MARYAM BAKOSHI:	Welcome, everyone, to the NCSG Policy Call on Thursday, 18th of February 2019. I'll hand over to Rafik to start the meeting. Thank you.
RAFIK DAMMAK:	Thanks to everyone for joining today NCSG policy call, which usually happens prior to GNSO council meeting. So the day and the time are different than our usual slot [because] there will be two EPDP team calls on Tuesday and Wednesday, and they're expected to be three hours each, so there was no way [tomorrow,] I mean in the same day.
	And I know that we had also our EPDP update call last Friday, so we tried to have these two calls just to cover as much as possible. So we'll try to focus today on [the council meeting] agenda, and also if time permits, have some policy update from other working group and activities.
	So let's start first with the GNSO council agenda. Maryam, can you share the agenda please? Okay, thanks. So we don't have anything for the consent agenda, and it's kind of maybe a short summary. There is not so many items, but I think at least two of them are quite important, and one of them includes a crucial vote that we need really to prepare for it and to have everyone onboard how we will proceed and to be ready in how kind of a procedural matter that can arise during the council meeting.
	So the first main agenda item, it's the council vote, item number four, for the adoption of the final report on expedited PDP on the

specification for gTLD registration data. So the EPDP team, I'd say, is finalizing its report. What was submitted to the council is a version of the final report. We did that in terms of having kind of placeholder because there is a deadline for document and submission prior to the council meeting, and that's usually ten days. So in this kind of really exceptional case, the EPDP is finalizing the report in terms of the designation of the consensus level and also to get the input from all groups regarding their position and adding the statement.

I don't think it's correct to call them minority statement, but [that's a] statement to the report where they are expressing their position regarding the whole report or particular recommendation. And NCSG did the same. Our representative to the EPDP team submitted on Friday the statement to that report.

So the matter here, this will be the first time for the council, the first opportunity and first time for the council to vote on the final report and the recommendation [that are] coming from the EPDP team.

So in terms of procedure, what can arise here and that everyone should be ready for it, it's that having the report with the recommendation, the council need to decide either to vote as a whole package, or in kind of particular case, to vote recommendation by recommendation.

So, what can happen here? If we have – I mean the report with all recommendation having full consensus, [own] consensus, we can vote the whole package without problem, [inaudible] we need the supermajority, which means two thirds in each house, or the three fourth in [one house] and a simple majority in the other house.

However, if we have in the report some recommendation that they don't have a full consensus or consensus. The GNSO council, before moving to the voting, need to decide how to deal with those recommendation, because they don't have at least consensus.

So we can open the discussion, but based on the previous council call, the extraordinary meeting last week, one idea is that we [wait] to vote as a whole package. So we may have still this procedural discussion that [inaudible] during, and we need to be ready how to deal with this. We need to understand [how to deal.]

Other things that can happen which is possible is that maybe some group that can ask for defer, and that's where we have [inaudible] meeting on the 4th of March that was communicated before, and this date is coming from letter from Göran when he was asked and the board was asked about what is the timeline for the board in terms of the adoption of the final report that was approved by the latest date that doesn't really impact the timeline is the 4th of March. That's why we selected that date, and it was [communicated] beforehand.

So even if we have a discussion at the council level, some groups may still ask [to defer] for different reason. It can be tactical, or just they need more time for discussion and deliberation.

So what we need here is as a group, we need to be ready for the different option and how we need to vote in those cases, understanding what is needed in terms of [inaudible]

UNIDENTIFIED FEMALE:	Hi, Rafik. We lost you. Can anybody hear me?
UNIDENTIFIED FEMALE:	I think Rafik is no longer –
RAFIK DAMMAK:	– kind of summary, then I'm happy to hear any question or [inaudible]. Okay.
MARYAM BAKOSHI:	Rafik, if you can hear me, we've lost you.

RAFIK DAMMAK: Can you hear me now? Okay. Sorry, I don't know, but I'm not sure when you stopped to hear me. So what I was saying after the defer, which is a real procedural option. Still, the chair can reject that request but have, in the worst case, the 4th of March as another meeting. It's not optimal, but you have that one.

I sent into NCSG policy committee list a summary of [how] the voting and reference to the operating procedure in the bylaws, so I'm happy to send that also to the NCSG list for information. [I think it went now for a long time to hear] any comment or question.

Yes, Stephanie. Please go ahead.

STEPHANIE PERRIN: Thanks. Can you hear me? Just checking my sound here. Yes? Okay, good. I just wanted to raise the additional issue that the business community has said that they can't support a [bundle] of recommendations. I'm a little concerned about this.

I'm also very concerned about voting recommendation by recommendation, because I think particularly now that the business community has seeded the ground with their little package of recommendations they don't like, then everybody else – I mean we have a pack that we don't like either, some of which I'm just biding my time and waiting until it's proven in court that we were correct.

So I really think we should vote it through as a package, or try, and I think that we should firmly push back on the business community attempting to do this. I mean there is a risk that the whole process will fall apart and we won't actually get this thing voted through, and that would be not just a tremendous waste of all our time, but also a further evidence that the multi-stakeholder process itself is in jeopardy, and I don't think we want that. Thanks.

RAFIK DAMMAK: Thanks, Stephanie. Yes. The best is to hold the whole package, to not go item by item. But the thing is that the council need to decide for [those recommend part that] don't have full consensus or consensus. I think that one of the comments made by Amr here, and so we need to decide. And that will be during the council meeting for sure since even now at the level of EPDP team, we don't have the final consensus call designation, the final one.

So what [I tried to present] is what can be coming as options, so we need to be ready for that. So I understand that our position should be that we need to vote as a whole. That's what we should do, and we should advocate during the council meeting. Okay, any other comment or question? Yes, Stephanie.

STEPHANIE PERRIN: Yes. It appears that ALAC will support the business community. Now, the good thing is ALAC doesn't have a vote on the GNSO council. Does anybody see any hidden repercussions of ALAC support that I don't see? Thanks.

RAFIK DAMMAK: Thanks, Stephanie. I think the possible impact would be at the EPDP team level in terms of the consensus designation, so it's really up to [Kurt] to assess the level of consensus. So if you have two groups like IPC and BC and joined by the ALAC, he [may some] assessment on that regarding the consensus level. But having ALAC or not doesn't impact the council vote per se.

Okay. I don't see anybody in the queue. If you are speaking, we cannot hear you.

ARM ELSADR: Oh, sorry. I didn't hear you call my name. Can you hear me?

RAFIK DAMMAK: Yes, we can hear you. Please go ahead.

ARM ELSADR: Great. Thanks. Hello, everyone. I think there was a discussion on [possibly leaving] a comment attached to our council [inaudible] on a motion to adopt the EPDP team's final report recommendation.

Before I continue with this, could someone please give me a recap of where we stand with that right now? I'm not as up to date on this discussion as I'd like to be, but I think we do need to possibly do something about this. But I'd like to understand what the current status quo is. So if somebody could give me an update on that, I'd [appreciate it.]

RAFIK DAMMAK: Thanks, Amr. I think one quick answer from me, but seems Farzaneh wants to jump into the queue, probably to elaborate more [is that the only statement we send, was] the one to be added to the report. And we had discussion to have a separate statement that's the one to be read during the council meeting.

So let's go to the queue with Ayden and Farzaneh, and maybe if you want to, come back to you if you want to add more comment or question.

AYDEN FÉRDELINE: if you want to follow up [inaudible] if Farzaneh wanted to respond to Amr, please do, because I have a new point that I was going to raise.

RAFIK DAMMAK: Okay.

FARZANEH BADII: Thank you. So just to clarify, [inaudible] there was a lot of confusion on Friday about this. We filed the comments of NCSG on the final [inaudible] EPDP on Friday. I believe Milton has sent that off. That has nothing to do with the NCSG council members [inaudible].

Now, there's another document that I did, because you know I have a lot of time to spend on this, another document that is kind of like a statement that I advise the council members to, first of all, vote on a package as a whole, and if they succeed in voting on the whole report instead of recommendation by recommendation, then if it's possible procedurally, we vote yes but also read this statement so that it is recorded that we voted yes for the respect for the process, because we think that this is a consensus policy recommendation, but still, we need to reinforce our opinion of which recommendations we don't like. It is a very short statement. It is not long. It has a couple of references.

But I don't know if that is procedurally possible, to vote yes, for our council members vote yes and read this statement. If it's possible, then good. If it's not, then we can just add it to our page or something. This is just for the record, because we do vote from time to time out of the spirit of being mostly stakeholder and cooperative, but without explaining why we voted yes, then I believe that we need a historical archive and explain our reasons.

I have a question. No, I don't have a link handy. I will [read] that out in a minute. So I have a question. Sorry, if you can respond after Ayden's intervention. I wanted to know if some of these recommendations do not have consensus, Rafik, is it possible for the board to decide whether they want to adopt it without it, or is that a dangerous precedent, or is that not procedurally possible?

I don't know why this is in my mind. I think I read it somewhere that it might be possible. but if you could let me know, that would be great.

RAFIK DAMMAK: Okay. Thanks, Farzaneh. So, I think the board only – the thing is, any example we had before, they are about PDP, and so the [visual] is different from EPDP. And what the board can decide, depending on the [threshold,] like for PDPs, majority or supermajority, it can decide in those cases. But if something is not adopted anyway, so the board cannot make any decision, so doesn't go to the board.

So if, let's say, we adopt – [I'm thinking a scenario,] I'm not sure here if we adopt something, that's the only thing or matter that the board will decide. They cannot bring back something that was dropped or rejected. So I hope that answers your question.

There is a text, I think, from – not sure if it's in the bylaws. I put it in the e-mail, so [if I find it,] I can share it in the Adobe Connect chat. I think that may respond more to your question.

Okay, so let's go to Ayden and then Amr.

AYDEN FÉRDELINE:	[I'm reassured] by the response that you just offered to both these questions, because that was something that I was curious about. And I still have this terrible feeling in the back of my throat that something is going to happen to us over the next week or two, that everything is somehow going to fall apart and we're going to be screwed, because that has happened before.

But I wanted to rewind a little bit to what we were talking about before, which was what sway ALAC might have at the moment. And [I find this] quite interesting. So I was just [inaudible] for our call today, I was listening to the recording of an ALAC meeting that was held on the 13th of February, I believe, last Thursday, where they were talking about what their strategy was and how they think the EPDP has progressed.

And what I thought was particularly interesting, and I think it could be interesting to pull this transcript out and to make sure that the board is aware of it if something does happen and for some reason, the [comments] of the ALAC are given disproportionate influence, [with that, actually, I don't think] the members of the ALAC support the comment that has been submitted by their representative to the EPDP.

Indeed, Cheryl Langdon-Orr said in the Adobe room that she thought the language was too strong and that she did not support the submission. And I think there was only one single member aside from Alan Greenberg and Hadia, who are the ALAC's primary representatives on the EPDP, who [inaudible] the submission of the comment.

So I found that particularly curious, and that many of the concerns that were actually raised on their call, not all, but many of them align quite well with the positions that we have been advocating for.

So I'm not saying that we need to take any action at this point in time, but I did find it interesting, and I do think that this is something that might be worth highlighting in the future, that there is questions that had been raised by ALAC's own membership about whether that statement actually reflects the position of their members.

There were also a number of factual inaccuracies that were raised by Alan and Hadia on the call. For instance that they claimed they could only accept comments during that call. It was not permitted, apparently this was a direction that [were] given for them to accept comments outside of that two-hour Adobe conversation that they were having. They were not welcoming feedback via e-mail or through other means.

And that is bizarre in that it's certainly not something, a direction that I recall us receiving. So I guess where I'm going at is I feel pretty reassured that I don't think we need to worry too much abut At-Large, because I think we've got some interesting records that we can rely upon and draw to the board's attention if we do need that.

RAFIK DAMMAK: Thanks, Ayden. I'm not sure we lost audio, so I'm assuming that you finished. If not – okay, yeah. That was my thinking, just double checking.

Okay, so Amr, please go ahead.

ARM ELSADR: Thanks, Rafik and Farzaneh, and even thanks for the input, thanks for the link to the comments. Yeah, speaking for myself, I believe there is a constructive comment we could submit, our councilors could submit. And procedurally, there is nothing to prevent a comment being attached to a yes vote or an affirmative vote on the council. So you don't have to abstain in order to submit a comment.

If a council member does abstain from a motion vote, then they are requested to submit a comment. They are not required to. But whether a councilor votes yes, no, or abstains, then it is perfectly within any councilor's right to attach a comment to the vote, and it's supposed to be captured in the minutes of the meeting. So we can do that, but if we do submit a comment, I would advise the councilor that is planning on submitting it to flag that before the vote begins just so that the rest of the council is aware that one needs to be provided. And I think you'll be asked to follow up with the GNSO secretariat to make sure that they capture the comment correctly.

My proposal for a comment is on process, is on procedure, because to me, the GNSO council's job is managing the policy development process, whether it's expedited or not. I would note recommend that we encourage the GNSO council to get involved in the substantive recommendations. That's not their job. We don't want to encourage this, whether now or in the future for the council to get involved in the actual substantive policy development or the recommendations being made and to discuss those.

That is something we shouldn't do, but the problem I believe we do need to flag with the GNSO council is that I think there were some

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serious procedural problems with this whole EPDP, and to be honest, I think we as the NCSG representatives to the EPDP could have done a better job in preparing our councilors since last August on this. This is something we could have flagged earlier, and we didn't.

But people think about EPDPs, expedited policy development processes as just a shorter, faster process than a regular PDP and as something that can be used when there's a deadline that needs to be met and we don't have the time to go through an issue scoping phase and that sort of thing. But one of the important aspects of an EPDP – and this is something that is basically a condition for launching an EPDP – is that it has to be about a narrowly scoped issue that has been properly scoped already.

And so in this case, in the case of the EPDP, the scoping of the policy development process was the temporary specification. Anything outside of this should not be introduced into the EPDP. If it's not in the temp spec, if it's not in the charter, it should not be discussed. It should not be discussed because normally, in a regular PDP, there would be an issue scoping phase, which means staff would prepare a preliminary issues report which would also include a draft charter, and this could be subject to a public comment period where we for example would have the opportunity to say, no, wait a minute, there are other issues that staff hadn't considered when scoping this, and they need to be addressed and put into the charter and so on and so forth.

So the difference with the EPDP, the expedited policy development process, is that this issue scoping has already taken place. Now, I bring this up because we've wasted an insane amount of time on this EPDP on

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issues and topics that are not within scope of the EPDP at all, and a lot of these issues have resulted in recommendations and final reports.

So I think this is something we should flag the GNSO council. I think we should make a list of these recommendations. It's probably not terribly wrong, but there are recommendations in there that I believe are beyond the scope of the EPDP and I believe shouldn't be in there at all.

So I think it would be a good idea for us, albeit late, but still, it would be a good idea for one of our councilors to read a statement, either following or during the vote on the motion takes place, to point out that the GNSO council as the manager of the policy development process needs to be aware that the EPDP team has gone beyond its narrow mandate and is submitting a number of recommendations that are out of scope of the EPDP.

And it would be a good idea for us to also reference what the guidelines or the PDP manual says about expedited policy development processes and the need for a narrow scope when using this sort of process. So I won't be able to work on this tonight, but I hope that tomorrow, I can provide a draft. That's if the rest of our members think it's a good idea. Or maybe I'll just provide it and then others can weigh in.

The draft comments that I see right now in front of me has as lot of details on actual substance in the recommendations. Again, I don't think it's a terribly good idea to encourage the GNSO council to get involved in those, but I think the council should be aware of where its role as a manager of the PDP is in question, because the EPDP didn't really stick to its narrow mandate.

Thanks, and apologies for [making us go through this.] Thanks.

RAFIK DAMMAK: Thanks, Amr. I think it's point taken. It should be really about the process, and if we find some issue and concern, that should be raised. And that's, I think, what council is for. I think maybe the team could [inaudible] those maybe issues at the beginning, but I think it's still important to make the point.

I see some discussion in the Adobe Connect. It's kind of maybe a little bit making things complicated. If you want to make a statement, just read it, so don't wait for the [vote.] I think that's not the point, maybe just to read during the vote. Just say that you are going to make a statement and you want it to be recorded, and that's it. So don't worry about the order or whatever.

Okay, Amr, is it an old or a new hand?

ARM ELSADR: Sorry, that's an old hand.

RAFIK DAMMAK: Okay. So, is there any other further comment or question here? Okay, I don't see any. So I think we have a fair idea about what should come for the next council meeting, for this voting. It should take some time in terms of procedural discussion. So I really ask the councilors to kind of pay attention here and that we will coordinate in real time for this. So I

hope that everyone understands the terms of the kind of different options, understanding about the vote threshold and so on.

Okay. So I guess we can move to the next agenda item. It's not that different, but it's related to the EPDP, and this is more a council discussion. This is about the phase two work.

So here, it was added, even in the motion itself, talk about the phase two and asking the EPDP team to spend time to deliver a workplan for phase two since there are several items that were deferred or should be deferred to phase two and we still have what is in the charter for phase two [to be covered.]

But some people within the council think it's an opportunity here maybe if needed to review the charter, maybe to amend it, but it's not clear what can be the scope of those amendments. So I think we may get the sense during the call, it's possible that some people would raise a point about the composition, and we need to keep the composition as it is.

I know that some group – they're not necessarily in GNSO, they're not happy with maybe the current composition, but they're outside the GNSO anyway. We can have this discussion probably. So this is what can happen for this agenda item. So we should just be ready and t registry to see how things will go. It's just a discussion for the council to decide if we need to amend the charter, to make changes and so on.

Okay. I didn't say anything [inaudible]. Just some groups outside the GNSO. It's up to people to interpret that. Okay, Amr, please go ahead. If you're speaking, we cannot hear you.

ARM ELSADR: Thanks, Rafik. I'm speaking now. Can you hear me now? Hello. [Alright, I hope everyone else can] hear me. Yeah, phase two is a little tricky. The EPDP team's draft final report does have a number of issues that have been identified as those that will be deferred to phase two, but the council needs to decide on what the scope of phase two is going to be.

I don't think this was – well, in the original charter for the EPDP, phase two was basically [about] access. But now there's a whole bunch of stuff that the EPDP team has in its recommendations, is recommending that the GNSO council [defer to] phase two, things that we couldn't settle or agree on in phase one, things that may require additional inputs, for example from the [inaudible] that ICANN has contracted of the purpose of the EPDP.

So there's a bunch of stuff that isn't exactly what is in the charter, and this is supposed to be an EPDP, but then this is kind of new, and now phase one has recommended a bunch of other things that weren't in the charter and now will be addressed in phase two.

So to be honest, I'm not exactly sure how the council should address this. The council could take a hard line and say, "No, we've already scoped phase two to be just about access." I think that's extremely unlikely. Is my audio not getting through? Can anybody hear me? Okay.

Or they could say, "Yes, the EPDP team will continue to discuss the issue of access as well as the other recommendations that the EPDP team has made in terms of what issues should be addressed in phase two, or the

GNSO council could decide, "No, we want to broaden phase two to include a number of issues."

So at this time, we don't have to make a decision on this by this week's meeting, but it would be a good idea for us to just keep our ears open and to try to get a feel for what other groups would like to see involved in phase two, whether it's limited to what's in the final report as well as the charter, or whether there are other issues that need to be addressed, and we should probably come up with a position of our own at some point during these discussions.

I don't have a solid recommendation on this now, but I think we just need to be mindful of it and keep a close eye on what's happening with this. I'd be grateful to hear thoughts of others on this as well. Thanks.

RAFIK DAMMAK: Thanks, Amr. Can you hear me? No?

ARM ELSADR: Yeah.

RAFIK DAMMAK: Okay. Sorry. I don't know, is Adobe Connect having some issues? So yeah, thanks Amr. I think we don't have a clear position on this for now, so [I am looking forward] to hear what other groups may bring here as issues, or maybe they want some changes. But yes, it's also a discussion here, how we will deal with the report. So Amr, if you want, I would ask you to review the motion itself for voting the report, because I think

[you're right about the] phase two and the next steps. So we need also to be careful there. If we already vote what can happen for phase two in terms of discussion, maybe it can be [different.]

But yeah, I think this is, [I would suggest,] an item for discussion, and probably, we'll have more to talk on at Kobe meeting during the council session on Sunday, so we can try to listen to what other groups want to raise, and also prepare from our side if we have something that we want to advocate. Yes, Stephanie. Please go ahead.

STEPHANIE PERRIN: Thanks. And I'm a little concerned about phase two myself, because we haven't really figured out what it is, what it looks like. It strikes me that at some point, if [for instance] the way out of the impasse with the business constituency and the IPC winds up moving another three or four recommendations to phase two, I think we ought to be very concerned about that, because at some point, we're not replacing the temp spec anymore, we are picking a couple of recommendations that can be put forward, but the temp spec in its entirety will still have to be reviewed in the next phase, because it's very hard to separate everything out. As we know, there are purposes that affect other purposes.

So I'm just kind of thinking out loud here that given the lack of clarity that we have on what phase two is going to look like, and the fact that we have a major constituency that's rather used to getting its own way, objecting, we need to at least brainstorm a bit about what's the worst that can happen here, what might happen and what's our strategy to

dealing with it, because as you said, there's an awful lot going into phase two that materially impacts the legitimacy of phase one. And maybe more will appear after the council meeting and it'll be clear, but at the moment, I'm really cloudy on it. Thanks.

RAFIK DAMMAK: Thanks, Stephanie. Any further comment or question? Okay, I only see, I assume, an old hand from Stephanie, but no further question or comment on this issue. So yeah, I think we'll know more about the phase two, the next steps. I'm trying to see the motion for the previous agenda item and the specific language on phase two [to just] say that we will ask the EPDP team to focus on the workplan and so on. And workplan means suggesting a timeline and deadline and milestone here based on what we have on the charter too.

Okay, so I see some comment that people are worried about the timeline, so that should be suggested in terms of in the workplan. Okay, if there is no further comment or question, we can move to the next agenda item.

Okay, so the next agenda item is the council update, status of the new gTLD subsequent procedure PDP working group, and this is coming because the co-chair of this working group asked to give an update to the council. He wanted to do that during the strategical planning session, but it was not possible. It was not really the aim of the meeting, and we scheduled this update for this council meeting.

So usually, the council leadership team [will] ask the different working group leaders to give update on if they have any problem or issue, so

my understanding – and maybe we can [inaudible] we have Elsa who is also the council liaison to that working group, so she can give probably better update about what's going on there, is that now the working group is continuing the review of all the public comments. I think for now, it's work track – I don't think they [started work track 5, it's still] for the previous public comment. So they have three public comments.

So after the review, [they will have] probably to make amendment to the report, and depending, I think, on the level of consensus, they can decide either to keep the [inaudible] just to make new recommendation. So [inaudible] working group. I would ask those who are really involved there. I see Elsa, the council liaison, and Bruna. They probably know much better than me. Okay, so who wants to speak? Elsa, do you want to give some update about the SubPro? Or, I mean, do you have an idea of what we will get as a presentation for the council?

ELSA SAADE: Hi, Rafik. Can you guys hear me? Okay. So I'm not sure what I heard from you in terms of an update because you cut off for a couple of minutes for me, but I think, from what I've heard, that you've covered almost everything.

New gTLD subsequent procedure PDP WG leadership met with the leadership of the GNSO council recently, and they gave them updates about the timeline and the expected time of when the final report is going to be coming in and when the board is going to go through [inaudible] report.

And it seems that by maximum April, they will have their work almost ready, almost done. Now they're going through the comments, so if anyone at NCSG is – and I'm sure that there's a group of people that are already following the work. I've heard from Bruna, Robin, several others who are following the work of the working group, but if you'd like to know where our comment as NCSG is going, definitely follow some of the subgroup work, or at least follow the general working group calls so that you'd have a general idea of where our comments are going, because now they're sifting through the comments to make sure they have everything taken into account.

So that's basically my general update, but I'd be very happy to follow up with any particular questions. I have to say that my role as a liaison with that WG is supposedly neutral and objective, so I can't make any NCSG positions within that WG when I'm on a call with them, but I'd be more than happy to provide further information given that role, since I'm going to every single leadership call and I'd be more than happy to help any way I can. That's it from me. Thanks, Rafik.

RAFIK DAMMAK: Thanks, Else. So we'll, I guess, know more what the co-chairs of the working group want to highlight, but it's likely about, I think, the timeline and when they can deliver. I think one question was if this working group need another public comment after they have their kind of – not sure, interim report or final report, because in the previous public comment, they asked a lot of questions, so it's kind of different approach here. But yes, so we will hear from them, and we know that at least one of the co-chairs is kind of really asking about how the

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implementation and if it should really start earlier, even before the board approval.

Okay. I think that's it, so we will know probably during that meeting. So if there is no further question or comment, I guess we can move to the next agenda item. So waiting, seeing none.

The last one is Any Other Business. Well, there is ICANN 64 planning, and I think – I'm not sure if the schedule is already online, so people can check here regarding the schedule and the session. But I think what is more critical in this Any Other Business is the 7.2 and 7.3.

7.2 is kind of the lessons learned from the council public comment regarding the ICANN budget and the five-year operating plan and strategic plan for fiscal years 2021 through 2025.

Here, what was raised is that we have the [inaudible] standing committee for budget and operating plan that was [tasked] by the council working on two public comments. But when those draft comments came to the council, there was some objection and request to make [inaudible]. So here, we need kind of really to have the discussion in the way how we can improve things and avoid such situation from happening in the future.

[I think] when we get the drafting team to work on a comment and already some members from council, and [inaudible] early stage, we should avoid this objection or substantive change happen in the last minute.

Okay. I see that Stephanie's already in the queen. Yes, Stephanie, please go ahead.

STEPHANIE PERRIN: Thanks. Sorry. I'm back at planning for Kobe. So I'm sorry if I'm breaking your flow here, Rafik, but today is the deadline for submitting our questions to the board, and we went out on the NCSG list and the silence has been deafening. So please, somebody give me some ideas about what our topics we'd like to discuss with the board are for Kobe. I have to get it in sometime today.

And Rafik, how are you supposed to pronounce it?

RAFIK DAMMAK: Thanks, Stephanie. It's Kobe, not Kobe. It's like in French. So yeah, thanks, Stephanie, for the reminder. The deadline is today, and I think it's important to respond. I think the board is expecting kind of answers or several suggestions.

Personally, I'm not sure if this is really how we should organize our meetings with the board, but the current board [under] the current chair, it's kind of [inaudible] the approach is to plan and prepare everything beforehand to avoid any surprise. So kind of maybe sometimes, I think it is kind of more of a scripted interaction.

Okay. So Stephanie, maybe it's worthy if you can resend the e-mail just so people catch the question and topic. Any I do believe they are quite critical since some of them talk about the governance, maybe evolution of the governance and ICANN and so on, and the strategic planning that

we already commented on, but still important to participate in this discussion.

Okay. Any further comment or question here? I see none. Okay, so I guess we can move to the usual – oh, we have 30 minutes left. Maryam, please go back to the main agenda.

Okay, so here we try just to – I will go through first the public comment status, just a reminder what we have as coming. So we have one public comment [under review] which is open standards for the specific review. And thanks again to [Joanna] for drafting this one.

So the deadline for that one is the 20th of February, so this week. I think it's quite important. We missed the opportunity to comment on the first draft. It was last year, but I think for this year, we have the chance to give our input and also for those interested, the council draft [here,] and maybe for information, the whole drafting team was composed of NCSG councilors. So I think that's quite –

I think what we are missing is the deadline is today, unfortunately, and we didn't have any draft, the amendment to the IANA naming function contract. I think [it] maybe quite specific, but we try usually to cover all comments.

The other one is the first consultation on the two-year planning process. Whilst the deadline here is saying the 20th of February I think there is expectation that it will be extended, and we should cover this one.

I think it's to some extent related to strategic planning and the budget, but it's different because here, it's more the request or the expectation

from the So to do more planning beforehand, [inaudible] PDPs they want to initiate and so on, and the way to get the resources and budget when the budget process starts.

So it's kind of a discussion paper with some questions. Not so many. But I think we should respond to that. So please tell me if you want to volunteer for this one. It's the two-year planning process first consultation. So there will be two rounds of consultation and so on. Yes, Stephanie.

STEPHANIE PERRIN: And once again, Rafik, I'm behind you. I'm still back on the specific reviews. I'd left some comments in there, and there is one particular issue that I really think we should discuss and debate. I didn't add [things,] but I am concerned – and I've expressed this before –that we just finished the RDS review, and I was, of course, the only civil society person on that team, totally outnumbered by law enforcement and supported by ALAC, so it felt like about eight law enforcement.

And one is in a very difficult situation. Do you put a protest in over every single recommendation? The structure of these reviews and the budget is of concern, and I think we're up to the deadline, I guess, but it would be good to understand a little more what goes into this review process.

If we are going to face budget cuts next year – and that was certainly the hint that we're getting from Göran – I wonder about the review processes, how much of the budget they're going to grab. Thanks.

RAFIK DAMMAK: Thanks, Stephanie. I'm trying to recall what the paper is outlining exactly. So it's really about how the review teams will operate, so that's why – operating standard maybe, or should be probably operating procedure, and covering a lot of different area, like about the scoping and so on.

The only part, I think, related to – there is some about the administration, what is expected, but like for resources, there is for example about the face-to-face meeting and so on. So there are some areas there.

I understand that our comment is not covering all the part or section of the operating standard. I can share what we did as a comment f or the council, because we highlighted some issues there, different from what we have in NCSG comment if it's helpful.

But yeah, I'm not sure it's really related to the budget per se, but I guess it's still important to be sure that resourcing and budgeting are guaranteed for those efforts, because we heard before from like the board and Göran about that "effectiveness." I'm always worried when this is kind of mentioned, because [while] the word has a [loading and it's a loaded] word. We should be careful with it. Yes, Stephanie? You wanted to add something?

STEPHANIE PERRIN: Yes. Specifically, we have put in there quite a bit about how we have to share – if this is going to be equitable, that there's enough resources in the event there are face-to-face meetings, that there's enough resources to cover. Which I guess is fair, but it is a [inaudible] booster.

Having been on the RDS, we had four face-to-face meetings in Brussels that in my view were not necessary and cost a fair bit of money. So the thing that I was questioning from a policy perspective is the removal of disruptive members of the review teams. And I understand that this is to respond to a particular situation in one of the teams that we didn't have procedures for.

The person who made the initial stab at this – and kudos to her for doing it, because it's a great comment, but we were debating in this comment between whether for removal it should be an ICANN staff person that manages the removal process, in other words the complaints from members to remove the people, or who it should be.

I think we should have a pretty fulsome discussion about that, because levels of trust of stuff in terms of managing such a process vary across the constituencies and across the various experiences that we've had. I'm sure there have been groups that would like to have had me removed because of my strident pain in the rear remarks on privacy all the time. So I think it's something that's really quite a difficult issue, and maybe we want to focus on it a bit. Thanks.

RAFIK DAMMAK: Thanks, Stephanie. Yeah, I think that part of the comment should be amended. It just comes from a volunteer, but that doesn't mean that we cannot change. So it's kind of straw person document, and it's open to any amendments and edits.

Yeah. I don't think the staff should be in any way involved in the removal and this process is enough sensitive and critical. Probably, we

need to make changes. So it's [better to] – if there's any specific wording or suggestion here, that will be really helpful.

Okay, seeing nobody in the queue, I just ask everyone to review the comment again. So we have two days left for review and submission, so please do so. I can share the link, just a few seconds, please.

In the meantime, out of the ICANN specific plan for fiscal year, [inaudible] the deadline was extended after I submitted on time, but at least I think we get our comment. We spent enough time, I think, on reviewing it, and we had some discussion in the document. I hope that we have much more discussion there, because it's quite critical [inaudible] and the goals for the next five years. But we still have to keep this discussion, and I think there is a session in Kobe meeting on Monday about the strategic planning that everyone should attend. I don't think there is any parallel session in that time, so we have to be there and to follow closely.

The last public comment is initial report on the Customer Standing Committee effectiveness, and what I heard from the drafting team, they don't think there is any concerns and that that initial report [inaudible]. We have quite short draft that we can share and get this reviewed and approved pretty quickly.

So that's it for all the public comments. Any question or comment on this? And please let me know if you want to join for those who are still under the work. If you want to join, please let me know, and I can add you to the other volunteers.

EN

Okay, I think that is done, public comment. We can move to any update, policy update. I think we covered already EPDP, SubPro, subsequent procedures. What is maybe probably left is RPM. So if someone wants to give a quick update on what's going on there or anything that we should be aware on, please do so.

Yes, Martin, please.

MARTIN SILVA VALENT: Hello. Can you hear me? [inaudible] two different subgroups, so the full working group is not alive, and each subgroup is taking care of a specific task. We are reviewing the [inaudible] in the working group, specifically on two topics. One of them is the sunrise period, and the other, trademark claims [period.] So the idea is we can produce a final report in the subgroup of what the data tells us [inaudible], what problems do we find, what solutions can we propose to the full working group and start debating on a final report to finish phase one. [These components, the URS]phase that we finished a few weeks ago, and one of the co-chairs of the subgroup.

So that's the policy part. The other thing that you might hear going around is that we are having an issue with one of the members of the RPM, which is filing – appealing and has threatened to sue some of the co-chairs. This is a very messy drama thing, but the main thing, I think, to understand from that is that we are looking at something that hasn't been used before properly, which is an appealing process inside a PDP where a member can challenge – not challenge, but can ask for an

official direct moment to talk with leadership when they don't agree with something that leadership is doing.

So technically, he is not actually challenging a decision, but rather forcing a moment to have a direct conversation. And that's one thing, what is this appeal, [what are we going to ask] for this appeal to be formal, what are the consequences of the appeal? These are all things that are going to be precedents of what does it mean to do an appeal.

And the other part is the liability part of the co-chairs and working group members since this same member also started almost – how to put it – almost a legal procedure against another working group member. One of the questions around RPMs right now is it's also like an experiment, what's going to happen, what does liability mean to working group members. And this is going back to the council. And maybe you're going to hear [arguments associated with this,] and that's why I think it's useful to talk about it in this section.

I'm open to anyone that wants more details on it or wants to discuss more things on it. I'm reading the chat. Says Amr, "Martin, are there any contentious issues on the trademark [inaudible] RPM sunrise claim that are of interest to us? I need to catch up."

Yes. There are several of them. Since I'm the co-chair of one, I try not to be subjective about this, but trying to put myself in the NCSG hat for one second. I just want to say that some of the issues we're worrying about, the [inaudible] for instance, the scope of trademarks, they are registering [inaudible].

For instance, they are registering things that are not trademarks. So you go for instance [inaudible] geographic name denomination, which means if you want to buy bubblingwhitewinechampagne from France, the region, then someone who has a champagne actually factory could go to the [lawyers] and say, "Hey, I have a champagne trademark," and they will sort of accept that.

So that's not a trademark and they're accepting it, and the whole process of the trademark clearinghouse has been [inaudible] because of it. And the same with [design] marks which are not dominative marks, it's not a word.

If for instance as a trademark I have a drawing that says "Martin," but [I don't have] the word "Martin" as a trademark, and I go to the trademark clearinghouse, they will say, "Okay, if I can read 'Martin' from this drawing, [they're a protected marking] in the DNS." And that's not real. You're giving a protection right to someone that doesn't have it in reality, because trademark makes a difference between drawings and words. You can have both, but you cannot have them also separately.

So there are several of these issues, and again, I don't want to take too much time because it's a very long list of a very niche topic, but if, Amr, you want to have some more details, we can have a call with some of the other NCSG members that are involved in the RPMs, and we can all have some catch-up and throw ideas. It's a very small team we have there, so we welcome anyone who wants to hear us or just start to participate. Is there anything else someone wants to ask or talk about?

RAFIK DAMMAK:	Okay. Thanks, Martin. I see Stephanie in the queue. Stephanie, please go ahead.
STEPHANIE PERRIN:	Sorry, Rafik, old hand.
MARTIN SILVA VALENT:	I see Stephanie has her hand up.
RAFIK DAMMAK:	Yeah, she says it's old hand, so [no question.]
MARTIN SILVA VALENT:	Rafik, back to you, [inaudible].
RAFIK DAMMAK:	Okay. Thanks, Martin, unless you want to add something. Okay. Thanks, Martin. Thanks for the update and the explanation.
MARTIN SILVA VALENT:	No, I don't [want to add anything more.] Thanks.
RAFIK DAMMAK:	I think that's it for working group. For reviews, yeah, we have, I think, the SSR, the ATRT, they should start soon or they have already started. I heard they already selected the co-chairs for that ATRT. I'm not sure

who was appointed other than it was Cheryl as one of the co-chairs, [and also the last] council meeting.

The other one, I think, is the RDS review team, and I have a feeling Stephanie wants to say something about that.

STEPHANIE PERRIN: This is just under Any Other Business if we're there. Are we there yet? Yes? No? I just wanted to bring up the issue of –

RAFIK DAMMAK: Sorry, Stephanie, [inaudible]?

STEPHANIE PERRIN: Okay.

RAFIK DAMMAK: Sorry, Stephanie, what you wanted to [ask?] Please go ahead.

STEPHANIE PERRIN: Go ahead? Okay. I just wanted to discuss a little bit the issue of the Finance Committee, because we had a bit of a meltdown over the last couple of weeks in that the finance committee gave Maryam three ABRs to post that none of the rest of us had seen, including the other member of the Finance Committee. That would be me. There was no discussion on the Finance Committee list.

So I asked that they be taken down. They're still up, even though the planning group said that they would take them down a week ago. And I think this was very difficult on a number of fronts, because it's a lack of transparency, and we've had quite a bit of discussion on the list about things like who's going to open a bank account and where and who's going to do this.

Now, we have a meeting of the Finance Committee scheduled in Kobe, and I think that members need to focus on what the Finance Committee is, what's in the charter, and what we really want and need in terms of a Finance Committee, because I think that the Finance Committee themselves appear to be a little confused about what their role is. The charter has carved out a huge role for them, but oddly enough, that charter is now six or seven years old and we have never really had an active Finance Committee. And the procedures are in a draft stage and, in my view, require significant work.

There are only three members, one from the NCUC, one from the NPOC, and one from the seated NCSG chair. That's a pretty small committee to have the kind of power that actually is resident within the Finance Committee. So I think we need to have a look at this and think about what we need nowadays in terms of a Finance Committee. And I note that NCUC has a call for reps out.

This is an appointed position, not an elected position, so I don't know about you guys, but I'm never as comfortable giving power to people who are appointed than I am to people who are elected. And that's not just because I happen to be elected and was for the four years I sat on council, but it just seems to me that we hold our councilors to a higher

standard than we do the members of the Finance Committee. And that's not a reflection on current membership, that's just a reflection on the charter and how it's organized.

So I'm just trying to encourage everybody to have a look at this and show up at the meeting of the Finance Committee in Kobe so that we can have a serious think about what we need here. Thanks.

RAFIK DAMMAK: Yeah, Stephanie, thanks. So I guess we finished with the policy update and we already moved to the next agenda item. So you wanted to talk about the Finance Committee, and I see Bruna is in the queue.

BRUNA MARTIN DOS SANTOS: Thanks very much, Rafik. And just [inaudible] to Stephanie [inaudible] chair and also based on the fact that the FC member who apparently submitted the ABRs while being [inaudible] representative of the committee, I was [just like meaning] to highlight the need for these volunteers at the Finance Committee.

And to remind you guys as well that both constituencies are allowed to nominate or appoint another like member. Other than the representative, we are also allowed to appoint like an observer member to the FC. So if you're this person and you don't have the available time for dedicating properly being the member of the FC who takes part in the decisions, but if you want to join as the observer, it's also very much welcome, the application, and we really need the work from you guys right now.

As Stephanie said, the FC as it is is only like [forcing] to have three members, one from each constituency and the chair of NCSG, and they do need some help in focusing in their activities, and maybe better defining and [inaudible] what they're supposed to do and how they should be working together with the constituencies apart from being a body on their own, which in my interpretation is what they have been doing so far. So all of you guys' help is very much welcome in this situation. So I just wanted to add that.

RAFIK DAMMAK: Okay. Thanks, Bruna. Stephanie, is it an old or a new hand? Okay. Other than this topic, is there anything you want to raise? Because we just have four minutes left. If we don't have something substantive or substantial you want to discuss or raise, I guess we can adjourn the call, so giving you time to speak up, as this will be probably our last call before Kobe meeting, which will be in – yeah, it's less than three weeks away, pretty son. And [inaudible] for those attending, [you've] got your visa and everything is set for travel.

Okay. Other than that, I guess we can adjourn the call for today. Before that, I want to thank everyone for joining and attending. Since we have important vote, hopefully, we'll try to keep you updated on the list, and we will coordinate just to be sure to not mess up during that council meeting, if we have vote or it is deferred to the next meeting.

And just responding quickly, I don't think there is any [clash] because it's after the council meeting – the Finance meeting. Okay, other than that, [talk to you soon.] Bye.

EN

MARYAM BAKOSHI: Thank you, everyone, for attending the call. The meeting is now adjourned. Bye.

[END OF TRANSCRIPTION]