
RAFIK DAMMAK:

Thanks, everyone, for joining today's call, the NCSG policy call. As usual, it's scheduled just prior to the GNSO Council meeting. It's an opportunity to go through that agenda, so for the NCSG councilor to take input from the members and also to share a briefing and update of what's going on GNSO Council side and GNSO and ICANN in general.

Just as a reminder, please mute yourself if you are not speaking. I know this is the first time for many to use Zoom. The mic is open by default, so please mute yourself. Okay, thanks.

So, our agenda is quite simple. We usually start first with GNSO Council meeting agenda. We try to go through it as not quickly but to go through it thoroughly and to highlight what are the important discussions. Then we move to the second part which is an update from all the PDPs, the policy development processes, review teams, and any policy discussion. The third part, called others, is just any other item of interest or anything that we want to add to the agenda for discussion.

So, let's share first GNSO Council meeting agenda. Sorry, Maryam, can you please resize the screen? I'm not sure. It's kind of ... I don't think it's visible for everyone. I don't think I can ...

So, as usual, in terms of the agenda, the first item is administrative so we don't need to cover it.

The second item, it can be important. It's opening remarks and review of project and action list. We are not going to review it, but I think the links there are important. For example, when we check the project list,

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we can see the status of all the GNSO activities in terms of policy development process, working group and so on, so you can have up to date snapshot of what's going there and also for each activities you have the link to their working space and so on.

The third item, which is more important, is the consent agenda. As stated, it means that we don't discuss. It's just it's expected that we will vote [unanimously] for those items or just for confirmation. So, in [practice], we don't have any motion for GNSO Council meeting and we don't have one for the consent agenda, but we are going to confirm here two things. First, to confirm Julf to serve on the CCWG (not CCCWWG) – CCWG on new gTLD auction proceeds to replace Stephanie. Stephanie asked to be replaced because [of the workload,] and Julf volunteered, since he is already in that working group, to be the NCSG representative. So, the expectation here is the GNSO Council just to confirm the appointment from NCSG.

The second item is [the confirmation for recommendation] report to the ICANN board regarding the adoption of recommendation one to four contained in the final report from the IGO and INGO access to curative rights protection mechanisms.

So, in the last GNSO Council meeting, the council approved those recommendations and the steps after the approval by the GNSO Council is to send the recommendation and final report to the board for consideration. What happens is that also the staff prepared kind of report for a briefing for the board here. So that material was shared last week for review by the council but there is no expectation here to do

discuss what we think, just to confirm or approve the document to be sent to the board.

Any questions or comments on this one? If you want to know more or you want some background, you are welcome. Okay. Please mute yourself if you are not in the queue. Otherwise, we will have an echo.

So, the next item is the council discussion. As I said, we don't have any motion for votes, so it's all topics for discussion. So, we [inaudible]. The council agenda is quite [maybe crammed] here.

The next item is the amendment to the review of all rights protection mechanisms. A charter to integrate recommendation #5 from IGO and INGO access to curative rights.

So, before we [send that,] we are sending the recommendation report to the ICANN board regarding the recommendation one through four for NGO and INGO work, but here, what happened is the council didn't approve recommendation #5. It voted to send it to the RPM Working Group and the plan is to amend the charter of RPM Working Group in phase two. The working group is just still in its phase one, so that will only happen when it delivers its final report. So, the idea is to amend the charter.

However, the document that was prepared by the staff here with the proposal is kind of in the format of an addendum. It's [inaudible]. So, an addition. It's not amending the charter and the idea is maybe to [inaudible] the current charter but to add it as kind of an extension here, a separate document, to expand the scope and also maybe the composition of a sub-group within the RPM to focus on the working

recommendation #5 with the specific question that you can see here in the background.

So, here is more of a discussion for the council as to how we will proceed for recommendation #5. The expectation here is just to start the discussion. There is no urgency to amend or to start with the work quickly on this matter, but just here in terms of planning and to see how we can fit this new work for RPM for its phase two. So, we have our proposal document, our working document from the staff as to start the discussion. Basically, they are combining or suggesting to combine several approaches, like what happened in EPDP in terms of composition and also to emphasize that we need a representative with expertise on the related matter for the question related to the IGO/INGO and also use the model that we have with work track 5 for geo names in the SubPro Working Group. So, it's kind of [mix] and also trying to implement to some extent PDP 3.0 recommendation. So, it's a good question here to see if really that's the right approach in terms of creating a specific structure and limited membership for a separate subgroup within RPM to focus on this matter or it should be open and so on and so on.

So, just [starting] the discussion here and to collect input on the matter. Any questions or comment on this?

So, as I said, we are starting the discussion. Probably we have the presentation of the proposal and we will say maybe the reaction from the different groups in GNSO. Some groups expressed already that they don't want this work to be done within the RPM Working Group and they voted against for that purpose in previous GNSO Council meeting.

But now as we voted for the motion, the question here is how we can shape this, if I can say that, and how we can shape this within the RPM. Or maybe, if needed, we can propose a different approach.

So, waiting a bit to see if there is any question or comment. I will be happy to expand more. We discussed the IGO-INGO issue for a long time and now we move it to a next phase on the matter, while waiting to see also the decision from the board that is [inaudible]. Even if we, as GNSO Council, we approve it, the recommendation, the board might reject them and send them back to the GNSO Council. But this is maybe too premature here to think about this, so we wait to see the reaction from the board for the recommendation number one to four and see also how we will work on the recommendation #5. Recommendation #5, that was the most controversial and raised a lot of issues. We also know that the GAC has a strong interest in the topic and they are planning to discuss it in Marrakech meeting.

Any question, comment? Seeing none, I guess we can move to the next item, which is a discussion in inter-registrar transfer policy status report.

This report or update from GDD was put on the agenda for several times and the report itself was on public comment. This is the kind of version after the public comment. It's more here, the question from GDD asking the GNSO Council for next steps. So, just maybe explanation of the background why the GNSO Council managed the PDP process in terms of the policy discussion and creating a policy recommendation through working group.

What happened is that, after that, if there is implementation of the policy recommendation after the recommendation are approved by the board and then there is this kind of a new phase that it was not really there before is kind of reviewing the effectiveness of those policy recommendations.

So, this is I think the first occurrence of such review, so we will review this IRTP and in terms of how it was implemented, if it was not effective and it satisfies what it was expected when we have those recommendations. So, this is kind of [a new] task and something new for the GNSO Council to figure out how to deal with it, whether there is what we call the consensus policy implementation framework. I think it's mostly focused on the implementation. We still have to kind of discuss about the next steps in terms of review.

The result or the outcome of the review can lead maybe to reopen the discussion on the policy [in turn] maybe to make some amendment or changes and so on. So, it's more like a cycle with creating policy recommendation, implementing them, reviewing them, and maybe amending them and so on and so on. So, it is more [here a] discussion for GNSO Council to agree on next steps and how to deal with this. I think this will set the precedent probably for other policy review in future and I think there are some coming in the pipeline.

Any question or comment on this? Okay. Please interrupt me anytime, or if you have any question, feel free to do it. I'm happy to explain more, and if I cannot during the call, I am happy to follow-up later on.

So, the next agenda item is about the legislative regulatory report. This is an update, maybe a presentation from ICANN staff, from the government engagement, which I think is a part of the Global Stakeholder Engagement division.

There was some effort or initiative from ICANN regarding monitoring all the legislation, regulation in different parts of the world, that it might impact ICANN policies. So, here, it's more an opportunity to know more about this initiative. I think, as we discussed, the GNSO Council discussed in Kobe meetings, there was strong interest from many councilors to ask several questions about this initiative and to give input and feedback and to see if it's maybe for some and how to get involved.

So, we'll hear an update from ICANN staff and probably to know more. Also, there was I think an action item within the GNSO Council for a group of councilors to maybe create a small team to work on this issue. I see Ayden in the queue. Ayden, please go ahead.

AYDEN FÉRDELIN: I'm not sure if you can hear.

RAFIK DAMMAK: We can hear you now but not well, but yeah, please go ahead.

AYDEN FÉRDELIN: Sorry about that. I'm not aware there's issues with my audio. I think that's a good summary, Rafik, so thank you for that. And you're right that there was an action item that a number of councilors, myself

included, had said that we would do some work on putting [inaudible] to the regulatory track that ICANN Org has been piloting for the past year or so.

Now, we haven't made a huge amount of progress on that so far. We did have a discussion that we kicked off, and during the preliminary discussion, what I said was that we need regulatory impact assessments to be carried out by ICANN Org because if ICANN Org is a professional organization, then professional staff should be monitoring the regulatory landscape within which we operate and not as it's been happening over the past year, it's been more of a crowdsourced approach where ICANN Org puts together a pretty inaccurate document and the community was expected to flag errors and omissions. I thought that was inappropriate.

So, what we've been calling for is that ICANN Org needs to be doing proper impact assessments. What I mean by that is if there's a law or regulation directive, they need to pull out [specific] extracts of that text. They need to say: what would the implications be for ICANN's activity? There should also be some kind of roadmap or timeline saying how imminent action is required on our part.

Now, we haven't received [full] support from GNSO council for this. We have had support from representatives [inaudible] contracted parties have been taking something of a different view as to what they think this report should look like.

So, how this action item that was taken in Kobe is actually going to come ahead, what our recommendation is going to look like is still to be

determined. So, that is something that we should probably follow-up on and I will take it as a personal action item to follow-up on as well.

In terms of what the discussion is, though, on the agenda, I think it's going to be really interesting to see if ICANN Org has proactively taken on board that there are changes required to this document. So, it will be interesting to see what they present to it because we're sort of going into this blind. We hadn't seen what the new document is that they're going to present to us. They haven't informally or formally consulted with us, so I'm not really sure how – maybe they consulted with the council chair or the council leadership. I'm not sure. But it will be very interesting to see what they present because [the very flawed] report that we've seen three times thus far has not been great, so if this is going to be an improvement upon that, I'll be really looking forward to seeing what they've come up with. Thanks.

RAFIK DAMMAK:

Okay, thanks, Ayden. Maybe just to respond to the last part. We only get the confirmation that someone from the Government Engagement Team [maybe] joined the call. I think that's Mandy, but that's it. There was nothing else shared with the council.

Let's see if there is anyone else in the queue, whether there is any question or comment. We will see what kind of presentation we will get and probably we'll follow-up with that action item and also several questions to know more how we can shape that effort or influence it. If there is no further question, we can move to the next agenda item.

The next one is about the GNSO input to the independent review process standing panel. The standing panel for IRP is something coming from the IANA stewardship transition and ICANN accountability working. I think it has been out for a while.

As a background, there was some kind of discussion last year. I think webinar from ICANN staff with the SO/AC and other leadership to start getting input on this and how we can form this standing panel and how we will get those experts and so on. Then there was a session, I think it was in San Juan in Puerto Rico last year. Then there was nothing for a while, for a long time.

I think there is what we call the implementation oversight team, if I'm not mistaken. Yet another acronym in ICANN. I know that they – at least the chair of that [IRT] want to be involved in the process and give maybe input.

So, what will happen here is we will get, as a guest from the call, David McAuley, who is the chair of Implementation Oversight Team, and also Samantha Eisner. She is from the legal counsel for ICANN. In addition to that, in terms of background, there was – it's hard to call it a public comment because it didn't follow the usual format and process but there was kind of call for input for a question put by I think ICANN Org and the legal counsel in March. Then because it was not widely publicized and quite [easy access] I think to everyone, they extended the deadline for getting input from all the SOs and ACs, stakeholder group and constituency and so on.

So, we will have this kind of discussion at the GNSO Council level to see if the GNSO Council needs to give any input. But I think there is expectation that stakeholder groups and constituency to participate and share their own input directly.

I asked Farzaneh – I somehow volunteered her if she can be a penholder and make a first draft for NCSG and to share it as soon as possible, as a response to the question as she was involved in the CWG and CCWG.

I think it's critical. It's something that needs to be done [inaudible]. I think it's important that we spend a lot of time in terms of creating and discussing recommendations either for the accountability or for gTLD policy and so on. The implementation [matter], if it takes really forever, it can be defeating the whole purpose of the work done before. This is something that's now waiting for [inaudible] and it's just for information that something like the independent review process is quite a critical mechanism we have in ICANN, with regard to the board decision. So, having this implemented with a standing panel and the kind of new version, if I can say that, of the IRP is quite critical and important in terms of accountability.

So, now I think it's on our radar and we will pay attention. Hopefully, we'll send our input and also participate at the GNSO Council level in terms of feedback. Sorry for being long here but I wanted to give some background on why it's on our agenda for this week. Any comment or question on this one? I don't see any, but anyway, if needed, we can also follow-up in the list and probably give maybe more background, and hopefully maybe giving some follow-up after the call or after Thursday call as this is a matter we still have to deal with it afterwards.

The next agenda item is regarding [non-] registry GNSO liaison to the Customer Standing Committee. So, the Customer Standing Committee is another mechanism structure created after as a result of the IANA stewardship transition (CWG). In the Customer Standing Committee, there are several representatives from the ccTLD and gTLD registries, operator, and there is [a non-registry GNSO] liaison. So, the Registry Stakeholder Group, they can appoint their own representative. The rest of the GNSO, the registrar, NCSG, CSG, they have one liaison. In this case, it's James Gannon.

So, what's happening is that the term of the [non-registry GNSO] liaison and other are reaching term but I think, in this case, James is eligible for another term. But what's going on here is more for the GNSO Council to have a discussion, to understand or to learn more about the experience in this Customer Standing Committee and to get a briefing from the [non-registry GNSO liaison] about his role and so on, and then to think about the next steps since the GNSO will confirm the appointment or the appointment of the [non-registry GNSO liaison] I think should be before Montréal meeting. I don't have the timeline now but I think it should be done in the coming month. That's why it's on the agenda for the GNSO Council. It's something that needs to be done as soon as possible and it's an opportunity to give an update about the Customer Standing Committee.

In fact, in monthly basis, we are sharing the [– I don't know what is the right name,] but the report from that standing committee regarding the SLA and any issue that happened with IANA functions. So, I think it's [to be correct], to monitor the PTI performance under IANA naming function contract, the IANA naming function. So, this is why we have

this on the agenda. I think it's a good opportunity to ask James during the call Thursday about his experience and so on. Any question or comment on this one? So, I guess we can move to the next agenda item. Again, please, if you're not speaking, please mute yourself. Otherwise, it will create some echo and noise on the call.

So, the next agenda item is the evolution of the multi-stakeholder model of governance and we will have here Brian Cute who was hired I think as facilitator by ICANN for this kind of initiative coming I think maybe from the board – or is coming from the board.

This kind of discussion started I think in Barcelona when the board put this as one of the questions for the joint meetings with the different parts of the community and asking about how we should evolve or improve the multi-stakeholder model of governance and policy development process.

Since what they said or they stated they heard a lot of complaints and concerns from the different parts of the community previously, so they put I think also that as strategic objective for the strategic plan for fiscal year 2021-2025 which is saying to improve effectiveness of the ICANN multi-stakeholder model of governance.

So, after Barcelona, there was a session in Kobe facilitated by Brian Cute, and after that, we have currently in fact public comment with listing all the issues that were collected and they're asking for input or comment from the community and we have from NCSG a group of volunteers working on drafting a comment for NCSG for that public consultation.

There is also a plan I think to have a webinar if I'm not mistaken this week, so you can find the information on the ICANN website. There is a webinar related to this with a facilitator. I think there is also even a mailing list. So, it's something that is put in our pipeline whatever we want or not and we have to monitor and pay close attention to it. So, the first step for us is to participate to the public consultation, but I would also encourage everyone probably to join that webinar this week and also to maybe join that mailing list. There is a public mailing list. There is no traffic for now but who knows, maybe it can be used later for more discussion.

So, we will have Brian Cute, [facilitator,] to join the GNSO Council meeting, probably to give some update and ask for comment. So, if we have, we can ask during that. I think it's critical anyway. Any question or comment on this one?

I'm not sure if there was any hand. I don't see anybody in the queue and now I just see the chat, so I'll try to [inaudible] about the first draft that's related to the prior discussion item. I think hopefully in coming days – I will check with Farzaneh. Yes, Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks, Rafik. I'm sorry, I was pushing the wrong button to raise my hand. I was just wondering: do we have a penholder for this comment? It seems this one is really, really critical, and I hadn't done my homework on it, but we probably don't have that much time to get ready for what's going to come at us at the next face-to-face, ICANN 65.

So, I was wondering if anybody had thought about volunteering to be the penholder on this one.

RAFIK DAMMAK: Thanks, Stephanie. I think we have, if I can describe it, a huge crowd for this one as a drafting team. I think they just started to discuss about the drafting, so we'll follow-up with them anyway. We have volunteers and penholders for this public comment. Can you hear me?

STEPHANIE PERRIN: Yes, thanks. Who is the lead?

RAFIK DAMMAK: Bruna.

STEPHANIE PERRIN: Bruna. Ah, great! Okay, thanks.

RAFIK DAMMAK: Okay. Thanks, Stephanie. Any further question or—

MARYAM BAKOSHI: I think we lost Rafik. We will try to get him back.

RAFIK DAMMAK:

No, I am here. I'm sorry, I am here. I was just trying to find the link to an ICANN website about the webinar and so on. It's not that easy with Zoom in terms of ... Anyway, is there any further question or comment on this? Okay. One sec, I have some difficulties to see the chat. Nobody in the queue and no question in the chat.

I guess we can move to the next item. It's any other business. We have two items there. One is about the GNSO chair election timeline. This is just a reminder to the two houses about that timeline. I think what was already done in relation to the stakeholder group, constituency election timeline and the way that the councilor will be elected on the timeline aligned with the chair election timeline, the GNSO chair election timeline.

The second agenda item is about next steps for IDN variants. We had this as a topic for discussion at the last council meeting and we had Sarmad Hussain who is from ICANN Org and the lead for all IDN matters to present about the IDN and to explain about the IDN variants. So, we got this kind of task or request from the board. In fact, the GNSO and ccNSO. We asked the board to defer any approval until – since there are some question, to give time for the GNSO Council to work with the ccNSO on this matter. Any question or comment on this one? I don't see any.

I hope I was clear. Again, I'm happy to follow-up later on. I know that I shared a lot of information on two different topics in short time, but I'm happy to explain and give pointers to more details or background or to explain why the GNSO Council is discussing or caring about this issue.

Are there any comments, questions? Seeing none, I guess we can move to our main agenda. Maryam, please move to the agenda.

So, I just shared the link to the webinar about the multi-stakeholder model evolution something. I think it's this week. I think it's on Thursday or Wednesday.

The second part of our agenda is about the policy update. We went here first to see ongoing public comment consultation, just to check if we need some volunteers and also to give an update about the status and the progress. Then also to discuss about getting update or briefing from those who are participating in the PDP working groups and review teams.

So, we will start first with the public comments. I think we covered that partly. So, we shared the link here. You can see it in fact already in Zoom or on the agenda. We have one link, which is listing all of the ICANN comments, and the other one listing those who we are [covering,] and the volunteers.

So, what we have ... As we said, we have that one regarding the evolving ICANN multi-stakeholder model and we get a team and penholder to work on that one, but I will send a reminder to ask about the status, since the deadline is the 4th of June. I think it's in three weeks, so it's a good time to get something shared with the NCSG.

There is another one I think of importance. We only get one volunteer and I think this is of interest, something we need to pay attention, is the process proposal from streamlining organizational reviews. This is quite important for us because this means a proposal on how to shape or to

organize the GNSO review and so on. So, that cycle is coming in the next years. So, the ICANN Org putting here some proposal and we need to comment on this as we did for the previous consultation process regarding the specific reviews which is different.

We have more time here with regard to the deadline but we need more volunteers. We only get only one volunteer and I think we need more here. So, anyone want to join this effort? Don't want to volunteer? But maybe, Stephanie, I think it's of interest for you. I see you are in the queue. Yes, please go ahead.

STEPHANIE PERRIN:

Thanks. Yes, sure. I'll volunteer. I've got a lot to say about the last WHOIS 2 Review Team. As you know, I'm in a chronic state of worry about the upcoming GNSO review. Yes, happy to volunteer. But the more the merrier. This is an excellent opportunity for people to get their feet wet on the real politics of what goes on in terms of our structural stuff. I would encourage other people to join. Thanks.

RAFIK DAMMAK:

Okay. Thanks, Stephanie. Okay, we'll put your name on the list of volunteers. Also, please, if anyone else wants to join, just let me know. I think that's it for public comments. There is another, what we have ... the other one is the label generation rules for root zone. This is related to IDN and this kind of, I think, quite specific and needs some expertise. We [didn't] really cover this well or closely. But other than that, there is no other public comment other than the one we discussed previously

regarding the input on the independent review process standing panel. I'm sorry, guys, for kind of the time for adjustment with Zoom.

So, let's hear some updates from the working groups and review teams. For working groups, what we have I think maybe we can hear first from the EPDP. We are kind of still not really starting yet the phase two. It's moving slowly. But since we have some of our representatives there, if they can share some quick update about the EPDP, that will be helpful. Yes, Stephanie, please go ahead.

STEPHANIE PERRIN:

As you say, we're getting off to a relatively slow start. There was some wailing and gnashing of teeth over the past week because it appears that we are going to be split into two streams with two meetings a week. I'm concerned about this because, basically, while we have enough members that we can afford to split into two streams, it means that we've got to coordinate. Potentially, we might need a meeting of our own to figure out how we're going to coordinate at another point during the week.

Now, theoretically, it looks like it's going to be every other week for these meetings but I can see these things meshing rather quickly because there's a lot of pressure from the business community and from the GAC to get a solution for access very rapidly. I use the word "access" advisedly. There's a debate about whether this is access or disclosure. It is supposed to be disclosure but a lot of the business community still call it access and there still seems to be an engrained feeling that they're trying to rebuild a system just like WHOIS with some

kind of permission and authentication mechanism. This is not so much related to what we're doing but some may be aware that with University of Toronto we had put in a research proposal. Last year, we held a workshop in Barcelona and we are looking at mechanisms to try to make such a mechanism compliant with GDPR and the conclusion we reached was data [trusts].

So, we have another research proposal this year accepted. We're working with [SIPIC] which is associated with the University of Ottawa. It's a member of NCSG as well. We are exploring data [trusts] in more detail. So, I have a ten-pager coming on the analysis of the technical study group and why that mechanism they built so far is not compliant with GDPR. I don't have a date to release that, but I'll share it with NCSG first – not that anybody is going to read it. But I have been back and forth with the technical study group and I think they may read it. The ellipses that happened with their group in terms of making assumptions that were not necessarily compliant with GDPR came from the board. It didn't come from the technical study group.

However, we're working a with a technical proposal that was developed basically by a bunch of the commercial stakeholders and technical experts without any input from civil society and namely us. So, I think people have to be aware of what we're up against. That's why I was bringing this up. Thanks.

RAFIK DAMMAK: Thanks, Stephanie, for the update. I think everyone is looking forward to your paper. We will make sure everyone promise to read it. Any further comment or update on the EPDP? Any questions?

Maybe just to add the different proposals were put for feedback but no decision made yet. We will have the next call on Thursday and we'll see how things will go. As a matter of fact, the call will be just after the GNSO Council meeting.

KATHY KLEIMAN: Hi, Rafik. This Kathy Kleiman. Can you hear me?

RAFIK DAMMAK: Yes, we can hear you.

KATHY KLEIMAN: Great. Sorry to be joining so late and apologies if it's already been covered but I have a question about the EPDP. It has to do with sensitive data. I was wondering how organizations involving issues that are considered sensitive under the GDPR are currently being treated. Just by way of background, lots of people would like to draw a [inaudible] line between individuals, particularly individuals doing non-commercial speech online which is almost impossible to categorize, and legal entities. But a lot of those legal entities are working on religious issues, moral issues, ethical issues, political issues, LGBTQ issues and would seem to come under more protection under the GDPR. It's an issue we talked about a lot, I was just wondering where it stands in the EPDP right now. Thanks.

RAFIK DAMMAK: Thanks, Kathy. I think Stephanie wants to respond to this. Stephanie, please go ahead.

STEPHANIE PERRIN: Thanks. It's a very good question, Kathy. I'm a little frustrated because I continue to point out that the GDPR rests on the foundation of the European charter of rights and it is the European charter of rights I think – you're the lawyer, not me, of course – that the court will use to discuss any kind of prejudice that comes to our organizations that are either religious or political free speech based, because it's in the charter.

The problem is that the data protection authorities themselves have pointed out and reinforced that message that the rights in the GDPR are rights of an individual not an organization. And that's why I keep pointing to the charter upon which this is based, because in theory, at least distinguishing between an individual and an organization is possible.

Now, we all know that it's not economically possible, so from an ICANN perspective, they have a responsibility to make sure that whatever we do to comply with the GDPR does not price domain names out of the market, because it costs so much to make that distinction.

We agreed in phase one that we would do research on this matter, the contracted parties basically weighed in on this. They know they can't afford to do this. I think there is a feeling that ICANN, in constructing

this Technical Study Group model, will make that determination for them, or that it will be acceptable to ask for consent from organizations as to whether or not they're an individual or an organization, which is just punting the thing down to the question of whether or not it's a meaningful consent. Another big problem.

So the thing is hanging, and we'll have to watch very closely what happens with that research that was proposed. And the legal opinions that we've got so far have, in my view, punted the matter and not examined it in the kind of detail that [inaudible].

So I think that's what I think anyway. Others, please join in.

RAFIK DAMMAK:

Thanks, Stephanie, for the comment and explanation. Okay, any further comment or question? Okay, I guess we can move to the next working group, so maybe you can start with – since we have here Kathy and I think Martin, probably, we can start with the rights protection mechanism.

I think the working group leadership shared the detailed timeline a few weeks ago, but maybe we can hear more about updates from RPM. Okay, I see Kathy is asking Martin. Martin, do you want to share an update from the RPM? Okay. So Kathy, please go ahead.

KATHY KLEIMAN:

Sure. Okay. So RPMs, rights protection mechanisms working group, and the reason I was asking Martin is because he is now co-chair of one of the two subteams. In order to move more quickly, we divided up our

current data analysis, which is on the trademark claims notice, we did a lot of work on that in talking to registries, registrars, registrants, trademark owners about their use of the trademark claims notice, whether it's working, whether it's not working, whether they're scaring registrants away.

So Martin is co-chair of that subteam, and then there's another subteam looking at the sunrise period, the right of trademark owners who are registered in the trademark clearinghouse to have a right of first refusal as they enter to register early before general availability when a new gTLD registry opens.

Michael Karanicolas has a fascinating proposal now in that subteam that would limit the use of the ability to register in a sunrise to the categories of goods and services of a trademark. I don't want to go too far down, but we're finding a whole bunch of gamers who are registering really common words like cloud, pen and Christmas, oh, and the word "the," and they're using the sunrise period to get all of these words registered early and not giving everybody else a chance to get them. But they're really gaming the system because kind of having an obscure trademark, and then getting all sorts of really wonderful domain names right at the start.

So that's what we're looking at now. Our initial report should be coming out in a few months for comments. Thanks.

RAFIK DAMMAK:

Okay. Thanks, Kathy, for the update. This was really helpful. Okay. Any further comment or question here? Okay, seeing none here. So the next

working group, I think, is the SubPro. We have a few people involved there, but I think the only person active in SubPro and [inaudible] is Kathy.

KATHY KLEIMAN:

Yes. So I'm participating in SubPro as a member and because we submitted very extensive comments as the Noncommercial Stakeholder Group. In RPMs, I'm a co-chair. In SubPro, I'm just a member. And yeah, no, there's a lot on the table right now, and the registries, the incumbents are really working very hard to get out a set of rules, and we're working really hard to make sure that they're balanced, that the community, the future applicants just wanna process where they can just keep applying for top-level domains. I understand that. But it's going to be our job when these applications come out to comment on them, to object to them, to review them, and we keep insisting we need time on that. So that's one of the key issues right now, is, do we accept applications from new top-level domains on a first come, first served basis? Do we accept it in rounds? If we do it in rounds, how do we protect our right to participate versus the applicants' right to have more and more rounds?

So if anyone's interested in this, we need lots more people in SubPro. There are very few representatives of the noncontracted parties. There's a few, and we're very active, but we need more. There's lots and lots of registries and registrars. Thanks. If you're interested, feel free to ask me offline, but definitely more participation.

RAFIK DAMMAK:

Okay. Thanks, Kathy, for the update, and I think it's quite critical since the working group is supposed to deliver anyway its final report within this year. So I think even Marrakech meeting can be an important milestone in terms of reviewing or maybe changing the recommendation.

Okay, Kathy, is it an old or a new hand? Okay. Thank you. So we covered RPM, SubPro, EPDP. I don't think we are missing any other working group. I don't think it's the case.

So maybe we can hear now about review teams. There are some ongoing, some are kind of finalizing their work, some that are in the middle, and other, they just started. For those who [likely are] finalizing their work, I think it's WHOIS RDS review team, and we have Stephanie there. So Stephanie – okay, you are in the queue already. So Stephanie, please, if you can give some brief update what's going on there and when the final report will be published. Please go ahead.

STEPHANIE PERRIN:

Actually, Rafik, I raised my hand because I just thought it might be very useful if folks working on the PDPs had an eye out to do kind of a critical analysis of how well the PDPs are working, because I'm very worried about this revamping of the multi-stakeholder model under Brian Cote. We want to have an effective critique of how we're doing in the groups, because we've had quite a few efforts that might be termed failures, and there is a widespread feeling that the multi-stakeholder model isn't working as currently designed and it needs to be streamlined. And I'm quite worried about what that means.

Göran has said he's going to make it easier for us. Yeah, probably by cutting down membership. So if people could have a running brief as they sit on these groups and make note of that in that context, maybe we could come up with a little grid of questions to look for. And then moving right along to the review teams, I put a lot of my criticism into my – you can call it a dissenting comment on the WHOIS review exercise.

There's way more money spent on these review teams than there is on the PDPs. We have to grovel and beg for every penny on the EPDP, but the WHOIS review team, we went to Brussels for four meetings, and trust me, I did not want to go to Brussels for four meetings. And we didn't spend anywhere near the budget that was allocated. We were parsimonious. But there was lots of research money too.

And this review team was almost irrelevant given that it was based on the previous review team's work, and they went crashing ahead in defiance of the fact that the GDPR was going to change WHOIS and all of the basis things that we were investigating from the previous team. And that's not saying anything against the work of the previous review team, but we were just continuing to pave the cow path as it were. So I don't think that review was a success.

Now, one runs a risk when you complain or say anything that is a critique that the organization is going to say, "Oh, we don't need these anymore, they're not working, so we'll just decide things at the board or we'll have contractors come in and do it" or whatever. Whatever the solutions are, it might not be a multi-stakeholder model. So we really do have to do some concrete work.

And I have to say that I think the GNSO work that was done in intersessionals and working groups was excellent, but I'm not sure that it's being applied in this context. This is a big, complex policy matter that we don't talk enough about, and I think it's almost worth its own separate stream, but it's becoming urgent now. Thanks.

RAFIK DAMMAK:

Thanks, Stephanie. So your first comment or proposal, I guess it would make sense if you can capture that in the mailing list, because I think several of us who are active participants in the working group are not on the call today. So I guess a better follow-up would be there, maybe to get some input.

But one maybe first initial observation, I think to some extent, the EPDP worked well for us. I think appointing representative and so on gave us maybe some leverage that maybe we didn't have before when we just had participants in open working group. But that's just open for discussion, so I support if you can follow up on the mailing list and ask those who are active in working group to share their thoughts and the experience.

Okay. Tatiana, please go ahead.

TATIANA TROPINA:

Thank you very much. And yes, I'm sorry, it's not about PDPs or working groups, but I would like to support in general Stephanie's concern about this multi-stakeholder model revamping, because I see recently a bit more of a top-down decisions approach from the ICANN Org, be it

about travel slot allocations when we have to organize elections like almost half a year in advance, or with this revampment of multi-stakeholder model, even before we actually know, for example if board is going to approve EPDP, before we know we know if board is going to approve the Work Stream 2 of the accountability process, and God knows when those recommendations are going to be actually implemented, when we have ATRT3 going on, which is also about accountability, and now all of a sudden, we are starting a discussion about multi-stakeholder model.

And I see [inaudible] comment on the chat. And yes, exactly. We remember Brian Cute heading the initiatives which totally were not multi-stakeholder. I remember Public Internet Registry coming up with this absolutely non-multi-stakeholder proposal on content regulation. And I wouldn't say – I don't believe for a second that it's being done in bad faith. No. It's [apparently] done in good faith. But I just perceive it as a bit of more of a top-down approach, and I think that we really have to watch it and really have to – because we really have to keep an eye on this and really have to resist changes that will affect us, because civil society and noncommercial would be the first who get effected if someone says that multi-stakeholder model should be redesigned or whatever. We don't have really enough finance and we work a lot to create influence, and it might hurt us quite a lot if we are not diligent here.

So I fully support Stephanie's idea, and let's keep an eye on this and let's actually be proactive here. Thank you.

RAFIK DAMMAK:

Okay. Thanks, Tatiana. So when we were discussing about PDP and review team, I think [we kind of back] a little bit to the previous item regarding [quote unquote] the evolution of multi-stakeholder model, so one way is to respond on time to the public comment, but we have anyway to pay attention and monitor this closely.

Okay. So that was for WHOIS RDS review team, and I think there is kind of [segue] here maybe to the ATRT3. They just started, and I think they worked on drafting the terms of reference and scope, and I think that of interest for us, I recall reading an e-mail from Wolfgang, who is one of the representatives to the ATRT, asking for input and listing what the focus from the ATRT, like the board performance and so on.

But since we are on the call, and I'm not sure, I think I saw Michael – well, he's not here anymore – I thought if I can volunteer Michael maybe to give an update about the ATRT3, but if he's not here, we can ask later on.

I think the ATRT3 review team is planning to have meetings or update with the community for Marrakech or prior to it to share their first work, like the terms of reference and scope, and get some input and maybe asking some questions.

So we have to kind of pay also attention for that one too, and to see if the scope [is a fit of what or matching our] expectation in terms of accountability and transparency review.

Okay. Any question or comment on this one? Okay. Seeing none. Of the review team, is there security and stability? I think they are making progress, but I don't have personally any visibility of what's going on

there. But my understanding, they kind of resumed the work after that infamous pause – I'm not sure when it happened, but when we had that pause, and so they resumed the work and they have the help of a facilitator or mediator, and there were several changes in terms of composition, and they moved since and they are working. So I didn't hear anything of concern lately about the SSR2, but I'm not sure about when they're going to publish their report for public comments. That, I think, is the first important or critical milestone for them.

Yeah, it was Abu Dhabi, so I was also kind of wondering if I got the date correct, because it's almost two years ago. Okay, thanks, Louise. So it seems you have more information. It's good if they have their report soon, and probably, we will have to make a comment on that one.

Okay. Any question or comment on this one? Okay, I'm seeing no. So I think now we covered in terms of like update from review teams and working groups, so we can move to the third part of our agenda, which we can usually put whatever topic for discussion of anything of interest. So if there is any suggestion or something we want to pay attention, please do so.

So we have the Marrakech meeting I think in six weeks, so it's next month, and already, we have of the kind of – maybe we will have the schedule in a few weeks, and there is also that discussion about high-interest topic and cross-community session. The discussion is maybe about the number and what topic we should have. But yes, it's an opportunity if you want to discuss something, at least even for a few minutes, we have this opportunity.

Yes, Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks. I'm going to tag Louise to talk about the little questionnaire that we sent out, because she was a principal author and did a lot of work on it. But I think if you can see the chat, we've been discussing the burnout problem that we have trying to manage all of this work. And I raised the burnout and the onboarding and how can we get people up to speed problem the last time we had our opportunity to have a one-on-one with the CEO, Göran has been persuaded by David Olive to have one-on-ones with leadership prior to the face-to-face meetings. So I had my first one last time.

I can't say that we got tremendous insights from it. I think he's busy broadcasting his messages, possibly not listening. His response to the burnout problem was, "Oh, I'm going to make things simpler for you," which has had me in a state of worry ever since he said it. Simpler? Oh yeah? What's that going to be like?

So they are teeing up the next conversation, so I'm about to send a note out to the list. If you have any ideas about questions you'd like to raise with Göran, please tell me. We have to send him basically a briefing note so that his staff can prepare him prior to the conversations. So we'll be having those, the constituencies and NCSG chair shortly, I gather.

And now maybe I'm hoping maybe Marie will talk about the little survey that we put together.

LOUISE MARIE HUREL:

Yeah. Sure. So just like a two cents thing. We were discussing last meeting – and this is kind of like a structural concern shared between all of us, I believe, that we have three challenges ahead in terms of what we see at the NCSG or NCUC and NPOC level, which is three, the first one being the burnout of [the few,] the ones that are engaged in policy development. Second, we have the lack of engagement of many, which is something that we want to understand why people are not engaging. And then obviously, there's the third – sorry, and the second one, what are the barriers for people to engage? And the third one is how to ensure that we have reliable metrics, or at least that we're getting the right pictures so that we are more focused on our inreach and outreach strategies at the NCUC, NCSG, NPOC level.

So what we did is that we developed this survey to get feedback from our members and see what are the barriers for them to engage in policy development, because definitely, it doesn't matter how much we – if we don't have these kinds of mechanisms, I do think that we'll just keep knocking on the door of trying to onboard people or trying to communicate better, and sometimes we're communicating wrongly.

So we did kind of like a self-reflection, we had a couple of calls to discuss this and see what might be the best strategy, and just to start out, we decided to go with the survey just to get it out and get people to share their perspectives. Hopefully, we'll close it up by the end of this month so that we can better plan our year and better plan how we actually ensure that. Because as I said, it doesn't matter – we have a few people really going to burnout phase after specifically the EPDP and

what is coming ahead of us in terms of phase two or whichever other process that we won't have as much people being able to juggle with different PDPs. So how do we make that actually happen?

So yeah, I don't know, Stephanie, if there were any other things, but I just wanted to comment on that. Please, if you haven't responded to the survey, please do that, because it's super important for us, and we really want to get back to the whole members, community, to explain what we found from the surveys, and hopefully just try to build better strategies for getting you engaged in policy development, because that is our greatest challenge now.

So yeah. Thank you.

RAFIK DAMMAK:

Okay. Thanks, Louise, for this. I see Poncelet in the queue. Poncelet, please go ahead.

PONCELET ILELEJI:

Thank you, Rafik. Thank you, Stephanie. Thank you, Louise. I'd just like to have a little feedback from the survey that Louise just talked about. I noticed you had your last couple of questions, you had NCUC-specific questions. I don't know why didn't that apply to NPOC, especially as it was very important to get the perspective for the two constituencies within the NCSG. So I would just like to know your reasons for [not having any] NPOC-specific questions [inaudible]. Thank you.

LOUISE MARIE HUREL:

Stephanie, feel free to kind of jump in as well, but I would definitely say that is – we developed the survey – if I'm not mistaken, we did send e-mails, so it's kind of like trying to coordinate between the three leadership teams so that we would be representative, and obviously, for example at the NCUC level, we do have the buddy/mentor program which we have been doing for the past years, and we just wanted to have a more targeted feedback from our members if the person is a member. So if you're not a member of NCUC, if you're just NPOC, there's no problem.

And obviously, we're happy to kind of – we encourage also at the NCUC having specific surveys within our own membership, and NPOC having it as well, but I do think that we tried as much as we could to kind of coordinate at the NCSG level to get it out there as a first step, and definitely, we're going to improve that and try to do that more regularly so that we have input from all of our members at the NCSG level. But I'm not in the position [– I'm] NCUC, so I would definitely – I do think that Steph is on the same page, and on board with that as well. We talked a lot about this. So definitely, we are going to improve in the next steps. Thank you. Thank you for the feedback.

RAFIK DAMMAK:

Okay. Thanks Louise and Stephanie, and let's see the result and outcome of this survey. I think [a lot] it will be helpful. Okay, any other topic or issue you want to discuss?

Okay, otherwise I will be happy to free everyone earlier and to do something else today than being on the call. Okay, so thanks, everyone,

for attending the call today. I think for several topics and items, we need to follow up on the mailing list, so Stephanie, I think you raised several [ideas and suggestions,] so I would advise, if you can, follow up and expand maybe more on the mailing list to get more input and to see this moving on.

Other than that, thanks again, and see you soon. Bye.

MARYAM BAKOSHI: Thanks, everyone, for attending the call. [Bye.]

[END OF TRANSCRIPTION]