTOS:

Of course. Before the board, I was just going to update you guys on what is this ALAC/NCSG meeting. Last week, Maureen and Joanna reached out to us asking if we had any interest in discussing the CCWP human rights. The idea of this joint meeting between the two of us is to do the human rights discussion, and this is something Stephanie and myself have already consulted with Ephraim, and I think this is moving forward.

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So this is one update, and besides the topics for the board as well, if anyone else has suggestions of discussion points for the NCSG and NCUC meeting, this is also welcome. I guess we're all at the stage of formulating our agendas and including topics, so if anyone has suggestions also, please reach out to us. That's it. Thank you very much, Rafik.

RAFIK DAMMAK: Thanks, Bruna. If I might ask, what's the exact agenda for that meeting? Do you have an agenda already, or just still working on the speakers?

BRUNA SANTOS: For the ALAC and NCSG, you mean?

RAFIK DAMMAK: Yeah. It's about human rights, yeah?

BRUNA SANTOS: We're still working on the agenda, but I'm assuming Ephraim and Joanna will be the ones leading this effort. And this was a slot ALAC had allocated for capacity building, so I'm thinking that this will be an introductory meeting to the work of the CCWP and some human rights discussions, and not necessarily any deliberations between the two groups. That's what I'm understanding so far.

But the agenda is still in the making, and I can definitely share with everyone once we have something more concrete.

RAFIK DAMMAK: Okay. Thanks, Bruna. And thanks, Maryam, for sharing the link to the Google doc. So checking again if there is anyone in the queue. No one in the queue. Okay. If there is no further comment or question, I guess we can close the call for today. Thanks for those who made it. This is our last NCSG policy call before the AGM, ICANN 69. We will have an NCSG policy committee meeting which is open to everyone, so it's similar to the NCSG policy call scheduled in October.

Okay. Stephanie.

STEPHANIE PERRIN: Hi. Seeing as this is our last policy call of this slate and my last as NCSG chair, I don't want to be sour or anything, folks, but we need more participation. there's quite a few people on the call, but it's still only a few of us doing all the talking. And we really need folks to get engaged, express their views, ask questions. As Rafik said, there are no stupid questions. But it's an awful lot of work if you're the leader if nobody is participating. It's really too much.

So I just want to thank everybody for coming and encourage them to speak up. We don't actually know whether you're there or not or whether you went out and walked the dog if you don't say anything. Thanks. Bye now.

RAFIK DAMMAK: Thanks, Stephanie, for the comment. Yes, this NCSG policy monthly call would be probably the last one I have to chair. I will chair the NCSG

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policy committee call in October, but yeah, this is probably the last one I chair in that role. So I hope after ICANN 69, things might change and there will be more participation. Tatiana, you have the floor.

TATIANA TROPINA:

Thank you, Rafik. I was actually going to ask the stupid question if this is your last call as a policy committee chair, but you answered it already. But even before this last meeting, which would be online during the AGM happened, I just want to thank you for everything, for these years when you chaired these calls. And I as a GNSO councilor learned so much from you and your guidance and from your experience and expertise. It's priceless, and frankly, I'm very sad that you will not be chairing these calls after October, and I almost feel like I'm lost beyond remedy, because of course, I know that we will be okay somehow, but not relying on—because I am the one who does a lot of talking during GNSO council, but still, I relied a lot on your expertise and experience. So thank you so much. I just want to have it on the record.

RAFIK DAMMAK:

Thanks, Tatiana, for the kind words. I think that's part of life cycle, I guess. So there is always an end to everything. Yes, Bruna, please go ahead.

BRUNA SANTOS:

Just to support everything Tatiana said about your work as well, and thank you for mostly the patience with everyone, every single one of us, and the patience for leading not only these calls but the policy effort

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and so on. So I do hope that the policy committee finds a leader that is as good as you, or can be half as good as you were for us these past years, I'd say, and with the same amount of patience, because we will need it, at least at the very beginning. So thanks again, Rafik.

RAFIK DAMMAK:

Thanks, Bruna, for those words. I am a believer that anyone can be [— I'm not worried] on that side. So please let me know if you have any further comment, question. Again, it was really [genuine] when I ask people for comment and if they have any question. I'm happy to answer any. I don't have all answers, and if not, I will try to find answers. So it's quite important that everyone participate and feel free to ask and comment.

I believe that probably the format of this call can be changed to some extent, but also, I think we are discussing it so they are detailed and we need to go in depth in some of them because it's a lot about process and the outcome and impact can touch many people. So [there are some times that we might overuse] acronyms or [we can talk don't get easily,] but I hope that we'll improve on that front.

Anyway, okay, so if there is no further comment, question, I guess we can close the call for today. Thank you all, and see you soon.

**[END OF TRANSCRIPTION]**