BRENDA BREWER:	Good day, everyone. Welcome to the NCSG Policy call on 16 November 2020 at 12:00 UTC.
	This meeting is recorded. Kindly state your name when speaking for the record and keep your phones and microphones on mute when not speaking. Attendance will be taken via the Zoom attendance. I'm turning the call over to Tomslin. Thank you very much. You may begin.
TOMSLIN SAMME-NLAR:	Thank you, Brenda. Good morning, afternoon, and evening, everyone. Welcome to our November call, which we'll use to prepare for the GNSO Council meeting and which will be on the 19th of November. And we hope to also use this one to look at a summary of what happened at ICANN69. Also, I'll have Bruna introduce our new format and also give us a summary of the GNSO call that happened with the SGs and Cs. Also, we'll prepare for the GNSO Council call and that will be done today for us by Tatiana, and then we'll also look at some policy updates and our public comments, which I'm keen to look at because we don't seem to have volunteers putting their hands up for those comments. We have very many of them without any volunteers. And then we'll look at Any Other Business, if there are any.
MARYAM BAKOSHI:	Hi, Tomslin. Did we lose you? We can't hear you, Tomslin. If you're speaking, we can't hear you. Sorry, Tomslin. I can see that you're trying to speak but we can't hear you. You could probably dial in or restart

Zoom. In the interest of time, while we're waiting for Tomslin, Bruna, do you want to go ahead?

BRUNA MARTINS DOS SANTOS: Yes, Maryam, of course. Good morning, everyone. While Tomslin figures out his connection and so on, I would just go on and explain a little bit on how our calls will work from now on, and how we'll be dividing ourselves into this.

For the NCSG Policy call, we decided to continue with the previous strategy set out by Rafik. So it's going to be a fixed day, one day every month. We are still figuring out a time slot that's going to work across myself, Tatiana, and Tomslin, but the idea is that it's for this call to continue to be on a previously announced fixed date, just so everybody's aware and can join.

With regards to the format of this call, I think that from now on, we'll be dividing ourselves between Tatiana, Tomslin, and myself, in some of the points that need coverage and so on. I see Tomslin helping a lot and bringing us up a lot of the policy update/Council call preparation. Tatiana is also going to help cover the Council preparation part of the agenda and other additional things such as, for this call, the GNSO call with SGs and Cs is something that I'm going to cover up. So this is a call that you're going to be listening from the three of us from now on, and just so we can share this huge amount of work that Rafik used to deal with. So I do hope this model works from now on.

I'm not sure if Tomslin is back. Can you confirm to me, Maryam?

MARYAM BAKOSHI: Tomslin, do you want to try your audio again, please? Bruna, I will contact Tomslin privately. If you want to continue, please, with probably the summary of that.

BRUNA MARTINS DOS SANTOS: Yes, of course. I can start with the summary of the GNSO call with the SGs and Cs. This was a call that was hosted by the GNSO Council as part of the planning for the upcoming year. And as part of the exercise, they have invited all Chairs of constituencies and stakeholder groups, and asked us to both present our groups and also list some opportunities and threats of both for us to jointly work with the Council or things that we see in the near future as problematic.

On behalf of NCSG, I joined this call and I have presented our reinforced will to continue working with the GNSO Council and for us as well to help to continue building the GNSO Council as the main policy forum, policy arena for NCSG. In terms of threats, I have also listed that this continued overworked situation that our community finds itself at and also the lack of volunteers in some areas because we are we have been focusing on the EPDP for the past year. So these were some of the problems I have listed on behalf of NCSG but there were some interesting things on behalf of other leaders and so on.

So there was this continued kind of conversation in which some Chairs have also asked for the GNSO Leadership to work more specifically with them, just saying that some feel that constituency leaders and stakeholder groups might have been overlooked in the past. So this was

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one of the main things that was kind of highlighted from this call, and things such as IPC and other groups mentioning the problems with achieving consensus in some policies and working with people who would have different points of view. Also, the Council has made practically a public call saying that they want to work further with constituencies in stakeholder groups. So they have also asked us about our levels of engagement and whether or not we could compromise a few hours, maybe a week, maybe a month for the Council, and this was something that maybe was responded by more than just two or three leaders saying that things are a little complicated and maybe the approach is different. Maybe the Council can approach the groups with a mission, more like mission-oriented instead of asking for compromise for a certain amount of hours in general. Besides that, there was a lot of discussions on prioritization of resources as well, and also how could we all work together in making sure that the Council and Councilors understand and have a better outlined scope of work and prioritization of resources.

So that would be it from this call in general terms. I don't know if I'm sounding too confusing, but that would be it from this call. I found it to be rather positive to have the three NCSG Chairs—so Raoul, Raphael, and myself—and it's interesting for us to understand as well that there may be more paths for collaborating with the Council, but also to understand how to better shape our priorities in light of this exercise. I think that that will be it from my side on the GNSO call with SGs and Cs.

TOMSLIN SAMME-NLAR: Thanks, Bruna. I hope you can hear me now.

BRUNA MARTINS DOS SANTOS: Yes, we can.

TOMSLIN SAMME-NLAR: I'm really sorry about that. I don't know what happened there with my laptop. Thanks for that. Thanks for covering that and that overview of what happened with the SGs and Cs.

I'll carry on then and cover the summary of ICANN69, about what took place during ICANN69. I'll quickly look at some key things that happened during the meeting and give an overview of what happened there. Some items I was looking to cover, one topic was the Domain Name System abuse. Some of us might be aware that this is a topic that ICANN community has had several conversations in the last several meetings. During ICANN69, the contracted parties repeated how limited their remit on this issue is and the need to distinguish DNS abuse from other types of content, specific abuses, and I think that's been our position as well. It was also noted during ICANN69 that the community is yet to agree on a common definition of DNS abuse.

The other topic which was also a hot one in ICANN69 was WHOIS changes under GDPR, I believe. The stakeholders, especially from law enforcement, insisted on the need to access accurate WHOIS data in a timely manner. And I remember Milton advocated for the right of registrants with that personally identifiable information and he also said that the System for Standardized Access and Disclosure (SSAD) which the EPDP Phase 2 Final Report recommends will provide a standardized, centralized, and efficient method to disclose redacted data while in

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compliance with GDPR. I also remember that—and for this one I stand corrected, my memory wasn't very clear with this one—but I remember he also asked the community to use the right metric to measure where GDPR has caused an increase in WHOIS data request and DNS abuses.

The other topic in the meeting that I thought was important to note today was the EPDP Phase 2 Report. For new members, the EPDP Phase 2 was responsible for policy work on a System for Standardized Access/Disclosure to non-public gTLD registration data, as well as some identified Phase 1 topics, it had to look like [inaudible] redaction and data retention. But the team did deliver its final report to the GNSO Council for consideration. The Council and many other communities and stakeholders did discuss this at length during ICANN69. Also NCSG, in doing its engagement session with ICANN Board, this was also a topic on the agenda. The GNSO Council also had this in their engagement session with the Board.

There are some remaining outstanding items that EPDP Phase 2 team didn't address. The ICANN69 saw the Council voting to initiate EPDP Phase 2A to address some of this as well. And you've seen a call for volunteers for EPDP Phase 2A already. We have those applications in and should be announcing the members soon.

The other item that was discussed in ICANN69 was—and then this one was also the hot one—the Draft Operational Design Phase for gTLD policy implementation. At most, we would already know ICANN all presented the Operational Design Phase concept paper with us, with the community and asked for input. I remember Bruna did create a Google Doc for us to draft a response to this, and there were some

concerns that NCSG had about this is design phase, and some of those were things relating to operational concerns like operational concerns should be raised during the policy development phase and not at an additional phase. There are also concerns about re-litigation of matters that have already been handled in PDPs as well. So we would like to have volunteers for this as well. I remember no one made any comments regarding Bruna's e-mail she sent regarding her draft. If we could please have some volunteers come up to contribute to this draft, it would be helpful so we can submit a comment to ICANN Board.

The other item that we got from ICANN69 was the GAC communiqué. For this meeting, there was no specific consensus advice for ICANN Board in the GAC communiqué. Yeah, they only had some comments about the generic top-level domain, subsequent procedures, and the DNS abuse, and access to gTLD registration data.

So that's the update I had as a summary of what happened in ICANN69. I don't know if anyone might want to add something they were specifically interested in and would like to give an update.

Yes, Stephanie. I can definitely post the link. Yeah. I have it up posted on the chat.

All right. I don't believe I see any hands. No, I don't see any. All right. We'll move to the next item on the agenda then as I see no hands. I'd like to ask Tatiana to cover this for us. This is agenda #4, which is the GNSO Council call preparation.

TATIANA TROPINA: Thank you very much, Tomslin. Hello. Good morning, good afternoon, good evening, everyone. I hope that you're all safe and well. For those of you who are new here, and also for those of you who are not very new, GNSO Council is the body which administers GNSO Policy Development Process at ICANN. We have quite a few Councilors elected by NCSG on the GNSO Council at this meeting. So, dear fellow Councilors, if you have anything to add to what I'm going to say, please feel free to raise your hand or just interrupt me because I will pause from time to time.

The next GNSO Council meeting is going to take place this week on Thursday in the evening Amsterdam time, afternoon American time, ungodly Asian time. Nevertheless, what's on the agenda? We have quite a few contentious items. However, we have almost no votes. So if we can go a bit further below, the GNSO Council always starts with administrative matters, roll call, updates to the Statement of Interests, review and amend the agenda, opening remarks, when we usually focus on the updates and areas and provide updates to specific key items, key topics. GNSO is dealing with—unfortunately, I can't see the agenda on the screen anymore, but I'm going to walk you through it intuitively.

After all these updates and opening remarks, the GNSO Council is going to move to the Consent Agenda. This is the agenda where Council votes without discussion. The first Consent Agenda item is the Action Decision Radar. The decision which was taken by the Council to move the request for the Policy Status Report for two policies—for Expired Domain Deletion Policy and for the Expired Registration Recovery Policy.

What does it mean here for those who see it like it's all Greek to me? Well, first of all, what is Action Decision Radar? This is the new tool that was developed for the GNSO Council because we have so much right now on our plates that it became humanely impossible to manage all the tasks at the same time, and the GNSO Council now has to prioritize. What are they going to do first? What are they going to do next? What are they going to delay maybe for the next Council? And also when and how we can say no?

This first Consent Agenda item is our attempt to exercise this prioritization. With regard to these two policies, Expired Domain Deletion Policy and Expired Registration Recovery Policy, in January this year, the GNSO Council had the Strategic Planning Session. The Councilors were trying to prioritize the items that they can and should work in the next year or even in a bit of a longer term. And these two policies were on the bottom of the list and remained like low priority, not in terms of how important they are for the community but how important they are for the Council to deal with right now. So it was said that they are basically working across the industry quite fine. So perhaps there is no urgent need to actually do something about them. So they're not at the top of the queue. They're going to be dealt with somehow. They're very important but just not for now. So this is what the Council is going to vote for as the first Consent Agenda item.

The second Consent Agenda item is no less important but absolutely not sort of debatable. It is about the confirmation of the GNSO representative to the Empowered Community Administration. Many of you know that the Empowered Community Administration is the important mechanism for ICANN accountability, how ICANN community

can challenge the decisions of the ICANN Board. And normally, as a tradition or as an established practice, it is the GNSO Council Chair who is representing the GNSO in the Empowered Community Administration. And nothing has changed this year. We have the newly elected Chair of the GNSO Council, Philippe Fouquart, who is going to be appointed as a GNSO representative to the Empowered Community Administration.

I'll pause here for now and see if there are any hands from you, if there are any questions, if my fellow Councilors want to add anything. I'm counting to three. One, two, three. I see no hands, I see no interventions in the chat. We're going to the agenda item #4, which is going to be a discussion item.

So what are these all about? The GNSO Council right now has his annual Strategic Planning Session. If it wasn't for COVID, this session would have taken place in January next year in Los Angeles. But in a way, COVID saved us from all this long haul flights and being severely jet lagged, and also what it gave to us here is the opportunity to have the Strategic Planning Session right after the new Councilors were seated, which is good for the GNSO to onboard new Councilors to mingle. But more importantly, to discuss the priorities, the work plan, everything that is on our plate for the next year until the 2021 AGM.

This is a very important discussion right now because those of you who regularly attend the GNSO Council meetings or those of you who are going to attend the first GNSO Council meetings—and hello to all the newcomers here. I'm very happy to see your names. And any questions you have, please ask on this call, approach us individually. We're happy to answer. So about this GNSO Council Planning Session, back to it. So

those of you who attended the meetings regularly, you see that when we go through our priority list and project list, and now the Action Decision Radar, you will see that GNSO Council has so much in front and ahead that it is very hard to manage. So this Strategic Planning Session is supposed to, first of all, identify the priorities. But most importantly, it is supposed to empower Council within two fields. The first is how do we work effectively? The Council has a long history of creating these small groups of Councilors that are dealing with some of the items that are on the plate of the Council. How to sustain this effectiveness? How to maintain these groups? How to make everyone on the Council work equally? And the second priority for the Council in terms of managing the workload is how the Council can prioritize what's in front of it and how the Council can identify the necessary resources and not to go over its capacity, because these going over capacity complaint has been heard everywhere on the constituencies level, on the stakeholder group level, and on the GNSO Council. The items for Policy Development Process for discussions keep coming up. But how do we keep up with them is an issue. And for Council, it is very important because we do not mostly go to the substance of the policy but we are we are administering policies. And sometimes we do have to postpone something and sometimes we do have to say no. And so at the Strategic Planning Session, we also learn how and when we're going to say no, and based on which criteria.

I'm going to pause here before I go to the agenda item #5 and see if I have any hands or questions on the chat and if my fellow Councilors can ask something. Stephanie, please go ahead.

STEPHANIE PERRIN: Thanks very much. I really appreciate this priority setting approach, but I can't quite understand why we're charging ahead with the PDP 2.A or whatever they're calling it because we're clearly burnt out on EPDP. It'd be good to have a break. And yes, I understand that the BC and the IPC want that, and so does the GAC, and so does the ALAC, not to mention SSAC. But give us a rest here. That would have been a good one to take a break on. Was there ever a rationale expressed? Certainly not during the transition, it's already been started, but I'm just wondering if there was a recap on that, it could give us that because it does seem like maybe a little holiday for six months would have been a good idea.

TATIANA TROPINA: Thank you, Stephanie. Certainly, yeah. First of all, about this prioritization and EPDP 2A, I guess, because this week, tomorrow, we have two sessions and I'm sure that this is something that you can perfectly make as an example of rushing through things. However, I do believe, though, of course this decision was taken as a compromise to start as soon as possible to approve the EPDP 2 Phase Report and as a compromise to put some items additionally and just start as soon as we can. And of course, in a way, we know that for accuracy, there would be a scoping team, but for the EPDP 2A, they just want to keep the ball rolling or perhaps use the momentum, seize the day here.

I don't have the answers here as a recap, because I think that in a way there was pushback from IPC, BC, and GAC, and of course there was not enough resistance to it. And that's all I can say in terms of prioritization. Right now, of course it is where it is. We voiced our concerns many times about these, about volunteer burnout, about not being able to get

the same volunteers, about expertise and time required for these. I think that the same that happened with the break between EPDP Phase 1 and EPDP Phase 2. There was a big outcry but then we just got back to business as usual. So, I'm terribly sorry that I have no, perhaps, good news for you and my recap rather sounds like what you said, but there is nothing new in this. There is no new information that I can offer. I don't know, Stephanie. Please go ahead.

STEPHANIE PERRIN: Well, I think that maybe we should make a point of kind of writing this up as an example because it does sound like same old, same old what the GAC wants to get. It's not as if we haven't been hearing about abuse all the way along for the last three years and then you got to count the RDS as well. So this is not new. They just succeed in setting the agenda, which I find frustrating. Anyway, I won't go on and on. But I think the Council is making a real effort here to try to take a more management-oriented look at things and yet we're right in the middle of starting again. Thanks.

TATIANA TROPINA: Thank you, Stephanie. And yes, I think that there is something that we as Councilors and as GNSO Council can learn from this example. So putting it forward and actually making that a case out of it might not be a bad idea. So we're attending the same session for the breakthrough … breakout groups. Breakthrough? I hope that they're going to be breakthrough, indeed, but they're breakout for now so you might as

well bring this topic for discussion at the SPS. Any more questions? Stephanie, is it an old hand or a new?

STEPHANIE PERRIN: Old. I'll put it down.

TATIANA TROPINA: Thank you. Thank you very much. So let's move to the agenda item #5. If we can go a bit there on the screen. This is going to be a discussion about an update on ongoing GNSO Policy Development Process, which is pretty straightforward here.

So I encourage you all to attend and listen to our GNSO Council liaisons. As you might know, we have two big PDPs which are near the conclusion. First of them is RPM Rights Protection Management. Oh my God, am I saying it right? Well, nevertheless, RPMs which had its consensus call last week and which was one of the longest Policy Development Processes as far as I remember. This is going to be in front of the GNSO soon and also Subsequent Procedures PDP. We have these two and we have, hopefully, one of the last updates from the GNSO Council liaisons to both of these. Sorry, it was Rights Protection Mechanism. Both of the GNSO Council liaisons to these Policy Development Processes, and they're going to update us, just in case, if there are some last-minute issues that are coming up in these working groups that we should be aware of as the Council. I personally do not receive any last moment super big issues. If any of you are aware of those, please let us know. But otherwise, let's just wait for the Council and let's see what the GNSO liaisons are going to talk about.

Again, just to note for you all, the GNSO where they go through the substance of the policies, we always have to see how it was managed on the procedural level. So this is where we have to find a middle ground between what's reported on the substance or substantive disagreements and how the GNSO is managing it from the procedural point of view. I'll pause here and see if there are any questions or comments, because I believe, at this call, at the end we will have some updates from the working groups. So you will probably hear from us. Tomslin, please go ahead.

TOMSLIN SAMME-NLAR: Yeah, I was just going to add that I haven't seen Kathy on the call yet, but I do have updates from her. So I'll read those out when we get to the update section for those two PDPs.

TATIANA TROPINA: Thank you so much, Tomslin. I do hope that Kathy's update also include the fact that the RPM was having a consensus call a few days ago, which made us very happy as the GNSO Council because we had quite a few requests to delay and then extend this Policy Development Process. So at least it makes me very happy.

Any more questions here or comments? All right then. Let's go to the agenda item #6, which is the Council discussion on when to launch review of policy implementation recommendations review. So we have this item on our Action Decision Radar. The GNSO has to consider when to lunch the review of these policy and implementation recommendations which were adopted in 2015. These procedures and

recommendations adopted in 2015 include quite a number of topics like GNSO guidance process, like the GNSO input process, and the Expedited Policy Development Process that was actually used in the last few years for Policy Development with regard to registrants' data.

So the question here right now is when and how the Council is going to review these recommendations, so they have to be reviewed I think every five years. However, we have an opportunity taken into account and I'm referring to what I was saying before at the beginning of this call that we have to prioritize the work that is in front of us. So, the Council is going to discuss if we are going to postpone this review of these recommendations to a later date, because some of them were successfully used like, for example, EPDP and IRT principles and guidelines have been used up to date but some of them were not. But the main concern here is the capacity and bandwidth of the GNSO, which has so much more important priorities on its plate. I'm going to pause here and see if any of you have—yes, Stephanie, please go ahead.

STEPHANIE PERRIN: I hate to be the only one commenting here so, please, push me out of the way of some a few others would like in on this topic. I was on that original team. I wasn't the most active member because, as usual, there were other WHOIS things going on that demanded my time. But that was a pretty important group, and I think we managed to grapple with some problems that are almost endemic at ICANN, namely a failure to distinguish between policy and implementation. And we have continued on since 2015, notably in the PPSAI, that was a grim example of somebody not liking the output from the policy procedure, and then we

deliberately said, "Oh well, we'll fix it in implementation," which of course is the wrong answer. You have to set the policy and then live with the consequences, not stack the IRT and come up with a different answer. So since I fear that we may be facing the same kinds of things happening, particularly in terms of the interpretation of what we did in Recommendation 7 on the Thick WHOIS and the PPSAI is locked in the Implementation Group now because we need to grapple with the new policy. It is in many respects a good time to look afresh at the recommendations of that policy and implementation review mechanism. There was some good work done there, particularly for new members, it would be worth having a look at it. I know it's a big, long, involved process but it's important to us. I remember at one of my very first ICANN meetings, listening to Robin Gross, challenging on what really was a very bad interpretation of what was policy and what was implementation. Personally, I could not believe how ICANN did things. Now, I would say we're much better than we were seven or eight years ago, but it's still an area of concern for us. I just want to highlight this. I agree with what Tatiana is saying about setting priorities. It doesn't appear to be a priority but it was really good work and something we have to sort of cherish in our hearts, at least, even if we don't review it right now. Thanks.

TATIANA TROPINA: Thank you very much, Stephanie. And indeed, it's hard to disagree that that was a very important work. I have a question before I move to the item #7 and item #8 because they are very important items for us. However, I see that we have only 14 minutes of this call left. The call was scheduled for an hour, as far as I understand, normally we had it for

one and a half hours. So please let me know how to proceed. Should I shorten the preparation and just cut somewhere? So this is the question for Tomslin, Maryam, or Bruna. Please let me know on the chat.

MARYAM BAKOSHI: It's actually an hour and a half call.

TATIANA TROPINA: All right. Thank you so much. Then I will continue without any hesitation to the item #7 on the Council agenda, which is—drum roll—the upcoming GNSO review. This agenda item is based on the letter which the GNSO got from the Board on whether we want to launch the GNSO Council Review, which, if we agree to lunch, we just have to start now because it has to be launched in June 2021, which doesn't leave us much more time to actually prepare for it. However, we've got an alternative way here, which the Board is asking us about. We can delay this review because there is uncertainty, which is coming from the Board consideration of the third Accountability and Transparency Review Team recommendations which are in the report, which has implications on the organizational reviews, including the GNSO review. In addition to this implication, there was also direct suggestion from the ATRT3 team that ICANN is going to play some moratorium on launching and carrying out any organizational reviews until the decision has been made on the relevant ATRT3 recommendations.

I can pause here, of course, although I would say my personal opinion here that we shouldn't launch the review right now. We should do our best to postpone it, pending ATRT3 recommendations and so on.

However, the GNSO Council has to reply to this letter from the Board. I believe that some of the GNSO constituencies and stakeholder groups actually might aim for having this review and starting it as soon as possible. I guess that some of those people who are on the call can have their opinions on these, and I would really, really like you to come forward and share it with the Councilors who are present here. Thank you.

I see Stephanie commenting on the chat. Yes, Tomslin, please go ahead. You're the first, and then Rafael next.

TOMSLIN SAMME-NLAR: I'm just going to say I'm keen to hear the rationale of the constituencies, the one to go immediately without waiting for ATRT3. And they don't believe there is any impact for not waiting for the ATRT3.

TATIANA TROPINA: Sorry, Tomslin. Could you please repeat your question?

TOMSLIN SAMME-NLAR: No, it wasn't a question, Tatiana. I hope you can hear me. I was making a comment.

TATIANA TROPINA: Oh, it was a comment. Okay. Thank you. Because Raphael has the same question, Tomslin, on the chat. Rafik, please go ahead.

RAFIK DAMMAK: Okay. I think just for the history, the constituency forming the CSG, the Commercial Stakeholder Group, were never happy with the first GNSO review that did structural change, which ended up with having the two house and also changing the number of Councilor for them. So before each constituency, they had three Councilors. With the change that happened in 2008, 2009, we reformat the stakeholder group, which means that NCSG gained three seats, and those seats were taken from the CSG. They were never happy with that outcome. Since then, they are trying in each GNSO review, like the last time that happened, I think it was 2014, 2015, they were pushing for structural review but it didn't happen because it was not the term of reference. So then we try again to [argue] in the same for the next GNSO review.

From I think the perspective of NCSG, there is no reason for changing the current configuration. It gives us some power and also create more balance because having the two house means that you cannot—it's your number of constituency kind of push or dominate the Council. So you have for like approving PDP outcomes and so on, you have to get the support of the majority from each house, so it creates some balance in the Contracted Parties side and Non-Contracted Parties side. So any change or moving from the current situation will impact us very heavily and it's something we need to be careful.

Also I think GNSO if you, by experience, really take a lot of bandwidth and I don't believe it's something we can do right now, there are so many things and a review that is not really in our interest won't be helpful for us. So delay should be I think our utmost priority. Delay if there is no reason to start it anytime soon.

TATIANA TROPINA: Thank you very much, Rafik, especially for this historical perspective and for giving such a good rationale overview of our rationale. Bruna, you're the next.

BRUNA MARTINS DOS SANTOS: Thank you very much, Tatiana. Just maybe following up on what Rafik said. I agree that it's important for us. Just to make it clear that this is not at the top of our interest for the time being but also re-reading the letter from Maarten from a month ago, it would be really important for us to somehow document the NSCG position to the Board. Maybe we can also try to build up kind of an argument, a rationale behind saying that it's not at the top of our priorities for many reasons. Also, by stating that it's not actually the time, but just giving everyone a nudge that we're most likely will have to document it and reply to Maarten's letter because it also has a very clear call for us to schedule a call with other GNSO stakeholder groups and leaders to meet with the OEC shortly after ICANN69. While I haven't heard anything else from the Board's Organizational Effectiveness Committee, it's probably going to come up soon. So just for us to start documenting this. Thank you very much.

TATIANA TROPINA: Thank you very much, Bruna, for your great update from the NCSG Chair perspective. I believe that we can coordinate here and you can update us and get information from us, perhaps, in your communication with other stakeholder groups and constituencies. And of course, we can try

to defend our position on the GNSO Council here and in the GNSO Council discussions. Let's see where GNSO and its Council will take it from there. Tomslin and Bruna, are these old hands or new hands? Is there anybody else who wants to talk about it?

TOMSLIN SAMME-NLAR: Old hand with me. Sorry.

TATIANA TROPINA: Thank you, Tomslin. I see nobody yet. I'm sure that this is not the last time, unfortunately, in the next few months when we might come to this topic. Unfortunately, who knows if we are able to defend our position?

Let's move to the Council agenda item #8. Those of you who followed our policy calls and GNSO Council meetings are very well aware of and I think Stephanie already mentioned it. It is about the Implementation Review Team impasse with regard to the EPDP Report Recommendation #7, when the Implementation Review Team cannot agree on the intent of the Recommendation 7 and how this recommendation deals with the Thick WHOIS.

For those of you who are not aware what Thick WHOIS is, the WHOIS which contains much more information about registrant's data than the so-called Thin WHOIS. This entire story started with the ICANN Board, noting the potential impasse in the group with regard to how Recommendation 7 influenced the previous policy development and agreed recommendations on the Thick WHOIS transition policy, and

whether this recommendation actually overturns. Those policies, which apparently it was never an intent because there is Recommendation 27 in the EPDP Final Report which actually says that there should be a scoping team created for considering these issues of the Thick WHOIS. But some of the parties are saying that Recommendation #7 was trying, in a shadowy way or in a backdoor way, to overturn the existing policy. So in the Council meeting in October during the ICANN69, we were trying to discuss the draft of the motion. It was a very low motion with various rationale on the intent of the Recommendation 7. Apparently, neither the IRT nor the small working group of the Councilors are able to come to a conclusion on this and find some sort of consensus or middle way. So we're just rehashing the same arguments and going around the same issue. So it's a true impasse. Right now, the choice for the Council is of course either to consider the draft of the motion which was submitted in October or give it yet another chance and discuss it yet again.

So here we are. I don't have any answers to the questions. Our arguments stay the same. I believe that the arguments of the ITC and BC will stay the same. I believe that we're just delaying the inevitable here unless we are going to solve this issue in some sort of magic. But those of you who are new to the Council or not so new, please do listen to this discussion. The fight is going to be very interesting. I will pause here and give the floor to anybody who wants to add anything. Although, frankly speaking, I believe that it's hard to add anything here because we have been working and going around this issue for quite a long time.

Tomslin is saying that, "The motion makes sense to vote for." I agree with you, Tomslin. It does make sense to vote for. Bruna says go fast.

Right now, it is not up to me to put this motion forward on the table because there is always hope that dies last. And I believe that this is where the hope is probably going to die in the next few weeks and probably we are going to have the motion during December meeting, although I would be happy to be proven wrong if we can reach any consensus. Any other comments on this issue? I see none. Can we move to Any Other Business?

Any Other Business is going to be the update from the small team review in the so-called Operational Design Phase. So those of you who follow the ICANN meeting and the GNSO Council meeting, the last one, you're probably aware that the ICANN Org sent a document around which is going to introduce the Operational Design Phase, which is going for big complex policies like EPDP or SubPro. They are introducing the new phase, which is going to be before the approval of the Board and apparently before the implementation, where the Board is going to collect feedback from various groups to assess what the actual implementation of this policy would mean cost-wise, resource-wise, and so on and so forth.

The document is not really like a strawman but somehow like a skeleton which still need to be beefed up. Stakeholder groups and constituencies and the GNSO Council will ask for comments on this document. I'm currently a member of the small team, which is reviewing the Operational Design Phase document. We're having a meeting later today and what we're currently doing, we, first of all, created a list of clarifying questions for the Board. And rest assured, I pushed forward the question about the lack of safeguards for renegotiating the policy outcomes. So it is right now in the clarifying questions, and they will

probably be in the GNSO list of concerns because it's not only our concern.

So the Any Other Business agenda item will present the update of the small team. I cannot say right now which form this update will take because we're still finalizing it tonight. But stay tuned and follow us. Rafik, your hand is up. Please go ahead.

RAFIK DAMMAK: Okay. Thanks, Tatiana. I was not really planning to talk today. But since you mentioned the small team and I saw who the members of that small team from the Council, I just have one concern. It's about the participation of the GNSO liaison to the GAC. It's quite unusual to have the liaison involved within the Council discussion or Council small team. It happened before but usually it's just for the GAC communiqué to make sense because in his role to liaise with the GAC. The liaison to the GAC expressed a position that I think raises concern for me because he's kind of really advocating for that proposal in paper for some reason. I'm not going to go into details about them. I think it's just one point to make. I'm kind of concerned about such participation. I was wondering about the influence regarding the deliberation of that small team. It's not something I usually bring in a public call but just taking the opportunity to write this, I think, several few words about but just I want to hear what's the current position or thinking within the Council.

TATIANA TROPINA: Thank you, Rafik. Well, first of all, I believe that you're not the only one who is expressing this concern. We had direct concerns expressed by

GAC liaison on the GNSO Council calls as well. So you're probably well aware of that. I think that right now, we're still in the phase where we're sort of fine tuning the GAC liaison role because I believe that of course HGAC liaison is going to be different. And we already communicated to the GAC liaison, that liaison role means liaison, it's not plus one Councilor. However, the GNSO might still think that we might benefit from his expertise.

With regard to the work of the small team, I do believe that despite all this advocacy, the Councilors are just going ahead and drafting the comment in the way they see it. Or at least that's what I saw during the small team meeting. I was very aware that the liaison is advocating for this paper and I have big arguments about it with him. I guess what we can do right now, while we are still adjusting all these rules, is just to go ahead and have a strong position on this. But thank you very much. I get your concern because I share it. Stephanie, you're the next.

STEPHANIE PERRIN: Thanks very much. I agree with Rafik in raising this issue of the activity of the GAC liaison. You will note that Julf was sometimes criticized for being neutral but he stuck to his job. That's the job of being a GAC liaison. And our new GAC liaison is extraordinarily active in expressing policy opinions on everything. I don't mean that as a personal criticism, I mean it as a structural criticism of the role and how he's interpreting it. So I think we really ought to caucus with our buddies in the contracted parties and see how they're feeling about this. Because really, let's face it, throughout history—for the benefit of new members—it has been the GAC that has swooped in after our policy processes and lobbied the

Board to make sure that the outcomes are changed. That's what we're dealing with, folks, we might as well be explicit about it. So it's of deep concern to us how the GAC liaison and the GAC participation in Council takes place.

In terms of this whole small team issue—I shouldn't put on the public record, this comment, but I will anyway—how long can we spin this out? How long can we stall before we actually have a vote on this? Type in your opinions. Thanks.

TATIANA TROPINA: Stephanie, you mean, how long it's going to take until we have a comment of the GNSO on the Operational Design Phase?

STEPHANIE PERRIN: Yes. I haven't commented on Bruna's excellent draft there yet, but in my opinion, this kind of strikes at the heart of some of the problems that we're facing, in particular the EPDP, and that is the tendency to take really important matters that are germane to the policy outside and do it elsewhere. I'm referring in particular on the EPDP to the Board setting up—and by the Board. I guess it was really Göran and Ram Mohan setting up that Technical Advisory Group, whatever, Strawberry or Berry they call themselves, that tried to figure out the mechanism for providing access, basically, for replacing the WHOIS. We didn't need that because Elliot in Tucows had already implemented RDAP and the work on RDAP had been done through the IETF. That whole exercise was basically just an attempt to ignore the law and prove you could build another WHOIS, and we weren't represented on it. And there's no

reason that we couldn't have been represented on that. They didn't ask us. I nagged, didn't do any good. So that strikes at the heart of the affordability problem.

I recall a comment earlier several months ago, I guess it is now, that why do we care about the cost? Well, we care deeply about costing because at the end of the day, there's only one payer in this ecosystem at ICANN and that is the end user, the end registrant, RNH. They're the source of all the money, they're the source of the taxes on the registrars and registries for ICANN, and therefore domain name prices will go up so that they're not affordable to the people that we represent, if we're not careful. So bringing these things into the ICANN Org sphere and the Board sphere and not discussing them at the PDP level strikes at heart of our very representation of our stakeholders. Thank you. Just a little rant. Sorry.

TATIANA TROPINA: Thank you, Stephanie. I'll just go back to your initial question, which was when. We basically have two options here. First of all, the team, of course, asked stakeholder groups and constituencies whether they are going to comment. And I said, "Yes, we are. And others are going to." As you know, the GNSO Council can go as far as the compromise goes. So I believe that the team is going to present the draft of the response before the GNSO Council meeting and because we have a deadline, basically.

So either the GNSO Council as the agenda item #9 going to agree on this document and the document is going to get fine-tuned and then it's

going to go out. Or we will have no response and then there would be responses from stakeholder groups and constituencies. We will just see how the situation will go on the GNSO level. I believe that the questions we are asking there relate a lot to what you said and what Rafik said during the last GNSO Council meeting about streamlining the process, and so creating additional elements about whom the decisions lie here and how the input is being collected. I believe that right now, all the options are on the table and it's just going to be decided during the Thursday meeting. Again, this is why it is the item for discussion and I believe that we can all chime in. So let's see how it goes.

Tomslin, you're the next.

TOMSLIN SAMME-NLAR :   Yes. Thanks, Tatiana. My question was going back to involvement of the GAC liaison in a small group. And considering that many stakeholders express their worry about his involvement, what do we need to do to make a decision whether he should be involved or not? How do we go from here?

TATIANA TROPINA: Thank you, Tomslin. I believe that in this way, perhaps this is something that I should convey to the GNSO Leadership team yet again that there are concerns about the GAC liaison involvement in the small teams and in the Policy Development Process. As I said, we're still in the process of adjustments and I believe that, in a way, the GNSO GAC liaison will have to—if the Leadership in the Council is not happy with his work, he will have to moderate his efforts. So for now I don't have any answer to

your question but I believe that there is still work to be done in this readjustment. So let's just see how it goes and see what the concerns are and see how we can again establish a sort of fence around this domain, if that makes sense. Thank you.

Yes, Stephanie, about the agenda item #9, I believe we are ready to defend our position there. Right now I think that we are done with the agenda item for this call and I will give it back to Tomslin for the agenda item #5. Thank you very much to all of you for questions and discussion. Special thanks to Rafik who wasn't going to talk as he said but still talked. I very much appreciate it and I believe that we all are very much appreciated, Rafik. We have too big shoes to fill. And as you see, we're trying to fill them with three people and we still sometimes need your help on comments, so please. Thanks a lot. Thanks you so much for joining. Tomslin, over to you.

TOMSLIN SAMME-NLAR: Thank you, Tatiana. Thanks again to Rafik for joining us, especially about his [inaudible] he gave there. That was helpful. I'll move now to the policy update and I don't believe Kathy was able to join us. And like I mentioned earlier, she was able to send to me her update, and I did promise to read it out if she doesn't make it. I will go ahead and read it.

So the first update is regarding the RPMs Working Group. The RPMs is in its very, very final stages of Phase 1 review of all RPMs for new gTLDs and they are in consensus call this week. I think "this week" was last week. They received one minority statement and will go on to publish their final report shortly. I think, Tatiana, that's what you're expecting to

come to the GNSO Council. The next step in the RPMs is chartering Phase 2 review of UDRP and putting together a new PDP working group. So that's all the update there is for the RPMs.

The second working group is SubPro, Subsequent Procedures. She said it aims at the same goal, creating, revising, polishing the rules for a new gTLD Applicant Guidebook. And they are working on all the rules RPM is not, and that include applications, review processes, and challenges. So the SubPro is now reviewing its second round of comments in which NCSG participated, and key issues that are being debated right now in SubPro involve closed generics, private auctions outside of ICANN for contention set of new gTLDs. The money she said will not go to ICANN or the special foundation fund for proceeds of the auction proceedings.

The other issue is voluntary Public Interest Commitments, which can reach deep into content and due process. They are far outside the scope of ICANN's mission and Bylaws. The last one is something NCSG has been yelling about for years and the ICANN Board raised still concerns in a [recent letter].

Those were the updates from Kathy about those two PDPs. I would say if anyone have a question but I will not be able to answer them since she's not here. But if anyone has a comment, you could raise your hand to speak. I see no hands raised.

Going to the next agenda item, which is our call for volunteers for public comments. I believe we have six active public comments. We submitted one comment today and that's proposed amendment, one to the .jobs Registry Agreement which Raphael was kind enough to draft for us.

We have another public comment, the recommendations for early warning for root zone scaling, which the submission date is 23rd of November. Raphael and I have put a draft together and I will be sharing those. I will be reminding if anyone can help review them, too, that will be helpful.

The third one is the draft PTI and IANA FY22 Operating Plan and Budget. No volunteer has come up for this one. The deadline is the 30th of November. Our request, if anyone can please volunteer to draft a comment for this, we will be very, very grateful. It's all right, Bruna.

The other public comment we have—and this one has a deadline of 30th of November as well—is the preliminary issue report on a Policy Development Process to review the Transfer Policy. Again, no volunteers for this one. So, I'll be nagging on the list again, reminding us to please volunteer for this one.

The IANA Naming Function Review Initial Report, too, requires drafting a comment and the same, no volunteer. The deadline is—we have a bit of time for this one, it's 2 December. I was the co-Chair for this review team so if anyone wants to volunteer but need some help, they can please ping me and I'll be happy to help them. Obviously, I cannot draft the comment because I was the co-Chair, but I'll help with any questions anyone has for this one.

The last public comment we have is recommendations for ICANN's root name service strategy and implementation. That was the last one that came out. Deadline for this is the 8th of December. No volunteers as well

for this one. I will be sending reminders on the list for this comment and requesting for volunteers to help with it.

I'm just checking if anyone has a hand up to make a comment regarding the public comment, on the volunteering. Thanks, Pedro. Thank you. I'll share it to the list again today so that everyone is reminded of the ones that don't have volunteers for. I'm seeing all hands for comments on this item. I will move to the next agenda item which is Any Other Business and admin matters. I don't myself have any particular any other business, but I would like to ask Bruna. Is there anything you'd like to add here?

BRUNA MARTINS DOS SANTOS: Hi, Tomslin. Not much to add. Just if anyone else wants to help with the informal comments with regards to the Council new thing. I'm forgetting the name about because I'm doing two things at the same time. But if anyone wants to help me with the previous comment that you announced, this will be welcome. And that's it.

TOMSLIN SAMME-NLAR: Thank you, Bruna. Any last words from you, Tatiana?

TATIANA TROPINA: Thanks to everybody who attended. Yeah, I think that this is all from me. Thank you so much.

TOMSLIN SAMME-NLAR: Thanks. Thanks once again for everyone. I see Raphael's hand up. Raphael, please go ahead.

RAPHAEL BEAUREGARD-LACROIX: Hi. Thanks, Tomslin. So just coming back quickly on the comment on the budget documents. So as I wrote in the chat, at least I would be involved with the GNSO Committee on Budget and Operations, which will basically formulate the general changes for comment on the Budget document. Because of that, I guess I will be involved with the NCSG comments as well. In any case, you can definitely add me. I'm not sure who else has been kind of renewed or added to that position for NCSG. You may check with Bruna on that, but I am at least in any way.

Also, I have just a very quick AOB for NCUC members who are on the call. So just a reminder that we have NCUC as a blog. That's also for new members but all the members as well. So NCUC has a blog. And if you're interested in writing anything that has to do with DNS policy and ICANN activities and you would like a platform to write that, me and the EC would be happy to work with you on that. So just contact any of us directly on the EC or you can contact me, the Chair at the chair@ncuc.org. Thanks.

TOMSLIN SAMME-NLAR: Thank you so much, Raphael. Yes. If anyone needs any help with getting involved with these comments, please don't hesitate to reach out. We, and I am in particular, will be happy to help. And with that, with not seeing any other hands raised, that's it for the meeting today. Thank you all for coming today. Bye, everyone.

[END OF TRANSCRIPTION]