BRENDA BREWER:	Good morning, good afternoon, and good evening. Welcome to the NCSG Monthly Policy call on 16 May at 11:30 UTC.
	Today's call is recorded. Kindly state your name before speaking, and have your phones and microphones on mute when not speaking. Attendance is taken from Zoom participation. I will turn this meeting over to Tomslin Samme-Nlar for opening remarks. Thank you.
TOMSLIN SAMME-NLAR:	Thank you, Brenda, and thank you, everyone, for turning up today for our May policy meeting or call. As you can see, our agenda looks a bit short, but I thought I'll not put too much because the Council agenda itself is quite parked, and most of the items on there I thought are all opportunities to update our stakeholder group on stuff that's happening. It seems like a lot is happening right now. So we'll take this opportunity to look at this as an update. So we'll jump right into it, into the Council agenda walkthrough. If you could please bring that out.
BRENDA BREWER:	Here we go.
TOMSLIN SAMME-NLAR:	Thank you.
BRENDA BREWER:	You're welcome.

TOMSLIN SAMME-NLAR: Thank you. So we'll have a walkthrough here. At any time, if anyone has a question or comment, please do not hesitate to raise your hand and I can pause and we will take it.

So as you can see, there is no Consent—just hold on, please. Yes, item number three. There is no Consent Agenda. However, we have two items to vote on in this meeting, the first being adoption of the revised charter for the Standing Selection Committee. The Standing Selection Committee had requested from the Council that they be allowed to update the charter, which basically doing a light review. Because during their first assignment, they noticed some items in the charter that were either a little bit outdated or needed a bit of updating. So the Council gave them the approval to do that.

So they made a few changes, one of which is what Rafik has put on the chat, his concern surrounding the fact that the chair can participate in the conversation and voting in addition to chairing, I believe. Maybe I should let—yes, Rafik, I think that's the change that was made in the SSC charter, that the chair is able to participate and also chair at the same time. I don't know if you can voice the concern.

RAFIK DAMMAK: Hello? Can you hear me?

TOMSLIN SAMME-NLAR: I can.

RAFIK DAMMAK: Okay. I'm outside. I checked the changes in the charter. Most of them, they are fine while I'm not sure [inaudible]. But the one for the chair, I think it's kind of quite adrift from what we are expecting for a chair in the different working groups and committees as well. Because we expect the chair to be objective and participating in any vote or consensus making, I think that's kind of quite a change. And I do believe we need more discussion and understanding regarding what's the purpose to do that since the particular [Inaudible] but this I think it's quite a big change. It's not aligned with what you have as a practice for a working group and so on. Sorry for the background noise.

TOMSLIN SAMME-NLAR: That's fine, Rafik. Now, I could answer that question but I want to give an opportunity to the vice chair of the SSC who is with us today, Peter, to answer, maybe give a bit more information about that. Peter, are you able to talk?

TAIWO PETER AKINREMI: Hi, Tomslin. Actually, I came in a bit late. I couldn't capture that question. If that could be repeated, then I can step in.

TOMSLIN SAMME-NLAR: I can help. Then Rafik might correct me if I got it wrong. Rafik's concern is that the norm has always been that the chair in the working group will remain neutral and not participate in voting of the group. So this change

in SSC seems to be a significant deviation from the norm. So he's a bit concerned. He's interested to know the rationale surrounding that.

TAIWO PETER AKINREMI: Okay. Thank you for that clarity, Tomslin. Yeah. Actually, that was a concern that we raised during the charter review, though we'll look at it that since the workload wasn't really too much, and then the chair can actually vote and weigh in because we don't really have a lot on the plate and go in. That was why we thought as much as, well, it's a good thing for the chair to be able to ease our hearts and be able to also participate as a participant. So that's what we looked at. But we also look at the concern of that deviations and the group actually deliberated on it and see that it's something that is worth trying. So I don't know if that is clear. And if not, Tomslin can actually shed more light on it.

TOMSLIN SAMME-NLAR: Kathy, I see your hand. Just before I come to you, maybe—Rafik, that's an interesting situation where you say a chair applied for a position to be selected by the SSC. First, to the question, as Peter mentioned, I think the group thought that membership was quite thin. So it was not terrible for the chair to participate in the voting. However, you will also notice that there is another change as well concerning that situation you raised there, Rafik, about any member, for that matter. Not just the chair, any member who is in any way conflicted during a selection that they should recuse themselves. So I'm guessing that that addresses that sort of situation there. I'll go to Kathy.

KATHY KLEIMAN: Hi. Can you hear me?

TOMSLIN SAMME-NLAR: Yes, I can.

KATHY KLEIMAN: Terrific. Thanks. I'll come on video in a little bit. That actually begins to answer the question that I have is, what are the negatives of this? What are the downsides of this? And one of them may be the chair looking for one of the very positions that's being considered here. Let's say we had a chair that was really advocating for a certain position, what danger could that do with the chair both leading the meeting and voting? Chairs are pretty powerful. Part of the reason we have the neutral chair is to try to set everything up for the rest of the team, the rest of the working group, the rest of the committee, to kind of make the decisions. I'm not saying I oppose it. I'm just saying did anyone really look deeply at the downside? Thanks.

TOMSLIN SAMME-NLAR: Thanks, Kathy. I'll let Peter respond to that.

TAIWO PETER AKINREMI: Thank you, Tomslin. So here we look at the objective for the group itself because it's not actually policy group is just for us to be able to evaluate the candidate for that task by the GNSO. So we look at that that it's not

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actually a view in policy, just for us to evaluate a candidate. And that was why we go that route, we look at the charter is not a question. So we actually look at it from the [inaudible] policy issues. So if it were to be that the group and the policy related to something that we won't go that route, but when we look at it, that's actually an evaluation group. That was why we thought as much as going that route is not really a policy issue. And it's not something that we are putting forward to the ICANN to adopt for all the other groups. So no, that's not it. So thank you for that.

TOMSLIN SAMME-NLAR: Thanks, Peter. Rafik?

RAFIK DAMMAK: Thanks, Tomslin. Thanks, Peter. I'm sorry. I still could not see the rationale or reason. I think there is kind of the normal practice. And when someone here such committee volunteered for the chair, I think it's from the beginning, they dedicate or they express interest to serve. And to play that objective for participating in the vote, it's quite a deviation. Thanks, Tomslin, [inaudible]. It's quite a deviation and create a different dynamic. Because the chair is really about managing the process, ensure that we follow the procedure, organizing, planning. Participating in the decision-making is a totally different thing and to create more incentive to try to push for one direction. I'm not accusing anyone, but it's better to avoid from creating the situation in the first place.

I was in the SSC as liaison from the GNSO leadership. So a different selection. There are things that we didn't kind of plan that happened that the SSC needed the help of the GNSO Council. So that's they delegate, really. So it's quite an important role and I think to ensure the integrity of the process, you can see why a chair needs to participate. There are enough represented from the different groups participating in the process. I don't see what is really the purpose here to have the chair. And don't forget, again, that it's working group [inaudible]. So the chair can then have an important role to block the process if they disagree, for example. Maybe it's extreme edge case, but I'm just showing you here that you are changing quite an existing dynamic to something else. I don't see a clear reason or rationale why this change. Again, you will need to compare what we have in the other process regardless of policy or non-policy. It's here about chairing, managing group, helping to reach some outcome. So, for me, I would oppose that such change unless I really a get clear, rational explanation about such revision in the charter.

TOMSLIN SAMME-NLAR: Thank you, Rafik. The chair will actually be in the meeting this week in the main meeting, the Council meeting, to talk to all these changes. I'd like to encourage councilors to please bring this up during the discussion as well, the points that Rafik makes.

All right. The second item on voting, which is onward, is the final report and recommendation from the EPDP on Specific Curative Rights Protection. We discussed this report in our last call. That's April I think, yes. Now, it's come to the Council for voting. One was a member of this

EPDP from our side. And this report apparently does have full consensus on all the recommendations, actually. So yeah, it's onward. I don't know if anyone has any specific concern. Yes, Kathy.

KATHY KLEIMAN: Thank you. I don't know how extensive the discussion was because I think I came in late last meeting, so apologies. One, I've been looking at the recommendations. It looks like what they do is put the names of International Non-Governmental Organizations into the Trademark Clearinghouse, and then protect them like trademarks so that they'd be subject to the Trademark Notice for new gTLDs. They'd be subject to the Trademark Notice in the first 90 days. They'd be subject to notification of the International Governmental Organizations if someone does register an exact match. Is that right? And it also looks like it's just the full name of the organization, which I think would be okay. I want to check with you that no acronyms are protected. The World Health Organization had wanted to protect WHO for years, and we had set it to pronoun and they don't get to do that. But I wanted to check with you that my understanding is right and that it's just the full names. Thank you. And thanks for your work on this.

TOMSLIN SAMME-NLAR: Thanks, Kathy. I'm not sure Juan is on the call yet, but I guess we could follow up with him so that he can perhaps respond to you later maybe.

KATHY KLEIMAN: It looks like Manju says it's in the chat, that it's the full name. So that's good. That's really good because the acronyms of the International Governmental Organizations are often three letters that are very, very common and used for many, many things, which is always our concern, right? When a Non-Commercial Stakeholder Group's concern is the redundancy, the use of common words and acronyms, and making sure everyone gets to use them for lots of things, just like in the real world. Great. Thank you.

TOMSLIN SAMME-NLAR: Thank you, Kathy. I don't see any other hands up on this item.

KATHY KLEIMAN: Can I ask one more question, Tomslin, before it goes to a vote? Did were there any objections or concerns raised directly to Council on this? Or is everybody pretty happy?

TOMSLIN SAMME-NLAR: Actually, everyone is happy. No one had any sort of concern or objection, and nothing has actually come at all. In fact, what I have heard is that all the participants were in full consensus. So my question was what was different?

KATHY KLEIMAN: I can answer that.

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TOMSLIN SAMME-NLAR: All right.

KATHY KLEIMAN: Because this is a modification of the Rights Protection Mechanism. This adds to the RPM Working Group recommendations, which I help chair. What I think might be different here—because I was on the original IGO/INGO Committee for some time, but not for the whole thing—the interest of the Commercial and Non-Commercial Stakeholder Groups is not different here. They are just as concerned about acronyms as we are. It's really interesting. This is one of the few areas in Rights Protection Mechanisms where our interests are aligned or fairly aligned. So if the Commercial Stakeholder Group is actually happy with this, it's probably pretty good because they've got the trademark lawyers looking and they know that they have a lot of businesses with the same three letters. So their interests have been similar to ours. They also want to appeal if they lose.

One of the things that had been challenged early was the International Governmental Organizations did not want to go to court. They wanted a UDRP where there was no appeal and the Commercial Stakeholder Group and the Non-Commercial Stakeholder Group were very clear that we did not want a situation with no appeal. There's always an appeal to be UDRP, not even an appeal. Actually, it's called a de novo. It's a brand new review at court. Our ICANN policies can never supersede a court, and that's been sacred for 20 years. So that was something both stakeholder groups wanted as well. Sorry. Quick answer to your question. It's a good question.

TOMSLIN SAMME-NLAR: Thank you, Kathy. Thank you. Because I never got a good answer the last time the chair was in Council. So thanks.

KATHY KLEIMAN: Oh, he or she would probably never say that. So we'll keep that in mind.

TOMSLIN SAMME-NLAR: Thanks. All right. We'll move on to the Council discussion. So item number six now, I believe, Council discussion on the PDP improvements. Now, this is actually not the actual discussions of all the improvements that have been coming to the Council or being discussed in the community. No. This is a paper which actually did request that staff put together to sort of make sense out of all these requests or discussions that are happening involving PDP and sort of bring those conversations to a single document so that the Council can better—because I was getting a bit confused what was what? What has been discussed where and what the impacts were. So this paper sort of brings together all those discussions that are happening at different times and different places in a single document and sort of uses a table to sort out what are being proposed. So this is the presentation of that paper, not the actual discussion of those PDP improvements that have been happening. So I don't know if anyone has a question or if anyone has read this paper. I think I shared this paper earlier on the mailing list. So if anyone has any comment on this, I'm happy to hear it. Yes, please, Rafik.

RAFIK DAMMAK: Thanks, Tomslin. Not so much to say about this paper. I think it's fine, what's proposed, a way to organize the improvement, and to continue to some extent. I think they included some stuff related, if I'm not mistaken, to the consensus policy discussion paper. I was wondering what the outcome of the discussion at the Council level. I felt that maybe you had some call lately, but you can also share about that part. And then do you have any idea how this work will be organized? I mean, has there been any change in that project or portfolio management tool for the Council?

TOMSLIN SAMME-NLAR: Thanks for the questions, Rafik. For the first question, whether there was any outcome? Yes, the meeting did happen. I think there were no actual conclusions but the significant outcome of the discussion was that there were some proposals that were floated around during the discussion and some concerns related to how that might be approached. I think one of the proposals which I gave was to bring it back to the PDP by making updates to the chartering document for the PDPs and also allowing the PDP to actually continue to make those implementation guidelines, but also to include in their report, if they are able to, whether the recommendations they make does affect existing policy or not. And if they do not have the skills or the expertise to do that, then they should work with the staff liaison so that ICANN provides or make such expertise available to the PDP. So those were some of the discussions that happened. The summary of the conversation, I don't believe has been shared yet. But yeah, that is where we left the conversation at, just with ideas being floated and concerns.

To the second question, whether it affects the current tool set, that is the ADR and all that, we haven't touched that at all. I guess the reason is because the focus was all about how the Council better—well, sorry. That implementation phase, which is after the Council. So the question was how does the Council get involved in that process post the Council. But it hasn't advanced more than the ideas that were being floated. So there is no concrete action yet. I hope that helped even a little bit. Please go ahead, Kathy.

KATHY KLEIMAN: It helped a lot. Let me ask what is being adopted then with this vote? Or is this just a discussion? Or is there a vote on something? It sounds like lots of important open issues.

TOMSLIN SAMME-NLAR: No vote. It's just a discussion. Sorry. And moreover, it's not even a discussion on the actual change to the process, but rather the paper that puts together all those discussions in one place. So it's the first time they Council is actually going to be looking at this paper which was shared. So it's just a coordination document, rather, that is being discussed, not the actual improvement themselves.

KATHY KLEIMAN: That's great. Thank you.

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TOMSLIN SAMME-NLAR: Thanks. All right. Move to the next then, item number seven, which is a big one. It's a discussion as well, but this is a discussion on the impact of the SSAD Light on other work. So I'll just quickly check if Stephanie is on here, or Manju. I can't remember if Manju is also on the team, Manju wants to give more details about this. But basically, after the SSAD ODP, the Council small team got together. Manju says she's not all right. Cool. And Stephanie is not on the call so I'll go ahead and give my executive summary of the issue.

So after the ODP was released, a small team was formed in Council to look at how to respond to Org and the Board regarding the findings in that ODP or ODA document and what guidance or whatever the Council could give to the Board from that. The small team decided to pursue more discovery in the form of a proof of concept of the SSAD. And for anyone on the call who does not know what SSAD stands for, it's System for Standardized Access and Disclosure to non-public generic top-level domain registration data.

The staff met with the small team and presented a concept of how such a proof of concept or SSAD Light, as they call it, might look like, and the team went back to Org and say, "All right, could you take some time and write a concept paper which we can consume to better inform our decision, whether to go with SSAD or not, of this SSAD Light system." So Org has come back with a response saying, "Yes, they can but this affects other work like the SubPro ODP." So it would delay the SubPro ODP, if I'm not mistaken, by about six weeks. I can't remember the exact time that it will delay for, the reason being that it will be the same people who are keen on the SubPro ODP and other programs in Org that will also have to work on this concept paper. So the Council will be

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discussing what that means. Does that mean we should, say, first finish with the SubPro ODP before returning to work on this concept paper? Or is the Council happy for that delay on SubPro ODP to happen?

So in a nutshell, that is what this discussion is about. I hope I covered it in as much detail as possible. But yes, that's what it is about at a high level. So I'm happy to hear what folks think about it. Any comments? I see Rafik has already written something. I guess somebody is not happy with that. Of course you know who is not, Rafik. Yes, Kathy, please.

KATHY KLEIMAN: Tomslin, could you tell us a little bit about maybe what Stephanie would say if she were here? The system for Standardized Access and Disclosure to non-public generic top-level domain name registration data is huge. We are very, very interested in that right now, Commercial Stakeholder Group. We have members whose lives depend on the privacy of some of that data and their families' lives because of the nature of the political or ethnic or racial or gender, speech in which they are engaged.

So if these are questions that we've raised in the past, I think it's absolutely critical that they be answered. And if we have to delay SubPro, okay. SubPro already delayed itself by trying to answer questions that the Policy Development Process never could. So they're adding more questions. A lot of people involved with SubPro were adding more questions into that process. So SubPro could go on for a long time. But SSAD, I mean, this is really important stuff. I do think these questions have to be answered. Thanks.

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TOMSLIN SAMME-NLAR: Thank you, Kathy. Just to say, yes, it's clear that it's either the delay or the go ahead after SubPro, but they're still moving on. The team is still bent on moving on with getting answers before they make any sort of recommendation back to Council. So that proof of concept is still the primary intention of the small team. I see Manju's hand up.

MANJU CHEN: Hi. Thank you, Tomslin. I raised my hand because I wanted to answer Kathy's question like what was Stephanie said about this, because I believe we've heard her saying that she doesn't buy this proof of concept thing, because first, ICANN is going to fund this exercise. So it's going to make it free for the users to use this proof of concept.

Secondly, this proof of concept [inaudible] the most complicated part of SSAD which is the authentication of the users. So the original SSAD, you have to get your identity authenticated—wait, is it authenticated? Authorized? Rafik would know better. Anyway, you have to prove you are a real human being or if you were a legal person, you have to prove that company is real and you are real, and all those kind of verification steps. But now it's gone in the proof concept, which is the SSAD Light. So the two most important parts, the first user's face, and the next, the authentication process is not going to happen in the Light exercise. So I think Stephanie was saying that this is not going to work because if users get used to not paying for this SSAD, then it's going to be not good for the real SSAD when it has come out. If it get rids of the authentication process, then it's really not SSAD at all. It's just a ticketing system. So yeah, I just hope I can help clarify some of the points. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Manju. To the argument, as to why the system I think, from the report of the small team, they said that they wanted to get an idea, too, of usage because that was one big missing item in the ODA report. There was no clarity on usage which determined the price of the system as well. And yes, I think the small team is thinking it's going with the proof of concept is the least they could do with getting more data since the ODA itself is void of a lot of answers to the questions that might be required for a decision on whether to go with the system or not. But yeah, that's to the extent that I understand the matter. Stephanie would have been a better fit to answer in much more detail technical questions. But yeah, thanks for helping, Manju.

I don't know if there are any more questions on this. If not, I could move on to item eight then. Following this discussion, I think it presents us with a nice segue into an update from the SubPro ODP liaison as to where they are at with SubPro ODP. Here the SubPro ODP will simply just give the Council an update. Kathy, please go ahead.

KATHY KLEIMAN: Thank you. Is Jeff the only person anybody appoints as liaison now? It seems to me, he's wearing a few too many hats. He is liaison to the GAC, he's liaison to the ODP. He's on the small group to negotiate with Manju to negotiate with the GAC on some important issues coming up. Jeff has very strong opinions on things. I'm not sure. This doesn't seem very fair. It seems like Council should be appointing … I think it would be fair to have multiple people in multiple roles. Just a thought. I think

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there's a time for old chairs like me and like Jeff to step back and let other people implement the rules the policies that we have tried so hard to develop.

TOMSLIN SAMME-NLAR: Agree. I couldn't agree more, Kathy. I guess, however, with the small team structures, fortunately or unfortunately, volunteers put their hand up that they want to be part of the small team, and he's always putting his hand up. With the closed generics one, it was an absolutely difficult one to say no to him considering that it was a team to discuss meeting with the GAC, and he's a GAC liaison, right? Now, with the ODP liaison, the SSC was given the task to appoint someone in SSC based on—I wasn't in SSC at a time, but I guess based on the CVs they received, they picked Jeff for that role. Unfortunately, those decisions are not coming from the central place where you could say you've had too many. But I absolutely agree with you. I agree with you.

I think with the actual dialogue—I'm sure we are coming into that discussion on closed generics anyway. But I think there is reason not to allow—the said people who were involved in SubPro should not be part of that dialogue. But we'll get there and I'm sure Manju will be able to talk more on that point. Kathy, is that a new hand?

KATHY KLEIMAN: Thank you. An old hand I forgot to take down. But let me ask did anyone else volunteer to be Council's liaison to the ODP? Or was he the only volunteer? Because if two people volunteered, it could be good to put them both there because it's a liaison position.

TOMSLIN SAMME-NLAR: I think there's someone here who might know. Raymond, were you in SSC at that time? Sorry to put you on the spot. Raymond's probably not able to talk. I take that point, Kathy. It's a fair one to consider an ask. If he were to volunteer for another, we should be saying if there is someone else, maybe consider that person so that the individual doesn't have just too many hats to juggle around. I see Rafik's hand now. Go ahead.

RAFIK DAMMAK: About the SSC selection of Jeff as GAC liaison, right? That was the question.

TOMSLIN SAMME-NLAR: I think that's for the ODP one.

RAFIK DAMMAK: ODP? Okay. I think at the end, it's hard to say how the SSC do the selection. But like any committee, it depends how many candidates you can get in the first place. It's happened that you don't have enough. But I think also, it's question to the Council here because the participation of the liaison as active participant, it's something really to resolve. I understand that many don't feel comfortable to raise this but it's quite an issue. Because the reason is quite clear as a term, is to be the bridge, to bring information, and to be that communication channel between two groups or something, to be a point of contact. But we are here in different setup where it's active participation in the discussion and even

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in the outcome and a proposal, the communication from the Council to other group and so on. I think it needs to be raised. It's not just about having many hats. Even this active participation and influencing the process, I can understand that a person has a strong interest and wanting to help but the liaison is not the role for that. It's totally different job description. To act as a kind of non-elected Council raise a lot of points regarding the procedure, integrity of the process and so on.

I understand that we don't feel comfortable to ask or make the point. But now it happens for too long and I think it should be raised again. It's pretty hard say to confirm as a GAC liaison. I'm not sure that you can select because think in terms of procedure, just to ask if you want to hear, they want to continue or not. But I think this read quite strong leadership and some strong positioning from the Council, really. It's really—I don't want to use the word because it was quite strong—it's abusing the position and the role here. That role was not designed for that purpose at all. It has a specific goal, is to help the Council to work with the GAC, and it was an outcome of the discussion with the GAC to see how they can be involved with. But now it's a totally different thing. It's additional seat that's not elected and participating in all the Council discussion and even influencing the outcome of this discussion. So I think that there's a lot of question and concern that needs to be dealt quite carefully. Sorry for taking too long.

TOMSLIN SAMME-NLAR: No, Rafik. Thanks. Let's look into this a bit more because we've talked about it in about three meetings now already. Let's look into it a bit more. Let's move on. But I'll get back to you on that, Rafik.

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So moving on to item nine. This is another big one and I did share. But there will be a discussion on SubPro GNSO guidance process and procedure. This is insignificant because this is the first time in ICANN's history that the guidance procedure is been invoked. I think I should first just give an overview of why it is being invoked at this time.

A bit of background on this is that—thankfully, Kathy is here, she was the co-chair, I think. If I get it wrong, you can help. There were some recommendations in the SubPro final report related to things like Applicant Support. But there were others as well as you will see in the GGP document I shared on the mailing list where the SubPro report recommended that an IRT be formed to develop those concepts better, like how exactly Applicant Support will be done.

During the ODP, the Org came back with some questions to the Council related to this, asking whether the Council really intends for an IRT to do this because that's not usually what the IRT does. The IRT looks at implementing policy rather than developing procedures. So the Council then decided that the GNSO Guidance process might be best used here to do this work in parallel to the ODP. So that is the background on this. I'll pause there. I'll see if anyone has any comments or questions. Hopefully, folks read the document as well. Please, go ahead, Kathy.

KATHY KLEIMAN: I did not get a chance to read the document but this is so important in the SubPro Working Group, which I did not share. I was a member of it. I co-chaired the Rights Protection Mechanism Working Group. Both of which are coming in together to create the rules for the new gTLDs. I

was a very active member in the last three years in the SubPro Working Group, and we completely punted on the issue of Applicant Support. There was no agreement, and by the time we got to it, everybody was pretty tired. So I think this is a critical issue for NCSG to really get involved in whatever process it creates, all the substance, we still have to figure out. We know that lots and lots of groups couldn't afford to participate. Well, actually, for whoever was not around in the first round, there was Applicant Support that information about it got out way too late for anyone to participate and use it. Virtually, no one used it in the first round. There could have been a lot more groups probably that applied for new gTLDs, non-commercial groups, indigenous people, regions of the world with people in them that identified for non-commercial purposes. So, if we can have people jump into this to help figure out how to make new gTLDs more accessible to their regions, this is a great place to get involved. Thank you.

TOMSLIN SAMME-NLAR: Thank you, Kathy. You did the job for me for calling for people to join. Thanks. Let's see if there's any other comment or question before we move on. Rafik?

RAFIK DAMMAK: Thanks, Tomslin. I only really went quickly through the documents. Not enough confidence to say it's good idea or not. But at least experimenting or trying the process that was added before, I think that's fine. If we are using an existing process, I think that what we're looking for is not creating any new one on the fly. So going through this

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guidance process, it's fine. But I would say the devil is in the details. We need to go through the question and the scope. As far as I recall, I think that's fine. But I would have a second reading.

About the Applicant Support, I'm maybe not neutral on that because I could share that working group that come with the first recommendation. But I do believe the implementation that was done quietly impacted the outcome and the results since already, I think only maybe three applicants, they used it. And if I recall, they were mostly what we can call insider. So from ICANN, they know so and so. It didn't really do what it was expected. So things like outreach at early stage and really to put the effort from the beginning is quite critical. So having that done, also an opportunity for us as a group to participate because it was really the new gTLD, it was the NCSG with the support from [inaudible] that we push it for this. So I think maybe we didn't do enough at the SubPro, so we can do more now since we have this second chance now. I think we can support this.

TOMSLIN SAMME-NLAR: Thank you, Rafik. All right. I see no other hands. We'll move on to item number 10, the Registration Data Accuracy Scoping Team. We'll be getting an update from the chair of this team. But they also have put in—I think Stephanie is also in this group. Manju, you are in this group, aren't you? I've been getting every membership wrong today. But I think you are in this one. Sorry?

MANJU CHEN: Do you want me to just update you guys of what Michael was to going to say?

TOMSLIN SAMME-NLAR: Yes, please.

MANJU CHEN: I don't know what he's going to say. But from this text on the agenda, it says we have completed Assignment 1, which is [inaudible] and reporting. And it's working to conclude Assignment 1, measurement of accuracy, and that is correct. What that means basically is that we have recorded and we have listed what current practices of contractual enforcement of accuracy requirements and how people report inaccuracy according to the requirements, all kinds of requirements. We have listed some and exhaustively, basically. And then we are working on, basing on these requirements we have found, how do we measure these requirements, whether they are met? But the problem now is there's really not many ways to measure without intruding registration data privacy. So if we want to do measurement without breaking the privacy of the registrants, there's really not much we can do. And as the contracted party has repeatedly said, there's truly no problem with accuracy. Nobody's really complaining of accuracy and they haven't received a lot of complaints. ICANN is saying that they haven't been receiving a lot of complaints. But of course, the other part, they're saying that they don't submit complaints because according to the current policy, there's no way to deal with their complaint. Because when they say they want accuracy, they actually want the data.

Basically, this we have now record down everything that's currently in practice and we're still figuring out how to measure it. We have this idea of surveying registrars but then there are people saying, "Well, they might be not many registrars participating in the survey and they might not be honest," or like, "Only the good registrars are going to participate in the surveys and the bad ones, they're not going to answer." So they're like, "What's the point of doing this survey?" But this is by far, the most valid option we have. And of course, a lot of other ways are so depending on is this a legitimate reason? So measuring accuracy, how accuracy is practiced? Is this a legitimate reason to acquire data that contains personal information? And of course, we don't think so. NCSG is opposed to this idea. And ICANN Board is now seeking EPDP's guidance on this. But a part of us, we know that EPDP has too many on their plates, they're not going to respond. But if ICANN is putting this out, they're like, "Okay, you go ahead." That's about it. Thanks.

TOMSLIN SAMME-NLAR: Thank you, Manju. I just point out that I think related to your point that the ICANN is put in a request to the EDP—I never get that one right— group. This accuracy team has put in a PCR for additional time saying they will not be meeting their projected target as to when they can provide the report back to Council. So, there is a PCR in there. Then secondly, insider information is that the chair of the group intends to resign after this report is delivered for task one, I think. That's all right, Manju.

But apparently, the issue here is that—or the frustration I have heard is that the groups who requested for this work to be done, claiming that it was very urgent and critical are not doing their homework. So they are not participating as they should be. So there is some frustration in the group's leadership, I think. But this is coming to the Council and will be discussed as well. I'll pause to see if there are any other questions. I see Rafik is asking if there are vice chairs. I believe there are.

All right. We'll move on. Then for Any Other Business, the item 11, the item that NomCom NCPH appointee—and what's his name again? I forget his name. He's requested for a discussion to how to engage CPH councilors, basically. But he hasn't given any much more detail than that. So we are all yet to hear what exactly. He added this to the agenda. So we're yet to hear what the details are on this agenda is will be. So that's all I know about the item.

On 11.2, there was an SO/AC chairs round table which was meant to take place in person but ended up being virtual. We'll be getting an update on that as well what was discussed in there, and then finally, we'll get an update on ICANN74 planning.

So that is what's on the Council's agenda in May. I think we can see that it has quite a lot of items that concern us. So hopefully, we are up to date to some extent on these issues. And if there are no other questions, we can we'll get back to our agenda and discuss closed generics.

As Brenda brings that back up, Manju and Kathy will be leading this discussion on closed generics. Like I mentioned earlier, there are quite a

lot for us to discuss here. One thing is that our concerns and objections to meeting with the GAC. The Council meeting with the GAC was not taken into consideration. So that meeting is moving ahead. And the rules of engagement, so to speak, are being discussed now. Manju is our lead in that small team. So I'll hand over to Manju and Kathy. I believe Kathy has some slides to take us through.

KATHY KLEIMAN: I will share my screen and Manju will kick off.

MANJU CHEN: Hi, guys. Kathy and I thought it would be good to just share some background on why is closed generics is important and why is it controversial in a way. Because Kathy was participating in the SubPro and she has better knowledge than anyone. No, probably not anyone. I don't know. Definitely me. So I think it's best for her to introduce a bit about why this is important, and then we can have more educated discussion on what we should do to move forward. Thanks. Kathy, over to you.

KATHY KLEIMAN: Thanks, Manju. Can everyone see the slides? I can't see anybody nodding.

MANJU CHEN: Yes. We, can.

KATHY KLEIMAN: Okay. It just seems important to make sure, we have lots of new people participating now, which is wonderful, in the meeting, so Manju and I, we just wanted to make sure everyone knew what are closed generics. So we'll just kind of review things, and then Manju will continue the discussion. But so many ICANN discussions kind of jump to where we are and not where we've been.

So what a closed generics? Closed generics are a strange exception to the general rule that registrars sell domain names to registrants, and in turn, get those domain names from the registries. Registries have contracts with registrars, registrars have contracts with registrants. And most gTLDs are open, the ones we know, the old ones—.com, .org, .net.—new ones—.xyz, .vip, .club. We agreed that a few brands would be closed: .sony, .ibm, .panasonic. But we were really, really surprised in 2012, and those of us who were on the original SubPro kind of helping create the rules for the first round were shocked when we saw that the largest companies in the world had applied for closed generics, where they own each. The registry would own each and every domain name, second level domain of the gTLD. So Amazon would own all domain names and .book, L'Oreal would own all domain names in .beauty. Google and Amazon both wanted all domain names in .cloud. Dot app had many applicants but Google and Amazon both wanted it as closed generics where they would own everything. This was shocking. And the world kind of objected. Some of you have already seen this editorial by Parminder in India, beauty lies in the domain of the highest bidder. Applying for closed generics would deprive like local hairdressers and local beauty specialists in India of having domain names in .beauty.

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Again, I'll just go through this quickly because we've already talked about some of this leading registrar's objective. Michele Neylon wrote a very, very well read blog on circleID: five reasons closed generics should be opposed. He talked about something that sounds like us in a lot of ways, NCSG, that the Internet thrives with freedom of choice and openness. And number three, that generic words belong to all people. And beauty, book, search, security should be open to everyone, all organizations, all businesses, all non-commercial entities and individuals with appropriate interests and industry. So if you specialize in computer security, you should be able to post that and get a domain name and that security. Lots and lots of professors objected and said, "Hey, you're not allowed to register a generic word is your trademark. No one is allowed to monopolize the basic word of their business or industry like .truck or .mining in the GAC." Oh my gosh, the GAC objected. So there were dozens of early warnings which are filed by individual countries on dozens, I mean lots on closed generics that said, "No, .baby should not have all the domain names owned by one company." I think it was babies, I'm not sure.

And then the GAC advice in Beijing in 2013, which is consensus advice, said this idea, "Well, if applicants could show that the new gTLD that they're proposing serve a public interest goal, then maybe we could allow it." But they didn't give more details. So the Board banned closed generics in the first round. And dozens and dozens of companies modified their proposals to open them up to become open gTLDs, and they thrived, many of them thrive now.

So four years later, the same groups that wanted closed gTLDs because it's really good to monopolize the basic word of your industry, they've

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come back again. But for four years, we tried to create a policy on this. We tried really hard in SubPro, and we couldn't reach agreement. It's in the recommendations that we couldn't reach agreement on closed generics. There is no policy going forward. So really, in my personal opinion, we should just stay with the ban because we haven't gotten any new policy yet. But since some groups still want them, the Board has asked the Council in the GAC to create a separate group. Manju is now on that small team to work with the GAC, which is really, really good, and that she's there. But the small team, let's be honest, is dominated by people who have wanted closed generics for a long time. It is in the interest of their current clients and future clients, and I think we should just say that. Not that they're bad people, but they have a vested interest in the outcome of this and have for over a decade.

So how do we renew our objections? And how do we raise our concerns? I pass it back to Manju to tell you the current state in the facilitator discussion? Thank you.

TOMSLIN SAMME-NLAR: Can I just say something before Manju takes over? Just to clarify that at least the intention is not that that's the small team that is meant to meet with the GAC, that this team is only supposed to come up with the rules and answer. I was just thinking how those rules are formed as to who should sit on that table. This is the time that we have to make sure that is defined properly, right? Who is going to sit on that table? And which is why ALAC is asking now that the one to sit on the table. And now they're also discussing numbers. But I'll let Manju. I just thought I should clarify that.

MANJU CHEN:	Yes. Thank you, Tomslin. You were right. We are only the group that is going to discuss who's going be that group to talk with the GAC. Let me just share what are we discussing right now. I've also shared the link in the chat, so you can enter the Google Doc yourself.

So basically, we had our first meeting after objecting to this idea of having dialogue with the GAC. We had the first meeting last Wednesday. We wanted to discuss three points but we only discussed two. The first is, because it's supposed to be a facilitated dialogue, so who should be this facilitator? And what are the criteria we want to have these facilitators? So in GAC's response to the ICANN Board, they actually have suggested what they want as a facilitator, what criteria they want. Then we discussed what we think is absent in GAC's suggestion and what we think should be deleted and stuff.

So I think we're out of time. So please, people, if you're interested, please read these requirements. You can see here, the staff has also recorded what we have suggested as to the added of the GAC's criteria, and see if there's anything you see you want to change and you think is missing. Just talk to us and we can bring it to the meeting. Second, we also consider whether ALAC is going to take part in the facilitated dialogue. So Justine Chew, she is participating in this small group too, because she's the ALAC liaison to the Council. She was actually suggesting that ALAC's position is basically the same as GAC, as far as she knows. But she also made clear that she didn't really get back to the ALAC to check this position, but she thinks it's probably the same.

So, in the end, we kind of decided that if we're forming a future group, ALAC could participate, but they will be only allowed for one spot. And this is agreed during the meeting, but of course, Justine will have to check with ALAC, too.

The second we didn't really have the chance to discuss, but this is of course the most important part and we think this will take a much longer time to discuss. So I guess I'll just stop sharing and pose my three immediate questions to you. The first is, we're out of time, so please just criteria and see what's missing and what do you think should be added? I'll share this on the mailing list again so you guys can comment back to the mailing list.

Second, since GAC and ALAC, they seem to be more aligned with our position on closed generics on this issue, should we consider have this dialogue aside from the Council, like just NCSG with ALAC and GAC, and just to have a kind of aligned position on this so we can be a much stronger force in the future dialogue between the GAC and GNSO? Of course, what do you think is the best composition of the future group that is going to talk to the GAC?

Because in the meeting last week, there was one thing that really concerns me was Jeff was saying, "Oh, we don't need representation in this future group and we only need a small group of smart people who are willing to compromise and stuff." So I think we will definitely want representation. But I just want to check back with you guys. What composition is the best to move this dialogue, and at the same time, enhance our position on closed generics? So yeah, that's about it. I see we're only two minutes left. Sorry.

TOMSLIN SAMME-NLAR: Thanks, Manju. Okay. No, that's fine, because I don't see Bruno to give us any administrative updates. So I think that's fine. I just wanted to ask. One is you mentioned that ALAC aligned with us, but I think I heard Justine say ALAC actually supports—did she say they support closed generics or they don't support it? I can't remember.

MANJU CHEN: I it's like GAC, they support only if they're aligned with public interest. So basically, it's not support because how do you define if it's aligned with public interest? It's a very vague way to say that we don't support. I mean, for the GAC, I guess, but I don't know about ALAC. But that's what Justine said, yeah.

TOMSLIN SAMME-NLAR: My other question to everyone is, because this was the recommendation here was for Council to meet with GAC, I'm trying to think about how we make this representative. If it's the Council or, say, a tripartite meeting now where ALAC gets to come sit one on the table, I know I have expressed my desire in the Council meeting that we should let non-councilors sit on this meeting and I've said this also in the leadership call, that the reason why I want that is because we don't necessarily have all the expertise sitting in the Council. So we'd like non-councilor to also be in that meeting. But then, like you've asked, what strategy should we take to that small team as a proposal regarding who should be sitting on the table? I think such guidance will probably help

Manju a lot in her engagement in the small team. Thanks. Kathy, I had seen your hand up but it's down now.

KATHY KLEIMAN: I put it down to listen to you. I'll raise it again.

TOMSLIN SAMME-NLAR: Please go ahead.

KATHY KLEIMAN: I think we should definitely. I agree with you. We should definitely be at the table with the GAC discussion. I share Manju's concern. This idea that a small group of smart people, the way Jeff thinks, a small group of people that agrees with him that closed generic should be allowed under all circumstances or virtually all circumstances. That's not what we agreed with. What you've done as councilors and presenting a dissenting view that is based on a public interest philosophy is really important.

So two things. We absolutely have to be represented. We shouldn't work with ALAC, but I wouldn't automatically assume that their views and our views are the same. But they do probably overlap. We probably are closer to them than others, but we've always been the leader on this issue, along with some of the registrars, frankly. So I'd like the idea of working with ALAC and we should be represented.

Two, I think there was an earlier question Manju about the framing paper, which is not fair. That history that I shared with you, most of it is

missing from the framing paper. There isn't that huge groundswell of opposition that happened in 2012, 2013, 2014 is not really reflected there. So many new people have entered the ICANN world since then and don't know that we already fought this battle. Non-commercial groups from all over the world rose on this one. Do we have to make them fight again? That seems a little unfair. We should definitely incorporate their concerns. We wouldn't erase it on any other issue. We shouldn't erase 10 years of dissent on this one. Thanks. Thanks, Tomslin, for a great meeting.

TOMSLIN SAMME-NLAR: Thank you. I'll pause to see if there's any hands coming up. But we have gone three minutes over time. I hope that's not too bad. But if no hands, I really thank you all for staying to the end. I hope to see you in the Council meeting or our next meeting and online. Thank you.

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